

St. Louis County Department of Public Health

2019 Novel Coronavirus ("COVID-19")

Fourth Amended Order for Business and Individual Guidelines for Social Distancing and Re-Opening

I. Background

The St. Louis County Department of Public Health ("DPH") has been closely monitoring the global public health crisis caused by a viral illness called COVID-19. Infections with COVID-19 have been reported around the world. The first confirmed instance of person-to-person spread of the virus in the United States was reported on January 30, 2020. The first confirmed instance of COVID-19 in St. Louis County was reported on March 7, 2020. A state of emergency was declared in St. Louis County on March 13, 2020, resulting in several executive orders and DPH orders, policies, and rules to implement those executive orders.

COVID-19 is considered an infectious, contagious, communicable, and dangerous disease for purposes of §§ 192.020-1, 192.139, & 192.300 RSMo., 19 CSR 20-20.020, and other state and local laws. The DPH's director is the "local health authority" under 19 CSR 20-20.050(1) pursuant to 19 CSR 20-20.010(26), Section 4.130 of the Charter, and Section 600.010 SLCRO, and has been delegated the authority to act on St. Louis County's behalf for the public health purposes described in § 192.300 RSMo.

The collective efforts of St. Louis County, surrounding jurisdictions, and many regional partners to increase access to testing, educate the public, perform case investigations, case monitoring and contact tracing, and focus on protection of the most vulnerable residents helped reduce rates of transmission and hospitalizations for COVID-19. While these efforts were effective for a period of time and resulted in increasing capacity restrictions and opening businesses, St. Louis County experienced a surge in infections and hospitalizations which resulted in an order effective July 29, 2020 reducing capacity limitations from 50%-25%, restricting Gatherings to 50 or fewer persons and reducing the hours of Businesses that primarily sell alcohol.

As individuals and businesses have complied with Face Coverings, Social Distancing Requirements, and Disinfection Processes, residents have learned and implemented behaviors found to protect themselves, their families, their customers, their employees and others from infection with COVID-19. In recognition of the prevalent use of these effective mitigating strategies this order increases business capacity limitations from 25% (twenty-five percent) to 50% (fifty percent) with the continued requirement to comply with behaviors that have proven effective in mitigating transmission of the virus. Recognizing the continued risk for the transmission of the virus in crowded areas, this

order continues to limit Gatherings to 50 individuals or less and to reduce the hours of Businesses that primarily sell alcohol.

II. Purpose

The intent of this Order is to provide standards for individual conduct while in public and for business operations with the goal to decrease transmission of COVID-19. Individuals are encouraged to remain in their places of residence to the maximum extent feasible to reduce their own risks and risks to others of being exposed to and transmitting COVID-19. This Order, as well as DPH's business-specific operating standards, guidelines and/or protocols, reduces the congregation of people and sets standards for individuals and Businesses to minimize transmission of COVID-19.

III. Policy

- A. Limitations on Gatherings: All Gatherings pose an increased risk of transmission and should be voluntarily avoided whenever possible. Gatherings of individuals outside of those in the same household pose a significant risk of COVID-19 transmission. All public and private Gatherings of 50 or more individuals are prohibited, except as otherwise set forth in this Order.
- B. While still required to follow Social Distancing Requirements, Face Covering requirements, and other applicable general and business-specific operating standards, guidelines and/or protocols published by DPH, the limitations of Section III.A Limitations on Gatherings, related to public and private gathering of 50 or more individuals, do not apply to:
 - 1. Businesses that are subject to capacity limitations, including but not limited to, grocery stores, retail, personal services, and religious, spiritual and memorial services. However, it is not recommended that any business allow or facilitate a gathering of more than 50 or more individuals nor represent a gathering of any size as "safe." In addition to the size of all crowds, the following conditions further increase the risk of transmission and are not recommended:
 - a. Any event in which people from different households or families are seated together at the same table or move around the room in small groups;
 - b. Any event that serves food or beverages to people who are not from the same household in close proximity in which masks would be removed or lowered;
 - c. Any event that includes people who are at higher risk of poor health outcomes from COVID-19.

The ability for a capacity-based venue to operate at 50% capacity is dependent on following all requirements to protect the health of staff and patrons, including: to maintain a minimum of 6 feet of social distancing at all times between individuals, require face coverings for all patrons and staff, document all individuals in the space and cooperate with DPH for contact tracing if a case is later identified, display signage that communicates instructions to all patrons, effectively clean all high-touch surfaces, and screen all staff and patrons for signs of illness.

2. Organized outdoor gatherings that are in a space that is clearly defined in some way (for example, barriers that clearly define a space or an enclosed patio) as long as the same requirements for an indoor space of a similar size can be implemented with respect to capacity limitations and social distancing.
 3. Hospitals;
 4. Public transit, including airports;
 5. Urgent care centers;
 6. Medical offices;
 7. Shelters;
 8. Daycare facilities;
 9. Schools;
 10. Polling places; and
 11. Other professional businesses that do not engage in direct interactions with the public.
- C. Drinking establishments must close to ingress, egress, use, and occupancy by members of the public by 10:00 p.m.
- D. When a Business is subject to capacity limitations pursuant to DPH business-specific operating standards, guidelines and/or protocols, that Business must:
1. Limit the number of individuals in any particular location to 50% (fifty percent) or less of the entity's authorized fire or building code occupancy;
 2. Provide employees and volunteers working in the Businesses' facility with Face Coverings or supplies to make Face Coverings;
 3. All Businesses shall comply with Social Distancing Requirements, Disinfection Processes and follow any additional applicable requirements as determined by DPH and posted on stlcorona.com related to general and Business-specific operating standards, guidelines and protocols.

- E. All persons and Businesses must comply with DPH's "Order Requiring Members of the Public and Employees to Wear Face Coverings."
- F. All Businesses, vendors, or retailers operating within other Businesses that are providing food or drink for consumption must comply with food and retail service guidelines operating standards, guidelines, and/or protocols published by DPH. For example, a concession provider within a pool complex must comply with guidelines for food and drink facilities.
- G. Businesses are authorized to deny entry to members of the public who refuse to wear Face Coverings unless such refusal is on account of a medical condition that makes wearing Face Coverings injurious or potentially injurious. A Business shall not require the individual to produce medical documentation verifying a medical condition or ask about the nature of a medical condition. If the Business is providing medication, medical supplies, or food, the Business should provide alternate methods of pick up or delivery of such goods.
- H. Any Business that is closed as a result of an enforcement action or to protect the public health may still operate with respect to the minimum necessary activities to maintain the value of a Business's inventory, provide security, process payroll or employee benefits, or to facilitate employees of the Business being able to continue to work remotely provided that such activities do not further endanger the public health.
- I. Locations necessary for voting, including the Board of Election offices and other polling locations, shall be allowed to open and operate while following Social Distancing Requirements, use of Face Coverings and Disinfection Processes. The Board of Elections staff, paid and unpaid, shall be allowed to work at these locations complying with above requirements.
- J. Due to the uniqueness of certain Businesses, venues, and activities, a proposed plan for the Businesses, venues, and activities listed below must be submitted to DPH. These Businesses, venues, and activities must also comply with the 50% (fifty percent) capacity restrictions set forth in this Order. These Businesses, venues, and activities can operate only upon written approval of the proposed plan, as may be modified by DPH. Approval of the proposed plan may be withdrawal or modified for failure to comply with the plan and for the protection of public health. Those Businesses, venues, and activities that must submit a plan include:
 - 1. Entertainment and attraction venues;
 - 2. Concert Venues;
 - 3. Commercial or Professional Sporting Events;
 - 4. Competitive play for school sponsored or non-school sponsored affiliated sports activities that are classified as high-frequency of contact sports, played by individuals 14-18 years of age;
 - 5. Museums;

- 6. Casinos; and
 - 7. Playgrounds
- K. Congregate activities that maintain safe distances from others, such as car parades and drive-in entertainment, are encouraged in lieu of other forms of group activities to promote community engagement and mental health.

IV. Definitions

For purposes of this order, these terms, regardless of whether capitalized, are defined as follows:

1. "Business" or "Businesses" means any for-profit companies, non-profit organizations, benevolent associations, limited liability companies, or partnerships, regardless of legal organization, form, entity, tax-treatment, or structure;
2. "CDC" means the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;
3. "County" means St. Louis County, Missouri;
4. "Disinfection Processes" means the process of destroying pathogenic microorganisms, and in the case of decreasing spread of COVID-19 includes:
 - a. Providing hand washing or sanitizing opportunities for the public where possible; and,
 - b. Requiring frequent sanitation of high touch areas with products thought to destroy COVID-19. High touch areas include but are not limited to:
 - i. Handrails;
 - ii. Elevator buttons;
 - iii. Door handles;
 - iv. Check-out areas, including keypads, credit card machines, and other such systems;
 - v. Carts and baskets;
 - vi. Restrooms; and
 - vii. Shared computers or kiosks.
5. "Drinking establishment" means any business with a valid license issued by the St. Louis County Department of Revenue (pursuant to Chapter 801, Title VIII SLCRO 1974 as amended, "Alcoholic Beverages") to sell intoxicating liquor by the drink or to sell beer and light wine by the drink, or a similar license issued by the Missouri Gaming Commission, whose on-site sales of food for consumption on the premises comprises no more than twenty-five (25) percent of gross sales of food and both alcoholic and non-alcoholic beverages on an annual basis. To the extent the general and business-specific operating standards, guidelines and/or protocols published by DPH reference bars, bars shall be defined as "Drinking establishments" and this definition shall apply.

6. "Face Coverings" for the purpose of this order, means a device, usually made of cloth, that covers the nose and mouth. Consistent with current CDC guidelines, face coverings prevent those who may have COVID-19 from spreading it to others. Cloth face coverings are recommended for the general public over surgical or N95 respirators which should be reserved for medical professionals and first responders. Nothing in this Order should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the Business otherwise provides their workers with such equipment due to the nature of the work involved.
7. "Gathering" or "gatherings" means people coming together as a group, whether formal or informal, whether public or private and whether indoor or outdoor.
8. "Public Transit" means Businesses that provide transportation services, including but not limited to buses, light rail, rail, airlines, taxis, transportation network providers, livery services, vehicle rental services, ride shares and other public and private transportation providers.
9. "Social Distancing Requirements" means, to the extent possible, maintaining at least six-foot social distancing from other individuals; washing hands with soap and water for at least twenty seconds as frequently as practical or using hand sanitizer with more than sixty percent alcohol; covering coughs or sneezes with something other than hands; regularly cleaning high-touch surfaces; not shaking hands; and behaviors as otherwise defined by order.

V. Application and Enforcement

1. Application with Other Laws. This Fourth Amended Order rescinds and replaces the "St. Louis County Department of Public Health 2019 Novel Coronavirus ("COVID-19") Third Amended Order for Business and Individual Guidelines for Social Distancing and Re-Opening" Order dated July 29, 2020, with an effective date of July 31, 2020. To the extent that the Third Amended Order for Business and Individual Guidelines for Social Distancing and Re-Opening authorized any general and business-specific operating standards, guidelines and/or protocols published by DPH, those guidelines are herein authorized by this Order. To the extent not otherwise explicitly modified or rescinded in this Order or otherwise, all other orders and guidelines of the Director of the Department of Public Health remain in effect and this Order shall not supplant, supersede, replace, rescind, amend, or modify any other County Executive Order, law, ordinance, rule, regulation, or permit condition or requirement.

Failure to comply with a public health order designed to "prevent the entrance of infectious, contagious, communicable or dangerous diseases" into St. Louis County is enforceable and punishable under Missouri law. In addition to the authority of DPH, in accordance with Section 5.030 of the St. Louis County Charter, the St. Louis County Counselor can seek emergency injunctive relief or

other civil relief to enforce any provision of this Order. Pursuant to Section 5.060 of the St. Louis County Charter, the St. Louis Prosecuting Attorney can pursue criminal charges for violation of this Order. Noncompliance with this Order or the guidelines may also disqualify Businesses from future financial benefits.

2. For information regarding additional precautions and restrictions required by general and business-specific operating standards, guidelines and/or protocols published by DPH, refer to stlcorona.com. Business-specific operating standards and guidelines may be amended from time to time to address a change in the trajectory of reported cases of influenza-like illnesses, documented cases of COVID-19, the ability of hospitals to treat patients without crisis care, and any other information deemed relevant to specific Businesses. In the event there is an inconsistency between this order and the general and business-specific operating standards and guidelines published by DPH, this Order shall govern.
3. All Businesses must cooperate with DPH when DPH is conducting compliance and contact investigations, complying with all directives and requirements, including, but not limited to, matters related to notifications to employees or volunteers regarding possible exposure to a person who has tested positive for COVID-19, and providing names and contact information of those employees or volunteers.
4. In addition to other civil and criminal penalties that may be sought, DPH may enforce this Order by administrative order of closure. In accordance with 19 CSR 20-20.040 DPH has the authority to establish appropriate control measures to prevent or control the spread of an infectious disease, including isolation, quarantine, disinfection, and closure of establishments in the interest of public health. In accordance with 19 CSR 20-20.040 and 19 CSR 20-20.050, DPH has the authority to deem a Business, Businesses comprising a certain industry, geographic areas or the County as a whole to be unsafe and order such Business, Businesses comprising a certain industry, or Businesses in a geographic area, to cease operations or to close to protect the public health and prevent transmission. If DPH closes a Business in accordance with such authority, that Business will have the opportunity to be heard by the Director of DPH. In exercising its authority, DPH may proceed with isolation, quarantine, and closures actions including:
 - a. At the individual level, including isolation and quarantine of cases, family members and close contacts;
 - b. At the business level by location of transmission or necessity to protect the public health, such as non-compliance with capacity, Face Covering and Social Distancing Requirements;
 - c. At the industry/sector level if businesses in that industry are found to be particularly associated with transmission or necessity to protect the public health, such as particularly high industry wide/sector level non-compliance with capacity, Face Covering and Social Distancing Requirements;

- d. By geographic area or location with significant outbreaks or clusters of cases or other necessity to protect the public health or the area or location;
- e. Through closure at the County level to protect the public health.

VI. Effective Date

This Fourth Amended Order is signed October 5, 2020 and shall become effective on October 7, 2020 at 5:00 p.m. and shall remain effective until rescinded or amended, which shall occur at the earliest possible date as is appropriate based upon data regarding COVID-19 transmission rates and the protection of public health.

VII. Savings Clause

If any provision of this Order or its application to any person, Business or circumstance is held to be invalid, then the reminder of the Order, including the application of such part or provision to other persons, businesses or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

VIII. Authorization

This Order is authorized pursuant to Executive Orders 10 through 18, which are incorporated herein by reference, and to Missouri and St. Louis County law, including the Missouri Constitution, §§ 192.006, 192.200 and 192.300 RSMo., Chapter 44 RSMo., 19 CSR 20-20.040 and 19 CSR 20-20.050 of the Rules of the Department of Health and Senior Services, the St. Louis County Charter and the St. Louis County Revised Ordinances.

So Ordered this 5th day of October 2020.

By:



Dr. Emily Doucette
Acting Director
Chief Medical Officer
St. Louis County Department of Public Health