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"Committed to the protection and promotion of public health"

Gallatin City-County Health Department

Environmental Health Services
215 W. Mendenhall, Rm 108
Bozeman, MT 59715-3478
406-582-3120 • Fax: 406-582-3128

EMERGENCY LOCAL HEALTH RULE RELATING TO COVID-19

EHR-2020-002

QUARANTINE AND ISOLATION

WHEREAS, the World Health Organization has declared the worldwide outbreak of COVID-19 Novel Coronavirus a pandemic;

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can easily spread from person-to-person;

WHEREAS, the Centers for Disease Control and Prevention (CDC) identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high" and has advised that person-to-person spread of the COVID-19 will continue to occur globally, including within the United States, Montana, and Gallatin County, Montana;

WHEREAS, the circumstances of this outbreak may exceed the capacity of the services, personnel, equipment, supplies and facilities of Gallatin County;

WHEREAS, President Donald Trump declared a nationwide emergency related to COVID-19 on March 13, 2020 via presidential proclamation;

WHEREAS, Montana Governor Steve Bullock has declared a state of emergency in Montana due to the global outbreak of COVID-19 through Executive Orders 2-2020 and 3-2020;

WHEREAS, on March 18, 2020, the Gallatin County Board of County Commissioners proclaimed a state of emergency in Gallatin County, Montana due to the COVID-19 pandemic;

WHEREAS, on March 26, 2020, Governor Steve Bullock issued a directive to implement Executive Orders 2-2020 and 3-2020 by providing measures to stay at home and designating certain essential functions;

WHEREAS, except as delineated therein, Governor Bullock's directive requires all individuals living within Montana to stay at home or at their place of residence to the greatest extent possible, and prohibits non-essential social and recreational gatherings of individuals outside of a home or place of residence, regardless of size, if a distance of at least six feet between individuals cannot be maintained;

WHEREAS, on March 26, 2020, the Gallatin City-County Board of Health (Board) amended Emergency Rule 2020-001, which amended rule similarly prohibits non-essential and

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recreational gatherings of individuals outside of a home or place of residence if a distance of six feet or greater between individuals cannot be maintained;

WHEREAS, on April 7, 2020, Gallatin City-County Health Officer Matt Kelley issued HO-2020-002 regarding the quarantine and isolation of individuals in Gallatin County who have pending COVID-19 test results or who have tested positive for COVID-19;

WHEREAS, to provide for additional enforcement mechanisms under Section 50-2-124, Montana Code Annotated (MCA), the Board desires to adopt HO-2020-02 as an Emergency Local Health Rule;

WHEREAS, per Section 50-2-116(1)(f), MCA, the Gallatin City-County Board of Health, “in order to carry out the purposes of the public health system,” shall “identify, assess, prevent, and ameliorate conditions of public health importance through . . . (iii) isolation and quarantine measures”;

WHEREAS, pursuant to Section 50-2-116(1)(g), MCA, the Gallatin City-County Board of Health has the duty to “protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health”;

WHEREAS, Section 50-1-101(2), MCA, defines a “condition of public health importance” as “a disease, injury, or other condition that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community”;

WHEREAS, per Chapter 1, Section 5 of the Gallatin City-County Health Code, the Board may adopt an Emergency Local Health Rule when it finds the rule: (1) “must be adopted to deal with an emergency situation affecting the public, health, safety, or welfare;” (2) “the emergency cannot be averted or remedied by any other administrative act;” and (3) at least two-thirds of the Board votes to approve the rule;

WHEREAS, per Section 50-2-116, MCA, COVID-19 is a condition of public health importance that must be prevented and ameliorated through isolation and quarantine measures, and the public must be protected from the introduction and spread of the communicable disease;

WHEREAS, as of April 10, 2020, there are over 365 confirmed cases of COVID-19 and six deaths in the State of Montana;

WHEREAS, as of April 10, 2020, there are 134 confirmed cases of COVID-19 in Gallatin County;

WHEREAS, the age, condition, and health of a significant portion of the population of Gallatin County is at risk of serious health complications, including death, from COVID-19; and symptomatic persons, including persons with mild symptoms, and asymptomatic persons with COVID-19 place other vulnerable members of the public at significant risk;

WHEREAS, a large surge in the number of persons with serious infections can compromise the ability of the regional healthcare system to deliver necessary healthcare to the public;

WHEREAS, there may be numerous individuals in Gallatin County who have been potentially exposed to COVID-19, are symptomatic, and should voluntarily quarantine while waiting for test results to avoid potentially exposing others;

WHEREAS, this Emergency Local Health Rule will help preserve critical and limited healthcare capacity in Gallatin County by reducing the spread of COVID-19;

WHEREAS, proactively adopting isolation and quarantine measures to slow the spread of the virus is in the best interests of Gallatin County and its citizens;

WHEREAS, the spread of COVID-19 constitutes a public health emergency and poses an imminent threat to the public health and, consequently, actions must be taken to avert and minimize the outbreak of this communicable disease; and

WHEREAS, the requirements of this Rule are reasonable and necessary to address public health needs, specifically to maintain health and to control and prevent the spread of a contagious and infectious disease throughout Gallatin County due to COVID-19; and

WHEREAS, for the foregoing reasons, the Board finds, pursuant to Chapter 1, Section 5 of the Gallatin City-County Health Code, that this Emergency Local Health Rule must be adopted to deal with an emergency situation affecting the public health, safety, or welfare, and this emergency cannot be averted or remedied by any other administrative act.

NOW, THEREFORE, EFFECTIVE IMMEDIATELY, THE FOLLOWING EMERGENCY LOCAL HEALTH RULE IS ADOPTED:

QUARANTINE

1. All persons with COVID-19 symptoms (fever, cough, and/or difficulty breathing) who have a test result for COVID-19 pending or who have been identified as a close contact of someone who is a known case for COVID-19, shall stay in a quarantine location (their home if they have one, or in a government directed or publicly provided location if one is available) in accordance with public health guidance and the conditions stated below.
2. All persons whose test results for COVID-19 are positive, must then remain in isolation.

ISOLATION

1. All individuals who test positive for COVID-19 shall enter and remain in isolation as follows:
 - A. All such persons SHALL NOT LEAVE THEIR HOME OR RECOVERY FACILITY, except to receive medical care.

- B. All such persons must discontinue isolation only upon being released from isolation by Gallatin City-County Health Department staff using current guidelines from the U.S. Centers for Disease Control and Prevention.

CONDITIONS OF QUARANTINE AND ISOLATION

All individuals in quarantine or isolation must:

1. As much as possible, keep separated from other people and animals.
2. Stay in a separate “sick room,” if possible.
3. Use a separate bathroom, if available.
4. Clean all “high-touch” surfaces daily.
5. Cover coughs and sneezes and wash hands often.
6. Avoid sharing personal household items such as towels and kitchen utensils.
7. If something is required that is available from an essential business, such as food, obtain the item by delivery or from others who are not in isolation and in a manner that does not require face-to-face contact with others or entry into the isolation location.
8. If symptoms worsen, contact a health care provider as frequently as necessary to determine if the disease is progressing and additional care is needed. Except for emergencies, call a physician or health clinic first before visiting.
9. If attending a medical appointment, avoid public transportation and wear a face mask if available.

SCOPE & ENFORCEABILITY

1. To the extent this Rule conflicts with the Board’s Isolation and Quarantine Policy, this Rule shall control.
2. Violations of this Rule shall be enforced pursuant to Sections 50-2-123 and 50-2-124, MCA, which state:

50-2-123. Compliance order authorized. If a person refuses or neglects to comply with a written order of a state or local health officer within a reasonable time specified in the order, the state or local health officer may cause the order to be complied with and initiate an action to recover any expenses incurred from the person who refused or neglected to comply with the order. The action to recover expenses shall be brought in the name of the city or county.

50-2-124. Penalties for violations. (1) A person who does not comply with rules adopted by a local board is guilty of a misdemeanor. On conviction, the person shall be fined not less than \$10 or more than \$200.

(2) Except as provided in [50-2-123](#) and subsection (1) of this section, a person who violates the provisions of this chapter or rules adopted by the department under the provisions of this chapter is guilty of a misdemeanor. On conviction, the person shall be fined not less than \$10 or more than \$500 or be imprisoned for not more than 90 days, or both.

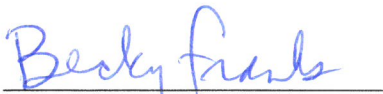
(3) Each day of violation constitutes a separate offense.

(4) Fines, except justice's court fines, must be paid to the county treasurer of the county in which the violation occurs.

3. This Rule expires ninety (90) days after the date set forth below.

4. If any provision of this Rule, in whole or in part, is found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remaining provisions of this Rule.

DATED this 15th day of April, 2020.



Becky Franks
Gallatin City-County Board of Health Chair

ATTEST:



Eric Semerad, Clerk & Recorder

