

PUBLIC HEALTH ORDER 38-2020
PURSUANT TO INDIANA CODE § 16-20-1-24
AND CHAPTER 7, ARTICLE 5 OF THE CODE OF THE HEALTH
AND HOSPITAL CORPORATION OF MARION COUNTY

To clarify **paragraph 30** only of Public Health Order 35-2020, I order the following to be in effect. This Public Health Order 38-2020 is identical to Public Health Order 35-2020 except for **paragraph 30 and the removal of paragraphs 32-34**. This Public Health Order remains in force until superseded or rescinded.

1. **Masks.** Unless an exception applies, all individuals must wear a mask or face covering over their nose and mouth when in an indoor place other than the home, or when outdoors in a situation where adequate social distancing of at least 6 feet is not possible (including outdoor public gatherings). This requirement does not apply to:
 - Children who are two years of age or younger.
 - Individuals who are hearing or speaking impaired and for whom a mask or face covering is an obstacle to communication.
 - Individuals who are unable to wear a mask or face covering for a physical, medical, or health-related reason. **However, many individuals who cannot wear a mask for health reasons can wear a plastic face shield and must do so whenever possible.**
 - Individuals in a hospital, doctor's office, dentist's office, or other health care facility, in circumstances where wearing a mask or face covering would be an impediment to receiving proper care.
 - Individuals experiencing homelessness who are living outdoors in unsheltered environments. When indoors, including in shelter facilities, individuals experiencing homelessness must wear a mask or face covering whenever a mask or face covering is available.
 - Individuals who are alone in a room in a public building, such as in an office.
 - Individuals who are traveling in their own vehicles.
 - Individuals for whom wearing a face mask or covering would present a risk to their safety while at work, as determined by local, state, or federal workplace safety regulations.

- Performers in a live performance who are at least 10 feet away from all audience members.
 - Individuals who are incarcerated. However, detention facilities must establish policies that require all staff and detainees or inmates to wear masks or face coverings to the maximum extent compatible with the safe operation of the facility.
 - Individuals who are engaged in a form of indoor exercise that is incompatible with wearing a mask or face covering, including swimming.
 - Individuals who are seated at a restaurant, bar, nightclub, or other establishment that serves food and/or drink, while they are eating or drinking. However, individuals must wear masks at all other times while in such establishments.
 - Individuals who are engaged in outdoor physical exercise, including running, jogging, walking, bicycling, or swimming, if in groups of less than 25.
 - Bona fide emergency situations in which a person lacks the time or the means to put on a mask or face covering before entering an indoor or outdoor public space.
 - Individuals who are outdoors and are maintaining at least 6 feet of distance from others who are not part of their household.
 - Exceptions specifically described in the paragraphs below.
2. **Enforcement of mask requirement.** All businesses and public accommodations that are open to the public must ensure that all staff, customers and/or visitors are complying with the requirements of Paragraph 1 above. Businesses or public accommodations that fail to enforce compliance with Paragraph 1 are subject to enforcement action, up to and including suspension of licenses to operate pursuant to 410 IAC 7-24-109.
3. **General health and safety precautions.** When individuals must interact with one another outside the home, including at work, at essential businesses, and at non-essential businesses, they should observe the following precautions:
- a. Maintain a distance of at least six (6) feet from other individuals who are not part of their own household;
 - b. Wash their hands with soap and water for at least 20 seconds as frequently as possible, or use hand sanitizer with at least 60% alcohol when soap and water are not available;
 - c. Cover all coughs and sneezes with a tissue that can then be disposed;
 - d. Disinfect frequently used surfaces;
 - e. Avoid sharing food, drinks, and utensils;
 - f. Refrain from sharing office supplies and equipment (such as pens, staplers, and computer keyboards);

- g. Frequently clean communal office equipment (such as printers and copiers);
- h. Increase ventilation of indoor spaces, by opening windows or adjusting air conditioning, as much as possible;
- i. Hold all necessary meetings by telephone or videoconference whenever possible; and
- j. Refrain from shaking hands or engaging in other physical contact with the hands or face of another person.

It is recommended that families to keep holiday gatherings smaller than usual, limiting the number of guests from outside the household. Prior to visiting with friends or family for holiday gatherings, individuals should isolate and protect themselves even more than usual, and it is recommended that all visitors from outside the household to such holiday gatherings be tested for COVID-19 prior to the gathering.

4. **General rules for gatherings and large events.**

- a. **Social gatherings must be limited to 25 people or fewer.** A social gathering is defined as an event, assembly, or convening that brings together multiple people, individually or from separate households, in a single space, indoors or outdoors, at the same time and in a coordinated fashion where a significant purpose is to interact with others. Examples of social gatherings include, but are not limited to, private parties, club meetings, and banquets.
- b. **All other forms of gathering, meeting, or special or seasonal event** (including pre-planned gatherings such as wedding receptions) are exempt from the 25-person limit established in subparagraph (a). Such events **must be limited to no more than 25% of venue capacity as defined by the fire marshal.** Social distancing of a minimum of 6 feet must be maintained, and face coverings must be worn at all times. Pre-planned social gatherings must include a guest list and contact information for each guest, such that contact-tracing may occur.
- c. **Notwithstanding subparagraph b above, a gathering or special event that anticipates attendance of more than 50 people may proceed only if a risk mitigation plan for the event is submitted to MCPHD at least 7 days before the event is scheduled to begin and MCPHD has approved the risk mitigation plan before the event begins.** Risk mitigation plans must address at least the factors identified in paragraph 2(b)(iii) of Governor Holcomb's Executive Order 20-36. A special or seasonal event is defined as an assembly or convening of multiple people from separate households in a single space, indoors or outdoors, at the same time but where the purpose is not primarily to interact with the other attendees but to attend the event itself. Examples of special or seasonal events include,

but are not limited to, concerts, special movie screenings, fairs, festivals, back to school events, carnivals, parades, graduation ceremonies, community holiday celebrations, conventions, fundraisers, sport or racing competitions, shows, or other entertainment events.

- d. Large facilities such as museums or convention centers may have more than one event simultaneously as long as those events collectively do not exceed the capacity stated in the appropriate paragraph.
5. **Voluntary Quarantine Period Post-Travel.** After traveling to, or from, a state or country which has experienced at least 300 new COVID-19 cases per 100,000 people in the previous two-week period as of the time of travel, Marion County residents, or individuals who live in Marion County, should observe a quarantine period of 14 days, during which they remain in their homes and do not come into close contact with any person outside of their household. For any period in which Marion County's count of new COVID-19 cases per 100,000 people over the previous 14 days exceeds 300, the threshold for voluntary post-travel quarantine will be increased to 10% more than Marion County's count per 100,000. A list of states and countries for which travel triggers this recommendation will be posted on MCPHD's website and updated on a regular basis. www.marionhealth.org.
 6. **The Indianapolis Public Library**, Central location and branches, may remain open at 50% capacity. Patrons are encouraged to take advantage of delivery and curbside options. Books and other items returned to the Library should be kept out of circulation for at least 72 hours. Additionally, the Library must follow the recommendations of the CDC to prevent the transmission of COVID-19 on library material surfaces.
 7. **Shopping malls and other retail stores**, including liquor stores and convenience stores, may remain open at 75% capacity. Employees must be screened daily. Air ventilation should be increased to maximum capacity, or at least 6 air changes per hour. The following additional requirements apply:
 - a. Common areas within indoor shopping malls must restrict capacity to 75%.
 - b. Food courts within shopping malls may remain open for in-house dining but must restrict capacity to 50% and must maintain social distancing of six (6) feet between dining parties. Party size must be limited to 6 people or fewer at a table, while maintaining a minimum of six feet between parties not from the same household.
 - c. Convenience stores and grocery stores may allow self-service beverage stations with proper monitoring and frequent disinfection of high touch surfaces. Re-use of cups and paper goods is prohibited. Salad bars, bulk items, and hot dog rollers are prohibited. Pre-packaged "grab and go" items or items dispensed by a food worker are approved.

8. **Bars and nightclubs** must lower capacity to 25% indoors and 100% outdoors, subject to the restrictions listed below. Hookah bars and cigar bars are considered bars and are subject to this paragraph. Gentlemen's and ladies' clubs are considered bars and are subject to this paragraph. **Restaurants and retail food establishments** may remain open at 50% capacity indoors and 100% capacity outdoors, subject to the restrictions listed below.

- a. **All restaurants, bars, nightclubs, and retail food establishments must be closed and cleared of all customers between the hours of 12:00 AM and 5:00 AM nightly.**
- b. All patrons or group parties must be at least six (6) feet away from people at other tables. Party size must be limited to 6 people or fewer at each table, while maintaining a minimum of six feet between parties not from the same household.
- c. Table service is required for indoor dining or drink service. No bar-top seating is permitted. Tables within a bar area may be open for table service. Bar tops may serve carry-out, so long as there is a plexiglass partition between the server and the patron.
- d. No self-service is permitted at buffets or salad bars.
- e. Carry-out service is permitted. Lines for carry-out services must provide an environment where patrons and staff maintain social distancing (at least six (6) feet away from other people) to the greatest extent possible.
- f. Plexiglass or similar barriers do not negate the need for 6-foot distancing and masks.
- g. Live entertainment is permitted, but must comply with the spacing requirements for live entertainment set forth in Paragraph 10 of this Order.
- h. Customers must remain seated and congregation is not permitted.
- i. Open congregate areas that are not necessary for the preparation and service of food and beverages (i.e. billiards, card playing, pinball game, video games, arcade games, dancing) are to be closed and may not be utilized by customers.
- j. Karaoke is not permitted.
- k. Staff must perform proper hand washing hygiene after every operation at each table.
- l. Employees must be screened daily.
- m. All establishments must continue to adhere to all food and safety code requirements, and must consult Indiana Restaurant and Lodging Association best practices.
- n. All establishments are encouraged to use outdoor seating as much as possible.

- o. Breweries, wineries, and distilleries that do not offer retail food sales may continue to offer tastings at 50% capacity and carry-out sales. Removal of any bar-top seating for tastings is required. Outdoor tastings can be offered but not at bar seating and must be socially distanced. Indoor and outdoor beverage service must be by table service only. Masks are required when not eating or drinking.
 - p. Air ventilation should be increased to maximum capacity, or at least 6 air changes per hour.
 - q. This Paragraph does not apply to food service in healthcare facilities and food pantries, but those facilities must implement policies to maintain social distancing (at least six (6) feet away from other people) to the greatest extent possible.
 - r. Outdoor tent seating is permitted only if the tent has at least two (2) open-air sides for maximum ventilation.
9. **Private clubs or fraternal organizations** meeting the eligibility criteria of Indiana Code § 7.1-3-20-1 or § 7.1-3-20-7 may remain open at 25% capacity and must maintain social distancing (at least six (6) feet away from other people) to the greatest extent possible.
10. **Spacing Requirements for Live Entertainment.** Any business that offers live entertainment, including a restaurant, bar, nightclub, comedy club, concert venue, event venue, or music venue, must ensure that a space of at least 10-15 feet is maintained between performers and the audience at all times. All performers must be at least 6 feet from each other. With those restrictions in place, live performers may perform without a mask. Performers may not sit or mingle with patrons, perform private dances, or have close contact of any kind with patrons. All such businesses must also comply with the capacity restrictions set forth in the paragraphs of this Order applicable to their type of business. **Live entertainment events must be cleared of all patrons between the hours of 12:00 AM and 5:00 AM.**
11. **Personal services businesses**, such as salons, barber shops, nail salons, spas, and tattoo parlors, may remain open, but **only by appointment**. Air ventilation should be increased to maximum capacity, or at least 6 air changes per hour. Patrons may remove their mask or face covering for beard trimming, or other facial treatments. Employees must be screened daily.
12. **Indoor religious services** may continue to operate at 75% capacity. Outdoor religious services may continue without a set capacity restriction. Religious organizations should operate in accordance with all guidelines of the CDC and MCPHD. All people must be at least six (6) feet away from other people not from their household. Individuals aged 65 and older, individuals who are immunocompromised, and individuals of all ages with serious underlying

medical conditions are strongly recommended to avoid in-person religious gatherings. Air ventilation for indoor religious services should be increased to maximum capacity, or at least 6 air changes per hour.

13. **Funeral homes** must operate public areas at or below 50% capacity. Funeral homes must ensure all attendees are at least 6 feet apart and wearing masks, and must observe industry and CDC health and safety guidelines.
14. **Campgrounds and youth day camps** may remain open subject to CDC social distancing guidelines and appropriate sanitation precautions. Overnight youth camps must remain closed.
15. **Community swimming pools** may operate at 50% capacity, but must follow CDC guidance. Fountains, hot tubs, spas, and splash pads may remain open.
16. **Outdoor Playgrounds** may remain open, but all visitors must wash or sanitize hands frequently.
17. **Gyms, fitness centers, yoga and dance studios, martial arts studios,** and like facilities may remain open but must restrict capacity to 25%. The following additional requirements apply:
 - a. Classes must be restricted to 25% of their normal size, or to the class size necessary to ensure distancing of at least 10 feet among all participants, whichever number is less.
 - b. Fitness equipment must be spaced at least 10 feet apart.
 - c. Air ventilation should be increased to maximum capacity, or at least 6 air changes per hour.
 - d. Equipment must be cleaned after each use.
 - e. Locker rooms and shower rooms may remain open, subject to the overall 25% capacity limitation.
 - f. All employees must be screened daily.
18. **Outdoor golf course facilities** may remain open at full capacity. Indoor golf course facilities such as restaurants, bars, snack bars, and pro shops may operate at no greater than 50% capacity. Locker rooms and shower rooms may remain open at no greater than 25% capacity. Indoor air ventilation should be at maximum capacity, or at least 6 air changes per hour.
19. **Sports venues and raceway events** may remain open but must restrict spectator capacity to 25%, with consideration for CDC social-distancing guidelines. It is highly encouraged that sports venues and raceways use electronic ticketing methods to aid in identifying patron seating locations. As

stated in paragraph 4(c) above, events at a sports venue or raceway that anticipate more than 50 attendees must create a risk mitigation plan and submit it to MCPHD for approval at least 7 days before the event is to begin; the event may not take place until the plan has been approved by MCPHD.

20. **Cultural, entertainment, and tourism sites, including zoos, museums, music venues, and parks**, may be open at 25% capacity. Patrons and staff must maintain social distancing (at least six (6) feet away from other people). Air ventilation should be increased to maximum capacity, or at least 6 air changes per hour. Music venues are those venues that sell tickets to a specific musical performance.
 - a. Music venues must keep dance floors closed, but may have standing room events so long as patrons are standing six (6) feet apart and the social distancing is clearly marked on the floor. Patrons may not congregate in one area.
 - b. Bars or nightclubs with a DJ are not considered music venues.
 - c. Locations which typically operate as bars or nightclubs will not be considered music venues for any reason.
 - d. Performances at music venues are subject to the restrictions on live entertainment set forth in Paragraph 10 of this Order.
 - e. Music venues must be closed daily from 12:00 AM to 5:00 AM.
21. All other **non-essential entertainment businesses** not listed above, such as **movie theaters, bowling alleys, trampoline parks, boating and marina facilities, and rock wall climbing facilities**, must reduce to 25% capacity. Individuals or groups must keep a distance of six (6) feet apart at all times. Air ventilation should be increased to maximum capacity, or at least 6 air changes per hour. Such businesses must be cleared of all patrons daily between 12:00 AM and 5:00 AM.
22. **Gaming facilities** may be open if they have received MCPHD approval. Gaming facilities must conform to the bar and restaurant restrictions specified in paragraph 8.
23. **Conventions and conferences** may take place, but must follow CDC guidelines and the requirements of Governor Holcomb's Executive Orders 20-32 and 20-36. Events are encouraged to be outdoors whenever feasible. Air ventilation should be increased to maximum capacity, or at least 6 air

changes per hour. As stated in paragraph 4(c) above, host organizations for conventions or conferences that anticipate more than 50 attendees for the particular event must create a risk mitigation plan and submit it to MCPHD for approval at least 7 days before the event is to begin; the event may not take place until the plan has been approved by MCPHD.

24. **Fairs and festivals** may take place, but must follow the guidelines of Governor Holcomb's Executive Orders 20-35, 20-36 and 20-48. Staff and participants must maintain a distance of 6 feet or more from persons not from their household. Air ventilation should be increased to maximum capacity, or at least 6 air changes per hour. As stated in paragraph 4(c) above, host organizations for any fair or festival that anticipates more than 50 attendees for the fair or festival must create a risk mitigation plan and submit it to MCPHD for approval at least 7 days before the fair or festival is to begin; the fair or festival may not take place until the plan has been approved by MCPHD.
25. **Office buildings** may operate at full capacity, but remote work is strongly recommended whenever feasible. Employees must be screened daily. Air ventilation should be increased to maximum capacity, or at least 6 air changes per hour.
26. **City, County, and local government** offices that are open to members of the public should implement limited-access plans for their facilities consistent with social distancing guidance and should, whenever possible, offer services by appointment.
27. When engaged in outdoor exercise or activities, individuals (other than members of the same household) should maintain a distance of at least six (6) feet from one another at all times, and are not required to wear a mask except when in a group of 25 or more.
28. All workplaces that remain open or that reopen, including manufacturing and industrial businesses, should maintain six (6) feet between employees and visitors. All such workplaces must adhere to CDC and OSHA guidelines. Air ventilation should be increased to maximum capacity, or at least 6 air changes per hour.
29. **Hospital visitations** are not encouraged, but hospitals permitting such visitations must maintain appropriate safety and social distancing precautions and conform to the advice of the patient safety coalition.

30. **Assisted living communities, nursing homes/skilled nursing facilities, and other group homes** may allow indoor visitation with documentation only by individuals who have had a COVID-19 test within 72 hours prior to the visit and the result is negative, with the exception of end of life situations. Outdoor visitation may continue in accordance with IDH guidelines. Guidance for assisted living communities and nursing homes will continue to be evaluated. **This policy must be implemented no later than Wednesday, November 25, 2020.**
31. Marion County residents aged 65 and older, and those with known high-risk medical conditions should adhere to social distancing guidelines, stay at home, and telecommute for work if possible.

This Order does not apply on State property.

This Order is issued pursuant to Indiana Code § 16-20-1-24 and Chapter 7, Article 5 of the Code of The Health and Hospital Corporation of Marion County.

This Order supersedes Public Health Order 35-2020.

Unless otherwise specified in this Public Health Order 38-2020, the restrictions imposed by Governor Holcomb's Executive Orders apply.

Virginia A. Caine, M.D.

Virginia A. Caine, M.D.
Director and Chief Medical Officer

Issue Date: December 14, 2020