



- [Vaccines](#)
- [Testing](#)
- [Expenditures](#)
- [Statistics](#)
- [News and Updates](#)
- [Resident](#)
- [Business](#)
- [FAQ](#)

[English](#) [French](#)
 [German](#) [Italian](#)
 [Portuguese](#)
 [Russian](#) [Spanish](#)

Select Language ▼

1. [Home](#)
2. [Dr. Page's Messages](#)
3. [Public Health Orders](#)
4. [All Public Health Orders \(Archives\)](#)
5. [Fourth Amended Safer At Home Order](#)

Fourth Amended Safer At Home Order

The intent of the Safer at Home Order and its amendments is to limit the transmission of COVID-19 by encouraging people to avoid all unnecessary interactions by staying at home to the extent possible. Employers are encouraged to support telework whenever feasible. This amended order enables certain Businesses to operate with a capacity of fifty percent (50%) and limits certain Businesses, such as banquet facilities, to twenty-five percent (25%) with restrictions that do not allow patrons to socialize in large numbers, all in an effort to continue to slow the spread of COVID-19 within St. Louis County to protect life and hospital capacity. When people leave their place of residence, they should at all times reasonably comply with Face Covering and Social Distancing Requirements and the recommendations to limit private social gatherings. This order maintains the curfew for restaurants, drinking establishments and other similar businesses, but changes the curfew from 11:00 p.m. to 12:00 a.m.

- Mar 8, 2021
- Health Orders Archives

**St. Louis County Department of Public Health
2019 Novel Coronavirus (“COVID-19”)
Fourth Amended Safer At Home Order**

I. Background

The St. Louis County Department of Public Health (“DPH”) has been closely monitoring the global pandemic caused by a viral respiratory 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, and several executive orders and DPH orders, policies, and other rules have been issued since that time.

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 St. Louis County Charter recognizes that its county health officer – the “director of the department of public health” receives legal authority from the state: “[t]he director of the department of public health shall exercise those powers and duties required by law and such other powers and duties as may be required by ordinance.” St. Louis County Charter (2020), Art. IV, § 4.130. The Director of DPH has the powers conferred by state law of a state health officer as well as other powers that are granted by county ordinances. *See* SLCRO § 602.010, SLCRO § 602.020, and SLCRO § 600.030.

Missouri law empowers and obligates county health officers to create and enforce orders to prevent the spread of infectious diseases. *See* Mo. Ann. Stat. §§ 192.260, 192.280; 19 C.S.R. §§ 20-20.010(26), 20-20.020, 20-20.040(2)(G). In creating those orders, DPH may make ordinances, rules and regulations not inconsistent with the rules and regulations prescribed by the department of health and senior services which may be necessary to protect the public health, § 192.290, RSMo.

As COVID-19 case numbers started rising rapidly in St. Louis County and throughout the St. Louis Metropolitan area in the Fall of 2020, DPH issued its Safer At Home Order, dated November 12, 2020 and effective November 17, 2020. While COVID-19 case numbers have decreased, newly emerging variants of COVID-19 and current plateauing of case rates point to the need for caution and that stringent mitigation strategies continue to be employed to control community transmission of the virus at the currently critical time in case trajectory. The most important action that every individual can take to protect themselves and others is to limit unnecessary person-to-person interactions outside of their household.

Experience with the transmission of COVID-19 throughout the world has taught us that reducing face-to-face contact between people reduces the spread of the infection. Accordingly, the Amended Safer at Home Orders have continued to require individuals to stay at home, except for specific purposes, and continue to minimize the size of Gatherings among individuals that are not members of the same household. The Second Amended Order allowed restaurants and Drinking Establishments to operate at reduced capacity with a closure at 11 p.m. with restrictions. The Third Amended Order further expanded capacity in public accommodations, including restaurants and Drinking Establishments, as long as these establishments maintained essential safety restrictions. This Fourth Amended Order, because of further improved metrics in St. Louis County, expands capacity in banquet facilities and conference centers, increases capacity for outdoor event facilities, increases the maximum number of individuals recommended for private gatherings and changes the curfew in certain instances to 12:00

a.m. While gathering size limitations are increased, individuals are encouraged to continue to minimize gatherings with members outside of their household.

II. Purpose

The intent of the Safer at Home Order and its amendments is to limit the transmission of COVID-19 by encouraging people to avoid all unnecessary interactions by staying at home to the extent possible. Employers are encouraged to support telework whenever feasible. This amended order enables certain Businesses to operate with a capacity of fifty percent (50%) and limits certain Businesses, such as banquet facilities, to twenty-five percent (25%) with restrictions that do not allow patrons to socialize in large numbers, all in an effort to continue to slow the spread of COVID-19 within St. Louis County to protect life and hospital capacity. When people leave their place of residence, they should at all times reasonably comply with Face Covering and Social Distancing Requirements and the recommendations to limit private social gatherings. This order maintains the curfew for restaurants, drinking establishments and other similar businesses, but changes the curfew from 11:00 p.m. to 12:00 a.m.

III. Safer at Home Requirements

- A. You must not leave or be outside of your Residence except for specific purposes. These include:
1. A person may be outside their Residence to work, or to provide voluntary or charitable services, when they cannot reasonably do so from home.
 2. A person may be outside their Residence to shop or to collect items or food or drink ordered for pickup or for consumption of food or drink as permitted hereunder for restaurant and Drinking Establishment services.
 3. A person may be outside their Residence to visit people in their Support Bubble.
 4. A person may be outside of their Residence to access financial services, public services or to vote.
 5. A person may be outside their Residence to engage in activities and access other services permitted hereunder.
 6. A person may be outside their Residence for any medical reason, including to get a COVID-19 test; to attend appointments and seek emergency care; to visit someone who is giving birth or dying; to avoid or escape risk of injury or harm (such as domestic abuse); to visit someone in a Residential Living Facility, someone on hospice, or someone in a hospital (as permitted by the Facility); to accompany someone to a medical appointment who needs assistance; or to go to the veterinarian (or other animal welfare services).
 7. A person may be outside of their Residence for education, training, registered childcare and children's activities that are necessary to allow parents/caregivers to work, seek work, or undertake education or training. Parents can take their children to school, and people can continue existing arrangements for contact between parents and children when they live apart.
 8. A person may be outside their Residence to attend a place of worship, a funeral or a related event for someone who has died, or to visit a burial ground or to get married.
 9. A person may be outside their Residence to exercise or to meet in a public outdoors space with people from their household or Support Bubble, or with one other person.

10. Any person who is outside their Residence shall reasonably comply with Face Covering and Social Distancing Requirements.
11. Individuals experiencing homelessness are exempt from Section III(A)(1-9), but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practical. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

B. You must not leave or be outside your Residence for:

1. The purpose of meeting people socially who are not members of your household or in your Support Bubble, unless as specifically allowed by this Order.
2. The purpose of meeting socially indoors with family or friends unless they are part of your household or Support Bubble, unless as specifically allowed by this Order.

3. Gatherings

4. No person shall organize or attend a Gathering of more than 20 people indoors and 30 people outdoors, unless as permitted by the provisions of Section III of this Order. Gathering sizes apply to parties in public spaces, including restaurants, Drinking Establishments and Banquet facilities. It is recommended that gatherings allowed by this provision do not include individuals from more than 3 households.
5. Nothing in this Order shall be interpreted to prohibit Gatherings of members of a single household or members of a Support Bubble.

D. Businesses are subject to the following requirements:

1. All Businesses that provide goods or services to the public are limited to fifty percent (50%) or less of the entity's authorized fire or building code occupancy and must:
 - a. Provide employees and volunteers working in the Businesses' facility with Face Coverings or supplies to make Face Coverings; and
 - b. Comply with Social Distancing Requirements, Disinfection Processes and follow any additional applicable requirements as determined by DPH and posted on stlcorona.com or specifically given to the Business related to general and Business-specific operating standards, guidelines and protocols.
2. All restaurants and Drinking Establishments are limited to fifty percent (50%) or less of the entity's authorized fire or building code occupancy OR are limited to the number of tables in the facility where individual groups are able to sit 6 feet of distance away from other individual groups, whichever is less, and must:
 - a. Close by 12:00 a.m. for indoor and outdoor service. Carry-out and delivery are not subject to the 12:00 a.m. curfew.
 - b. Provide employees and volunteers working in the Businesses' facility with Face Coverings or supplies to make Face Coverings.
 - c. Require customers to wear Face Coverings at all times they are interacting with or being served by a restaurant employee.
 - d. Require customers to remain seated.
 - e. 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.

f. Assist DPH with contact tracing when asked.

g. All restaurants, Drinking Establishments are encouraged to continue to provide outdoor service, carryout and delivery.

3. Banquet facilities, hotel conference rooms and facilities, as well as other businesses that provide similar facilities for events are subject to the capacity limitation of 25% of the entity's authorized fire or building code occupancy OR are limited to the number of tables in the facility where individual groups are able to sit 6 feet of distance away from other individual groups, whichever is less. These facilities must comply with all Food Establishment Bar Operating Guidelines. All meals and drinks must be served at tables and guests must remain seated at all times in groups of 10 or less and such facilities must:

a. End service by 12:00 a.m. for indoor and outdoor services.

b. Provide employees and volunteers working in the Businesses' facility with Face Coverings or supplies to make Face Coverings.

c. Require customers to wear Face Coverings at all times they are interacting with or being served by hotel or banquet staff.

d. Require customers to remain seated.

e. 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.

f. Assist DPH with contact tracing when asked.

4. Outdoor events where the number of individuals in attendance based on the 50% capacity limitation will exceed 500 persons, must submit a plan for approval by DPH in accordance with paragraph 10 of this section D. Outdoor events of less than 500 persons must comply with DPH's Event Planning Guidelines and comply with any request for information by DPH regarding adherence to those Event Planning Guidelines.

5. Businesses that are not subject to capacity limitations of 50% of the entity's authorized fire or building code occupancy nor Gathering limitations include:

a. Hospitals;

b. Public transit, including airports;

c. Urgent care centers;

d. Medical offices;

e. Shelters;

f. Daycare facilities;

g. Schools;

h. Polling places; and

i. Other professional businesses that do not engage in direct interactions with the public. If these businesses have conference rooms or other areas where individuals congregate or gather even if informally (public spaces, foyers, etc.), those areas are limited to 10 individuals or less.

6. 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.

7. Businesses shall 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.

8. Any Business that is closed as a result of this order or an enforcement action 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.

9. 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.

10. All plans submitted by Businesses, venues or activities which were required by prior DPH Order and have not been resubmitted and approved since November 17, 2020 are hereby revoked. All such Businesses, venues or activities must submit a new plan for approval and must cease all activities until such a plan is approved under the terms of this Order. Any proposed plan that is submitted to DPH from the date of this Order not expressly approved is deemed to be denied. Such 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 withdrawn at any time by DPH or modified by DPH for failure to comply with the plan or for the protection of public health.

a. Businesses, venues, and activities that are required to submit a plan include entertainment and attraction venues, concert venues, commercial or professional sporting events, Sporting Venues, museums, and casinos.

b. This provision does not apply to plans for competitive play for school sponsored or non-school sponsored affiliated sports activities played by individuals 14-18 years of age, if a plan has been approved by DPH prior to this Order.

E. 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:

a. "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;

b. "CDC" means the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;

- c. “County” means St. Louis County, Missouri;
- d. “Disinfection Processes” means the process of destroying pathogenic microorganisms, and in the case of decreasing spread of COVID-19 includes:
 - 1. Providing hand washing or sanitizing opportunities for the public when possible; and,
 - 2. 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.
- e. “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.
- f. “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.
- g. “Gathering” or “gatherings” means people coming together as a group, whether formal or informal, whether public or private and whether indoor or outdoor
- h. “Residences” means a house, a condominium unit, an apartment unit, a dwelling, a hotel room, a motel room, a shared rental unit, shelters, or similar facilities but extends only within the bounds of the person’s ownership, the person’s leasehold interest, or the space occupied in a hotel, motel or shared rental unit and does not include common areas;
- a. “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.
- j. “Social Distancing Requirements” means maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with more than sixty percent alcohol, covering coughs or sneezes with something other than hands, regularly cleaning high-touch surfaces, and not shaking hands, or as otherwise defined by order;

- k. “Sporting Venues” means all facilities where sporting events are played and provide seating capacity for spectators, including professional, amateur and school sponsored venues.
- l. “Support Bubble” means members of a household joining another household or households to support needed social and emotional needs while accepting the increased risks of contracting COVID-19 and/or needing to quarantine associated with additional in-person contacts. A Support Bubble must consist of no more than 10 individuals. Details on forming a Support Bubble can be found at stlcorona.com.

V. Application and Enforcement

1. Application with Other Laws. This Fourth Amended Safer at Home Order rescinds and replaces the “St. Louis County Department of Public Health 2019 Novel Coronavirus (“COVID-19”) Third Amended Safer at Home Order dated February 9, 2021, with an effective date of February 11, 2021. To the extent that the Safer at Home Order dated November 12, 2020, the Amended Safer at Home Order dated December 2020, the Second Amended Safer at Home Order dated January 29, 2021 or the Third Amended Safer at Home Order dated February 9, 2021 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; or
- e. Through closure at the County level to protect the public health.

VI. Effective Date

This Order rescinds and replaces the “St. Louis County Department of Public Health 2019 Novel Coronavirus (“COVID-19”) Third Amended Safer at Home Order dated February 9, 2021, with an effective date of March 8, 2021 and shall become effective at 8:00 A.M. on Monday 8, 2021, and continue in effect until amended or rescinded.

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 remainder 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 8th day of March 2021.

By:

Dr. Faisal Khan

Director

St. Louis County Department of Public Health

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