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Reopen STL Order

The intent of this Reopen STL Order is to recognize with the increasing rate of vaccinated St. Louis County residents, especially among the elderly, the plateauing of the rate of new infections and capacity for the hospitals to quickly adapt for a surge of new cases, that many restrictive measures can now be lifted. This Order continues to enforce the requirements of Social Distancing and Face Coverings, including new exceptions for Fully Vaccinated, as essential to protecting the public health by reducing the transmission of the COVID-19 virus.

- May 3, 2021
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St. Louis County Department of Public Health 2019 Novel Coronavirus (“COVID-19”) Reopen STL Order

[Signed DPH Order](#)

I. Background

The St. Louis County Department of Public Health (“DPH”) has closely monitored 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 first Safer At Home Order effective November 17, 2020 with further amendments as case rates and hospitalizations changed over time and vaccinations for COVID-19 became increasingly available. Despite these improving metrics, newly emerging variants of COVID-19 and plateauing of case rates continue to point to the need for caution and mitigation strategies must continue to be employed to control community transmission.

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. The most vulnerable individuals should continue to stay at home and minimize face-to-face contact with others outside their household, always wear a face covering when outside their residence, and continue to stay at least six feet away from others outside their households. For other individuals not considered to be part of the vulnerable population, including those individuals considered fully vaccinated, should also continue to practice social distancing and wear a face covering.

Over the course of this public health crisis, the science around the transmission of COVID-19 has evolved and the evidence confirms that the COVID-19 virus is primarily transmitted by aerosolized particles from an infected person. The risk of inhaling aerosolized virus changes if a person is indoors or outdoors. Viral particles disperse more quickly outdoors. It is in indoor environments where these viral particles are more of a risk of transmitted the virus because they do not disperse as quickly with the more static indoor air. As a result, it is still necessary to require face coverings and social distancing of at least six feet in indoor spaces.

There is a simple rule for protecting yourself in public and private spaces or when the vaccination status of others is unknown. Each individual should meet two out of three conditions: outdoors, distanced and masked. If outdoors, you need to be distanced or masked. If you're not outdoors, you need to be distanced and masked.

While this Reopen STL Order eliminates capacity restrictions as a percentage of the authorized fire code capacity of an indoor space, capacity continues to be limited by the requirement of social distancing, since social distancing is one of the primary mitigation strategies to lower the transmission of the virus. Similarly, outdoor events and activities, despite the number of attendees, must require social distancing and face coverings because with a crowded space, even outside, it is difficult to maintain a 6 foot distance at all times. The risk becomes negligible in the outdoors if crowds and direct contact among people are avoided.

Large events continue to require additional guidelines, and in some instances depending on crowd size, a submission of a plan and approval from DPH. Events of less than 500 persons should follow the Event Planning Guidelines, while events of more than 500 persons should submit a plan to DPH for approval. Certain businesses, such as sports and concert venues, that accommodate large crowds are required to submit a plan for DPH approval.

Additional restrictions could be reinstated if there is a resurgence of the virus or strains on health system capacity as measured by an increasing trend in new cases, increasing hospitalizations, high ICU occupancy rates and/or spread of more transmissible and deadly variants.

- I. Purpose

The intent of this Reopen STL Order is to recognize with the increasing rate of vaccinated St. Louis County residents, especially among the elderly, the plateauing of the rate of new infections and capacity for the hospitals to quickly adapt for a surge of new cases, that many restrictive measures can now be lifted. This Order continues to enforce the requirements of Social Distancing and Face Coverings, including new exceptions for Fully Vaccinated, as essential to protecting the public health by reducing the transmission of the COVID-19 virus.

II. Policy

1. Community Health Guidance

- A. All persons are encouraged, to the extent possible, to properly wear face coverings, maintain Social Distancing Requirements and avoid large groups or other crowd-based activities where Social Distancing Requirements and Face Covering requirements are not required or practiced.
- B. People with a high risk of severe illness for COVID-19 may experience some severe consequences and therefore should take additional precautions to protect themselves to comply with all Social Distancing Requirements at all times, wear a Face Covering when others may be present closer than six feet away, and avoiding unnecessary interactions with others outside their household.

2. Businesses, Public Accommodations, Events and Activities must comply with the following:

- A. All Businesses that provide goods or services to the public, all Public Accommodations, Events, and activities where people gather, must limit capacity based on Social Distancing Requirements to no more than the number of individuals who can remain socially distanced in that space, whether it is an indoor or outdoor space, and
 - a. Provide employees and volunteers working in the Businesses' facility, in the Public Accommodation, Event space or the activity 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.
 - c. In any establishment where Face Coverings are allowed to be removed for a specific purpose, such as when consuming food and beverages, Face Coverings must be worn when interacting with the establishment's employees or when moving around the establishment for any purpose, including entering and exiting.
- B. Outdoor events where the number of individuals in attendance will exceed 500 persons, must submit a plan for approval by DPH in accordance with paragraph D of section 2. 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.
- C. 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.
- D. Businesses, venues, and activities that are required to submit a plan are all events where large numbers of individuals are invited or attend, including, but not limited to, entertainment and attraction venues, concert venues, commercial or professional sporting events, Sporting Venues, museums, casinos, school and community events, festivals, and fairs. For all Businesses, venues or activities that are required to submit a plan for approval such plans should be submitted to DPH and all plans not expressly approved will be deemed denied. Such Businesses, venues, and activities can operate only upon written approval of the proposed plan, as may be modified by DPH. If a Business, venue or activity has submitted a plan that has been approved prior to this order and intends to revise the approved plan in accordance with this Order, the plan can be resubmitted. Approval of any 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.

E. Face Covering Requirements:

- 1. Face Coverings must be worn indoors at all times, by Fully Vaccinated and unvaccinated persons when they are:

- a. A person, including employees or visitors, over the age of 5, present at any Business or Public Accommodation;
 - b. A person over the age of 5 is in a public space when anyone other than members of their household or living unit will be within six feet;
 - c. A students attending a K-12 educational institution, whether private or public, with the allowances provided in paragraph H (4) of this Section III. This requirement does not apply to students with disabilities, mental health conditions, or sensory concerns who are receiving special educational accommodations where adaptations and alternatives to Face Coverings can be implemented or are impractical;
 - d. A persons working out at an indoor gym or other fitness facility;
 - e. An athlete participating in an indoor sporting event or practice unless the indoor sporting event is considered a low frequency of contact sport under the Youth Sports Guidelines or the Adult Sports Guidelines;
 - f. A customer who is allowed to remove his/her Face Covering, such as while consuming food or beverages, must wear a Face Covering while interacting with an employee of the establishment or while moving around the establishment for any purpose; and
 - g. A person using Public Transit.
2. Face Coverings are not required to be worn by Fully Vaccinated or unvaccinated persons when they are:
 - a. Outdoors and are socially distanced from others who are not members of their household.
 - b. A person with health conditions that prohibit wearing a Face Covering. Nothing in this Order shall require the use of a Face Covering by any person for whom doing so would be contrary to their health or safety because of a medical condition;
 - c. A person who has trouble breathing, or are unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance;
 - d. A persons who is hearing impaired, or someone who is communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
 - e. A person who is at a place of Public Accommodation who is consuming food or drink;
 - f. A person who is at a public pool while in the water;
 - g. A person participating in an outdoor sporting event or practice while engaged in vigorous activity or participating in a sport where a person can socially distance from others.
 - h. A person who is obtaining a service involving the nose or face for which temporary removal of the Face Covering is necessary to perform the service;
3. Face Coverings are not required to be worn by a Fully Vaccinated person when they are:
 - a. Attending small outdoor gatherings with Fully Vaccinated family and friends or a mixture of Fully Vaccinated and unvaccinated people.
 - b. Dining or drinking at outdoor establishments with friends from multiple households who are Fully Vaccinated.
4. Students attending grades K-12 may be allowed to remove their Face Covering in the following situations:
 - a. While at recess or in physical education class, as long as students are at least 6 feet apart;
 - b. While consuming food or drink as long as students are at least 6 feet apart; and
 - c. While participating in band, choir, or music class, as long as students are at least 6 feet apart;
 - d. In accordance with DPH's Youth Sport Guidelines while participating in a school sponsored sport.

5. All Businesses must comply with the following requirements for Face Coverings:

- a. All Businesses and other venues that provide Public Accommodations must post the requirement that Face Coverings are required for entry and must continuously be worn while present in the business or venue.
- b. Businesses must deny entry to members of the public who refuse to wear Face Coverings. A Business shall neither require the individual to produce medical documentation verifying a medical condition or disability, nor ask about the nature of a medical condition or disability. An alternative means to provide the product or service for those who refuse to wear a Face Covering or are medically unable to do so should be offered, if possible. These alternatives include delivery or curbside pickup.

III. 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 (including but not limited to, sponsored events by such businesses, community events, festivals, religious institutions and places of worship);
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 in accordance with the requirements of the CDC.
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. “Fully Vaccinated” means a person who 14 days prior received a second dose of a 2 dose series or 14 days prior received one dose of a single dose vaccine. A person is not fully vaccinated until this time period of 14 days from the last date of the required dose has lapsed.
8. “Public Accommodation” means Businesses or other facilities, both public and private, indoor or outdoor, used by the public, including, but not limited to, grocery and other retail stores, service establishments,

educational institutions, entertainment and recreational facilities, concert venues, museums, bowling alleys, amusement parks, fairs, arts and craft facilities, zoos, public and private social clubs.⁸

9. “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;
10. “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;
11. “Sporting Venues” means all facilities where sporting events are played and provide seating capacity for spectators, including professional, amateur and school sponsored venues.

IV. Application and Enforcement

1. Application with Other Laws. 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, the Third Amended Safer at Home Order dated February 9, 2021, the Fourth Amended Safer at Home Order dated March 8, 2021 or the Fifth Amended Safer at Home Order dated April 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.

V. Effective Date

This Order rescinds and replaces the “St. Louis County Department of Public Health 2019 Novel Coronavirus (“COVID-19”) Fifth Amended Safer at Home Order dated April 9, 2021, with an effective date of April 9, 2021 as well as the “St. Louis County Department of Public Health 2019 Novel Coronavirus (“COVID-19”) Third Amended Order Requiring Members of the Public and Employees to Wear Face Coverings dated and effective November 18, 2020, and shall become effective at 8:00 A.M. on Monday, May 3, 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 3rd day of May 2021.

By:

Dr. Faisal Khan

Director

St. Louis County Department of Public Health

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