

**Missoula City-County Board of Health Rule**  
**Comprehensive COVID-19 Mitigation Requirements and Recommendations**

Adopted 4/15/21, Effective 4/15/21

- 1. Purpose:** This rule rescinds Appendices A-G, which contain place-specific COVID-19 requirements, and replaces them with recommendations. The requirement to wear face coverings remains in effect but is altered to increase the group size threshold for which outdoor gatherings and events must require face coverings and to allow the Health Officer to replace face covering requirements with recommendations when certain community metrics are met.
- 2. Background:** COVID-19 is a contagious, potentially fatal respiratory illness that easily spreads through respiratory droplets from infected persons. Even people without symptoms, and who do not know that they have COVID-19 can be contagious. Almost 31 million Americans have been infected, and more than 558,000 have died.<sup>i</sup> Montana has had over 106,000 cases, with 1,523 deaths.<sup>ii</sup>

Missoula has used a multi-prong approach to reduce the spread of COVID-19, including community-wide mitigation strategies, testing, case isolation, quarantining close contacts, and vaccination. The mitigation strategies are based on the Centers for Disease Control and Prevention (CDC) guidance and input from public health experts, health care providers, emergency management officials, local leaders, and the public. Data shows that limiting group size, adhering to 6-foot physical distancing, avoiding large groups, and community-wide use of face coverings helps reduce the spread of COVID-19.<sup>iii,iv,v</sup> Local evidence also suggests that structured environments, such as schools, structured events, and businesses following COVID-19 mitigation requirements provide more protection against transmission than non-structured social environments.

The Missoula community has stepped up throughout the pandemic, and the multi-prong approach has worked. We have worn masks, stayed 6 feet or more apart, followed isolation and quarantine orders, and have avoided gathering in large, unstructured groups. To date, Missoula County's incidence of COVID-19 cases per 100,000 population has been 26% lower than the state average. Missoula's total incidence relative to that of the state's six other large urban counties tracks at 23% to 39% lower. As case numbers trend lower and vaccination rates increase, fewer restrictions become necessary. As of April 12, 2021, 33% of Missoula County residents are fully vaccinated and 53% have received at least one dose.<sup>ii</sup>

Because ongoing vaccination efforts are progressing and COVID-19 safety measures have become the norm in Missoula, the Missoula City-County Board of Health has determined that it is appropriate to reduce most COVID-19 mitigation requirements to strong recommendations. This change allows event organizers and business owners more flexibility in how they create safe spaces for employees, visitors, and customers. The Board cautions that this is not a simple "lifting of restrictions," because the pandemic is not over. During this transition period it remains important

for the community to follow the basic mitigation strategies to prevent a surge in COVID-19 cases while pursuing higher vaccination rates.

3. **Authority:** Pursuant to §50-2-116, MCA, the Missoula City-County Health Board (Health Board) is required to protect the public from the introduction and spread of communicable disease or other conditions of public health importance and authorized to issue rules to provide such protection.
4. **Applicability:**
  - a. This rule replaces the Health Board rule adopted on February 18, 2021, including Appendices A-G.
  - b. This rule shall be in effect until revoked or revised by the Missoula City-County Health Board.
  - c. This rule is in addition to and does not supersede orders issued by the Missoula City-County Health Officer. If a conflict exists between this rule and a current Health Officer order, the more stringent of the two applies.
5. **Mandatory Use of Face Coverings**
  - a. Definitions
    - i. “Business” means a for-profit or non-profit entity which has employees or volunteers. The term “business” includes, but is not limited to, retail stores, grocery stores, food and beverage establishments, public lodging, personal care providers, medical providers, pharmacies, gyms, pools, fitness services, museums, and theaters, indoor recreational or entertainment facilities, gas stations, repair and service providers, non-profit organizations, realty services, legal services, transportation services, and ride sharing services.
    - ii. “Enhanced Face Shield” means a face shield that has an additional fabric cowl or barrier attached to the bottom and sides so that it provides more respiratory droplet control than a standard face shield. Examples of acceptable enhanced face shields are available at <https://www.missoulacounty.us/home/showdocument?id=72494>.
    - iii. “Face Covering” means a fabric, paper, or disposable face covering that covers the nose and the mouth and which does not have an exhalation valve. The term includes medical-grade masks. The term does not include a standard face shield, but does include an enhanced face shield.
    - iv. “Indoor space open to the public” means an indoor space, whether publicly owned or privately owned, where the public has access by right or invitation, express or implied, whether by payment of money or not. In addition, “indoor spaces open to the public” include, but are not limited to, lobbies, common areas, elevators, bathrooms, meeting rooms and other spaces where people gather. This term includes all modes of public or commercial transportation. The term does not include private residences not open to the public.

b. Businesses, Government Offices and Other Indoor Spaces Open to the Public

A business, government office or person/corporate entity responsible for an indoor space open to the public shall:

- i. Require employees, contractors, volunteers, customers, and visitors to wear a face covering within the building, and when entering and exiting, and within a shared vehicle, except as allowed in section (d).
- ii. Require employees working in places of residence to wear a face covering when other people are present.
- iii. Provide face coverings to employees and volunteers.
- iv. Provide accommodations for employees, contractors, customers, and visitors if required by State and federal disabilities laws, including the Americans with Disabilities Act (ADA) which protects people with disabilities from discrimination in employment and requires employers to engage in the interactive process for accommodations.
- v. Post clearly visible signs at entry points that state “Mask or face covering use required for ages five and older.”

c. Outdoor Events and Gatherings.

- i. Except when not required by section (d), organizers of outdoor events and gatherings of more than 50 people shall require all persons working, volunteering, and attending the event or gathering to wear face coverings.

d. Exceptions to When Face Coverings Must be Worn.

- i. A face covering is not required for employees, contractors, or volunteers when the public is not present, and they can maintain six (6) or more feet of distance from other people.
- ii. A face covering is not required when an individual is fully separated from other people by a protective barrier, such as when working alone in a separate office. A plexiglass shield that provides only partial protection between the public and an employee does not negate the requirement to wear a face covering.
- iii. Individuals under the age of five are not required to wear a face covering, and should not wear a face covering if they cannot remove the face covering without help. Children under the age of 2 should not wear a face covering.
- iv. A face covering is not required while eating or drinking.
- v. A face covering is not required when engaged in an activity that makes wearing a face covering physically impractical, such as when receiving a personal care service that makes wearing a face covering impossible, or unsafe, such as during strenuous physical exercise or when swimming.
- vi. A person may remove their face covering for the purpose of receiving medical or dental evaluation, diagnosis, or treatment.
- vi. A person may remove their face covering when giving a speech, or when engaged in a cultural, musical, or theatrical performance for an audience, provided that the audience is separated by at least 25 feet from the performers.

- e. **Conversion to Recommended Use of Face Coverings.**
  - i. On or after May 11, 2021 and when at least 60% of Missoula County residents ages 16 and older have received at least one dose of the COVID-19 vaccine, the Health Officer may issue an order that face coverings are recommended instead of required. Upon issuance of the Health Officer order, this rule “Mandatory Use of Face Coverings” is rescinded.
  - ii. The Health officer shall review data each Tuesday to determine if these criteria have been met to allow the face covering requirements to be converted to recommendations.
  - iii. The Health Officer may reinstitute mandatory face covering use if incidence rate of new COVID-19 cases trends up, over 25 cases per 100,000 people on a 7-day rolling average.

**6. Events, Gatherings and Group Size.**

- a. Events and gatherings include but are not limited to receptions, conventions, parties, meetings, fairs, festivals, craft fairs, farmer’s markets, vendor events, concerts, sporting events, organized youth activities, tournaments, and races, whether they take place at a public or private venue.
- b. To best control the spread of COVID-19, event organizers should:
  - i. identify and take steps to mitigate areas or times of crowding;
  - ii. take steps to ensure employees, volunteers, attendees, and participants are aware of the symptoms of COVID-19, and know not to attend the event or gathering if exhibiting symptoms;
  - iii. clean and disinfect commonly touched surfaces throughout the event or gathering; and
  - iv. provide hand sanitizer or hand washing stations.
  - v. If the event will have over 1000 attendees, consult with the Health Department at least 10 days before the event or event series to talk about how to best apply (a-b) at their particular event.
- c. The event or gathering shall be modified, scaled back, postponed, or canceled if the Health Officer or Health Board reinstates additional restrictions for gatherings and events based on the current epidemiological situation.
- d. The Health Officer may cancel an event or gathering if it does not adhere to the requirements of this rule and Appendix.
- e. The Health Officer shall evaluate case data weekly to ensure that the incidence is not trending up, over 25 cases per 100,000 people on a 7-day rolling average, and to evaluate whether additional controls are needed to limit the spread of COVID-19.

**7. Recommendations for Businesses, Non-Profit Organizations, Government Offices and Places of Assembly.** In addition to following the face covering requirements in Section 4 of this rule, businesses, non-profit organizations, government offices, and places of assembly should:

- a. Find ways to enable physical distancing between non-associated customers and visitors including:
  - i. Reducing capacity;
  - ii. Using visible distancing cues;
  - iii. Spacing tables, equipment, and workstations at least 6 feet apart;
  - iv. Limiting the number of people on the dance floor;
  - v. Using plexiglass or other protection at point of sale; and
  - vi. Providing table service or a specified ordering area in bars.
- b. To the degree possible, have staff maintain 6 feet from other staff.
- c. Ensure staff know the symptoms of COVID-19 and do not allow symptomatic individuals to be present in the workplace.
- d. Encourage staff to get tested if symptomatic, and to use asymptomatic testing services when available for high-exposure positions.
- e. Encourage staff to get vaccinated.
- f. Frequently clean and sanitize commonly touched surfaces.

**8. Regular Review of this Rule.** The Board shall review requirements in this Rule at least monthly in light of current epidemiological and community COVID-19 information.

**9. Effective Date.** This Board rule is effective immediately upon passage by the Missoula City-County Board of Health.

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<sup>i</sup> CDC COVID Data Tracker, [https://covid.cdc.gov/covid-data-tracker/#cases\\_casesper100klast7days](https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days), accessed on April 12, 2021.

<sup>ii</sup> Montana Response: COVID-19 – Coronavirus – Global, National, and State Information Resources, MT COVID-19 Cases, <https://montana.maps.arcgis.com/apps/MapSeries/index.html?appid=7c34f3412536439491adcc2103421d4b>, accessed on April 12, 2021.

<sup>iii</sup> Flaxman, Seth, et al, “Estimating the effects of non-pharmaceutical interventions on COVID-19 in Europe.” *Nature*, Volume 584, August 13, 2020, pp. 257-261. Accessed at <https://www.nature.com/articles/s41586-020-2405-7> on October 25, 2020.

<sup>iv</sup> Centers for Disease Control and Prevention, “Scientific Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2, Updated November 20, 2020. Accessed at <https://www.cdc.gov/coronavirus/2019-ncov/more/masking-science-sars-cov2.html> on December 9, 2020.

<sup>v</sup> Van Dyke ME, Rogers TM, Pevzner E, et al. Trends in County-Level COVID-19 Incidence in Counties With and Without a Mask Mandate — Kansas, June 1–August 23, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1777-1781. Accessed at <https://www.cdc.gov/mmwr/volumes/69/wr/mm6947e2.htm#:~:text=The%20governor%20of%20Kansas%20issued,81%20counties%20without%20mask%20mandates> on February 8, 2021.