



RULE of the MISSOULA CITY-COUNTY BOARD OF HEALTH
COVID-19 Mitigation Requirements for Businesses and Events in Missoula County
November 19, 2020

WHEREAS, the State of Montana, Missoula County, and the City of Missoula are in a declared state of emergency due to the COVID-19 pandemic;

WHEREAS, on May 19, 2020, the Governor issued a Directive with requirements and guidance for Phase Two of the phased reopening of Montana, to begin on June 1, 2020 and the state remains in a partially-opened phase;

WHEREAS, local jurisdictions can enact requirements that are more restrictive than State guidelines and the Governor on three occasions in October publicly urged more restrictive local action in view of the increasing rate of COVID-19 spread in numerous Montana Counties;ⁱ

WHEREAS, pursuant to § 50-2-116 of the Montana Code Annotated the Missoula City-County 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;

WHEREAS, cases of COVID-19 in Missoula County began rising in mid-September and are continuing to ascend to an incidence rate of 78 cases per 100,000 population (new cases on a rolling seven-day average) on November 16;ⁱⁱ and currently stands below the state incidence rate of 109 cases per 100,000 population;ⁱⁱⁱ

WHEREAS, an incidence rate greater than 25 cases per 100,000 population has been identified by the Harvard Global Health Institute as the highest [“red zone”](#) risk level beyond which a locality may tip into uncontrolled spread;^{iv}

WHEREAS, Missoula leaders are committed to keeping schools open for as much in-person learning time as can be safely provided during the long duration of this pandemic;

WHEREAS, Missoula County is home to a regional health care hub upon which Missoulians and Montanans rely for COVID and non-COVID acute and critical care;

WHEREAS, Missoula County is home to a regional economic and service hub upon which Missoulians and Montanans rely for goods, services, and their livelihoods;

WHEREAS, Missoulians have largely shown cooperation and compliance with state and local COVID-19 restrictions, yet the rising case incidence threatens the ability of our hospitals and businesses to remain open, and Congress has not allocated new funds to assist local businesses as were available during the Governor’s Stay-at-Home Directive in Spring, 2020;

WHEREAS, epidemiological studies indicate that “non-contagion strategies,” such as limiting group sizes, distancing, and stay at home orders, “deployed to reduce the rate of transmission achieved

large, beneficial and measurable health outcomes”^v and that “lockdowns in particular- have had a large effect on reducing transmission;”^{vi}

WHEREAS, local epidemiological evidence suggests that structured environments, such as schools, structured events and businesses with COVID-19 operating plans, provide more protection against transmission than non-structured social environments and events, yet spread is threatening even these more-protected environments;

WHEREAS, the Missoula City-County Health Board, upon monitoring the local and state epidemiological trends of COVID transmission, researching additional mitigation measures, and consulting with local experts and officials, has determined that additional measures are required to limit contact between people in order to protect the public and the community from uncontrollable spread of COVID-19;

THEREFORE, THE BOARD ADOPTS THE FOLLOWING RULES, EFFECTIVE FRIDAY, NOVEMBER 20, 2020:

- 1) Events and gatherings, including but 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 “place of assembly” or other venue, must meet the following requirements:
 - a. Events and gatherings are limited to a total of 25 people in circumstances that do not readily allow for appropriate physical distancing for the duration of the event, including but not limited to wedding and other receptions, dances, sports, parades, and other events that are inherently inconducive to maintaining physical distancing.
 - b. Events and gatherings that will have a total of 26-250 people, including attendees, staff, and volunteers, are only allowed if the requirements listed in Appendix A can be met. A written COVID-19 event plan is required to ensure the event or gathering will meet the minimum requirements for events and gatherings in Appendix A. Organizers must consult with the Environmental Health Division of the Missoula City-County Health Department (envhealth@missoulacounty.us or 258-4755) at least 10 days before the event, and submit the written plan for review if requested by the Health Department. If the Health Department reviews the plan and finds that it does not meet the requirements in Appendix A, the event organizer must modify the plan or cancel the event.
 - c. Events that will have a total of more than 250 people, including attendees, staff, and volunteers, must submit a written COVID-19 Event Plan to the Health Department for review and approval 10 or more days before the event or gathering. The plan must show how the event or gathering meets the requirements in Appendix A. The event or gathering shall not take place without written approval from the Health Department.
 - d. Event organizers must follow their plan during the event, and make adjustments during the event or gathering, if necessary, to meet the requirements in Appendix A.

- e. Event organizers must modify, scale back, postpone, or cancel the event if notified by the Public Health Officer that further restrictions for gatherings and events are necessary based on the epidemiological situation at the time the event will take place.
 - f. Limits on event and gathering size do not apply to students in classrooms or at K-12 school-related activities. However, limits on event and gathering size do apply to spectators or audience members at those K-12 activities.
 - g. The Health Department may approve sports plans with more than 25 intermingling players if those plans comply with recommendations and requirements of the Big Sky Conference and NCAA, including enhanced testing and COVID-19 safety protocols that are designed to provide equivalent public health protections to the group size restriction in this Rule. Limits on group size continue to apply to any spectators at the event.
 - h. Limits on event and gathering size do not apply to actions related to voting, including registering to vote, voting in person, or delivering a ballot, except that six-foot distancing shall be maintained in all venues operating for these activities.
 - i. Childcare facilities, in recognition of their critical role in supporting a necessary workforce, must limit group size of students and staff to no more than 50 people, if 6-foot physical distancing cannot be consistently maintained.
- 2) Businesses and individuals providing grooming, beauty, body art, piercing, massage, spa and similar services, including but not limited to barbers (including barbers and barbers - nonchemical), cosmetologists, electrologists, estheticians, manicurists and massage therapists must meet the minimum requirements in Appendix B.
- 3) Retail businesses, gyms, and places of assembly, such as conference centers, bowling alleys, and theaters, shall:
- a. Limit customers inside the business, gym, or place of assembly to no more than 50% of the typical number of customers during normal peak hours.
 - i. The number of customers during normal peak hours is not the same as fire code capacity limits; and
 - ii. Facilities may have to limit customer numbers further if needed to facilitate 6-foot distancing between customers.
 - b. Determine and post at entrances the number of customers who can be in the business at any one time in order to meet (a) and to facilitate 6-foot distancing between customers as they move around the business;
 - c. Keep track of the number of customers in the store at any given time and have mechanisms in place to restrict customer entry when the number of customers reaches the capacity limit determined in (b).
 - d. Have visible cues in place to alert customers of the physical distancing requirements, to facilitate 6-foot distancing between customers, and to denote the required 6-foot separation distances;
 - e. Develop and implement a plan addressing the requirements in the Governor's Re-opening Directives and this Rule. The completed plan must be maintained on site and be made available to the Department upon request. Appendix C gives an example format for the plan; and

- f. Train staff on applicable COVID-19 requirements and the contents of the COVID-19 plan.
- 4) Restaurants, bars, breweries, distilleries, and casinos must meet the requirements in Appendix D.
- 5) This Rule shall remain in effect until revoked or revised by the Board.
- 6) The Board shall review the restrictions in this Rule at least monthly. When reviewing the restrictions, the Board will use the following indicator goals as a guide:
 - a. Seven-day average of new case incidence rate lowers to 25 per 100,000 population for a period of at least two weeks;
 - b. Local hospitals' capacity to admit both COVID-19 and non-COVID patients for necessary care is maintained; and
 - c. No significant diminishment occurs in testing resources or test analysis turn-around time that affect timely isolation of positive cases.
- 7) The requirements and restrictions in this Rule are in addition to existing Directives by the Governor. Individuals and businesses should rely on this Rule where any inconsistencies exist between this Rule and an existing Governor's Directive.

Signed:

Ross Miller, Chair
Missoula City-County Health Board

Date

ⁱ Governor Steve Bullock, Press Conferences October 13, 20, and 22, 2020.

ⁱⁱ Missoula City-County Health Department, COVID-19 website <https://www.missoulainfo.com/covid-10-trends> accessed on November 15, 2020

ⁱⁱⁱ University of Montana Computational Ecology Lab COVID-19 website at <https://cel.health.umt.edu/covid19/index.php> accessed on November 15, 2020.

^{iv} "Key Metrics for COVID Suppression: A Framework for policy makers and the public," Harvard Global Health Initiative, July 2020, at https://ethics.harvard.edu/files/center-for-ethics/files/key_metrics_and_indicators_v4.pdf?m=1593600837 accessed on October 25, 2020.

^v Hsian, Solomon, Ellen, Daniel, et al, "The effect of large-scale anti-contagion policies on the COVID-19 pandemic," *Nature*, Vol. 584, August 13, 2020, pp. 262-267. <https://www.nature.com/articles/s41586-020-2404-8> accessed on October 25, 2020.

^{vi} 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.