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BOARD OF HEALTH  
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

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In the matter of:

**PUBLIC HEALTH ORDER**

COVID-19 Pandemic within Summit County

Order No.: 2020-02

Date: March 23, 2020

Legal Authority: Utah Code §26A-1-114

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The Summit County Health Officer issued his Public Health Order 2020-01 on March 15, 2020.

On March 16, 2020, President Trump and the White House Coronavirus Task Force issued guidelines to help protect Americans during the global COVID-19 outbreak.

On March 17, 2020, Joseph K. Miner, MD, the Executive Director of the Utah Department of Health, issued his State Public Health Order (the “Original State Order”).

On March 21, 2020, Dr. Miner issued a new State Public Health Order which superseded his previous Original State Order (the “Amended State Order”). The Amended State Order provides: “Third-party delivery service (e.g., Uber Eats and DoorDash) is permitted except as otherwise prohibited or restricted by the Local Health Authority in coordination with the Department.”

On March 18, 2020, Dr. Miner was consulted by Summit County concerning third-party food delivery service under its Public Health Order 2020-01. Dr. Miner gave written consent for Summit County to prohibit third-party food delivery service.

Utah Code §26A-1-106(2) provides that “[r]egulations or standards relating to public health or environmental health services adopted or established by a local health department may not be less restrictive than [State Department of Health orders].”

Utah Code §26A-1-114(1)(e) empowers a local health department to “close theatres, schools, and other public places and prohibit gatherings of people when necessary to protect the

public health.” It further empowers the local health department to “exercise physical control over property and over individuals as the local health department finds necessary for the protection of the public health” (Utah Code §26A-1-114(1)(b)), and to do so through the issuance of “notices and orders.” Utah Code §26A-1-114(1)(k).

Utah Code §53-2a-209(4) allows the Governor to suspend enforcement of statutes through an emergency executive order. As of this date, the Governor has not issued an emergency executive order that suspends Utah Code §26A-1-114. In consequence of such, neither Public Health Order 2020-01, nor Public Health Order 2020-02 (this “Order”) is preempted by the State of Utah.

As of March 23, 2020, the United States Centers for Disease Control and Prevention (the “CDC”) indicates that there are over 335,000 confirmed cases of COVID-19 worldwide with over 33,000 of those cases in the United States, including 181 in Utah, with 50 in Summit County.

The Summit County Health Officer finds that there is a continuing and immediate threat to the public health of Summit County residents and visitors from the COVID-19 virus, which necessitates this Order.

**THEREFORE, PURSUANT TO UTAH CODE §26A-1-114 AND SUMMIT COUNTY CODE OF HEALTH §1-1-10(b), BE IT HEREBY ORDERED BY RICHARD C. BULLOUGH, PHD, SUMMIT COUNTY HEALTH OFFICER, AS FOLLOWS:**

Section 1. **Amendments to Section 9 (General Prohibitions).** Effective immediately, Section 9 of the Public Health Order 2020-01 is hereby deleted in form and substance, and replaced with the following prohibitions and limitations:

- Gatherings of more than ten (10) individuals is prohibited; provided, however, that this prohibition of gatherings of more than ten (10) individuals does not apply to critical government services such as fire, police, emergency response, and court services, or to other necessary services such as hospitals, domestic violence shelters, homeless shelters, licensed or contracted residential care providers, grocery stores, stores that sell other commodities, gas stations, convenience stores, building and construction worksites (subject to Section 2 below), and the shipping, transportation, and airline industry (the “Exempted Services”). These Exempted Services are encouraged to use appropriate precautions to prevent and control the spread of COVID-19. Grocery stores and gas stations are encouraged to remain open to provide necessary food items, fuel and other goods.
- This Order shall not be interpreted as requiring a business to limit staff in a single location to a maximum of ten (10) employees. Rather, businesses are encouraged to use social distancing and teleworking wherever possible.

- This prohibition on gatherings does not apply to a family with more than ten (10) people in the same household.
- Access to long-term care facilities shall be governed by the guidance issued by the Centers for Medicare and Medicaid Services, Center for Clinical Standards and Quality.

Section 2.     **Building and Construction.** Effective immediately, the following restrictions and limitations shall apply to all commercial and residential building and construction work sites within Summit County:

- Management shall instruct all employees to clean their hands often with an alcohol-based hand sanitizer that contains at least 60-95% alcohol, or wash their hands with soap and water for at least 20 seconds. Soap and water should be used preferentially if hands are visibly dirty.
- Management shall provide soap and water and/or alcohol-based hand rubs on the job site, and shall ensure that adequate supplies are maintained. Place hand rubs in multiple locations to encourage hand hygiene.
- Employees are not to congregate in lunch areas.
- Employees are not to share tools.
- Employees are not to share personal protection equipment (“PPE”). Sanitize reusable PPE per manufacturer’s recommendation prior to each use. Ensure used PPE is disposed of properly.
- Employees shall utilize disposable gloves where appropriate. Management shall instruct employees to wash hands after removing gloves.
- Management shall disinfect reusable supplies and equipment.
- Management shall identify specific locations and practices for daily trash such as: paper, hand towels, food containers, etc. Instruct workers responsible for trash removal in proper PPE/hand washing practices.
- Management shall provide routine environmental cleaning (doorknobs, keyboards, counters, and other surfaces).
- Employees shall not use a common water cooler. Management shall provide individual water bottles or instruct employees to bring their own.

- Employees shall utilize shoe sanitation tubs (non-bleach sanitizer solution) prior to entering/leaving jobsite.
- Management shall instruct employees to change work clothes prior to arriving home; and to wash clothes in hot water with laundry sanitizer.
- If possible, Management shall not stack trades (authorizing multiple trades to work in same area at same time)
- Employees shall utilize disposable hand towels and no-touch trash receptacles.
- Management shall request additional/increased sanitation (disinfecting) of portable toilets.
- Employees shall avoid cleaning techniques, such as using pressurized air or water sprays that may result in the generation of bioaerosols.
- Management shall ensure, on a daily basis and at the beginning of each shift on the work site, that no employee who presents any symptom of illness consistent with COVID-19 will be permitted to work. Employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick during the day shall be separated from other employees and sent home immediately.

**Section 3. Hair and Nail Salons; Tanning Salons.** Effective immediately, all hair salons, nail salons, beauty shops, cosmetology salons, esthetician salons, advanced practice esthetician salons, eyelash salons, barber shops, and tanning salons shall comply with the following restrictions and limitations:

- All employees shall wash their hands frequently throughout the business day.
- Sanitizer shall be available at each workstation and throughout the establishment.
- All lobbies shall be closed to clients, patrons and customers.
- Social distancing (minimum of six feet) shall be implemented between workstations. “Workstation” is defined as the entire space used by clients, patrons, customers, and cosmetologist to provide services. The parameter of each individual workstation shall be separated by at least six feet.

- All tools, chairs, and supplies shall be sanitized consistent with standards issued by the Summit County Health Department (the “Health Department”) after serving each client, patron, or customer.
- Lobbies and establishments shall be cleaned frequently.
- All establishments shall operate at 50% or less occupancy.
- Management shall ensure, on a daily basis and at the beginning of each shift, that no employee who presents any symptom of illness consistent with COVID-19 will be permitted to work. Employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick during the day shall be separated from other employees and sent home immediately.
- Cash payments are strongly discouraged. Staff who take cash or credit card payments shall use cleansing measures between each transaction, including using any best practices issued by the Health Department. Where possible, on-line (e.g.; *Venmo*, *Squarecash*, *Googlepay*, and similar payment apps) and telephonic credit card transactions are highly encouraged.
- Clients, patrons and customers shall be screened by phone and/or in-person prior to entering the establishment. If they are exhibiting any of the following symptoms, the client, patron or customer shall be rescheduled to the later of fourteen (14) days or three (3) days following the elimination of symptoms:
  - Cough
  - Shortness of Breath
  - Chills
  - Fever
  - Sneezing with nasal discharge

Section 4.     **Physical Therapy Clinics and Services.** Effective immediately, all physical therapy clinics and services shall comply with the following restrictions and limitations:

- Only essential therapy shall be administered on-site. Non-essential services shall not be provided in the physical location of the clinic. All lower acuity and routine visits shall either be delayed or transitioned to telehealth/virtual visits. For those services that are essential, and that cannot be done remotely, the following measures shall immediately be implemented:
  - Screening
    - Patients shall be screened by phone and/or in-person prior to entering the clinic or facility. If they are exhibiting any of the following symptoms, the patient shall be rescheduled to the later of fourteen (14) days or three (3) days following the elimination of symptoms:

- Cough
  - Shortness of Breath
  - Chills
  - Fever
  - Sneezing with nasal discharge
  - All clinical and support staff shall also conduct daily self-screening for symptoms. Any employee presenting symptoms consistent with COVID-19 must be sent home to self-quarantine for fourteen (14) days.
- Spacing and Distancing
  - All lobbies shall be closed to patients, clients or patrons. Waiting areas shall be restricted to outside the clinic or facility. For example, patients may wait in their car and receive a notice when their treatment is available.
  - All non-remote care must be one-on-one. Group therapy sessions are prohibited.
  - Patient spacing must be actively monitored.
  - Vendors, observers, and other non-essential individuals are prohibited from entering the clinic or facility.
  - Social distancing (minimum of six feet) shall be implemented between workstations. “Workstation” is defined as the entire space used by patient and therapist to provide therapy. The parameter of each individual workstation shall be separated by at least six feet.
  - All clinics and facilities shall operate at 50% or less occupancy, unless otherwise able to achieve acceptable social distancing.
- Hygiene
  - Handwashing and hygiene protocols must be implemented with clinical and support staff.
  - Mandatory hand washing upon patient arrival and departure must be implemented.
  - All tools, chairs, and supplies shall be sanitized consistent with standards issued by the Health Department after serving each patient.
  - Alcohol-based sanitizer and/or soap and water must be available in all clinics and facilities for patient and employee use.
  - Sanitizer shall be available at each workstation and throughout the clinic or facility.
  - Lobbies and clinics shall be cleaned frequently.
  - Cash payments are strongly discouraged. Staff who take cash or credit card payments shall use cleansing measures between each transaction, including using any best practices issued by the Health Department. Where possible, on-line (e.g.; *Venmo*, *Squarecash*, *Googlepay*, and similar payment apps) and telephonic credit card transactions are highly encouraged.

Section 5.     **Child Day Care Centers and Facilities.** Effective immediately, all child day care centers and facilities shall comply with the following restrictions and limitations:

- Providers shall conduct a health and wellness check of children and staff upon their arrival at the center or facility each day. Health and wellness checks are a great way for providers to take a few moments to notice how each child or staff member is looking, feeling, and acting when they first arrive. A child or staff member who presents signs of illness shall be sent home. Upon arrival, all children and staff shall wash their hands with soap and water.
- Providers shall question the adult who drops off the child as to whether any other family members residing in the home present signs of illness. Where other family members present such signs of illness, the provider shall prohibit the child from entering the center or facility, and send him or her home with the adult. Providers shall keep a daily log of every person who is physically present at the center or facility, including children, children’s family, staff, and visitors. The log should include: date, time, name, association (child, parent, teacher, staff, etc.), health and wellness check results, and reliable phone number.
- Providers shall restrict groups of individuals within the center or facility to ten (10) or less. These groups include children and staff. A provider can allow more than ten (10) individuals in the center or facility if each group of ten (10) individuals or less is in a room separated by full walls from the other group(s).
- Providers shall limit child drop-off or pick-up at the clinic or facility to one family at a time. No other families shall be present during the drop-off or pick-up.
- Providers shall conduct daily health and wellness checks on all children and staff throughout the day. Having conducted a health and wellness check upon arrival will make it easier to notice if the child’s or staff member’s behavior or symptom’s change throughout the day.
- Provider shall ensure that any visitors to any center or facility, including families seeking care, wash their hands with soap and water or an alcohol-based hand sanitizer before touching any center or facility surface.
- Providers must stay vigilant about hand hygiene and keeping a close eye on children and staff who are showing signs of illness.
- Providers shall protect children and staff by taking the following additional precautions:
  - Staff must wash their hands frequently throughout the day with soap and water for at least twenty (20) seconds. If soap and water are not available, use an alcohol-based hand sanitizer.
  - Staff must avoid touching their eyes, nose, and mouth with unwashed hands.
  - If possible, staff should cover coughs or sneezes with a tissue, then throw the tissue in the trash.

- Staff must clean and disinfect frequently touched objects and surfaces. More specifically, staff must ensure that surfaces and areas that are used and touched often are cleaned and sanitized after each use (i.e.; shared toys, keyboards, desks, and remote controls), or at least twice a day (i.e.; doorknobs, light switches, toilet handles, sink handles, and counter tops).

Section 6.     **Dental Clinical Services.** Effective immediately, all dental clinical services shall implement protocols to prevent potential exposure to and spread of COVID-19 consistent with the Utah Dental Association’s guidelines.

Section 7.     **No Other Amendments.** Except as set forth in this Public Health Order 2020-02, Public Health Order 2020-01 shall remain in full force and effect, and unamended.

Section 8.     **Duration.** This Order shall expire on April 22, 2020. The Summit County Health Officer shall re-evaluate this Order in fourteen (14) calendar days.

Section 9.     **Publication.** This Order shall be on file for public inspection with the Summit County Health Department.


Section 10.    **Appeal.** This Order may be appealed to the Summit County Board of Health within ten (10) calendar days in accordance with Summit County Code of Health §1-1-9.

Section 11.    **Violations.** An initial violation of this Order is punishable as a Class B Misdemeanor. Subsequent violations are punishable as Class A Misdemeanors. Each day of violation constitutes a separate offense (Utah Code §26A-1-123(1)(a) and (b); Summit County Code of Health §1-1-8(A)).

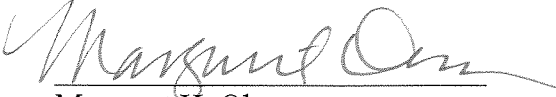


Effective Date: March 23, 2020

**BY ORDER OF THE SUMMIT COUNTY HEALTH OFFICER**

  
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Richard C. Bullough, PhD  
County Health Officer

Approved as to Form:

  
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Margaret H. Olson  
Summit County Attorney

