



**ORDER of the MISSOULA CITY & COUNTY HEALTH OFFICER
COVID-19 Mitigation Requirements for Businesses and Events in Missoula County
October 27, 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 Section 50-2-118 of the Montana Code Annotated, a local health officer in carrying out the purpose of the public health system shall take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and cancelling events;

WHEREAS, cases of COVID-19 in Missoula County began rising in mid-September and are continuing to ascend to an incidence rate of 51 cases per 100,000 population (new cases on a rolling seven-day average) on October 25;ⁱⁱ

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;ⁱⁱⁱ

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;

WHEREAS, epidemiological studies indicate that "non-contagion strategies" such as limiting groups sizes, distancing, and decreasing the activity level in a community "deployed to reduce the rate of transmission achieved large, beneficial and measurable health outcomes."^{iv} and that "-lockdowns in particular- have had a large effect on reducing transmission;"^v

WHEREAS, Missoulians have largely shown good cooperation with COVID-19 mitigation measures, and local epidemiological evidence suggests that structured environments, such as schools and structured events and business operating plans provide more protection against transmission than non-structured social environments and events, yet spread is threatening even these more-protected environments;

WHEREAS, Missoula's local health officer, 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;

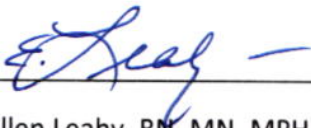
THEREFORE, IT IS HEREBY ORDERED THAT EFFECTIVE THURSDAY, OCTOBER 29, 2020 AT 8 A.M.:

- 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 allowed under the requirements listed in Appendix A. 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) 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 develop and 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 Health Officer that further restrictions for gatherings and events are necessary based on the Reopening Phase and the epidemiological situation at the time the event will take place.

- f. Limits on gathering size do not apply to students in classrooms or at other school-related activities. However, limits on gathering size do apply to spectators or audience members at those activities.
 - g. Limits on 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.
 - h. 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 reliably 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 highest volume hours. "Typical highest volume hours" is not the same as fire code capacity limits;
 - b. Have visible cues in place to alert customers of the physical distancing requirements and to denote the required six-foot separation distances;
 - c. Develop and implement a plan addressing the requirements in the Governor's Re-opening Directives and this Order. 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
 - d. Train staff on applicable COVID-19 requirements and the contents of the COVID-19 plan.
 - 4) In restaurants, bars, breweries, distilleries, and casinos:
 - a. Capacity must be limited to 50% of normal operating capacity to allow for adequate group spacing.
 - b. Tables must be limited to 8 people per table.
 - c. A sign must be posted at entrances listing the symptoms of COVID-19, and instructing customers not to come in if they are experiencing any COVID-19 symptoms.
 - d. The requirements and guidelines in the Governor's April 22, 2020 and May 19, 2020 Directives must be met in order to be open to the public.
 - e. At least six feet of separation must be provided between diners, or groups of diners, including those sitting in booths.
 - 5) Bars shall close at 10 P.M., or earlier if required by state liquor license requirements. In establishments that serve both food and alcohol, all alcohol sales must cease at 10 PM, or earlier if required by state liquor license requirements.

- 6) This Order shall remain in effect until this order is revoked or revised based on the following epidemiological and resource indicators:
 - a. Seven-day average of new case incidence rate lowers to 25 per 100,000 population for a period of at least two weeks; and
 - b. Local hospitals' capacity to admit both COVID-19 and non-COVID patients for necessary care is maintained; and
 - c. No significant diminishment in testing resources, test analysis turn-around time that affect timely isolation of positive cases occurs: OR
 - d. Case incidence trend, hospital or resource status worsens, and more restrictive requirements are necessary to control spread.
- 7) Based on the 14-day incubation period of COVID-19, the first review of this order shall be 14 days from its effective date, November 12, weekly thereafter.
- 8) This order supersedes the May 28, 2020 Health Officer order that addresses event and business-related COVID-19 requirements.
- 9) The requirements and restrictions in this Order are in addition to existing Directives by the Governor. Individuals and businesses should rely on this Order where any inconsistencies exist between this Order and an existing Governor's Directive.

Signed:



Ellen Leahy, RN, MN, MPH
Director & Health Officer

10-26-20

Date

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

ⁱⁱ University of Montana Center for Population Health Research, COVID-19, Computational Ecology Lab, at <https://cel.health.umt.edu/covid19/index.php> accessed on October 25, 2020.

ⁱⁱⁱ "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.

^{iv} 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.

^v 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.