

HARVEY COUNTY HEALTH DEPARTMENT

October 19, 2020

**EMERGENCY ORDER
OF LOCAL HEALTH OFFICER**

Emergency Public Health Order issued on this 19th day of October, 2020 to become effective at 12:01 AM on October 20, 2020 to mitigate the spread of the Coronavirus (COVID-19) epidemic in Harvey County, Kansas, pursuant to the authority provided in K.S.A. 65-119 and K.S.A. 65-129b and other applicable laws or regulations.

WHEREAS, Kansas is facing a pandemic and public health emergency caused by COVID-19 resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens; and

WHEREAS, the Governor of the State of Kansas issued Executive Order No. 20-52 on July 2, 2020, requiring masks or face coverings in public and further stated, “this doesn’t change where you can go or what you can do, it just means if you are around other people you must wear a mask...”; and

WHEREAS, securing the health, safety, and economic well-being of residents of the Harvey County is a top priority; and

WHEREAS, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119 and K.S.A. 65-129b to immediately exercise and maintain a supervision over known or suspected cases of any infectious or contagious disease during its continuance, and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine and disinfection are duly enforced; and

WHEREAS on the 29th day of September 2020, the Board of County Commissioners of Harvey County, Kansas proclaimed that a State of Local Disaster Emergency exists within Harvey County, Kansas; and

WHEREAS, wearing a mask in public is the easiest and most effective way to protect each other, help keep our businesses open and our economy running, and get children back to school in August; and

WHEREAS, wearing a mask in public is not only safe and easy, it is necessary to avoid more restrictive local measures that could involve closing businesses, schools, organized youth sports, and other important activities; and

WHEREAS, Harvey County, Kansas must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously beginning the process of safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization.

NOW, THEREFORE, BE IT ORDERED by the Harvey County Local Health Officer, pursuant to the above authorities, as follows:

Section One: Wearing of Masks or Other Face Coverings.

1. Individuals. Any person in Harvey County shall cover their mouth and nose with a mask or other face covering when they are in the following situations:
 - a. Inside any indoor or outdoor public space where distancing of 6 feet at all times is not possible (not including individuals who reside together);
 - b. In line and waiting to enter an indoor public space;
 - c. Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee or healthcare provider; or
 - d. Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle.

2. Businesses and Organizations. All businesses, organizations and non-profit associations in Harvey County must require all employees, customers, visitors, members, or members of the public to wear a mask or other face coverings when:
 - a. Employees are working any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
 - b. Employees who are working in any space where food is prepared or packaged for sale or distribution to others;
 - c. Customers, members, visitors, or member of the public are in a facility managed by the business or organization; or
 - d. Employees are in any room or enclosed area where other people (except individuals who reside together) are present and unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.

3. Exemptions. The following individuals are exempt from wearing masks other face coverings in situations described in Paragraphs 1 and 2:

- a. Persons age five years or under; children age two years and under in particular should not wear a face covering because of the risk of suffocation;
 - b. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering-this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
 - c. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
 - d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
 - e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
 - f. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
 - g. Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity, and individuals who are participating in strenuous exercise that allows such individuals to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
 - h. Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public health- oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
 - i. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary;
 - j. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law; and
 - k. Persons who have one or more physical barrier(s) between them and any other persons.
4. Definitions. As used within Section One of this Order, the following terms shall have the following meanings:
- a. "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or secured to the head by other means or devices or simply

wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from the household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.

- b. "Public space" means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.

Section Two: Violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health.

Section Three: Pursuant to K.S.A. 65-129b, and legal authority, the Sheriff, sheriff deputy, or municipal police officer within Harvey County is hereby ordered to assist in the execution of this Order. As currently permitted pursuant to state law, law enforcement officers enforcing this order should use their discretion, consult with their legal counsel, and consider the totality of the circumstances as they determine appropriate enforcement actions.

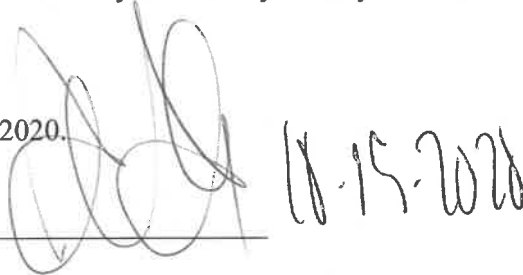
Section Four: Pursuant to Sections 37 and 38 of 2020 Special Session House Bill No. 2016, which amended K.S.A. 65-201 and 65-202, the Board of County Commissioners may review, amend, or revoke this Order. Also, while this Order remains in effect and if it has not been altered by the Board of County Commissioners, the Local Health Officer can amend or revoke this Order.

Section Five: This Order is in effect until rescinded, superseded, or amended in writing. This Order may be supplemented or modified as required for the effective and efficient management and control of the Coronavirus epidemic in the County by further order or direction of the Harvey County Board of Public Health or by the Harvey County Local Health Officer.

IT IS SO ORDERED.

This 19th day of October, 2020.

Local Health Officer
Harvey County, Kansas

A handwritten signature in black ink, appearing to be 'D. J. ...', is written over a horizontal line. To the right of the signature, the date '10-15-2020' is handwritten in black ink.