

**Missoula City-County Board of Health Rule**  
**Comprehensive COVID-19 Mitigation Requirements**  
Effective 2/18/21

- 1. Purpose:** These rules establish necessary mitigation measures to limit the spread of COVID-19 and to protect the health of individuals, the public, and the community.

COVID-19 is an easily transmissible, potentially fatal respiratory illness that spreads from person to person, primarily through the air, from droplets from infected persons. It is transmissible even by individuals who do not have symptoms, and who do not know that they are infected. More than 27 million Americans have been infected, and more than 466,000 have died.<sup>i</sup> Montana has had over 96,500 cases, with 1320 deaths. On February 10, 2021, there were 3,027 active cases in the state<sup>ii</sup>, with 178 active cases in Missoula County.<sup>iii</sup>

The spread of COVID-19 endangers our Missoula County businesses, schools, our vulnerable neighbors, long-term care and skilled nursing facilities, and hospitals. Without controls, the pandemic could overrun our community. Missoula County is a regional economic and service center, upon which Missoulians and Montanans rely for goods, services, and their livelihoods. It is also a regional hub for health care, providing necessary COVID and non-COVID acute and critical care. 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.

Missoula uses a multi-prong approach to reducing the spread of COVID-19 within the community, including case isolation, quarantining close contacts, testing and community-wide mitigation strategies. The mitigation measures adopted in this rule 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.

Epidemiological studies indicate that strategies such as limiting group size, distancing and stay-at-home orders “achieved large, beneficial and measurable health outcomes.”<sup>iv</sup> The CDC found that community-wide use of face coverings helps reduce the spread of COVID-19, through a combination of source control and personal protection for the mask wearer.<sup>v,vi</sup> Local evidence also suggests that structured environments, such as schools, structured events, and businesses following COVID-19 operating plans, provide more protection against transmission than non-structured social environments and events.

- 2. 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.

### 3. Applicability:

- a. The requirements in this rule are in addition to and do not replace requirements for businesses and other entities that have been issued by the Governor of Montana or the Missoula City-County Health Officer in response to the COVID-19 pandemic.
- b. This rule replaces the Health Board rule adopted on December 17, 2020.
- c. This rule shall be in effect until revoked or revised by the Missoula City-County Health Board.

### 4. 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 4(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 25 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.
- vii. 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.

**5. 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. Events and gatherings that will have a total of more than 50 people indoors or 100 people outdoors over the duration of the event must be highly structured and meet the requirements in Appendix A.

**6. Personal Care Services.** 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.

7. **Businesses, Non-Profit Organizations, Government Offices and Places of Assembly** must follow the requirements in Appendix C. Places of Assembly include places where people gather, including but not limited to theaters, concert venues, sports complexes, bowling alleys, bingo halls, music halls, museums, meeting halls, convention centers, reception venues and libraries.
8. **Restaurants, Bars, Breweries, Distilleries, and Casinos** must follow the requirements in Appendix D.
9. **Gyms and fitness studios** must follow the requirements in Appendix E.
10. **Pools and Hot Tubs** must follow the requirements in Appendix F.
11. **Places of Worship** must follow the requirements in Appendix G.
12. **Regular Review of this Rule.** 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.
13. **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 February 10, 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 February 10, 2021.

<sup>iii</sup> Missoula City-County Health Department, Missoula County Numbers, <https://www.missoulainfo.com/covid-10-trends>, accessed on February 10, 2021.

<sup>iv</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>v</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>vi</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.