

OFFICE OF THE
BOARD OF BARBER COUNTY COMMISSIONERS

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EMERGENCY PUBLIC HEALTH ORDER OF THE BARBER COUNTY LOCAL HEALTH OFFICER

THIS EMERGENCY PUBLIC HEALTH ORDER issued on this 30th day of November, 2020 and becomes effective 12:01AM on December 1, 2020 to mitigate the spread of the Coronavirus (COVID-19) epidemic in the State of Kansas and Barber County pursuant to the authority provided in K.S.A. 65-119, K.S.A. 65-129b, and K.S.A. 65-202 and other applicable laws or regulations.

WHEREAS, the Barber County Local Health Officer is authorized and required to immediately exercise and maintain 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 provisions of Kansas law for Public Health as to isolation, quarantine and disinfection are duly enforced; and

WHEREAS, the Barber County Local Health Officer is appointed by the Board of Barber County Commissioners and is authorized to prohibit public gatherings when necessary for the control of any and all infectious or contagious diseases, pursuant to K.S.A. 65-119; and

WHEREAS, on the 16th day of March 2020, the Board of Barber County Commissioners found that a disaster had occurred, or the threat thereof was imminent within Barber County, Kansas as a result of the Coronavirus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in the United States, the State of Kansas, and Barber County; and

WHEREAS, COVID-19, is a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in Kansas, resulting in serious illness and death; and

WHEREAS, the United States Department of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 13,140,000 cases of the illness and more than 265,000 deaths as a result of the illness across the United States; and

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020; and

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020; and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 5121-5207 (the "Stafford Act")); and

WHEREAS, as of this date, in Kansas there have been 153,021 reported positive cases of COVID-19 spread among all 105 counties, including 1,529 deaths; and

WHEREAS, such conditions endanger the health, safety and welfare of persons and property within the borders of Barber County, Kansas; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Barber County Local Health Officer, all recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in small gatherings; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas and Barber County continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS, the spread of COVID-19 endangers the health, safety, and welfare of persons and property within Barber County, Kansas; and

WHEREAS, to reduce the spread of COVID-19, measures that are recommended and considered effective by the Centers for Disease Control and Prevention ("CDC") include, among other measures, avoiding close contact with other people and covering one's mouth and nose with a cloth face cover when in public settings; and

WHEREAS, the increased spread of COVID-19 also presents a serious threat to the continued effective operation of the local economy within Barber County; and

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

WHEREAS, Barber County must remain flexible to account for the evolving nature and scope of the public health emergency posed by COVID-19, while also simultaneously safely, strategically, and incrementally reopening businesses and facilitating economic recovery and revitalization; and

WHEREAS, the intent of this Order is not to deprive any person or entity of any rights protected by the United States Constitution, the Kansas Constitution, or any other law, but merely to set forth restrictions which would best protect Barber County residents against the community spread of COVID-19; and

NOW, THEREFORE, BE IT ORDERED by the Barber County Local Health Officer, pursuant to the above authorities that:

Section I. Wearing of Masks or Other Face Coverings.

1. **Individuals.** Any person within Barber County shall cover their mouths and noses 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 Barber County must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering when:

- a. Employees are working in 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 members 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 or 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;

k. Persons who have one or more physical barrier(s) between them and any other persons;

l. Voters at election polling places;

m. Religious institutions;

n. Funeral processions and gatherings;

o. Licensed childcare facilities; and

1. Unified School Districts if such district has adopted a COVID-19 response plan.

4. **Definitions.** As used within Section I 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 should have 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. The definition of "mask or other face covering" includes a face shield. The definition of "mask or other face covering" does not include a covering that is equipped with a one-way valve or vent through which air can be exhaled.

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 II. Lawful Order.

This Order is a lawfully issued order pursuant to K.S.A. 65-202 and K.S.A. 65-119(a), and is also a public health directive as identified within Section 9 of 2020 Special Session House Bill No. 2016. Individuals and organizations within Barber County are required to comply with this Order.

Section IV. Possible Review, Amendment, or Revocation.

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.

Section V. Severability.

If any portion of this Order is found or determined to be invalid, such finding or determination shall only affect the portion of the Order that is at issue and shall not affect the validity of the remainder of the Order.

Section VI. Effect on Prior Order.

This Order amends, supersedes, and replaces any previous Emergency Public Health Order issued for Barber County, Kansas by the Barber County Local Health Officer.

Section VII. Effective Date; Conclusion.

This Order shall remain in effect unless and until it is extended, amended, revoked, or replaced. This Order shall be published in the official newspaper for Barber County, Kansas.

Issued this 30th day of November, 2020.



R. W. Meador, D.O.
Barber County Local Health Officer