



State of Utah

GARY R HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

**Utah Department of Health
Executive Director's Office**

Joseph K. Miner, M.D., M.S.P.H., F.A.C.P.M.
Executive Director

Marc E. Babitz, M.D.
Deputy Director

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*Deputy Director
Director, Medicaid and Health Financing*

STATE PUBLIC HEALTH ORDER

WHEREAS, on March 6, 2020, Governor Gary R. Herbert issued Executive Order 2020-1, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, COVID-19 can spread between individuals in close proximity through respiratory droplets produced when an infected individual speaks, coughs, or sneezes;

WHEREAS, an infected individual can transmit COVID-19 even if the individual does not present symptoms or know that the individual is infected;

WHEREAS, the United States Centers for Disease Control and Prevention and the Utah Department of Health have recommended the use of face masks or other face coverings to mitigate the transmission of COVID-19;

WHEREAS, I have determined that it is appropriate to require individuals to wear face coverings while in a school or school bus to protect public health;

WHEREAS, recent data show a large increase in the transmission rate of COVID-19 in Utah, and the Utah State Epidemiologist announced that Utah is experiencing a dramatic rise in the spread of COVID-19 across Utah;

WHEREAS, under Utah Code §§ 26-1-30(3), (5), and (6), the Utah Department of Health has the power and duty to promote and protect the health and wellness of the people within the state; to control the causes of epidemic, infectious, communicable, and other diseases affecting the public health; and to prevent and control communicable, infectious, acute, chronic, or any other disease or health hazard that the Department considers to be dangerous, important, or likely to affect the public health.

Based on the foregoing, in accordance with the authority vested in me as the Executive Director of the Utah Department of Health by Utah Code §§ 26-1-10, 26-1-30, and 26-6-3, and being fully advised and finding the factual basis and legal requirements have been established;

NOW, THEREFORE, I, Joseph K. Miner, M.D., Executive Director of the Utah Department of Health, hereby order the following, beginning July 17, 2020:

1. As used in this Order:
 - a. “Employee” means any individual employed by the school district or school including an administrator, administrative personnel member, faculty member, teacher aide, or staff member.
 - b. “Face covering” means a cloth mask that covers the nose and mouth without openings that can be seen through, a face shield, or similar covering that covers the nose and mouth.
 - c. “School” means a local education entity or private school that provides any kindergarten through grade-12 program or service, including a residential treatment center that provides any kindergarten through grade-12 program or service.
 - d. “School bus” means district- or school-provided transportation that transports a student to or from a school or a school-sponsored activity.
 - e. “School property” means any real property, including any building, structure, facility, or part thereof, that is owned, leased, occupied, or controlled by a school.
 - f. “Student” means an individual who attends school.
 - g. “Visitor” means any individual, including a volunteer, who is on school property or on a school bus, other than an employee or student.
2. Each individual, including an employee, student, or visitor, on school property or on a school bus shall wear a face covering, except as provided in Section (3).
3. Section (2) does not apply to:
 - a. an individual while maintaining a physical distance of at least six feet from any other individual when outdoors;
 - b. an individual who is eating or drinking while indoors and maintains a physical distance of at least six feet from any other individual;
 - c. a child who:
 - i. is younger than three years of age; or
 - ii. is three years old or older if the parent, guardian, or individual responsible for caring for the child cannot place the face covering safely on the child's face;
 - d. an individual with a medical condition, mental health condition, or disability that prevents wearing a face covering, including an individual with a medical condition for whom wearing a face covering could cause harm or dangerously

- obstruct breathing, or who is unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
- e. an individual who is deaf or hard of hearing while communicating with others, or an individual who is communicating with an individual who is deaf or hard of hearing, where the ability to see the mouth is essential for communication, in which case a face shield or alternative protection such as a plexiglass barrier should be used;
 - f. an individual who has an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act, 20 U.S.C. section 1414, or an accommodation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, that would necessitate exempting the individual from wearing a face covering;
 - g. an individual who is receiving or providing a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service; or
 - h. an individual participating in a school sponsored activity or physical education class as long as the individual complies with Appendix C of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation.
4. A school may require an individual to provide a medical directive verifying a need for an exemption under Subsection (3)(d).
 5. For an individual described in Subsection (3)(f), a local education agency shall document the accommodation in accordance with 34 CFR 104.33(a) as part of the student's IEP or Section 504 accommodation plan.

This Order is effective immediately and shall remain in effect until 11:59 p.m. December 31, 2020, unless otherwise modified, amended, rescinded, or superseded.

Made at 4pm on the 17th day of July



Joseph K. Miner, M.D.
Executive Director
Utah Department of Health