



## **Board of Health Agenda**

**Wednesday - May 13, 2020 12:00 PM**

**Community Room, City County Complex, 414 E Callender Street, Livingston, MT-or Call in**

### **BOH ADMIN**

Call to Order/Roll

Public Comment for Items not on the agenda (5 Minutes)

Conflict of Interest

### **NEW BUSINESS**

Discussion/approval amending travel restrictions to Cooke City/Silver Gate

Discussion/approval regarding letters for events in the community

Discussion/approval of Emergency Health Rule/Order relating to COVID-19 HER 2020-04 regarding the reopening of gyms, theaters, and museums

[PhaseOne\\_Gyms\\_Covid19\\_May2020 \(00000002\).docx](#)

### **ADJOURNED**

**EMERGENCY HEALTH RULE/ORDER RELATING TO COVID-19  
EHR 2020-04**

**WHEREAS**, the World Health organization has declared the worldwide outbreak of COVID-19 Novel Coronavirus a pandemic;

**WHEREAS**, COVID-19, a respiratory disease that can result in serious illness or death and is a new strain of Coronavirus that had not been previously identified in humans and can easily spread from person-to-person;

**WHEREAS**, as of March 23, 2020, the United States Centers of Disease Control and Prevention (CDC) indicates there are 33,404 cases resulting in 400 COVID-19 deaths in the United States;

**WHEREAS**, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high” and has advised that person-to-person spreads of the COVID-19 will continue to occur globally, including within the United States, Montana, and Park County;

**WHEREAS**, the Montana Department of Public Health and Human Services (DPHHS) recognizes COVID-19 as a threat to the residents of Montana;

**WHEREAS**, on March 12, 2020, Governor Steve Bullock passed an Executive Order declaring a State of Emergency Related to the Communicable Disease COVID-19 Novel Coronavirus;

**WHEREAS**, the Park County Commission and the City of Livingston have each passed Emergency Proclamations related to the Communicable Disease COVID-19 Novel Coronavirus;

**WHEREAS**, on May 7, 2020, Governor Steve Bullock announced additional Phase One Guidelines to include gyms, movie theaters, and museums;

**WHEREAS**, the Park County Health Office and the Park County Board of Health are of the opinion that it is in the best interests of Park County, Montana, to implement the measures and conditions set forth by the State of Montana on May 7, 2020;

**WHEREAS**, pursuant to Section 50-2-118, MCA, a local health officer in carrying out the purpose of the public health care 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; and

**WHEREAS**, pursuant to Section 50-2-116, MCA, the Park County Board of Health has the authority to identify, assess, prevent, and ameliorate conditions of public health importance through isolation and quarantine measures.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Montana Code Annotated Title 50, Chapter 2, part 1, and specifically Sections 50-2-116 and 50-2-118, MCA, that:

### **Guidance for gyms and fitness studios**

Gyms and fitness studios contribute to the health and wellness for many Montanans. As such, and in recognition of the continued progress towards recovery that Montana has made, beginning Friday, May 15, 2020, they will be allowed to operate at 50% capacity with sanitization and social distancing requirements met.

In the event a confirmed COVID-19 case is associated with a facility, the facility should be thoroughly cleaned in accordance with the CDC's facility environmental cleaning procedures for workout areas, seating, locker rooms, and other areas of the establishment frequented by patrons.

- Only registered members can use the facility, no day passes or walk-ins.
- Facility must have a dedicated staff available during operating hours to wipe down frequently touched areas on a regular basis and monitor gym zones to ensure that users are wiping down equipment properly.
- Train workers on symptom awareness and proper handwashing techniques.
- Signage must be posted with the following or substantially similar wording:
  - “Patrons with fever, shortness of breath, a cough, or other COVID-19 symptoms must refrain from using the gym”
  - Signs shall be positioned for effective visual observation by gym guests, such as at the front desk and in locker rooms.
- Front desk should track occupancy to ensure facilities stay at or below 50 percent capacity.
- Hand sanitizer must be made available at front desk and at stations throughout the workout area.
- Approved sanitizer for cleaning equipment after use must be provided at stations throughout the workout areas along with disposable towels. Reusable towels shall not be used to clean equipment.
- Post signs throughout workout area reminding patrons to wipe equipment after each use.
- Masks should be worn by all staff.
- Masks are encouraged to be worn by guests when possible.
- Six-foot distance should be maintained between equipment. Cardio studios should limit guest to every other piece of equipment to achieve this.
- Guests using free weights shall maintain six feet of separation except when a spotter is necessary. In this instance, workout groups shall be limited to two people.
- Sitting areas must be closed for use.
- Food vendors must follow applicable COVID-19 procedures for restaurants and retail food service. Vendors should be encouraged to use single-service items whenever possible, especially for condiments and similar foods.
- Social distancing must be maintained in dressing rooms and other common areas. No congregating in these areas may be allowed.

- After closing, establishments must clean using an EPA approved disinfectant. Twenty-four-hour establishments must close from 11:30 p.m. to 12 a.m. so that proper disinfection can happen.
  - Facility must develop a checklist to ensure that no equipment is being missed during disinfection. Checklist should include large items, such as treadmills and smaller items, such as weights and bands.
- Frequently touched surfaces must be cleaned and sanitized regularly throughout the day and disinfection each night after closing.
- Personal training sessions may be offered with strict adherence to social distancing guidelines and masks are encouraged to be used by the trainer and trainee.
- Indoor group classes may not be offered.
- Alternatively, group classes may be offered outdoors with strict adherence to social distancing guidelines and should avoid gathering in groups of more than 10 people in circumstances that do not readily allow for appropriate physical distancing.
- Additional time between group classes outdoors must be provided so that a designated gym employee can disinfect any equipment and other cleanable surfaces before the next class begins.

### **Guidance for Pools at Gyms**

Gym pools are allowed to operate with reduced capacity of 50% of normal bather load and basic compliance with social distancing requirements.

The CDC has indicated that properly maintained pool water inactivates the virus. It is critical pools that have shut down during this time or reduced maintenance follow proper re-opening procedures and sampling of chemicals parameters to ensure water is safe for use, prior to opening to the public. Operators should work with their Certified Pool Operator and/or local/state sanitarian if questions arise regarding re-opening.

In the event a confirmed COVID-19 case is associated with a facility the facility should clean in accordance with CDC's facility environmental cleaning procedures for workout areas, seating, locker rooms, and other areas of the establishment frequented by swimmers.

### **Gym Pools:**

- Only registered members can use the facility, no day passes or walk-ins;
- Train workers on symptom awareness and proper handwashing procedures
- Pool classes may continue; if:
  - All social distancing requirements must be observed during class; and
  - Any equipment used can be easily cleaned and disinfected between users.
- Youth swim lessons may be offered in-line with previous guidance for Phase 1. Which includes youth activities should avoid gathering in groups of more than 10 people in circumstances that do not readily allow for appropriate physical distancing;
- Front desk/gate attendant tracks occupancy, incoming and outgoing to ensure maximum occupancy does not exceed 50% capacity of normal bather load;
- Signage must be posted with the following or substantial similar wording;

- “Members with fever, shortness of breath, a cough, or other COVID-19 symptoms must refrain from using this facility.”
- Signs shall be positioned for effective visual observation by members, such as on the entry way door.
- No congregating in waiting areas, patrons should wait in an appropriately spaced line or way that observes social distancing;
- Locker rooms should be monitored by a designated staff member to ensure they are not becoming crowded and that social distancing is being observed;
- Signage must be posted on the locker room door with the following or substantially similar wording, “Observe social distancing while using this facility. No loitering in common areas.”
- Social distancing should be applied in all common areas;
- 6-foot spacing between unassociated members (i.e. not family members) in the pool;
- 6-foot spacing between groups of no more than 10 (i.e. family groups and unrelated individuals must maintain 6-foot separation in the pool;
- Space pool deck tables and chairs to facilitate a 6-foot distance;
- Recommend, where possible, use of buoys and floating pool ropes to mark off lanes or areas of pool for separation of large swimming areas;
- Recommended, where possible, marking stairs and walkways with directional arrows to keep in/out traffic separated.

### **Guidance for theaters and museums**

In the event a confirmed COVID-19 case is associated with a facility the facility should clean in accordance with CDC’s facility environmental cleaning procedures for areas of the establishment frequented by patrons.

This guidance applies to non-tactile museums. Interactive museums or museums with sections that allow touch interactions with displays are not to be open under this guidance.

This guidance applies to non-live performance theaters such as movie theaters. Live performance theaters may not be open under this guidance.

### **General Guidance for theaters and museums**

- Maximum number of attendees is 50 percent of normal capacity while maintaining 6 feet between non-family member groups.
- Signage must be posted with the following or substantially similar wording:
  - “Patrons with fever, shortness of breath, a cough, or other COVID-19 symptoms must refrain from using this facility” and
  - Signs shall be positioned for effective visual observation by patrons, such as on the entry way door.
- Increase cleaning and sanitizing of frequently touched surfaces, including door handles, chairs and tables.
- Keep social distancing of at least 6 feet between non-family member groups or immediate party.

- Food vendors must follow applicable COVID-19 procedures for restaurants and retail food service. Vendors should be encouraged to use single-service items whenever possible, especially for condiments and similar foods.
- Facilities should try to control customer flow in a manner that maximizes social distancing such as signage or ropes and directing flow in one direction.
- Provide hand sanitizer or hand washing stations throughout the venue whenever possible.
- Each venue should create and implement a written COVID-19 response plan.
- Increase cleaning and sanitizing of restrooms to no less than every two hours whenever possible.
- Provide clear plastic shielding between workers and attendees whenever possible, such as event cashiers and food vendors.
- If possible, do not use tables. Tables should be covered with single-use material and discarded between users, showings, performances or every two hours, whichever provides maximum spread protection.
- Train workers on COVID-19 symptom awareness and proper handwashing procedures.

#### **Additional measures that apply to theaters**

- Increase cleaning time period between events, performances and showings. Ensure that commonly touched surfaces such as arm rests and railings are cleaned frequently.
- Ushers should monitor and enforce social distancing practices in theaters and encourage additional distance between guests as appropriate.
  - Ushers should limit the number of people in lines to no less than 6 feet between families or immediate party.

#### **Additional measures that apply to museums**

- Gift shops should limit entry to 50% capacity and clean commonly touched surfaces frequently.

#### **Enforceability**

- Violations of this Rule may be punished pursuant to Sections 50-2-123 and 20-2-124, MCA, or any other authority provided by state law; and
- These orders may be modified and/or expanded and the effective dates may be extended and may be pre-empted by future directives of the Governor that are stricter than those contained within this Order.

#### **Authorities**

- Sections 10-3-103, -104, -302, and -305, MCA; §§ 50-1-202, -203, and -204, MCA; 37 A.G. Op. 132 (1978); Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; and all other applicable provisions of state and federal law.

#### **Limitations**

- This Rule/Order is effective immediately and expires at the end of the emergency, except where specified.
- This Rule/Order shall be implemented consistent with applicable law and subject to the availability of appropriations.

- Nothing in this Rule/Order shall be construed to limit, modify, or otherwise affect the authority granted by law to the Governor, any department, agency, political subdivision, officer, agent, or employee of the State of Montana except as expressly provided in this Rule/Order or other Rules/Orders now in effect implementing Executive EHR 2020-3.
- If any provision of this Rule/Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Rule/Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Rule/Order are declared to be severable.
- This Rule/Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Montana, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

ADOPTED this \_\_\_\_\_ day of May, 2020.

ATTEST:

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Laurel Desnick, MD, FACP  
Park County Health Officer

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Maritza Reddington  
Park County Clerk and Recorder

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Michael Inman  
Park City-County Board of Health Chair