



STAGE 3

**STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
STAY HEALTHY ORDER**

October 27, 2020

BUSINESSES AND GOVERNMENTAL AGENCIES MAY CONTINUE OPERATIONS AT PHYSICAL LOCATIONS IN THE STATE OF IDAHO.

ALL INDIVIDUALS, BUSINESSES, AND GOVERNMENTAL AGENCIES MUST ADHERE TO THE MANDATORY PORTIONS OF THE PHYSICAL DISTANCING AND SANITATION REQUIREMENTS DESCRIBED IN SECTION 3 OF THIS ORDER.

INDOOR GATHERINGS, BOTH PUBLIC AND PRIVATE, MUST ADHERE TO THE REQUIREMENTS IDENTIFIED WITHIN THIS ORDER.

OUTDOOR GATHERINGS, BOTH PUBLIC AND PRIVATE, MUST ADHERE TO THE REQUIREMENTS IDENTIFIED WITHIN THIS ORDER.

PATRONS OF BARS, NIGHTCLUBS, AND RESTAURANTS MUST REMAIN SEATED.

FACE COVERINGS ARE REQUIRED AT LONG-TERM CARE FACILITIES.

The Governor and Director of the Idaho Department of Health and Welfare (“Director”) hereby issue this order of isolation pursuant to Article IV, § 5 of the Idaho Constitution and Idaho Law.

The Director is authorized by Idaho Code § 56-1003(7) “to impose and enforce orders of isolation and quarantine to protect the public from the spread of infectious or communicable diseases.”

This Order is effective as of 12:00 a.m. October 27, 2020 and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Governor and Director.

THE GOVERNOR OF IDAHO AND DIRECTOR OF THE IDAHO DEPARTMENT OF HEALTH AND WELFARE MAKE THE FOLLOWING FINDINGS:

The basis for this Order includes, but is not limited to, the following findings.

The virus that causes Coronavirus 2019 Disease (“COVID-19”) has resulted in a global pandemic, is present in Idaho, and has infected nearly 60,000 Idahoans, resulting in 573 deaths to date. The virus is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect public health and safety and safeguard the ability of public and private healthcare providers to handle an influx of new patients.

This Order is based on evidence of a significant increase of cases of COVID-19 within the State of Idaho; as well as, the advice and input of state epidemiologists, public health experts, and guidelines provided by the Centers for Disease Control and Prevention (“CDC”) and the White House. This order is also based on the scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the state places its citizens at risk for serious health complications, including death, from COVID-19.

Some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in transmission of the virus.

The most recent state report for Idaho from the White House Coronavirus Task Force states that “Idaho is in the red zone for cases, indicating 101 or more new cases per 100,000 population [for the week ending October 16, 2020], with the 7th highest rate in the country. Idaho is in the red zone for test positivity, indicating a rate at or above 10.1%, with the 2nd highest rate in the country.”

Cases in Idaho have risen sharply in the past several weeks and are rising in most counties in the state. The number of individuals hospitalized with COVID-19 in Idaho has increased 55% in the past two weeks. As a result, hospitals across the state of Idaho, including the Veterans Affairs Medical Center, are at or nearing capacity. In some instances, hospitals have diverted patients to other hospitals within the state and in neighboring states.

Local health districts have traced reported infections to gatherings of people, including school-related events, social gatherings, and recreational events. In the judgment of public health officials, reducing the size of these gatherings will reduce spread of the virus in communities and protect vulnerable Idahoans.

Since June 2020, there has been a significant and concerning increase in cases of COVID-19 among residents and staff at long-term care facilities in Idaho. Outbreaks often start with a staff member or a visitor and spreads to other staff members and residents. Many staff members and all residents of long-term care facilities are at a higher risk of severe complications associated with contracting COVID-19. Currently, over 100 residential facilities are investigating one or more COVID-19 cases, and four new outbreaks were declared at long-term care facilities on October 24, 2020.

The scientific evidence shows that at this stage of the pandemic, it is necessary to slow virus transmission to protect Idaho’s vulnerable population and to prevent the healthcare system from being overwhelmed. In consultation with state and federal epidemiologists and healthcare experts, this Order is intended to protect the lives and safety of Idahoans, preserve capacity in our healthcare system and slow the spread of COVID-19 by limiting public and private gatherings, requiring patrons to remain seated at bars and restaurants, mandating masks in long-term care facilities, and requiring individuals to maintain physical distancing whenever possible.

NOW, THEREFORE, THE GOVERNOR OF IDAHO AND IDAHO DEPARTMENT OF HEALTH AND WELFARE DIRECTOR ORDER:

1. **Gatherings.** As defined by the CDC “gathering” means “a planned or spontaneous event, indoors or outdoors, with a small number of people participating or a large number of people in attendance such as a community event or gathering, concert, festival, conference, parade, wedding, or sporting event.”
 - a. **Indoor Gatherings.** Indoor gatherings of more than 50 people, both public and private, are prohibited. Indoor gatherings of 50 or fewer people must adhere to the Physical Distancing and Sanitation Requirements in Section 3 of this Order.
 - b. **Outdoor Gatherings.** Outdoor gatherings, both public and private, are limited to 25% of the maximum permitted occupancy of the facility or space as documented in the occupancy permit. If no such occupancy permit or limit exists, occupancy is limited to the number of persons that can convene while adhering to the Physical Distancing and Sanitation Requirements in Section 3 of this Order.
 - c. **Bars, restaurants, and nightclubs.**
 - i. All patrons must remain seated while consuming food or drink or when otherwise remaining on the premises, except for when entering, exiting, or using the restroom;
 - ii. Seating must be arranged and maintained so that tables are spaced at least six feet apart; and
 - iii. Nightclubs may continue to operate as a bar, subject to the requirements of this Section and this Order.
 - d. **Exemptions.**
 - i. Gatherings for political expression – including polling locations – and religious activities are not subject to the provisions of this Section; provided, however, that gatherings for purposes of political expression and religious activities must adhere to the Physical Distancing and Sanitation Requirements in Section 3 of this Order;

- ii. Gatherings exceeding the size and capacity limitations specified in this Order may receive an exemption if the organizer submits a plan for the gathering to the local health district having authority where the gathering is to occur, receives approval of the plan from the local health district, and ensures compliance with the approved plan at the gathering. The plan and any exempted gatherings must adhere to the Physical Distancing and Sanitation Requirements in Section 3;
- iii. Gatherings as defined in this Section do not include “educational activities.” The term “educational activities” means activities involving students taught by an educator in a school or equivalent setting; or
- iv. Extra-curricular activities, including athletics, practice, matches, performances and games may continue, including attendance of the participants necessary for the competition to occur, including but not limited to players, instructors, coaches, and officials. Attendance by non-participants, including spectators, remains subject to the requirements specified in this Order, including but not limited to those identified in Sections 1(a), (b), and 3.

2. Face Coverings at Long-Term Care Facilities.

- a. Anyone who enters a long-term care facility or campus who is not a resident is required to wear a face covering that covers their nose and mouth at all times.
- b. Exemptions. This requirement does not apply to:
 - i. Children under the age of 5;
 - ii. Any person while consuming food or drink;
 - iii. Any person with a diagnosed medical condition, mental health condition, or disability which prevents wearing a face covering; or
 - iv. Any person who is deaf or hard of hearing for purposes of communication, or any person communicating with a person who is deaf or hard of hearing.

3. Physical Distancing and Sanitation Requirements.

- a. Individuals not residing within the same household shall maintain at least six-foot physical distancing from other individuals whenever possible.
- b. Individuals should:

- i. Wash hands with soap and water for at least twenty seconds as frequently as possible or use hand sanitizer;
 - ii. Cover coughs or sneezes (into the sleeve or elbow, not hands);
 - iii. Regularly clean high-touch surfaces and not shake hands;
 - iv. Stay home if sick;
 - v. Wear face coverings while in public, especially when six-foot distancing is not always possible (e.g., inside businesses); and
 - vi. Follow additional protocols established in the Governor's Guidelines for Opening up Idaho published at <https://rebound.idaho.gov/>.
- c. Employers shall:
 - i. Develop and implement measures to ensure employees and customers maintain at least six-foot physical distancing from other individuals whenever possible;
 - ii. Provide adequate sanitation and personal hygiene for employees, vendors, and patrons; and
 - iii. Frequently disinfect commonly touched and high-traffic areas and regularly clean those areas.
- d. Employers should:
 - i. Identify how personal use items such as masks, face coverings, and gloves may be required by employees, vendors, and/or patrons;
 - ii. Provide services while limiting close interactions with patrons;
 - iii. Identify strategies for addressing ill employees, which should include requiring COVID-19 positive employees to stay at home while infectious, and may include keeping employees who were directly exposed to the COVID-19 positive employee away from the workplace, and the closure of the business until the location can be properly disinfected;
 - iv. On a case-by-case basis, include other practices appropriate for specific types of businesses such as telework where appropriate, screening of employees for illness and exposures upon work entry, requiring non-cash transactions, etc.; and


- v. Implement additional protocols established in the Governor's Guidelines for Opening up Idaho and the business-specific protocols published at <https://rebound.idaho.gov/>.
4. The violation of any mandatory provision of this Order constitutes an imminent threat to public health. Violation of or failure to comply with a mandatory provision of this Order may constitute a misdemeanor punishable by fine, imprisonment, or both pursuant to Idaho Code § 56-1003(7)(c). The Governor and Director requests that the Sheriffs and Chiefs of Police in the State of Idaho, and Idaho State Police educate the public about this Order and ensure compliance with this Order.
5. This Order shall become effective as of October 27, 2020 at 12:00 a.m. and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Governor and Director.
6. The Stay Healthy Guidelines dated June 13, 2020 is hereby rescinded.
7. To decrease the spread of COVID-19, the cities, counties, public health districts, school districts, and institutions of higher education within the State of Idaho may enact more stringent public health orders than those set out in this Order.
8. Each county and each city must promptly provide copies of the Order as follows: (1) by posting the Order on its website, (2) by posting the Order at each county courthouse and each city hall, and (3) by providing a copy to any member of the public requesting it. The Order will also be posted on the website of the Department of Health and Welfare.
9. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:



BRAD LITTLE, GOVERNOR
STATE OF IDAHO

Dated: October 26, 2020



DAVE JEPPESEN, DIRECTOR
IDAHO DEPARTMENT OF HEALTH
AND WELFARE

Dated: October 26, 2020