



*Sedgwick County...
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PUBLIC HEALTH ORDER

ORDER NO. 2021-5

August ____, 2021

Applicable within the entirety of Sedgwick County, Kansas

This Public Health Order is effective the ____ day of August, 2021, upon approval by the Board of County Commissioners.

WHEREAS, the purposes of this Order are: (1) to slow and reduce the spread of COVID-19 in Sedgwick County, Kansas; and (2) to reduce the number of patients in intensive care units and hospitals in general due to COVID-19 so that the hospitals in Sedgwick County can adequately address the medical needs of Sedgwick County and the region; and

WHEREAS, the Local Health Officer is appointed by the Board of County Commissioners pursuant to K.S.A. 65-201; and

WHEREAS, this Order is issued pursuant to the authority provided in K.S.A. 65-202, K.S.A. 2021 Supp. 65-201, and any other applicable laws and regulations; and

WHEREAS, the Local Health Officer, pursuant to K.S.A. 65-119, shall immediately exercise and maintain a supervision over cases of infectious or contagious diseases; and

WHEREAS, the Local Health Officer, pursuant to K.S.A. 65-202, shall use all known measures to prevent the spread of any infectious, contagious or communicable diseases; and

WHEREAS, the issuance of public health orders requiring certain public health mitigation measures constitutes a known measure to prevent the spread of infectious, contagious or communicable diseases; 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 37,000,000 cases of the illness and more than 621,000 deaths as a result of the illness across the United States; and

WHEREAS, as of this date, in Kansas there have been 353,930 reported positive cases of COVID-19, including 5,456 deaths; and

WHEREAS, on March 16, 2020, the Chairman of the Board of County Commissioners of Sedgwick County issued a state of local disaster emergency declaration, which the Board of County Commissioners subsequently approved and which remains in place at the time of this Order; and

WHEREAS, COVID-19 has resulted in 53,212 reported positive cases of COVID-19 in Sedgwick County and the deaths of 669 Sedgwick County residents; and

WHEREAS, COVID-19 is an infectious, contagious, and communicable respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) recommends all unvaccinated people age 2 or older should wear masks while in indoor public places; and

WHEREAS, the CDC has identified Sedgwick County as being in an area of high COVID-19 transmission rates and, accordingly, recommends that individuals in Sedgwick County should wear masks in indoor public spaces even if they are fully vaccinated against COVID-19; and

WHEREAS, the COVID-19 vaccines serve as the ideal method to prevent the spread of COVID-19, but as of the date of this Order only 39 percent of Sedgwick County residents are fully vaccinated against COVID-19; and

WHEREAS, children under the age of 12 are not eligible to receive the COVID-19 vaccine; and

WHEREAS, the CDC has indicated that the Delta variant of COVID-19, which comprises the majority of COVID-19 cases within Sedgwick County, is more than twice as contagious as previous COVID-19 variants; and

WHEREAS, hospitals in Sedgwick County have reported significant recent increases in the number of COVID-19 positive hospitalized patients and also significant recent increases in COVID-19 positive patients within their intensive care units; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the County’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of Sedgwick County, requiring that masks or other face coverings be worn as indicated in this Order is a measure that can be taken to slow and reduce the spread of COVID-19.

NOW, THEREFORE, BE IT ORDERED pursuant to the above authorities that:

Section I. Definitions

As used within this Order, the following terms shall have the following meanings:

1. “Business or organization”, whether the terms are used together or individually, within this Order means any person, firm, formal business type, or other entity, who solely or jointly along with others, shall be in charge, care, and/or control of the business activity, structure, or premises. As stated within this definition, “any person” includes any owner, manager, employee, or agent of the business or organization.
2. “Mask or other face covering” means a covering of the nose and mouth with two or more layers 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. 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.
3. “Physical barrier” means a partition (e.g., Plexiglas) or a wall that is impervious to air circulation that separates individuals from one another.
4. “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.
5. “Social distancing” means the physical separation of at least 6 feet between one individual and another individual.

Section II. Wearing of Masks or Other Face Coverings.

1. Individuals. Any person within Sedgwick County shall cover their mouth and nose with a mask or other face covering when they are in the following situations:
 - a. Present within any indoor public space;
 - b. While outdoors and in line waiting to enter an indoor public space;
 - c. While outdoors and unable to maintain social distancing at all times, except for infrequent or incidental moments of closer proximity; and
 - d. While riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle.
2. Businesses and Organizations. All businesses and organizations in Sedgwick County must both: (1) make reasonable efforts to inform members of the public as to applicable mask or other face covering requirements, and (2) 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.

“Reasonable efforts to inform members of the public”, as described within Section II.2.(1) may include, but are not limited to, an individual or combined use of signs, greeters, intercoms, and directly addressing unmasked employees or customers.

An exemption to the requirement to wear a mask or other face covering must be expressed to businesses and organizations by employees, customers, members, visitors, and members of the public as an affirmative exception to the requirement. The mere existence of possible exemptions to the requirement to wear a mask or other face covering in no way releases a business or organization from its duty to ensure individuals are complying with the aforementioned requirement to wear a mask or other face covering.

- 3. Exemptions. The following individuals are exempt from wearing masks or other face coverings in situations described in Sections II.1 and II.2.:
 - a. Children age two years and under;
 - 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 actively engaged in eating food or drinking a beverage;
 - g. Athletes who are actively engaged in an organized sports activity or individuals who are actively participating in strenuous exercise;

- h. Persons who are engaged in an activity that a professional association, regulatory entity, medical association, or other public health-oriented entity (with any of the aforementioned entities or associations having been recognized by the Local Health Officer) 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 barriers between them and any other persons;
- l. Voters at election polling places; and
- m. Individuals who are actively speaking in front of an audience of other individuals, including at a religious institution, wedding, funeral, an open meeting of a political or taxing subdivision, or as a member of a political or taxing subdivision during an open meeting, provided that such individual speaking has at least 6 feet of social distancing from other individuals or is separated from other individuals by a physical barrier. These individuals are still encouraged to wear a mask or other face covering.

Section III. Potential Subsequent Action. The Board of County Commissioners may review, amend, or revoke this Order at any time.

Section IV. 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 V. Effective Date; Conclusion. This Order is effective upon approval by the Board of County Commissioners, and shall remain in effect through 11:59 P.M. on the 22nd day of September, 2021, unless it is subsequently amended or revoked.

This Order has been proposed on this 20th day of August, 2021 by the Sedgwick County Local Health Officer.



Garold Minns
Sedgwick County Local Health Officer, M.D.

The Board of County Commissioners has approved this Order.

Commissioners present and voting were:

PETER F. MEITZNER	_____
SARAH LOPEZ	_____
DAVID T. DENNIS	_____
LACEY D. CRUSE	_____
JAMES M. HOWELL	_____

Dated this _____ day of _____, 2021.

**BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS**

PETER F. MEITZNER, Chairman
Commissioner, First District

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

SARAH LOPEZ
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District