



State of Utah

GARY R HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

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

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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, 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, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued the President's Coronavirus Guidelines for America to help protect Americans during the COVID-19 pandemic;

WHEREAS, on March 27, 2020, Governor Herbert issued the Governor's "Stay Safe, Stay Home" Directive, to help protect Utahns during the COVID-19 pandemic;

WHEREAS, consistent with the President's Coronavirus Guidelines for America and the Governor's "Stay Safe, Stay Home" Directive, state and local authorities, including the Utah Department of Health ("Department") and local health departments, have issued guidelines and orders to prevent the continued spread of COVID-19;

WHEREAS, the number of COVID-19-related deaths and diagnosed cases in Utah continues to rise;

WHEREAS, Executive Order 2020-1 recognizes the need for state and local authorities, and the private sector to cooperate to slow the spread of COVID-19.

Based on the foregoing, in accordance with the authority vested in me as the 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 that 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:

1. Self Isolation and Quarantine.

- a. “Self isolation or quarantine notice” means any instruction, guideline, or order from the local health department regarding an individual who tests positive for COVID-19 or who is exposed to an individual who tests positive for COVID-19.
- b. The following individuals shall comply with a self isolation or quarantine notice:
 - i. an individual who tests positive for COVID-19;
 - ii. an individual who is exposed to an individual who tests positive for COVID-19; and
 - iii. an individual who is a member of the same household or residence of an individual who tests positive for COVID-19.
- c. An isolation or quarantine order issued pursuant to Utah Code Title 26, Chapter 6 or 6b, by a local health department concerning a specific individual supersedes Subsection (1)(b).

2. **Food Service Establishments.** Each food service establishment, as defined in this Order, shall close to members, guests, patrons, customers, and the general public, except as permitted on a limited basis subject to the following requirements and restrictions:

- a. “Food service establishment” means:
 - i. a restaurant, self-serve buffet, salad bar, unpackaged self-serve food service, bar, tavern, nightclub, private liquor club, or saloon; or
 - ii. a hotel with an on-premise or attached restaurant, self-serve buffet, salad bar, unpackaged self-serve food service, bar, tavern, nightclub, private liquor club, or saloon; or
 - iii. a convenience store that sells a hot food item or a self-serve drink.
- b. A food service establishment may not:
 - i. provide dine-in food service, including dine-in food service provided outside the food service establishment (i.e., outdoor seating);
 - ii. admit a member, guest, patron, or customer inside the food service establishment except to allow the member, guest, patron, or customer to order, pick up, or pay for food, except that this Subsection (1)(b)(ii) does not apply to a convenience store; or
 - iii. if the food service establishment is a hotel, serve a complimentary meal other than a prepackaged, take-out meal that is eaten in an area other than a common area of the hotel.

c. A food service establishment may:

- i. provide drive-through food service;
- ii. provide take-out or curbside pick-up food service;
- iii. provide food delivery service; and
- iv. utilize a third-party food delivery service, including DoorDash or UberEats, except as otherwise prohibited or restricted by the local health department in coordination with the Department.

d. A food service establishment shall:

- i. clean each high-touch surface area of the food service establishment using any best practices issued by the Department or the local health department;
- ii. ensure that an employee who handles cash or a credit card during the course of business uses cleansing measures between each transaction, including using any best practices issued by the Department or the local health department;
- iii. prohibit an employee who handles cash or a credit card during the course of business from participating in food preparation, handling, or delivery without first using cleansing measures, including using any best practices issued by the Department or the local health department;
- iv. ensure that a manager or supervisor, or another employee if no manager or supervisor is available, checks each employee on a daily basis and at the beginning of the employee's shift for any symptom of illness consistent with COVID-19;
- v. prohibit an employee who presents any symptom of illness consistent with COVID-19 from being physically present on the premises of the food service establishment; and
- vi. restrict a gathering or line formation in or around the physical premises of the food service establishment of individuals who are not employees of the food service establishment as follows:
 - A. if a gathering or line formation can be reasonably avoided, by prohibiting a gathering or line formation of any number of individuals; or
 - B. if a gathering or line formation cannot be reasonably avoided, by requiring each individual in a gathering or line to maintain a physical distance of at least six feet from any other individual, unless that individual is a member of the

same household or residence, or the individuals are separated by a physical barrier capable of preventing the transmission of respiratory droplets.

- e. An employee of a food service establishment may not:
 - i. participate in food preparation, handling, or delivery if the employee handles cash or a credit card during the course of business unless the employee first uses cleansing measures, including including using any best practices issued by the Department or the local health department; or
 - ii. be physically present on the premises of the food service establishment if the employee presents any symptom of illness consistent with COVID-19.
- f. An employee of a food service establishment who handles cash or a credit card during the course of business shall use cleansing measures between each transaction, including using any best practices issued by the Department or the local health department.

3. **Food Delivery Services.**

- a. An employee of a third-party food delivery service or food service establishment that provides food delivery may not:
 - i. engage in physical contact with a customer during a food delivery; or
 - ii. participate in food preparation, handling, or delivery if the employee presents any symptom of illness consistent with COVID-19.
- b. An employee of a third-party food delivery service or food service establishment that provides food delivery shall use cleansing measures between each delivery, including using any best practices issued by the Department or the local health department.

4. **Long-term Care Facilities.** Access to long-term care facilities shall be governed by the guidance issued by the Centers for Medicare and Medicaid Services, Center for Clinical Standards and Quality.

5. **Enforcement.** The Department or the local health department shall immediately close all business activity at any establishment that knowingly violates any provision of this Order or an order of the local health department.

In addition to the above orders, I make the following recommendations, which are not enforceable by law but are effective in reducing the spread of COVID-19. These recommendations supplement, but do not replace, the Governor's "Stay Home, Stay Safe" Directive and any other orders issued by state or local authorities.

1. **Recommendations for Individuals.**

- a. Individuals should avoid the following businesses and services: hair, nail, and eyelash salons; barber shops; waxing and electrolysis providers; day spas and estheticians; permanent makeup; eyebrow threading; body art facilities, including tattoo and piercing parlors; massage and tanning services; swimming pools and splash pads; aquariums, zoos, aviaries, and museums; playgrounds and recreational centers; arcades, bowling alleys, and movie theaters; gyms and fitness centers; theatres and performance venues; indoor play centers; and social clubs.
- b. Individuals should limit the number of members of the same household or residence who enter any place of public access at a given time to the fewest number practicable.

2. **Recommendations for Businesses.**

- a. Businesses should review and implement best practices regarding customer payments and transactions, including:
 - i. encouraging customers to order and pay for goods or services using online or telephonic credit card transactions, or mobile payment services, including Apple Pay, Google Pay, Squarecash, or Venmo;
 - ii. limiting cash transactions; and
 - iii. requiring employees who handle cash or credit cards during the course of business to use cleansing measures between transactions, including using best practices issued by the Department.
- b. Businesses should review and implement best practices regarding employee and customer health and screening, including:
 - i. requiring a manager or supervisor to screen each employee, on a daily basis and at the beginning of the employee's shift, for any symptom of illness consistent with COVID-19;
 - ii. prohibiting an employee who presents any symptom of illness consistent with COVID-19 from being physically present on the premises of the business; and
 - iii. prohibiting a member, guest, patron, or customer who presents any symptom of illness consistent with COVID-19 from being physically present on the premises of the business.

3. **Recommendation for Local Health Departments.** Local health departments should coordinate with local businesses and appropriate industry associations to establish orders and recommendations that will govern food and beverage service providers and other businesses upon the termination of this Order.

4. **Recommendation for Local Prosecutors.** The purpose of this Order is to protect individuals' health and not to hold them criminally liable. Prosecutors should exercise discretion when making any charging decisions due to a violation of this Order.

This Order supersedes the order issued by the Department on March 21, 2020.

Duration. This Order is declared and effective immediately and expires at 11:59 p.m. on April 15, 2020, unless further extended, or until otherwise modified, amended, rescinded, or superseded.

Made at 3:00 P.M. this 1st day of April, 2020

Joseph K. Miner, MD

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