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**TOOELE COUNTY HEALTH DEPARTMENT  
IN AND FOR TOOELE COUNTY UTAH**

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In the matter of:

COVID-19 Pandemic within Tooele County Utah

**PUBLIC  
HEALTH ORDER**

Order No.: 2021-01

Date: September 2, 2021

Legal Authority: Utah Code §26A-1-114

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Utah Code § 26A-1-106(2) provides that “regulations or standards relating to public health or environmental health services adopted or established by a local health department may not be less restrictive than [State Department of Health orders].”

Utah Code § 26A-1-114 permits the local health department to declare a public emergency and issue an order of constraint after notice to the chief executive officer of the relevant county before issuing the order of constraint.

COVID-19 is a contagion that spreads from person to person. The Health Officer for Tooele County, Utah recognizes the need for the public to continue to work cooperatively and proactively to slow the spread of COVID-19 and to address the myriad challenges that may arise due to COVID-19. The Health Officer finds that this need is especially present in K-12 schools.

The Health Officer finds COVID-19 poses a continuing and immediate threat to the public health of Tooele County residents and visitors. The Delta variant of the COVID-19 virus is the dominant strain actively circulating in Tooele County and is more contagious than the original virus and other variants. Tooele County is now exceeding the thresholds set in March 2021 by the Utah Legislature in House Bill 294, which terminated all public health orders related to COVID-19 upon the occurrence of three events, only two of which remain relevant. From May 26, 2020, through August 26, 2020, there were a total of 82 K-12 age group cases of COVID-19 in Tooele County. During the same time period in 2021, there have been 297 cases in the K-12 age group, a 262% increase from last year. In the last year there has been 17, K-12 COVID-19 hospitalizations. At the current rate of growth, we estimate to have 45 hospitalizations for this school year in this age group.

Currently, Tooele County is in a High Level of Transmission under criteria separately established by the State of Utah and the Centers for Disease Control and Prevention (CDC). As of September 2, 2021, Tooele County has a 12.9% positivity rate, and a case rate of 711 per 100,000 population. Statewide, Utah hospitals have an 88.5% total intensive care unit (ICU) utilization rate, with 34.9% ICU COVID19 utilization. The Mountain West Hospital is at 100%

ICU utilization with 75% being COVID patients. As such, Mountain West Hospital has experienced difficulty in providing beds for incoming ICU patients. The Health Officer finds that COVID-19 presents a continuing threat to children who are not eligible for vaccinations. According to a report by the American Academy of Pediatrics, as of August 26, 2021, “nearly 4.8 million children have tested positive for COVID-19 since the onset of the pandemic. Almost 204,000 cases were added the past week; a fivefold increase in the past month.

In Tooele County, there are 11,883 children under 12 years of age who account for 16.4% of the population. These children are not eligible to receive the approved vaccine or any of the emergency use vaccines. For youth 12 to 18 only 36% are fully vaccinated in Tooele County, only 53% of the population eligible for vaccination is fully vaccinated, well below the proportion level necessary to achieve herd immunity (80-90%). School districts around the US, who have returned to in-person classes have reported significant increases in COVID-19 cases. Tooele schools have been open for one week, there is a 47% increase in the number of cases compared to the same time last year.

Under House Bill 1007, the Utah Legislature prohibited a Local Education Association (LEA), an LEA governing board, the Utah Board of Education, the Utah State Superintendent of Public Instruction, or any school district from issuing a mask mandate requirement. In Tooele County, the superintendent supports a public health order to require their students, faculty, and staff to wear masks.

Multisystem Inflammatory Syndrome in Children (MIS-C) is a condition where different body parts can become inflamed, including the heart, lungs, kidneys, brain, skin, eyes, or gastrointestinal organs. While the causes of MIS-C are unknown, many children diagnosed with COVID-19 also experienced MIS-C. MIS-C can be deadly, and children diagnosed with it may suffer severe long-term effects.

Utah Senate Bill 107 requires a school to implement Test to Stay. Schools with 1,500 or more students are required to implement Test to Stay when 2% of their students test positive for COVID-19 within the previous 14 days. Additionally, schools with fewer than 1,500 students that have 30 students test positive for COVID-19 within the previous 14 days. When a school meets the Test to Stay thresholds, the LEAs in consultation with the local health department will offer testing for all students.

Numerous studies have shown that wearing masks in school significantly decreases the spread of COVID-19 for indoor school settings. The CDC has reported that “most studies that have shown success in limiting transmission in schools” involved “prevention strategies” that included requiring “staff only or staff and students” to wear masks. Although the Tooele County Health Department continues its efforts to vaccinate all eligible residents, no COVID-19 vaccine is yet approved for children under the age of 12. With the spread of the COVID-19 Delta variant and case rates rapidly increasing, Tooele County is at a critical juncture in this pandemic. The Health Officer concludes that requiring students to wear masks once the Test to Stay threshold has been reached in a school will help mitigate further widespread transmission of COVID-19. This will help keep these students and their families safe.

Furthermore, the Health Officer has met the obligation under Utah Code § 26A-1-114(7) by providing 24-hour notice to the Tooele County Manager of his intent to issue this Public Health Order of Constraint.

**THEREFORE, PURSUANT TO UTAH CODE § 26A-1-114, BE IT HEREBY ORDERED BY JEFF COOMBS, HEALTH OFFICER OF THE TOOELE COUNTY HEALTH DEPARTMENT, AS FOLLOWS:**

**Section 1.** The intent of this Public Health Order of Constraint is to ensure a coordinated implementation of practices to slow the transmission of COVID-19 amongst K-12 age children once a school reaches the Test to Stay Threshold as identified in SB 107.

**Section 2.** Face coverings are mandatory for 30 days in schools that reach the Test to Stay threshold. All students attending kindergarten through grade 12 at a public, charter, or private school in Tooele County, shall be required to wear a face covering that completely covers the nose and mouth when in any indoor area of the premises, on school-provided transportation, or attending an indoor school-sponsored activity for 30 days.

**Section 3.** General Face Covering Exceptions.

A. Notwithstanding any other provision of this Order, an individual required to wear a face covering may remove the face covering in the following situations:

1. while outdoors;
2. while actively eating or drinking, provided the individual remains in place while eating or drinking;
3. while alone or only with other members of the same household in a room, cubicle, school-provided transportation, or similar enclosure;
4. when communicating with an individual who is deaf or hard of hearing if:
  - a. communication cannot be achieved through other means; and
  - b. the speaker wears a face shield or uses alternative protection such as a plexiglass barrier;
5. while obtaining or providing a service that requires the temporary removal of the face covering, such as speech therapy services;
6. while actively performing as an athlete at a school-organized or -sponsored athletic event;
7. while giving an educational, artistic, cultural, musical, or theatrical presentation or performance at a school for an audience;

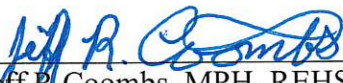
8. while exercising or engaging in athletic training while indoors and maintaining at least six feet of physical distance from any other individual.

B. Notwithstanding any other provision of this Order, the following individuals are exempt from the face covering requirements:

1. an individual who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance;
2. an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a face covering; and
3. an individual who has an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act, 20 U.S.C. § 1414, or an accommodation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, that would necessitate exempting the individual from wearing a face covering.

**Section 4.** This Public Health Order takes effect at 7:00 a.m. on September 3, 2021, and will remain in effect until 7:00 a.m. on October 3, 2021, unless extended, rescinded, superseded, or amended in writing, or otherwise as warranted.

**BY ORDER OF THE HEALTH OFFICER OF THE TOOELE COUNTY HEALTH DEPARTMENT.**

  
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Jeff R. Coombs, MPH, REHS  
Executive Director/Health Officer  
Tooele County Health Department

  
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Mayor Brent Marshall  
Chairman  
Tooele County Board of Health

Date: September 2, 2021