

# PUBLIC HEALTH ORDER

Effective November 6, 2020

**WHEREAS**, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person and that there is currently no approved vaccine or antiviral treatment for this disease;

**AND WHEREAS** that on March 7, 2020, the first confirmed case occurred in Kansas, and on March 22, 2020, the Lyon County Health Department identified the first two positive cases of COVID-19 in Lyon County;

**AND WHEREAS**, on March 12, 2020, the State of Kansas declared a state of emergency pursuant to K.S.A. § 48-924 *et seq.*, and on March 15, 2020, the Board of County Commissioners of Lyon County, Kansas issued its disaster resolution;

**AND WHEREAS**, K.S.A. § 65-126 requires county board of health and or the local health officer to “properly isolate and quarantine infectious or contagious diseases and persons afflicted with or exposed to such diseases as may be necessary to prevent the spread thereof”;

**AND WHEREAS**, Lyon County currently has 191 active cases, as of November 4, 2020;

**AND WHEREAS**, pursuant to the authority provided in K.S.A. §§ 65-119; 65-129b; 65-202; and 2020 H.B. 2016; and other applicable laws and regulations, this order is issued to limit further community spread of the aforesaid virus and in preparation and consideration of the upcoming academic year;

**NOW THEREFORE**, the Lyon County Board of Health, in consultation with the duly-appointed Lyon County Health Officer, have determined this order is necessary to control the potential spread of coronavirus (COVID-19) within Lyon County, Kansas and to supplement all valid orders of the Governor regarding such potential spread.

**IT IS THEREFORE ORDERED** the following actions shall be taken immediately, and this order supersedes any orders previously issued, with the exception of any continued prohibitions or restrictions ordered herein, and this order supplements all valid orders of the Governor.

## ***Section One:***

### **A. GUIDANCE FOR INDIVIDUALS**

The Lyon County Board of Health hereby adopts the following guidance for individuals.

1. 1. Masks: Effective November 6, 2020, any person in Lyon County shall cover their mouth and nose with a mask or other face covering when they are in the following situations:
  - a. Inside, or in line to enter, any indoor public space;
  - b. Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;

- c. Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle;
- d. While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

Unless directed otherwise by a healthcare provider.

2. Also effective, November 6, 2020 all businesses or organizations in Lyon County must 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 are working in any space where food is prepared or packaged for sale or distribution to others;
- c. Employees are working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- d. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
- e. Employees are in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.

3. The following are exempt from wearing masks or other face coverings in the situations as described herein:

- a. Children aged 5 years and under. Note: Children aged two years and under in particular should not wear a face covering because of the risk of suffocation;
- 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 deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, 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 who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity; Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
- g. Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
- h. Persons engaged in an activity or event held or managed by the Kansas Legislature;
- i. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
- j. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.
- k. As currently permitted pursuant to state law, the Attorney General, county attorneys, and district attorneys enforcing this order should use their discretion and consider the totality of the circumstances as they determine appropriate enforcement actions.

*As used in this public health order, the word “mask” is defined as: a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face, where such covering completely covers the nose and mouth of the individual. A mask or other face covering can be made of a variety of materials, including plastic, cotton, silk, or linen. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.*

2. Social Gatherings: Individuals should avoid socializing in person with groups of individuals in both indoor and outdoor settings, where circumstances that do not allow for social distancing between individuals or groups with only infrequent or incidental moments of closer proximity.

3. High-Risk Individuals: (who are defined as those with underlying medical conditions, including, chronic lung disease, asthma, heart conditions, severe obesity, chronic kidney disease, liver disease, or otherwise immunocompromised) may continue public interactions but should practice physical distancing and minimize exposure to large social settings when precautionary measures may be difficult.

4. Travel: Individuals may engage in nonessential travel but should follow KDHE travel and quarantine guidelines for travel to high-risk areas.

## B. SOCIAL DISTANCING

1. People should socially distance from one another.

*For the purposes of this order, “social distancing” is redefined as follows: maintaining at least 6 foot physical distance from every other person (not including those persons living with you) present at a location for a duration of longer than ten minutes, washing hands with soap and water for at least twenty seconds as frequently as possible (or using hand sanitizer), covering coughs or sneezes (into the sleeve or elbow, not into the hands), regularly cleaning high-touch surfaces, and not shaking hands.*

## C. GATHERINGS

*For the purposes of this order “gatherings” are defined as any planned or spontaneous, public or private event, or convening, in which individuals (not including individuals who reside together or are family) are in one location for periods longer than ten minutes.*

1. Outdoor and indoor entertainment venues shall be permitted to operate as long as they comply with mass gatherings requirements within Section 2 of this order (below) and the total number of attendees for the venue does not exceed 45 people. The Local Health Officer may grant an exception to the 45-person attendance limit pursuant to Health Officer approval of a written plan from the venue.

2. Groups of people may gather provided:

- a. that groups of up to 10 people may congregate provided they maintain a distance of 6-feet from other groups, and
- b. practice KDHE-recommended hand hygiene.

### ***Section Two:***

#### A. BUSINESS RESTRICTIONS.

1. All businesses and locations are required to take proactive measures to ensure compliance with Recommended Business Practices as published by the Centers for Disease Control and industry-specific guidance by trade groups. Nothing in this order shall be interpreted to require that any business or location open if they choose not to.

#### B. PROTECTIONS FOR RESIDENTS OF LONG-TERM CARE FACILITIES.

1. A long-term care facility must report the presence of a COVID-19-affected resident to their local health department within 24 hours of identification.

2. A long-term care facility must transfer a COVID-19-affected resident who is medically unstable to a hospital for evaluation.

3. A long-term care facility shall prohibit all visitors until further order of the Lyon County Board of Health or the Health Officer.

*For the purposes of this order “Long-term care facility” means a nursing home, home for the aged, adult foster care facility, or assisted living facility.*

### ***Section Three:***

Enforcement of the provisions of this order shall be under K.S.A. §§ 65-129b *et seq.*, as amended.

### ***Section Four:***

This order is effective upon passage and signing and shall remain in effect until January 14, 2021, or until amended, superseded, or rescinded by the Board of County Commissioners of Lyon County, Kansas, sitting as the Board of Health.

**IT IS SO ORDERED.**

**DATED THIS 5th DAY OF NOVEMBER 2020.**

SITTING AS THE LYON COUNTY BOARD OF HEALTH PURSUANT TO K.S.A. § 65-201

THE BOARD OF COUNTY COMMISSIONERS  
OF LYON COUNTY, KANSAS



  
\_\_\_\_\_  
Rollie Martin, Chairman

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Dan Slater, Vice-Chairman

  
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Scott Briggs, Commissioner

ATTEST:

  
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Tammy Vopat, County Clerk