

## ORDER OF BIG HORN COUNTY PUBLIC HEALTH OFFICER

### No. 2020-5

WHEREAS, the Montana Department of Public Health and Human Services (DPHHS) recognizes COVID-19 as a threat to the residents of Montana; and

WHEREAS, response plans and protocols have been activated to prepare for cases of COVID-19 in Big Horn County, Montana; and

WHEREAS, the Montana DPHHS, local health departments, health and medical departments and local jurisdictions have activated response plans and protocols to prepare for the arrival of the virus in Montana; and

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interests of the State of Montana, Big Horn County and its people as set forth in the Board of Big Horn County Commissioners' Emergency Proclamation Resolution No 2020-7, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BIG HORN COUNTY, MONTANA PROCLAIMING AN EMERGENCY RESULTING FROM THE IMMINENT THREAT OF A DISASTER CAUSING IMMEDIATE PERIL TO LIFE OR PROPERTY THAT TIMELY ACTION CAN AVERT OR MINIMIZE; and

WHEREAS Administrative Rule of Montana 37.114.102 LOCAL BOARD RULES provides:

1. A local board of health may adopt rules for the control of communicable diseases, if such rules are as stringent as and do not conflict with the requirements of this chapter.

Therefore, no rules, regulations or orders of the local board of health are needed for the Local Health Officer to issue Orders

WHEREAS, Montana Code Annotated § 50-2-118 provides:

**50-2-118. Powers and duties of local health officers.** In order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:

- (1) make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the condition;
- (2) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events;

(3) report communicable diseases to the department as required by rule;

(4) establish and maintain quarantine and isolation measures as adopted by the local board of health; and

(5) pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated.

WHEREAS, based upon the foregoing the local health officer should institute her authority to close buildings and facilities to prevent the spread of COVID-19 to the County of Big Horn, Montana and take steps to limit contact between people; and

WHEREAS on 20<sup>th</sup> day of March 2020, at 10:44 a.m. the local health officer issued Order of Big Horn County Public Health Officer 2020-1 [hereinafter Order 1] pursuant to Title 50, Chapter 2, Part 1, specifically but not limited to Montana Code Annotated § 50-2-118, that was effective beginning 5:00 p.m. local time on Friday, March 20, 2020, for a period of time up to and through 12:01 a.m. local time March 28, 2020, unless extended by further order; and

WHEREAS, the situations set forth above did not reach conclusion and in fact have become more exacerbated, by way of example, but not limitation the number of persons in the State of Montana who have been diagnosed with COVID-19 has risen since the implementation of Order 1 on the 20<sup>th</sup> day of March 2020 at 10:44 a.m.; and

WHEREAS, on March 26, 2020, the Governor of the State of Montana, Steve Bullock issued a Directive Implementing Executive Orders 2-2020 and 3-2020 providing measures to stay at home and designating certain essential functions which provided in part: “This Directive is in effect statewide in Montana. In the interest of uniformity of laws and to prevent the spread of disease, all inconsistent emergency county health ordinances are preempted by this Directive, but only to the extent they are less restrictive. Counties may adopt more restrictive ordinances.”; and

WHEREAS on 27<sup>th</sup> day of March 2020, at 10:25 a.m. the local health officer issued Order of Big Horn County Public Health Officer 2020-2 [hereinafter Order 2] pursuant to Title 50, Chapter 2, Part 1; and

WHEREAS Order 2 provided in part: “IT IS HEREBY FURTHER ORDERED that this Order may be revised, updated, amended, changed or revoked in whole or in part at any time.”; and

WHEREAS changing circumstances, including, but not limited to the Governor of the State of Montana on March 30, 2020, issuing his Directive Implementing

Executive Orders 2-2020 and 3-2020 and providing mandatory quarantine for certain travelers arriving in Montana from another state or country; another adjacent county reporting a case of COVID-19; and reported cases of COVID-19 continuing to rise in Montana;

WHEREAS by this Order the Public Health Officer is recommending that all persons in authority (by way of example but not limitation, employers, clergy, government officials, elders and camp criers) consider advocating the carrying and use of non-medical grade “face coverings” for everyone when outside of the home and within 6 feet of others. If homemade masks can be created to meet medical standards those are recommended, but commercially available medical grade masks should be saved for the use of medical providers; and

WHEREAS the Local Board of Health has adopted QUARANTINE AND ISOLATION MEASURES;

WHEREAS Order of Big Horn County Public Health Officer 2020-3 [hereinafter Order 3] was adopted on April 10, 2020 at 9:40 a.m. and which provided in part: “IT IS HEREBY FURTHER ORDERED that this Order may be revised, updated, amended, changed or revoked in whole or in part at any time.”

WHEREAS Order of Big Horn County Public Health Officer 2020-4 [hereinafter Order 4] was adopted on April 17, 2020 at 10:30 a.m. and which provided in part: “IT IS HEREBY FURTHER ORDERED that this Order may be revised, updated, amended, changed or revoked in whole or in part at any time.”

WHEREAS the Governor of the State of Montana on April 22, 2020, issued a Directive implementing Executive Orders 2-2020 and 3-2020 and providing guidance for the phased reopening of Montana and establishing conditions for Phase One [hereinafter Phase One Directive];

NOW THEREFORE IT IS HEREBY ORDERED that Order 4 is revoked immediately upon the signing this Order, which is denominated Order 2020-5.

IT IS FURTHER ORDERED that:

- A. All persons traveling into Big Horn County, Montana from out of state for non-work related purposes, including but not limited to those traveling to stay in a non-primary residence must self-quarantine in their lodging for a minimum of 14 consecutive calendar days from the date of their arrival in Big Horn County, Montana or until they leave Big Horn County, whichever is sooner. This shall apply to any person who intends to stay in Big Horn County more than 24 hours or who does stay in Big Horn County more than 24 hours.

Any person who has already arrived in Big Horn County, Montana from out of state for a non-work related purpose before the date of this Order must immediately self-quarantine for the remainder of a 14-day period beginning on the date of their arrival in Big Horn County, or until their departure from Big Horn County, whichever is sooner.

These self-quarantine restrictions do not apply to:

1. public health workers;
2. public safety workers; or
3. or healthcare workers who are traveling to Big Horn County to work in the person's licensed healthcare profession.

In addition to these restrictions, all persons shall also comply with the requirements of all other Executive Orders and Directives issued by the Governor of the State of Montana, provided, however if the restrictions in the Directives issued by the Governor of the State of Montana are less restrictive than the restrictions in this Order, then the restrictions in this Order shall apply.

Regardless of when a person arrives in Big Horn County, Montana, if a person has had close contact with a person who has tested positive for COVID-19 or with a person for which there is a strong suspicion that the person has COVID-19 that person is to self-quarantine for 14 consecutive calendar days to see if they become sick. If a person leaves Big Horn County, Montana and then returns the period of self-quarantine shall begin anew.

- B. A person known to be infected with COVID-19 or if there is a strong suspicion that a person has COVID-19 such person, immediately upon arrival in Big Horn County, Montana, shall report, verbally or in writing, to Office of the Local Health Officer. Such person is to be immediately isolated for 14 consecutive calendar days at a location deemed suitable by the Office of the Local Health Officer. The Office of the Local Health Officer may direct such person to be examined by a physician licensed in Montana of the Office of the Local Health Officer's choosing. Such examination may be paid for by the Local Board of Health.

The Local Health Officer shall investigate sources of the infection.

Any person who refuses examination or treatment shall be isolated until such time as the Local Health Officer makes a judgment that releasing the person from isolation would not endanger others.

**Phase One A**

- Employees at all businesses would be required to have their temperature checked before starting work. If it is above 100.0 they may not work for 8 hours at which time their temperature could be rechecked. If their shift is longer than 8 hours their temperature would have to be rechecked at that time. A temperature log will need to be kept, and be available for the public health department to review if necessary.

If conditions 1, 2, and 3, in this Clause F, are met, Big Horn County will then proceed to Phase One B effective May 4, 2020, at 12:01 a.m. local time:

### **Phase One B**

- All bullet points from Phase One A will continue, and the following changes will also apply:
- Dine-in restaurants, barber shops, salons, and massage therapy businesses may reopen but will have to practice social distancing and follow strict sanitation guidelines. Restaurants would be limited to operations at no greater than 50% capacity or no greater than 50% seating capacity whichever is less. Groups of up to 6 people could be seated if they all arrive and leave together. Restaurants would need to abide by separate guidelines for retail food establishments, which includes all patrons being out of said establishment at or before 11:30 p.m. local time.
- Self-service food bars and dining counters remain closed.
- Bars and casinos may reopen, would be limited to operations at no greater than 50% capacity or no greater than 50% seating capacity whichever is less. They would have to demonstrate ability to enforce social distancing, and to follow strict sanitation guidelines. People would not be allowed to sit at the bar, gaming machines have to be restricted to 6 feet apart (may have to keep every other machine inactive). They would need to abide by the separate guidelines for retail food establishments, which includes all patrons being out of said establishment at or before 11:30 p.m. local time.
- Prior to reopening bars, casinos, and dine-in-restaurants must enter into a Reopening Plan, the template of which is attached hereto as Exhibit "A" and by this reference made a part hereof as if set forth in full, be issued an Approval, a template of which is attached hereto as Exhibit "B" and by this reference made a part hereof as if set forth in full and an Explanatory Letter, a template of which is attached hereto as Exhibit "C" and by this reference made a part hereof as if set forth in full. It is the intent of this Order that bars, casinos,

and dine-in-restaurants may not reopen until the later of May 4, 2020, at 12:01 a.m. or a Reopening Plan is approved.

- Lodges, shuttle services, long-term rental units (such as VRBO, Home Away, and Airbnb), private campgrounds and private parks could reopen, but would have to abide by strict sanitation and social distancing requirements.
- Places of assembly other than places where religious services are held, including but not limited to bowling alleys, movie theaters, music halls, bingo halls, gyms, pools, and public hot tubs will remain closed.

- G. Nothing in this Order shall be deemed to limit the power of the Local Health Officer under Federal or State Law, including but not limited to those powers found under Title 50 of the Montana Code Annotated or Title 37 of the Administrative Rules of the State of Montana.
- H. This Order is in conformance with the Directive of the Governor which allows counties to adopt stricter standards.
- I. Unless extended, this order shall be effective immediately upon signing, until 12:01 a.m. Monday, May 11, 2020.

IT IS HEREBY FURTHER ORDERED that this Order may be revised, updated, amended, changed or revoked in whole or in part at any time.

Penalties for violation of this Order may include, but are not limited to the closing of any establishments that had been allowed to re-open under this Order.

To the extent order is more restrictive, this Order supplements any Orders or Directives of the State of Montana or the United States Government regarding the COVID-19 virus.

Done and Dated at Hardin, MT this 24<sup>th</sup> day of April 2020 at 9:45 a.m.



Carolyn Greimann, M.D.  
Public Health Officer for Big Horn County, Montana  
809 N Custer Avenue  
Hardin, MT 59034  
(406) 665-8720  
[publichealth@bighorncountymt.gov](mailto:publichealth@bighorncountymt.gov)

**SEE MONTANA CODE ANNOTATED TITLE 50 CHAPTER 2 PART 1 and ADMINISTRATIVE RULES OF MONTANA 37.114.102**

**ACTION OF BIG HORN COUNTY HEALTH BOARD**

I hereby certify that this **ORDER OF BIG HORN COUNTY PUBLIC HEALTH OFFICER** was duly approved by the Big Horn County Health Board to further implement public health laws with a vote of 5 in favor, 0 opposed, and 0 abstaining and that a quorum was present on this 24<sup>th</sup> day of April, 2020.

  
Chairman of Health Board



## APPLICATION FOR RE-OPENING

### REQUIREMENTS FOR MONTANA RETAIL FOOD, LIQUOR, AND GAMING SERVICE ESTABLISHMENTS TO REOPEN DURING COVID19 PANDEMIC – BIG HORN COUNTY, MONTANA

ESTABLISHMENT NAME: \_\_\_\_\_

OWNER/OPERATOR: \_\_\_\_\_ LICENSE NUMBER: \_\_\_\_\_

**PLEASE INITIAL EACH ITEM BELOW INDICATING YOUR UNDERSTANDING OF THE REQUIREMENTS.**

PLAN TO INCREASE THE DISTANCE BETWEEN PATRONS OR GROUPS OF PATRONS TO AN ACCEPTABLE DISTANCE:

THERE MUST BE TANGIBLE EVIDENCE OF ACTIONS TO OPTIMIZE THE DISTANCE BETWEEN PARTONS OR GROUPS OF PATRONS.

EXAMPLES OF ACCEPTABLE ACTIONS TO MEET THIS REQUIREMENT INCLUDE, BUT ARE NOT LIMITED TO:

- Removing half or more tables from a dining area and spreading remaining tables throughout the available seating space.
- Removal of chairs from every other table.
- Blocking entrance to every other booth (e.g., by visible tape).
- Affixing a sign on every other table or booth stating clearly that it is closed and not available for patrons' use.
- No table may accommodate more than ten (ten) patrons and tables cannot be combined to accommodate more than ten (10) patrons.
- For bar areas, physically making two bar stools unavailable between every available bar stool (e.g., remove seats or affix an object large enough to make the seat unusable).
- For gaming areas, disabling machines to allow at least six (6) feet between players.
- Plans and processes are in place to limit waiting areas to no more than ten (10) people.

EXAMPLES OF UNACCEPTABLE ACTIONS TO MEET THIS REQUIREMENT INCLUDE BUT ARE NOT LIMITED TO:

- A sign or statement to the effect of "We will seat patrons apart from one another" **without definitive action.**
- A sign or statement to the effect of "Please practice social distancing and sit apart from other patrons or groups" **without definitive action.**
- Closing one section of the establishment but keeping the same concentration of in-use tables and booths within the section that is open.

**EMPLOYEE ILLNESS REQUIREMENT:**

\_\_\_\_\_ Employees who have a fever (temperature above 100.0), cough, or shortness of breath will not be allowed to work until symptoms are resolved.

**PLAN FOR ENHANCED CLEANING AND DISINFECTING:**

\_\_\_\_\_ There must be an enhanced cleaning and disinfecting plan available to all staff.

\_\_\_\_\_ The plan must include at least the following components.

- Frequency of Cleaning/Disinfecting (e.g., before opening, hourly for gaming machines, after each patron/group of patrons).
- Extent of cleaning (e.g., table tops, chair seats and backs, arm rests, gaming machines).
- Cleaning products including type of cleaning and disinfecting products and type of cleaning cloth used.

\_\_\_\_\_ A plan for limiting self-service operation or buffet-type service must include specific guidelines for the process and frequency of replacing used serving utensils and cleaning/disinfecting surfaces, including "sneeze guards" at the buffet table.

\_\_\_\_\_ There must be a training plan for all existing and new staff on cleaning protocols and use of masks at all time while at work. Records of training must be retained by the owner/operator and be made available to the Health Officer or the Health Officers Designee(s).

**REQUIRED POSTING OF SIGNS/NOTIFICATIONS**

\_\_\_\_\_ All entrances must have a sign provided by the Big Horn County Health Department, placed on every exterior entrance to the establishment that provides general infection prevention messages.

\_\_\_\_\_ A copy of the re-opening plan approval notification from the Health Officer must be placed on every exterior entrance to the establishment.

**ATTESTATION:**

By my signature, on behalf of the establishment identified on this plan, I commit to comply with the plan shown above, as approved by the Big Horn County Health Officer. I acknowledge that failure to comply with the approved plan may result in closure by order of the Health Officer for an indeterminate time.

**PRINT NAME:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**RETURN COMPLETED PLAN TO BIG HORN COUNTY HEALTH DEPARTMENT BY THE FOLLOWING OPTIONS:**

- E-MAIL: [PUBLICHEALTH@BIGHORNCOUNTYMT.GOV](mailto:PUBLICHEALTH@BIGHORNCOUNTYMT.GOV)
- FAX: 406-665-1025
- MAIL-IN OR DROP OFF IN PERSON TO: BIG HORN COUNTY HEALTH DEPARTMENT, 809 NORTH CUSTER AVENUE, HARDIN, MT 59034

4/24/2020

# Approval to Open for In-Facility Services at Restaurants, Bars, and Casinos ,

\_\_\_\_\_  
Establishment Name

\_\_\_\_\_  
Retail Food License Number

This retail establishment has implemented a plan for physical distancing, enhanced cleaning and staff training and has been approved to open for retail food, liquor, and gaming service when the Health Officer's Order for Closure is rescinded or revised to allow in facility service.

\_\_\_\_\_  
Health Officer's Signature

\_\_\_\_\_  
Date of Approval

**Carol S. Greimann MD**  
**Public Health Officer**  
**Big Horn County, Montana**  
**809 N. Custer Avenue**  
**Hardin, MT 59034**  
**406-665-8720**

**Big Horn County Public Health Department**

**809 N. Custer Avenue, Hardin MT 59034**

**Telephone: 406-665-8720**

**Fax: 406-665-1025**

[publichealth@bighorncountymt.gov](mailto:publichealth@bighorncountymt.gov)

Name and Address to be entered here

Date to be entered here

Dear Name to be entered here:

Your plan meets the required guidelines for reopening your establishment for licensed retail food, liquor, and gaming establishments and has been approved.

When the Health Officer's Closure Order is rescinded or revised to allow for in-facility services, you may provide this service under the conditions outlined in your plan.

Please post the enclosed signage "Approval to Open for Retail Food, Liquor, and Gaming In-Facility Service" in a visible location at all entrance doors. The "Stop Germs" signage should be posted at every entrance/exit door. Additional copies of the signage are available at our office.

If you have any questions or concerns please call the Big Horn County Health Department at 406-665-8720.

Carolyn S. Greimann MD  
Public Health Officer for Big Horn County Montana