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IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

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In the matter of:	:	<b>PUBLIC HEALTH ORDER OF</b>
	:	<b>CONSTRAINT</b>
COVID-19 Pandemic	:	
	:	Order No. 2022-1
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	:	Date: January 7, 2022
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Under Utah Code Section 26A-1-114(1)(d), local health departments are vested with authority to establish measures as may be necessary to promote and protect public health and control the spread of disease. Consistent therewith, Utah Code Section 26A-1-106(2) provides that “[r]egulations or standards relating to public health or environmental health services adopted or established by a local health department may not be less restrictive than [Utah Department of Health orders].”

COVID-19 is a contagion that spreads from person to person. The Executive Director of the Salt Lake County Health Department recognizes the ongoing need for Salt Lake County and its residents to continue to work cooperatively and proactively to slow the spread of COVID-19 and to address the myriad challenges COVID-19 has created.

On November 26, 2021, the World Health Organization (“WHO”) declared the new COVID B.1.1.529 variant, named Omicron, a variant of concern due to mutations and preliminary evidence suggesting an increased risk of reinfection and spread across the world, including to the United States.

The WHO and the U.S. Centers for Disease Control and Prevention (“CDC”) have advised all individuals to take measures to reduce their risk of COVID-19, especially the Delta and Omicron variants, including proven public health and social measures such as wearing well-fitting masks, hand hygiene, physical distancing, improving ventilation of indoor spaces, avoiding crowded spaces, and being up to date on COVID-19 vaccinations.

The Omicron variant is far more contagious than the original virus and other variants, as evidenced by the record-breaking and unprecedented surge of COVID-19 cases over the past few weeks. Currently, Salt Lake County’s 7-day average percent positivity rate is nearly 30 percent, an increase of 65 percent from last week, and the 14-day case rate is 1856 cases per 100,000 people, an increase of 161 percent from the previous 14-day period. In addition, the 7-day total ICU utilization rate is at 89 percent, with COVID-19 ICU utilization at 26 percent.

Although COVID-19 vaccines are safe, effective, and widely available, 40 percent of all Salt Lake County residents remain unvaccinated. This high percentage of unvaccinated residents will likely result in additional preventable hospitalizations and further strain Salt Lake County's medical systems, the major source of hospital beds for the entire state.

Respirators, such as KN95s, are a very effective method for reducing the spread of the COVID-19 virus. Studies show that respirators, masks, and face coverings block the release of respiratory droplets into the environment and can also reduce the wearer's exposure to droplets from others because COVID-19 viral particles spread between people more readily indoors and when people are closer together for longer periods of time indoors.

Based on the foregoing, the Executive Director finds that COVID-19 poses a continuing, increasing, and immediate threat to the public health of Salt Lake County residents and visitors.

The Executive Director has met her obligation under Utah Code Section 26A-1-114(7) by providing the required notice to the Salt Lake County Mayor of her intent to issue this Public Health Order of Constraint. Consistent with Utah Code Section 26A-1-114(9), Salt Lake County Mayor Jennifer Wilson has approved issuance of this Order as evidenced by her signature below.

**THEREFORE, PURSUANT TO UTAH CODE SECTION 26A-1-114, BE IT HEREBY ORDERED BY DR. ANGELA C. DUNN, EXECUTIVE DIRECTOR OF THE SALT LAKE COUNTY HEALTH DEPARTMENT, AS FOLLOWS:**

**Section 1.**     **Purpose.** The intent of this Public Health Order of Constraint is to require every individual living within or visiting Salt Lake County, Utah, to wear a respirator (or until you are able to obtain a respirator, a well-fitting mask or face covering as an alternative) in public spaces while indoors or queuing outdoors. All provisions of this Order shall be interpreted to effectuate this intent.

**Section 2.**     **Definitions.**

- A. "Mask" or "Face Covering" is a physical barrier that:
  - 1. Covers the nose and mouth completely, without transparent openings;
  - 2. Is made of synthetic or natural fabrics;
  - 3. Secures under the chin;
  - 4. Fits snugly against the nose and sides of the face; and
  - 5. Does not have an exhalation valve or vent.
  
- B. "Respirators" are physical barriers designed and tested to meet international standards and are labeled to identify the standard they meet. The most widely available respirators that meet an international standard are KN95s. Other examples of respirators include 1st, DL2, DL3, DS2, DS3, FFP2, FFP3, KN100, KP95, KP100, P2, P3, PFF2, PFF3, R95, and Special. Respirators specifically labeled "Surgical" N95 respirators should be prioritized for medical personnel.

**Section 3. Respirators Mandatory.** All individuals over the age of two years who can medically tolerate wearing a respirator (or until you are able to obtain a respirator, any well-fitting mask or face covering), regardless of COVID-19 vaccination status or past COVID-19 infection, must always wear a respirator, mask, or face covering in the following circumstances:

- A. Inside of, or in line to enter, any indoor space, which is open to members of the public, including without limitation, grocery stores, restaurants, hotels, building lobbies, offices, retail stores, school classrooms, and other common or shared spaces where individuals may interact, such as restrooms, hallways, elevators, and meeting rooms;
- B. Obtaining services from the healthcare industry in settings, including without limitation, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless otherwise directed by a healthcare provider;
- C. Employees, staff, or volunteers engaging in work, whether inside at the workplace or performing work off-site, when:
  - 1. Interacting in-person with any member of the public;
  - 2. Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time; and
  - 3. Working in any space where food is prepared or packaged for sale or distribution.

**Section 4. Exemptions.**

- A. Notwithstanding any other provision of this Order, an individual required to wear a respirator, mask, or face covering, may remove it in the following situations:
  - 1. While outdoors and not in queue with others;
  - 2. While sleeping;
  - 3. While actively eating or drinking, provided the individual remains in place while eating or drinking;
  - 4. While alone or only with other members of the same household in a room, cubicle, school-provided transportation, or similar enclosure;
  - 5. 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;

6. While obtaining or providing a service that requires the temporary removal of the respirator, mask, or face covering, such as speech therapy services;
7. While actively performing as an athlete at a school-organized or -sponsored athletic event;
8. While giving an educational, artistic, cultural, musical, or theatrical presentation or performance at a school for an audience;
9. While exercising or engaging in athletic training while indoors and maintaining at least six feet of physical distance from any other individual;
10. While swimming or on duty as a lifeguard; and
11. While purchasing a product or receiving a service that requires identification where the individual may briefly remove a respirator, mask, or face covering as necessary, so that the retailer or service provider can verify identity.

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

1. An individual who is unconscious, incapacitated, or otherwise unable to remove the respirator, mask, or 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 respirator, mask, or face covering; or
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 respirator, mask, or face covering.

**Section 5. Effective Date; Duration.** This Public Health Order takes effect on January 8, 2022, at 12:01 a.m., and will continue to be in effect until 5 p.m. on Monday, February 7, 2022, unless extended, rescinded, superseded, or amended in writing, or otherwise as warranted.

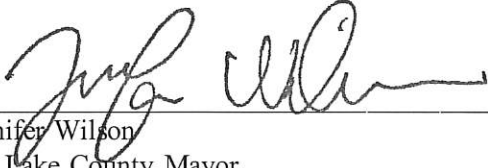
**BY ORDER OF THE SALT LAKE COUNTY EXECUTIVE DIRECTOR OF THE SALT LAKE COUNTY DEPARTMENT OF HEALTH.**



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Angela C. Dunn, MD MPH  
Executive Director Salt Lake County Health Department

**THIS PUBLIC HEALTH ORDER OF CONSTRAINT IS HEREBY APPROVED BY THE  
SALT LAKE COUNTY MAYOR.**



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Jennifer Wilson  
Salt Lake County Mayor

**APPROVED AS TO FORM:**



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Stacia R. Sidlow  
Deputy District Attorney  
Salt Lake County District Attorney's Office  
Date: January 7, 2022