



**Order of the Madison County Board of Public Health  
Non-Essential Business Closure Order  
7 Placer Loop, Virginia City, MT 59755  
April 10, 2020**



WHEREAS, the World Health Organization has declared the outbreak of COVID-19 a pandemic;

WHEREAS, all states in the United States have confirmed cases of COVID-19, and the number of cases and related deaths continue to rise;

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

WHEREAS, there are confirmed cases of COVID-19 in the state of Montana and in local counties;

WHEREAS, Madison County has activated response plans and protocols to prepare for cases of COVID-19 in Madison County;

WHEREAS, Madison County has also worked to identify, contact, and test individuals who have potentially been exposed to COVID-19, in coordination with the state of Montana Department of Public Health and Human Services and the CDC;

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interest of Madison County and its people;

WHEREAS, COVID-19, a respiratory disease that can result in serious illness and death is a novel strain of Coronavirus that has not previously been identified in humans, and can easily spread from person to person;

WHEREAS, the CDC recognizes the potential public health threat posed by COVID-19 both globally and within the United States as "high" and has advised that person to person spread of COVID-19 will continue to occur globally, including within the United States, Montana, and Madison County;

WHEREAS the circumstances of this outbreak may exceed the capacity of services, personnel, equipment, supplies, and facilities of Madison County;

WHEREAS, based on all of the above, in consultation with public health authorities, the President of the United States has recommended gatherings of no more than 10 people and includes the following:

- 1) Non-essential social and recreational gatherings of individuals outside of a home or place of residence of greater than ten people are prohibited, if a distance of at least six feet between individuals cannot be maintained. This includes weddings, funerals, and social events.
- 2) Parents should avoid, if possible, placing children for childcare with grandparents, family members, friends, or providers over the age of 60 or immunocompromised persons.

WHEREAS, the Governor of the state of Montana has directed closures of the following places to ingress, egress, use, and occupancy by members of the public:

- 1) Restaurants, food courts, cafes, coffeehouses, and other similar establishments offering food or beverage consumption;
- 2) Alcoholic beverage service businesses, including bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and other establishments offering alcoholic beverages for on-premises consumption;
- 3) Cigar bars;
- 4) Health clubs, health spas, gyms, aquatic centers, pools and hot springs, indoor facilities at ski areas, climbing gyms, fitness studios, and indoor recreational facilities;
- 5) Movie and performance theaters, nightclubs, concert halls, bowling alleys, bingo halls, and music halls;
- 6) Casinos.

The places subject to this Order are permitted to offer food and beverage using delivery, window, walkup and drive through service. Walk-up services are required to keep customers at least six feet apart and allow no more than five people inside an establishment for pick-up, and each individual or party, such as a family with young children in tow, shall be kept at least six feet apart from each other at all times.

Customers may order and pay by telephone or online from a retailer or manufacturer licensed to sell alcoholic beverages in the State of Montana. A retailer or manufacturer licensed to sell alcoholic beverages in the State of Montana may deliver for sale the alcoholic beverages for which it is licensed. Delivery must be conducted by the licensee's employees over the age of 21

and age of the purchaser and recipient must be verified at the time of delivery. The purchased alcohol must be hand-delivered to the purchaser.

WHEREAS the Governor of the State of Montana has ordered further measures be in place in the State of Montana effective immediately, except where otherwise specified:

I. Stay at Home; Social Distancing Requirements; and Essential Businesses and Operations

- **1. Stay at home or place of residence.** With exceptions as outlined below, all individuals currently living within the State of Montana are directed to stay at home or at their place of residence to the greatest extent possible, except as allowed in this Order. As used in this Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

Non-essential social and recreational gatherings of individuals outside of a home or place of residence are prohibited, regardless of size, if a distance of at least six feet between individuals cannot be maintained.

All persons may leave their homes or place of residence only for Essential Activities or to operate Essential Businesses and Operations, all as defined below.

Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

- **2. Non-essential business and operations to cease.** All businesses and operations in the State, except Essential Businesses and Operations as defined below, are required to cease all activities within the State except Minimum Basic Operations, as defined below. Businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined in this Directive, including by maintaining six-foot social distancing for both employees and members of the public at all times, including, but not limited to, when any customers are standing in line. Essential Businesses and Operation should also employ, where feasible, telework or other remote working opportunities to limit disease spread.

- **3. Prohibited activities.** All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes permitted by this Order.

The Governor's March 24, 2020 Directive that closes certain businesses to ingress, egress, and occupancy by the public, while expanding delivery and to-go options, remains in effect. However, the portions of that order requiring social distancing (Section 1) and social distancing guidelines for retail businesses (Section 3) are superseded by the requirements in this Order.

- **4. Prohibited and permitted travel.** All travel should be limited to Essential Travel and travel for Essential Activities. People riding on public transit must comply with social distancing to the greatest extent feasible. When individuals need to leave their homes or residences, they should at all times maintain social distancing of at least six feet from any person who is not a member of their immediate household, to the greatest extent possible.
- **5. Leaving your home for essential activities is permitted.** For purposes of this Order, individuals may leave their home or residence only to perform any of the following Essential Activities and must ensure a distance of six feet from others not in their household:

**For health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

**For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences.

**For outdoor activity.** To engage in outdoor activity, provided that individuals comply with social distancing, as defined below, such as, by way of example and without limitation, walking, hiking, running, or biking. Individuals may go to public parks and open outdoor recreation areas, including public lands in Montana provided they remain open to recreation. Montanans are discouraged from outdoor recreation activities that pose enhanced risks of injury or could otherwise stress the ability of local first responders to address the COVID-19 emergency ( e.g., backcountry skiing in a manner inconsistent with avalanche recommendations or in closed terrain).

**For certain types of work.** To perform work providing essential products and services at Essential Businesses or Operations or to otherwise carry out activities specifically permitted in this Directive, including Minimum Basic Operations.

**To take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Directive.

- **6. Health Care and Public Health Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services through Health Care and Public Health Operations.

Health Care and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; licensed medical cannabis dispensaries and licensed cannabis cultivation centers; reproductive health care providers; eye care centers, including those that sell glasses and contact lenses; home Health Care services providers; mental health and substance use providers; other Health Care facilities and suppliers and providers of any related and/or ancillary Health Care services; and entities that transport and dispose of medical materials and remains.

Specifically included in Health Care and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Health Care and Public Health Operations also includes veterinary care and all Health Care services provided to animals.

Health Care and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of Health Care, broadly defined. Health Care and Public Health Operations does not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities.

- **7. Human Services Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services at any Human Services Operations, including any provider funded by DPHHS, or Medicaid, that is providing services to the public and including state-operated, institutional, or community-based settings providing human services to the public.

Human Services Operations includes, but is not limited to: long-term care facilities; residential settings and shelters for adults, seniors, children, and/or people with

developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

- **8. Essential Infrastructure.** For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure. Essential Infrastructure includes, but is not limited to: food production, distribution, storage, and sale; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, and housing construction); building management and maintenance; airport operations; aircraft fueling services; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; cybersecurity operations; flood control; operation of dams, locks, ditches, canals, diversions, and levies; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

- **9. Governmental Functions.** All first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, fire protection personnel, wildland fire fighters, housing and shelter personnel, military, government employees involved in training the above functions, and other government employees are categorically exempt from this Order. For purposes of this Order, state government employees are categorically exempt from this Order. Local governments are permitted to designate which functions and employees are essential and exempt for the purposes of this Order, apart from those positions and functions named above.

This Order does not apply to the United States government. Nothing in this Order shall prohibit any individual from performing or accessing Essential Governmental Functions.

Nothing in this Order shall be interpreted or applied in a way that interferes with or supersedes tribal sovereignty.

- **10. Businesses covered by this Order.** For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.
  
- **11. Essential Businesses and Operations.** For the purposes of this Order, Essential Businesses and Operations means Health Care and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, and the following:
  - a. **Stores that sell groceries and medicine.** Grocery stores, pharmacies, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Operations;
  - b. **Food and beverage production and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and wholesale or retail distribution of animals and goods for consumption; licensed medical cannabis dispensaries and licensed cannabis cultivation centers; and businesses that provide food, shelter, and other necessities of life for animals, including veterinary and animal health services, animal shelters, rescues, shelters, kennels, and adoption facilities; businesses that provide equipment, transportation, seed, feed, fertilizer, or other products or services critical to food and livestock production;
  - c. **Organizations that provide charitable and social services.** Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;

- d. **Media.** Newspapers, television, radio, and other media services;
- e. **Gas stations and businesses needed for transportation.** Gas stations and auto supply, auto repair, and related facilities and bicycle shops and related facilities;
- f. **Financial and real estate services and institutions.** Banks, consumer lenders, including but not limited, to pawnbrokers, accountants, consumer installment lenders and sales finance lenders, credit unions, appraisers, realtors or others providing real estate services, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products;
- g. **Hardware and supply stores.** Hardware stores and businesses that sell electrical, plumbing, and heating material;
- h. **Critical trades.** Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations;
- i. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to end users or through commercial channels;
- j. **Educational institutions.** Educational institutions-including public and private pre-K-12 schools, colleges, and universities-for purposes of facilitating remote learning, performing critical research, or performing other essential functions consistent with prior Directives on school closures and the continued provision of certain services, provided that social distancing of six-feet per person is maintained to the greatest extent possible. This Order is consistent with and does not amend or supersede the March 24, 2020 Directive closing non-residential public schools through April 10, 2020;
- k. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers;
- l. **Restaurants for consumption off-premises.** Restaurants and other facilities that prepare and serve food, but only for consumption off premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pickup and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property.



This exception is to be interpreted consistent with the restrictions on on premises dining and beverage businesses, as well as the expanded options for delivery and take out, provided in the March 24, 2020 Directive, Section 2.;

- m. **Supplies to work from home.** Businesses that sell, manufacture, or supply products needed for people to work from home;
- n. **Supplies for Essential Businesses and Operations.** Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;
- o. **Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Order;
- p. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;
- q. **Residential facilities and shelters.** Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
- r. **Professional services.** Professional services, such as legal services, accounting services, insurance services, information technology services, real estate services (including appraisal and title services);
- s. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, Health Care, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, forest products, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations.
- t. **Critical labor union functions.** Labor union essential activities including the administration of health and welfare funds and personnel checking on the wellbeing and safety of members providing services in Essential Businesses

and Operations - provided that these checks should be done by telephone or remotely where possible.

- u. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services.
- v. **Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services.

- **12. Social Distancing Requirements for Essential Businesses and Operations.**

Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:

- a. **Designate six-foot distances.** Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;
- b. **Hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and customers;
- c. **Separate operating hours for vulnerable populations.** Implementing separate operating hours for elderly and vulnerable customers; and
- d. **Online and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

- **13. Minimum Basic Operations.** For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
- b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

- **14. Essential Travel.** For the purposes of this Order, Essential Travel includes travel for any of the following purposes:

- a. Any travel related to the provision of or access to Essential Activities, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- d. Travel to return to a place of residence from outside the jurisdiction.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.

- f. Travel required for non-residents to return to their place of residence outside the State. Individuals are strongly encouraged to verify that their transportation out of the State remains available and functional prior to commencing such travel.
- **15. Intent of this Directive.** The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the greatest extent possible. These measures are designed to end the epidemic as early as possible, and to protect the well-being of Montanans by returning to the course of business and everyday life as soon as is practicable and safe. When people need to leave their places of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with Social Distancing Requirements. All provisions of this Directive should be interpreted to effectuate this intent.

WHEREAS, the Madison County Board of Health has the duty to protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;

WHEREAS, the Madison County Board of Health has determined that the spread of COVID-19 constitutes a public health emergency and actions must be taken to avert and minimize the outbreak of this communicable disease;

WHEREAS, pursuant to Section 50-2-116 of the Montana Code Annotated, the Madison County Board of Health in carrying out the purpose of the public health system shall take steps to prevent 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 cancelling events;

WHEREAS the Madison County Board of Health has determined that the local health officer should institute said health officer's authority to close buildings and facilities to prevent the spread of COVID-19 within Madison County, Montana.

Now, Therefore, IT IS HEREBY ORDERED, pursuant to section 50, chapter 2, part 1, and specifically section 50-2-116 of the Montana Code Annotated, and the Governor's March 24, 2020 and March 26, 2020 Directives Implementing Executive Orders 2-2020 and 3-2020,

In accordance with the directives by the Governor of the State of Montana, Madison County Board of Health formally adopts the orders listed above. Additionally, there shall be no gatherings of more than 10 people.

Effective April 10, 2020 through April 30th 2020, pending further guidance from the Governor of the state of Montana.

Madison County Board of Health:

APPROVED BY THE MADISON COUNTY BOARD OF PUBLIC HEALTH THIS NINTH DAY OF APRIL, 2020.

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Madison County Board of Health - Chair

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Madison County Board of Health – Health Officer

ATTEST: \_\_\_\_\_  
Clerk and Recorder