

RESOLUTION 2020-33- L

AN ORDER IN LABETTE COUNTY, KANSAS ADOPTING THE REQUIREMENT OF MASKS OR OTHER FACE COVERINGS IN PUBLIC

WHEREAS, the Governor of the State of Kansas did on July 2, 2020 issue Executive Order No. 20-52, requiring masks or other face coverings in public, said Order to become effective as of 12:01 a.m. on Friday, July 3, 2020;

WHEREAS, the Governor of the State of Kansas did on November 18, 2020 issue Executive Order No. 20-68, continuing Executive Order No. 20-52 and requiring other counties who have previously opted out to comply, said Order to become effective as of 12:01 a.m. on November 25, 2020;

WHEREAS, pursuant to Section 33 of Kansas HB 2016, the Board of County Commissioners may issue an order relating to public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the Governor;

WHEREAS, recent weeks have again seen a worrying spike in COVID-19 cases, hospitalizations, and deaths, except that this "spike" has seen the 7-day average of cases and hospitalizations first double and then triple, stretching the healthcare system's ability to handle the unprecedented influx of patients;

WHEREAS, if the healthcare system is overrun with COVID-19 patients, as it will be soon if current trends continue, communities will be forced to close schools and businesses, and non- COVID-19 healthcare services will be postponed due to lack of staffing, space, and supplies in hospitals and doctor's offices; at worst, Kansans battling COVID-19 or other serious illnesses could suffer and die from the lack of available healthcare services;

WHEREAS, wearing a face covering in public is the easiest and most effective way to protect each other, ease the burden on our overburdened healthcare system, and help keep our businesses open and our economy running;

WHEREAS, the Centers for Disease Control has determined that even "increasing universal masking by 15% could prevent the need" for restrictions on businesses and gatherings and could avoid severe economic losses;

WHEREAS, wearing a face covering in public is not only safe and easy, it is necessary to avoid more restrictive local measures that could involve closing businesses, schools, organized youth sports, and other important activities; and

NOW THEREFORE BE IT RESOLVED BY THE LABETTE COUNTY BOARD OF COUNTY COMMISSIONERS, based upon the following findings:

1. Effective upon publication, any person in Labette County shall wear a face covering or use proper precautions which include social distancing or sanitation barriers or where there is infrequent or incidental moments of contact 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.

2. Also effective upon publication, all businesses or organizations in Kansas must require all employees, customers, visitors, members, or members of the public to wear a 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. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or

d. 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 face coverings pursuant to the provisions of this order:

1. Unless directed otherwise by an employee or healthcare provider.

a. Persons age five years or under-children age 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) with only infrequent or incidental moments of closer proximity;
- g. 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;
- h. 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 face covering;
- i. Persons engaged in an activity or event held or managed by the Kansas Legislature;
- j. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
- k. Persons engaged in any lawful activity during which wearing a face covering is prohibited by law.

4. Definitions:

a. "Face covering" means 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. A face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a face covering has two or more layers. A 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.

b. "Public space" means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.

5. Nothing in this order shall restrict, limit, or supersede the Secretary of Health and Environment's authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.

6. Enforcement of this resolution shall not be a criminal or civil action. There is no penalty for not wearing a mask. The Labette County Board of County Commissioners ask the citizens of Labette County to wear a mask to help curb the increasing cases of the virus. Enforcement of masks amongst businesses, churches, schools and any and all other public and private operations within Labette County shall be done by the individual and not under the direction of the Labette County Commissioners.

This document shall be filed with the Labette County Clerk, and it shall become effective as of publication, once a week for two consecutive weeks, in the county newspaper

and remain in force until rescinded or until the statewide State of Disaster Emergency extended by House Bill 2016 enacted during the June 2020 special session relating to COVID-19-and later extended by the State Finance Council--expires, whichever is earlier. This order may be extended or modified as circumstances dictate.

IT IS SO ORDERED THIS 23rd DAY OF NOVEMBER 2020.

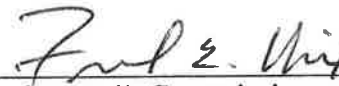
ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF LABETTE COUNTY, KS**

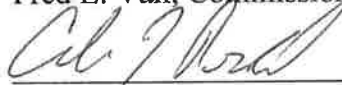

Gena Landis, County Clerk



Lonie R. Addis, Chairman



Fred E. Vail, Commissioner



Cole J. Proehl, Commissioner

*Refused
Lonie R. Addis*