

**St. Louis County Department of Public Health
2019 Novel Coronavirus (“COVID-19”)
Order Prohibiting Certain Intentional Gatherings**

I. Background

The St. Louis County Department of Public Health (“DPH”) has been closely monitoring an outbreak of respiratory illness caused by COVID-19. Infections with COVID-19 have been reported around the world. The first confirmed instance of person-to-person spread of the virus in the United States was reported on January 30, 2020. The first confirmed instance of COVID-19 in St. Louis County was reported on March 7, 2020. A state of emergency was declared in St. Louis County on March 13, 2020, and several executive orders have been issued since authorizing the director of DPH to issue orders, policies, and other rules to implement those executive orders.

COVID-19 is considered an infectious, contagious, communicable, and dangerous disease for purposes of §§ 192.020-1, 192.139, & 193.300, RSMo., 19 CSR 20-20.020, and other state and local laws. The DPH’s director is the “local health authority” under 19 CSR 20-20.050(1) pursuant to 19 CSR 20-20.010(24), Section 4.130 of the Charter, and Section 600.010 SLCRO, and has been delegated the authority to act on St. Louis County’s behalf for the public health purposes described in § 193.300, RSMo.

Violating a public health order designed to “prevent the entrance of infectious, contagious, communicable or dangerous diseases” into St. Louis County is punishable as a misdemeanor. § 192.300, RSMo. Further, “[a]ny person . . . who shall leave any . . . quarantined house or place without the consent of the health officer having jurisdiction, or who evades or breaks quarantine or knowingly conceals a case of contagious, infectious, or communicable disease, or who removes, destroys, obstructs from view, or tears down any quarantine card, cloth or notice by the attending physician or by the health officer, or by direction of the proper health officer, shall be deemed guilty of a class A misdemeanor.” § 192.320, RSMo.

II. Purpose

This order serves to limit the spread of COVID-19 in St. Louis County.

III. Definitions

For purposes of this order, the following terms, regardless of whether capitalized, are defined as follows:

- A. “Essential Businesses” means:
 - 1. Healthcare Operations;
 - 2. Essential Infrastructure;

3. Essential Government Functions;
4. grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, food pantries, convenience stores, and other establishments engaged in the retail sale of or providing canned food, dry goods, fruits, vegetables, pet supply, meats, fish, and poultry, or any household consumer products (e.g., cleaning or personal care products), including but not limited to stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
5. food cultivation, including farming, livestock, and fishing;
6. businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals;
7. newspapers, television, radio, and other media services;
8. gas stations and auto-supply, auto-repair, and related facilities;
9. banks and related financial institutions;
10. hardware stores;
11. plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, communication, and essential operation of residences;
12. businesses providing mailing and shipping services, including post office boxes;
13. educational institutions, including public and private K-12 schools, colleges, and universities-for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six feet per person is maintained to the greatest extent possible;
14. laundromats, dry cleaners, and laundry service providers;
15. restaurants and other facilities that prepare and serve food, but only in compliance with applicable health orders;
16. businesses that supply products needed for people to work from home;
17. businesses that supply Essential Businesses with the support or supplies necessary to operate;
18. businesses that ship or deliver groceries, food, goods, or services directly to residences;
19. businesses that manufacture and supply products necessary to meet the Social Distancing Requirements, including but not limited to manufacturers of hand

sanitizers and other hygiene, health, and cleaning products, and the businesses whose products and services are necessary to the ongoing operation of the businesses whose products are necessary to meet the Social Distancing Requirements;

20. airlines, taxis, and other private transportation providers providing transportation services and other purposes expressly authorized in this Order;
 21. home-based care for seniors, adults, or children;
 22. residential facilities and shelters for seniors, adults, and children;
 23. professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
 24. childcare facilities
 25. funeral homes
- B. “Essential Government Functions” means all services needed to ensure the continuing operation of federal, state, and local government departments, offices, agencies, and officials, political subdivisions, and to provide for the health, safety, and welfare of the public;
- C. “Essential Infrastructure” means public works, construction (in particular, without exclusion, construction of affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads, highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services);
- D. “Gathering” means an occasion when people come together as a group, whether formal or informal;
- E. “Healthcare Operations” means hospitals, clinics, dentists, doctors, pharmacies, pharmaceutical and biotechnology companies, urgent care facilities, healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related or ancillary healthcare services, veterinary clinics, veterinarians, and veterinary care. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations does not mean fitness and exercise gyms and similar facilities.
- F. “High risk groups” means a person who is any one of the following: (a) over sixty years of age; (b) has a chronic health condition such as heart disease, lung disease, or diabetes; (c) has a weakened immune system; or (d) is pregnant;
- G. “Intentional” means an act done with a purpose or deliberate;

- H. “Minimum Basic Operations” means the minimum necessary activities to maintain the value of a business’s inventory, provide security, process payroll or employee benefits, or to facilitate employees of the business being able to continue to work remotely from their residences;
- I. “Organizes” means to coordinate, to make arrangements for, or to make preparations for an event or an activity;
- J. “Places of employment” means an area under the control of an employer where employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, and hallways. This definition exempts only those who are employed by the employer controlling the place of employment;
- K. “Room” means a part or division of a building enclosed by walls, a floor, and a ceiling;
- L. “Self-monitoring with public health supervision” means Missouri Department of Health and Senior services or DPH assumes responsibility for oversight of a person’s self-monitoring;
- M. “Self-observation” means a person remaining alert for COVID-19 symptoms;
- N. “Social Distancing Requirements” means remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (of approximately 6 feet) from others when possible to stop or slow down the spread of a highly contagious disease or as otherwise defined by order;
- O. “Space” means an indoor area where people congregate; and
- P. “Time period” means the length of time of a gathering.

IV. Prohibition of Certain Intentional Gatherings

- A. A person shall not organize or attend an intentional gathering of 10 people or more in a single space or room.
- B. A person who organizes a gathering of 9 people or fewer shall take appropriate action to minimize risk to the greatest extent possible by implementing and enforcing Social Distancing Requirements.
- C. This order shall apply to activities in theatres, funeral homes, gyms, fitness centers, country clubs, and indoor shopping malls.
- D. This order shall not apply to Essential Businesses or Minimum Basic Operations so long as every person complies with Social Distancing Requirements to the greatest extent possible.

- E. This order shall also not apply to places of employment, grocery stores, pharmacies, retail stores with public exterior entrances not in an indoor shopping mall, means of public transit, or any activity that a court of competent jurisdiction holds cannot constitutionally be closed in these specific circumstances so long as every person at any such location shall comply with Social Distancing Requirements to the greatest extent possible.
- F. Nothing in this Order shall prohibit any individual from performing or accessing Essential Government Functions as determined by the governmental entity performing those functions.

V. Effective Date

This Order shall become effective at 12:01 a.m. on March 19, 2020 and will continue to be in effect until it is rescinded, superseded, or amended in writing.

VI. Savings Clause

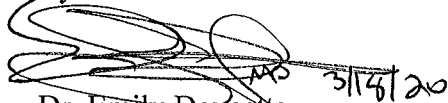
If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

VII. Authorization

This Order is authorized pursuant to sections 192.006, 192.200 and 192.300 of the Revised Statutes of Missouri, 19 CSR 20-20.050 of the Rules of the Department of Health and Senior Services and by certain Executive Orders, as may be further amended. The purpose of this order is to enhance the public health and prevent the entrance of infections, contagious, communicable or dangerous diseases into St. Louis County.

So Ordered:

By:

A handwritten signature in black ink, appearing to read "EMD" followed by a flourish, with the date "3/19/20" written below it.

Dr. Emily Doucette
Acting Director
Chief Medical Officer
St. Louis County Department of Public Health