



---

## Guidance for the Use of Facial Coverings in Lewis & Clark County July 16, 2020

A Directive issued by the governor on July 15, 2020 requires face coverings in certain settings to prevent the spread of communicable disease in counties with at least 4 active cases. Because Lewis & Clark County has more than 4 active cases, all local businesses and other affected entities, as described in the following guidance, are subject to the Directive. Please see the **following requirements for meeting this directive**.

### 1) Face Covering Requirement in Indoor Spaces Open to the Public

- a) All businesses, government offices, or other persons responsible for indoor spaces open to the public shall require and take reasonable measures to ensure that all employees, contractors, volunteers, customers, or other members of the public wear a face covering that covers their mouth and nose at all times while entering or remaining in any indoor spaces open to the public.
  - i) Face coverings shall be provided for all employees and volunteers.
  - ii) All points of entry open to the public shall have a **clearly visible sign** posted stating: "Mask or face covering use required for ages five and older."
- b) "Indoor spaces open to the public" include, but are not limited to lobbies, common areas, elevators, bathrooms, meeting rooms, or other spaces where people gather. The term includes all modes of public or commercial transportation.

### 2) Face Covering Requirements for Certain Organized Outdoor Activities

- a) Any organized outdoor activity where social distancing is not possible or is not observed, sponsors shall require and take reasonable measures to ensure that all persons attending an organized outdoor activity wear a face covering that covers their mouth and nose at all times.
- b) At all outdoor gatherings of 50 or more people, whether or not it constitutes an organized outdoor activities, all individuals are required to wear face coverings while in attendance where it is impracticable to maintain six feet of physical distance at all times, or whether attendees are not observing at least six feet of physical distance from others.

### 3) Exceptions to the Requirement for a Face Covering

- a) Children under the age of 5. All children between the ages of two and four, however, are strongly encouraged to wear a face covering;
- b) Children under the age of 2 should NOT wear a face covering;
- c) Persons consuming food or drinks in an establishment that offers food or drinks for sale;
- d) Persons engaged in an activity that makes wearing a face covering impractical or unsafe, such as strenuous physical exercise or swimming;
- e) Persons seeking to communicate with someone who is hearing impaired;

- f) Persons giving a speech or engaging in an artistic, cultural, musical, or theatrical performance for an audience, provided the audience is separated by at least six feet of distance;
  - g) Persons temporarily removing their face covering for identification purposes;
  - h) Persons required to remove face coverings for the purpose of receiving medical evaluation, diagnosis, or treatment; or
  - i) Persons who have a medical condition precluding the safe wearing of a face covering.
- 4) Businesses, government offices, persons responsible for indoor spaces open to the public, and sponsors of organized outdoor activities should afford accommodations from the provisions of this Directive to those who are entitled an accommodation under federal and state disability protection laws, including the Americans with Disabilities Act (ADA) and the Montana Human Rights Act, labor laws, or any other applicable law requiring accommodations in public accommodations.
- 5) Only those employees, volunteers, and contractors in public-facing work spaces are required to wear face coverings as specified in this Directive.

## **Enforcement**

All businesses, government offices, or other persons responsible for indoor spaces open to the public shall require and take reasonable measures to ensure that all employees, contractors, volunteers, customers, or other members of the public wear a face covering that covers their mouth and nose at all times while entering or remaining in any indoor spaces open to the public.

Local public health agencies and law enforcement will focus their enforcement of this Directive on education, providing warnings and education about the risk of transmission, and will reserve the imposition of penalties, trespass enforcement, and other formal enforcement mechanisms for only the most egregious, repeat violations that put the public at risk. More specifically, the Local process for enforcement of the Governor's Face Covering Directive will be a complaint driven process, as follows:

- 1) **First Complaint:** Lewis and Clark Public Health (LCPH) contacts the affected business to provide education regarding compliance strategies and the importance of wearing a face covering to prevent transmission of the virus in public settings.
- 2) **Second Complaint:** LCPH investigates and, if needed, prepares an "Order for Corrective Action". Local Law Enforcement will deliver Order, observe operations, and document. This Order will require development of a written business-specific plan to achieve compliance.
- 3) **Third Complaint:** LCPH will contact Law Enforcement to investigate and issue citation. LCPH Health Officer will work with City/County Attorney's office to determine need for injunction or other enforcement strategy (fines up to \$500/day and/or 90 days in jail)
- 4) Businesses who are refusing service to an unruly customer that refuses to wear a mask may call local law enforcement for assistance.

## **Obtaining a Mask**

- 1) Businesses are responsible for providing face coverings for their employees and volunteers. A member of the public when entering a business will need to provide their own face covering.
- 2) "Face covering" means a fabric, paper, or disposable face covering that covers the nose and mouth and which does not have an exhalation valve. The term "face covering" includes face shields.

If you have questions or need technical assistance, please call Lewis and Clark Public Health at 457-8900. Thank you for protecting our community from COVID-19.

**If you suspect Coronavirus, contact your medical provider.**

**For a link to this document and other local information:** [www.lccountymt.gov/covid-19](http://www.lccountymt.gov/covid-19)