



**Guidance for the Use of Face Coverings in Lewis & Clark County
Update August 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. At times when 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. The number of current active cases of COVID-19 within Lewis and Clark County is available on the Lewis and Clark Public Health COVID-19 website here: <https://www.lccountymt.gov/health/covid-19.html>. Visit the website and click “By the Numbers,” active cases will be identified on the left-hand side of the webpage.

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) A face shield is an acceptable form of face covering.
- b) 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.” Signs are available at: <https://montana.maps.arcgis.com/apps/MapSeries/index.html?appid=7c34f3412536439491adcc2103421d4b>
- c) “*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.
- d) “*Reasonable measures*” means affected entities must actively enforce the directive in the following manner:
 - i) deny entry;
 - ii) refuse service; or
 - iii) ask the affected individual(s) to leave the business.
- e) Businesses who are refusing service to an unruly customer that refuses to wear a mask may call local law enforcement for assistance.
- f) Business owners are allowed to ask why someone isn’t wearing a mask. They can ask about how to accommodate a disability; if an individual refuses accommodation or it is not possible to accommodate them, business owners may nonetheless ask the customer to leave. Business owners do not need proof that an individual has a disability and we don’t recommend asking for proof.

2) Face Covering Requirements for Certain Organized Outdoor Activities

- a) At 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 activity, all individuals are required to wear a face covering while in attendance when it is impracticable to maintain 6 feet of physical distance at all times, or when attendees are not observing at least 6 feet of physical distance from others.

3) Obtaining a Mask

- a) 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.
- b) “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.

4) 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.
- 5) 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.
- a) Those responsible for indoor spaces open to the public, and sponsors of organized outdoor activities are entitled to reasonably rely in good faith on the representations of employees, volunteers, contractors, customers, visitors, or members of the public regarding the applicability of the exceptions in section 4 of the Governor’s Directive. Reasonable, good faith reliance on such representations is an affirmative and complete defense to any enforcement proceedings brought pursuant to this Directive.

Additional Guidance on Face Coverings

- 1) Only those employees, volunteers, and contractors in *public-facing* workspaces are required to wear face coverings as specified in this Directive.
 - a) *Public facing* means that you are in contact with the public. Employees that are not public facing should wear a mask when arriving and exiting the workplace and using common areas. Spaces where more than one employee is working would be considered a common area requiring the use of a mask.
 - b) Plexi-glass barriers are not a replacement for wearing a mask. Partitions that effectively create an enclosed barrier within an indoor space may render masks unnecessary, but the plan will need to be reviewed by the health department prior to implementation.

2) Religious Services

- a) Attendees must wear masks during the service, including while singing
- b) Speakers may remove masks while speaking to attendees
- c) Communion may be served – Server must wear a mask, and the recipients can remove theirs to receive communion.

3) Restaurants

- a) Masks are required while entering and exiting the restaurant, using the restroom, or otherwise walking through the inside of the business
- b) Masks do not need to be worn while consuming food or drink and seated at the table inside.
- c) Patrons using outdoor seating are encouraged to wear masks and must wear a mask if they have to enter the business.
- d) Servers must wear masks at all times.
- e) Public facing staff in the cookline must wear masks.
- f) It is recommended that all cook staff wear a mask, even if they are not public facing, if social distancing cannot be achieved. It is advised to wear a mask at all times to ensure the health and safety of all citizens.

4) Coffee Kiosks

- a) Servers interacting with the public must wear a mask.
- b) Patrons who remain in their car are not required to wear a mask, though it is strongly encouraged when interacting with the kiosk employees.

5) Transportation

- a) “Indoor space” includes all modes of commercial transportation.
- b) Businesses, including guides, offering transportation services to their customers shall require and take reasonable measures to ensure that all employees, contractors, volunteers, customers, or other members of the public wear a face covering while in the business’ vehicle.

Obtaining Compliance in Indoor Spaces Open to the Public

Lewis & Clark Public Health 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)

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. **For a link to this document and other local information:** www.lccountymt.gov/covid-19. **If you suspect Coronavirus, contact your medical provider.**