

**ORDER OF THE JEFFERSON COUNTY HEALTH OFFICER
REQUIRING THE WEARING OF FACE COVERINGS
IN PUBLIC PLACES**

ENTERED JUNE 26, 2020

WHEREAS:

- Coronavirus Disease 2019 (COVID-19) has been detected in Alabama.
- The appearance of COVID-19 in the State poses the potential of widespread exposure to an infectious agent that poses a significant risk of substantial harm to a large number of people.
- The State Board of Health has designated COVID-19 to be a disease of epidemic potential, a threat to the health and welfare of the public, or otherwise of public health importance.
- On March 13, 2020, on the recommendation of the State Health Officer, Kay Ivey, Governor of the State of Alabama, declared a state public health emergency exists in the State of Alabama.
- Since March of 2020, both the Jefferson County Health Officer and State Health Officer have issued several orders related to the suspension of public gatherings.
- Jefferson County continues to experience widespread community spread of COVID-19 and a high number of hospitalizations related to COVID-19.
- Social distancing and related measures remain necessary in Jefferson County to prevent the spread of COVID-19.
- On April 28, 2020, the Birmingham City Council adopted an ordinance requiring that face coverings or masks be worn in public within the City of Birmingham, and subsequent ordinances have extended this requirement until July 3, 2020.
- The Jefferson County Health Officer believes that a face covering ordinance applicable county-wide would be in the best interest of the public health of Jefferson County.
- COVID-19 infection is usually spread to others via the respiratory route, and this can occur even in the absence of symptoms. Face coverings help prevent the spread of COVID-19 and help protect those who work or interact in public places because they protect those around the wearer from potential exposure.
- The Jefferson County Health Officer has the authority to “institute immediate measures to prevent the spread” of notifiable diseases under Ala. Code § 22-3-5(2) and believes that a face covering ordinance constitutes such measures.
- The State Health Officer has given his approval to the Jefferson County Health Officer to issue this Order.

NOW, THEREFORE, THESE PREMISES CONSIDERED, it is ordered that the following *Face Covering* Order be implemented in Jefferson County effective Monday, June 29, 2020, at 5:00 p.m.

1. Definitions. The definitions used in this Order are as follows:

Face Covering / Mask: A device to cover the nose and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing, sneezing, or other intentional or involuntary action. Medical-grade masks are not required and are, in fact, discouraged for use under this Order, as they are in short supply and should generally be reserved for high-risk first responders and healthcare workers or those coming into direct contact with suspected COVID-19 patients.

Coverings may be fashioned from scarves, bandanas, or other suitable fabrics. The face covering must cover the mouth and nose of the wearer.

2. Face Coverings Required in Public Places. All persons shall be required to wear face coverings or masks in the following public places within Jefferson County:

- a. Indoor spaces of businesses or venues open to the general public, including but not limited to stores, bars and restaurants (see exception 3b), entertainment venues, public meeting spaces, government buildings, civic centers, entertainment venues, etc.
- b. Transportation services available to the general public, including mass transit, paratransit, taxi, or ride-sharing services.
- c. Outdoor areas open to the general public where ten or more persons are gathered and unable to maintain a distance of six (6) or more feet between persons not from the same household.

3. Exceptions. A face covering or mask shall not be required for:

- a. **Children two (2) years of age and under.** Face coverings or masks may pose a risk of choking, strangulation, or suffocation to infants and young toddlers. Carriers and strollers with covers that allow the child to breathe comfortably are recommended as safe alternatives.
- b. **Eating or Drinking.** Persons may remove face coverings while eating or drinking, provided that they re-cover their faces when interacting with other persons not at their tables such as bartenders, servers, or other customers.
- c. **Medical Examinations or Procedures.** Patients in examination rooms of medical offices, dental offices, clinics, or hospitals where there is a necessity to examine or treat the mouth or nasal area. In those circumstances, medical or dental professionals in charge of the office, clinic, or hospital may direct individuals to remove their face coverings.
- d. **Hair Care Services.** A customer's face covering may be temporarily removed or displaced when necessary to provide hair care. Otherwise, customers and workers in hair care settings must wear face coverings while inside the hair care establishment.
- e. **Personal Safety.** A face covering or mask shall not be required when wearing such a face covering or mask poses a greater mental or physical health, safety, or security risk, such as when a person has trouble breathing, is unconscious, is incapacitated, or is unable to remove the face covering without assistance. Under this subsection, a "safety risk" includes external factors, such as:
 - (i) persons are working on ladders or at height
 - (ii) persons are wearing other respiratory protection
 - (iii) persons are engaging in heavy physical exertion
 - (iv) persons are operating heavy equipment

(v) persons are working in an environment where a face covering, or mask hinders communications necessary for safety.

f. **Places of Worship.** Places of worship may use their own discretion regarding face covering requirements. However, face coverings are strongly recommended for congregants during worship services, especially while singing or speaking together. Face coverings are also recommended for situations within places of worship where people from different households are unable to or unlikely to maintain a distance of six (6) feet from each other.

g. **Effective Communication:** The requirement to wear a face covering shall not apply when a person who is hearing-impaired needs to see the mouth of someone wearing a face covering to communicate. It shall also not apply to a person speaking to a large group of people, where the face covering may make it difficult for others to understand the speaker, provided the speaker can stay at least 6 feet away from other persons.

h. **Indoor Athletic Facilities.** All indoor athletics facilities (including fitness centers, commercial gyms and spas, as well as yoga, barre, and spin facilities) shall comply with the State Health Officer's May 21, 2020 Order. Patrons are not required to wear face coverings or masks while actively participating in permitted athletic activities. However, employees in regular interaction with patrons are required to wear face coverings or masks.

i. **Private Clubs and Gatherings.** Face coverings shall not be required in meetings of private clubs or private organizations, provided:

(i) the meetings are not open to the general public; and

(ii) a consistent six-foot distance between persons from different households is maintained.

4. **Children.** Parents, guardians, and caregivers are responsible for ensuring the proper masking of children over the age of two years when in public places. They must also ensure that the face covering, or mask does not pose a choking hazard for children and can be safely worn without obstructing a child's ability to breathe.

a. **Discretion for Young Children.** Parents, guardians, and caregivers of children eight (8) years old or younger shall exercise their own discretion regarding the ability of those children to consistently and effectively wear a face covering or mask.

b. **Childcare establishments and Schools.** All schools, daycares, and other childcare establishments shall develop their face covering policies and procedures based on guidance and recommendations from public health authorities and the State Department of Education. These policies should weigh the risks and benefits of masks to children, teachers, and other school employees. Parents and guardians should be notified of such policies and procedures. Where the consistent use of face coverings or masks is not possible due to the supervision of multiple children, the facility shall adhere to sanitary, hygienic, and face covering practices to the maximum extent practicable.

5. **Businesses.** Unless otherwise ordered by the State Health Officer to comply with a stricter face covering requirement, business owners, managers, and supervisors shall develop their own policies and procedures

regarding face coverings for employees in accordance with the Centers for Disease Control and Alabama Department of Public Health guidance.

a. **Public Places.** If a business contains a space or spaces open to the general public, policies regarding those spaces must comply with the restrictions in Section 2 of this Order.

b. **Non-Public Places.** If a business contains a space or spaces not open to the general public, a “non-public place” not included in Section 2 of this Order, such as an office or backroom, policies regarding those spaces should take into account the health, safety, and comfort of employees.

c. **Employee Safety.** Employers are encouraged to structure work to promote social distancing and limit close contact as much as possible within workplaces where face coverings or masks may pose risks to personal safety.

6. **Notices.** All businesses and venues open to the general public shall post a notice at all public entrances of their establishment, stating that face coverings are required inside the establishment.

7. **Conflict.** This Order does not apply within a municipality that has adopted a face covering ordinance prior to the date of this Order.

8. **Duration.** This Order shall go into effect on Monday, June 29, 2020, at 5:00 p.m. and remain in full force and effect until the Jefferson County Health Officer determines that public health conditions in the County warrant discontinuation of or change in this Order. Done on this 26th day of June 2020.



Mark E. Wilson, M.D.

Jefferson County Health Officer