

## EMERGENCY ORDER OF LOCAL HEALTH OFFICER

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Emergency Public Health Order effective the 24<sup>th</sup> day of March 2020 at 12:00am to mitigate the spread of the Coronavirus (COVID-19) epidemic in Wyandotte County, Kansas, pursuant to the authority provided in K.S.A. 65-119, K.S.A. 65-129b, K.S.A. 65-202 and other applicable laws or regulations.

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WHEREAS, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119, K.S.A. 65-129b and K.S.A. 65-202 to immediately exercise and maintain a supervision over known or suspected cases of any infectious or contagious disease during its continuance, and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine and disinfection are duly enforced; and

WHEREAS, the Local Health Officer is appointed by the Board of County Commissioners and is authorized to prohibit public gatherings when necessary for the control of any and all infectious or contagious diseases, and use all known measures to prevent the spread of any infectious, contagious or communicable disease; and

WHEREAS on the 13<sup>th</sup> day of March 2020, the Mayor/CEO of the Unified Government of Kansas City/Wyandotte County, Kansas found that a disaster had occurred, or the threat thereof was imminent within Wyandotte County, Kansas as a result of the Coronavirus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in the United States, State of Kansas and Wyandotte County; and

WHEREAS, on the 16<sup>th</sup> day of March 2020, the Local Health Officer entered an Order prohibiting public gatherings of more than ten (10) people in the County and restricting the operation of certain businesses and activities. Such Order was amended on March 20, 2020 to expand its application.

WHEREAS, on the 17<sup>th</sup> day of March, the Local Health Officer entered an Order closing all public and private schools until April 6, 2020; and

WHEREAS, on the 19<sup>th</sup> day of March 2020, the Unified Government Commission adopted a Resolution extending the state of local health emergency for the COVID-19 pandemic from the March 13, 2020 declaration to May 18, 2020; and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in Kansas and in Wyandotte County, resulting in serious illness and at least one death to date in Kansas; and

WHEREAS, such conditions endanger health, safety and welfare of persons and property within the border of Wyandotte County, Kansas; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Wyandotte County Local Health Officer, all recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas and Wyandotte County continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace: and

WHEREAS, this public health order to shelter in place is being issued to slow the rate of community spread of COVID 19 through intensified social distancing. Without such efforts, it is estimated that each COVID 19 positive patient could infect between 2.6 to 4 other people. Furthermore, there is emerging evidence of transmission among pre-symptomatic and asymptomatic people, making routine case-finding and exposure tracing strategies insufficient. Social distancing strategies are effective when implemented early enough- ideally within 2 weeks of the first case and are key to flattening the epidemic curve to prevent overwhelming our local health care system's ability to care for the proportion of residents who develop severe symptoms. Early implementation of this strategy is even more important in the context of limited testing. With full community cooperation, this proactive public health order can minimize the impact of COVID 19 on our Wyandotte County community.

NOW, THEREFORE, BE IT ORDERED by the Local Health Officer, pursuant to the above authorities, that:

### **Section One: Stay at Home**

Individuals may leave their residence only to perform an Essential Activity. To the extent possible, caregivers should keep their children at their residence unless childcare is necessary for the caregiver to perform an Essential Activity. People at high risk of severe illness from COVID-19 are urged to stay in their residence except as necessary to seek medical care. Individuals who are sick may leave their residence only as necessary to seek or receive medical care in accordance with guidance from public health officials. All individuals shall exercise Social Distancing Requirements at all times.

### **Section Two: Non-essential business and operations must cease.**

All businesses and operations in the State, except Essential Businesses as defined below, are required to cease all activities. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

### **Section Three: Definitions and Exemptions.**

a. For purposes of this Order, Social Distancing Requirements means maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty

seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

b. For purposes of this Order individuals may leave their residence only to perform any of the following “Essential Activities” as described below. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence except as necessary to seek medical care.

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional;

ii. To obtain necessary services or supplies for themselves and their family or household members, to obtain supplies they need to work from home, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;

iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running. Use of parks and other public areas are permitted. However, use of playground equipment is discouraged;

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order; and

v. To care for a family member or pet in another household.

vi. To work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include activities at fitness and exercise gyms and similar facilities.

vii. To provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and 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), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

c. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Governmental Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

d. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

e. For the purposes of this Order, “Essential Businesses” means:

- i. Healthcare Operations, Essential Infrastructure and Essential Government Functions;
- ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, liquor stores, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Human and animal food processing facility workers;
- v. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- vi. Newspapers, television, radio, and other media services;
- vii. Gas stations and auto-supply, auto-repair, and related facilities;
- viii. Banks and related financial institutions;
- ix. Hardware stores;

- x. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- xi. Businesses providing mailing and shipping services, including post office boxes;
- xii. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions related to distance learning, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
- xiii. Laundromats, dry cleaners, and laundry service providers;
- xiv. Restaurants and other facilities that prepare and serve food, but only for drive thru, delivery or carry out and not for consumption on the premises. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xv. Businesses that supply products needed for people to work from home;
- xvi. Businesses that supply other essential businesses with the support or supplies necessary to operate;
- xvii. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xviii. Taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xix. Home-based care for seniors, adults, or children;
- xx. Residential facilities and shelters for seniors, adults, and children;
- xxi. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- xxi. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
  - 1. Childcare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day);

2. Children shall not change from one group to another;
3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other; and
4. Childcare providers shall remain solely with one group of children.

f. For the purposes of this Order, weddings, wakes or funerals are not exempt.

g. For purposes of this Order, **Social Distancing Requirements** includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Essential Businesses must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:

- i. *Designate six-foot distances.* Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;
- ii. *Hand sanitizer and sanitizing products.* Having hand sanitizer and sanitizing products readily available for employees and customers;
- iii. *Separate operating hours for vulnerable populations.* Implementing separate operating hours for elderly and vulnerable customers; and
- iv. *Online and remote access.* Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

h. For purposes of this Order, “School Operations” means any institution of elementary or secondary education, including but not limited to public, chartered, private, or parochial institutions. School Operations does not include a requirement that school buildings be closed if needed to house individuals, distribute food, provide medical care, distance learning or any other services deemed necessary to protect the life and property and other critical resources.

**Section Four.** That due to unique characteristics and risks associated with transmission dynamics, the likely spread of the disease based on factors of social distancing, the clinical severity of COVID-19, the lack of vaccine or antivirals as treatment options, the crowd density, the inability to ensure social distancing and to prevent close contact among groups, all groups of more than ten (10) persons and School Operations are prohibited from taking place in Wyandotte County, Kansas,

during the duration of this Order, unless it can be demonstrated to the satisfaction of the Local Health Officer that sufficient mitigation plans for infectious diseases are in place.

**Section Five.** Violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health.

**Section Six.** This Order will continue to be in effect until April 23, 2020 unless extended, rescinded, superseded, or amended in writing. This Order may be supplemented or modified as required for the effective and efficient management and control of the Coronavirus epidemic in the County by further order or direction of the Wyandotte County Board of Public Health or by the Wyandotte County Local Health Officer.

**Section Seven.** That the County Administrator is directed, in concert with or acting through the Director of Health, to immediately make and adopt rules and regulations for the evaluation of and approval of sufficient mitigation plans for this infectious disease.

**Section Eight.** Pursuant to K.S.A. 65-129b, and other legal authority, any Sheriff, sheriff deputy, police officer, or other law enforcement officer of the State of any political subdivision within Wyandotte County is hereby ordered to assist in the execution of this Order

IT IS SO ORDERED THIS 21st DAY OF MARCH 2020



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Dr. K. Allen Greiner  
Local Health Officer  
Wyandotte County, Kansas