EMERGENCY STAY AT HOME ORDER ISSUED BY PUBLIC HEALTH OFFICER

Emergency Public Health Order issued on this 26th day of March 2020 to mitigate the spread of the Coronavirus (COVID-19) epidemic in Osage County, Kansas, pursuant to the authority provided in K.S.A. 65-119, K.S.A. 65-129b and K.S.A. 65-202 and other applicable laws or regulations.

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WHEREAS, the Public 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 Public 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, pursuant to K.S.A. 65-119; and

WHEREAS on the 17th day of March 2020, the Board of County Commissioners of Osage County, Kansas declared a State of Local Disaster within Osage County, Kansas as a result of the Coronavirus pandemic (COVID-19) in the United States, Kansas and Osage County; and

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

WHEREAS, such conditions endanger health, safety and welfare of persons and property within the border of Osage 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 Osage County Public 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 pandemic in Kansas and Osage 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.

WHEREAS, this public health order directing individuals to stay at home is being issued to slow the rate of community spread of COVID-19 through intensified social distancing. It is estimated that each COVID-19 positive patient could infect between 2.6 to 4 other people. Social

distancing strategies are effective when implemented early enough -- ideally within two 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. Despite recent enactment of Public Health Orders (schools, bars and restaurants), lack of available metrics to monitor the effect of these measures and the potential dire consequences of delay led the Public Health Officer to conclude that further delay could lead to excess mortality. Early implementation of this strategy is even more important in the context of limited testing capacity. With full community cooperation, this proactive public health order can minimize the impact of COVID-19 on our Osage County community.

Section One: 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 are directed to stay at home and 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 and livestock), 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 and personal 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. Use of any public playground and exercise equipment, however, is prohibited;

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

v. To care for a family member, pet or livestock in another household, or engage in transportation or to transport the family member, pet or livestock to provide for such care;

vi. To comply with valid court or administrative orders;

vii. To work for or obtain services at any "Healthcare Operations" including clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers including pastoral or other counselors, intellectual/developmental disability 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;

viii. 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 or repair of housing (in particular affordable housing or housing for individuals experiencing homelessness), commercial construction, 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, public health, emergency management personnel, essential responders to the County's emergency operations center, 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" provided said individuals perform these duties following the guidance of the Public Health Officer or delegated public health personnel. 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, including judicial functions. 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, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell or distribute groceries and other non-grocery products, and products or services necessary to maintaining the safety, sanitation, and essential operation of residences; however, the touching of unpacked baked goods is prohibited.

iii. Food cultivation, including farming, livestock, and fishing;

iv. Human and animal food processing facilities and 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 servicing, emergency road services and related services and facilities;

viii. Banks and related financial institutions;

ix. Hardware stores;

x. Plumbers, electricians, exterminators, construction, cleaning and janitorial staff, security staff, HVAC, painting, moving and relocation services, lawn care and landscaping and other trades and service providers who provide services that are necessary to maintaining the safety, security, 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, which includes public and private K-12 schools, colleges, and universities, for purposes of facilitating distance learning or performing essential functions related to distance learning and support to other essential businesses (such as transportation and law enforcement), provided that social distancing of six-feet per person is maintained to the greatest extent possible. School buildings may be used 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.

xiii. Laundromats, dry cleaners, and laundry service providers;

xiv. Restaurants and other facilities that prepare and serve food and/or beverages, but only for 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 and services 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, beverages, goods or services directly to residences;

xviii. Taxis, aircraft, commercial transportation and logistics providers and services and other 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 services, accounting services, real estate services, and insurance services;

xxii. Childcare facilities providing services that enable employees exempted in this Order to work as permitted.

xxiii. Mortuary, cremation, and burial services.

xxiv. Hotels and motels, to the extent used for lodging and delivery or carry-out food services.

xxv. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for residences and industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum, lubricants and fuel, mining, construction, personal and national defense, communications, as well as products and services used by Essential Businesses.

Section Two. Essential Businesses shall 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 anti-microbial soap and water or 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.

Section Three. All large public gatherings of people in Osage County are prohibited unless otherwise ordered by the Public Health Officer. Large public gatherings are those with more than ten (10) people in attendance or anticipated to attend, both indoor and outdoor, except for Essential Businesses. A "gathering" does not include normal operations at spaces where persons may be in transit or coming and going individually or in groups of less than ten (10) persons. For all gatherings of people, the health officer strongly encourages everyone to follow the guidance provided by the Centers for Disease Control and Prevention (CDC), and federal, state and local public health officials and private medical providers.

Section Four. Pursuant to K.S.A. 65-129b, any sheriff, deputy sheriff or other law enforcement officer of the state or any political subdivision within Osage County, Kansas is hereby ordered to assist in the execution or enforcement of this order.

Section Five. This Order may be supplemented or modified as required for the effective and efficient management and control of the Coronavirus pandemic in the County by further order or direction of the Osage County Board of Public Health or by the Osage County Public Health Officer.

Section Six. **This Order is effective at 12:01 a.m. on Saturday, March 28, 2020 and shall remain in effect until suspended by the Osage County Public Health Officer.**

IT IS SO ORDERED THIS 26th DAY OF MARCH, 2020

Jackie Patterson, RN, Director

Osage County Public Health Officer

Fred Diver, Chairman

Osage County Board of Public Health