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MAYOR

SHELBY COUNTY HEALTH DEPARTMENT

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DIRECTOR

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Public Health
Prevent. Promote. Protect.

July 24, 2020

FORMAL ISSUANCE OF HEALTH ORDER AND DIRECTIVE NO. 9 (effective date: July 26, 2020 at midnight)

Pursuant to the Declarations of a State of Emergency
by Shelby County Mayor Lee Harris
and the Necessity of a Communicable Disease Control Threat Procedure
by the Shelby County Health Department

TO: Residents, Services, Businesses, and Visitors of Shelby County, Tennessee

FROM: Lee Harris, Shelby County Mayor
Bruce Randolph, M.D., M.P.H, Shelby County Health Officer
Alisa Haushalter, DNP, RN, PHNA-BC, Shelby County Health Director

RE: Public Health Announcement on COVID-19 Response

Pursuant to the emergency management authority vested in Shelby County, Tennessee, for coordination of relief efforts in the event of a countywide emergency that may result in substantial injury or harm to the population, and the necessity to respond to public health emergencies vested in the Shelby County Public Health Department (“the Department”), this Health Order and Directive (“Directive”) is being issued to protect the public health for all citizens and businesses in Shelby County, Tennessee. Those citizens and owners of businesses described herein and currently within Shelby County, Tennessee serve as the class of people subject to this Directive. This Directive incorporates by reference the Face Mask Health Order and Directive (issued July 7, 2020) and supersedes all other prior written or oral Health Directives and shall remain in effect unless superseded. This Health Directive will be modified as needed to account for current and relevant Shelby County health data. Any changes between this Directive and Directive No. 8 shall take effect, July 26, 2020, at midnight.

All Health Directives involve consultation with a back-to-business task force group comprised of representatives of key stakeholders in the County, including the City of Memphis, other municipalities, health officials and doctors, and governmental attorneys.

SARS-CoV-2, the virus that causes COVID-19, is thought to be mostly spread by respiratory droplets released when people talk, cough, sneeze, or sing. It is thought that the virus may also spread to hands from a contaminated surface and then to the nose, mouth, or eyes, causing infection. Therefore, the important personal practices to prevent the virus's spread are:

- Staying home when sick
- Limiting close contact with others
- Maintaining at least 6 feet of distance from other people
- Wearing a cloth face covering or mask over your nose and mouth (please also refer to the Shelby County Health Department's Face Mask Order and Directive)
- Frequently washing hands with soap and water, or using hand sanitizer (60% alcohol)
- Cleaning and disinfecting frequently touched surfaces and objects

The goal is safety while balancing the needs of citizens to receive the necessities of life, i.e., food and shelter, allowing people to work in a safe manner, and further ensuring the availability of resources to the community. Every effort should be made by providers of essential and other services to take steps to stop the spread of this deadly disease. These actions are meant to protect everyone.

This Directive removes certain restrictions on the ability to return to work and engage in essential activities. It is intended to be a guide toward developing long-term safety measures, as detailed below, to slow and end the transmission of COVID-19, which continues to be a direct and deadly threat to the population of Shelby County, Tennessee. When determining whether a specific Service or Business should reopen, the Department considers two main factors: the risk of COVID-19 spread when conducting said business activity in light of the latest science and research about the spread of COVID-19, and the prevalence of the disease in our community. As prevalence goes down, the level of acceptable

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risk increases. This is due to the fact that with low prevalence, the risk that any one person is spreading the disease decreases.

In order to facilitate evolving efforts to expand the opening of services and businesses in Shelby County, this Directive provides the following guidance on:

- 1) Safety Measures for Individuals;
- 2) Safety Measures for all Services and Businesses; and
- 3) Safety Measures for Services and Businesses that require in-person interaction with the public or those who otherwise regularly welcome non-employees into their place of business.

All businesses and services in Shelby County may open for business with the following exceptions:

- 1) Bars/Limited Service Restaurants and Clubs
 - Please visit <https://www.tn.gov/abc/licensing/liquor-by-the-drink-licenses.html> for assistance on licensing information.
 - Beer/wine/liquor production facilities that are not otherwise licensed as restaurants may continue to operate their production enterprise, but on-premises consumption of alcohol, inside or outside, cannot occur at this time.
 - If properly permitted by local and state law, any curbside, drive-thru, or delivery services may continue, but any such sales of alcoholic beverages must end at 10 p.m.
- 2) Full Service Restaurants that have a gross annual revenue from the sale of prepared food that is 50% or less than the gross annual revenue from the sale of alcoholic beverages regardless of their licensure by the Tennessee Alcohol Beverage Commission (Commission).
 - Please be prepared to provide 1) the most recent sales numbers that were provided to the Commission for license renewals **or** sales number for year-to-date sales and 2) a “food affidavit” by an owner of the establishment attesting that the numbers submitted are correct.
 - If applicable to you or your establishment, please see further information regarding “Full-Service Restaurants” and their operations below.

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- 3) Adult entertainment venues; and
- 4) Festivals, fairs, parades, large-scale sporting events, and large-scale community events unless the Department has approved a site specific plan for conducting the event.

Nothing in this order restricts the ability of the Department to take targeted action against specific businesses where COVID-19 outbreaks or clusters occur under The Department's standing authorities to control disease outbreaks.

Nothing in this Directive mandates closure of a place of worship or prohibits weddings or funerals as a matter of law. Weddings may be conducted in any manner that is permissible under Governor Lee's Executive Order No. 38. However, places of worship are strongly encouraged to continue to utilize virtual or online services and gatherings, and are strongly encouraged to follow guidelines as issued by the State of Tennessee's Office of Faith-Based and Community Initiatives regarding any in-person services that can be conducted safely. Further, it is strongly encouraged that the public celebration component of weddings and funerals be postponed or attended only by close family members and that all safety precautions in the Directive are followed, including the wearing cloth face coverings. Any modification by the State of Tennessee to this provision must also be followed.

1) Safety Measures for Individuals:

- Individuals must cooperate with health authorities' efforts to prevent and control the spread of COVID-19.
- Individuals who test positive for COVID-19 must report this information to the Department by faxing the information to 901-222-8249 or by calling 901-426-2624 (or the COVID Call Center at 833-943-1658) to discuss a case they wish to report. Individuals who test positive for COVID-19 must notify those who are known to have been in contact with them.

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- Individuals should stay at home when possible and limit unnecessary activity. Although this Directive allows some individuals to return to work (as provided for below), the threat of COVID-19 remains very serious. Because avoiding unnecessary public interactions is critical to protecting the health and safety of everyone in Shelby County, all persons are still strongly encouraged to continue to stay at home and to minimize in-person contact with people not in the same household, except when engaging in essential activities such as employment or exercise or other activities as outlined in this Directive. Individuals should also be aware of the need to take extra precautions to protect those who are most vulnerable.
- Individuals must practice social distancing, which means keeping at least 6 feet of space between yourself and other people outside of your home.
- Individuals must wear cloth face coverings or masks that cover the nose and mouth in public settings where being in close proximity to others is anticipated and particularly where other social distancing measures are difficult to maintain at all times. Cloth face coverings or masks should not be placed on young children under the age of two or required of any children twelve and under if they cannot understand how and when to wear a face mask, anyone who has trouble breathing, or anyone who is incapacitated or otherwise unable to remove the mask without assistance.
- Individuals must avoid using communal items and products that are shared with people who are not of the same household; such items include writing utensils, condiment containers, and work-related devices.
- Individuals may engage in outdoor activities provided that persons adhere to the CDC, Tennessee Department of Health, and Shelby County Health Department health guidelines, including, but not limited to physical activities that utilize public areas while maintaining the aforementioned safety precautions.
- Individuals may assist all businesses that are closed under this Directive with minimum basic operations consisting in performing activities at their own residences (i.e., working from home) or at their workplaces in order to maintain

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the value of the business's inventory, ensure security, process payroll and employee benefits, or for other related, necessary business functions.

2) Safety Measures for all Services and Businesses

The following safety measures must be in place for services and businesses to remain open or to reopen. Services and Businesses that may not reopen should consider adopting these safety measures to prepare for reopening in the future.

- Cooperate with health authorities' efforts to prevent and control the spread of COVID-19.
- Request technical assistance from the Department when needed.
- Comply with all federal and state business COVID-19 safety requirements, whether industry-specific or not, such as the Occupational Safety and Health Administration (OSHA) requirements.
- Place prominent informational signs at entrances and high-traffic areas (such as entrances and restroom areas) to educate and encourage a partnership of safety for businesses and the public. Signs must meet or exceed the requirements and safety guidelines outlined by the CDC at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs.pdf>
- Place prominent informational signs at entrances and high-traffic areas (such as entrances and restroom areas) that masks are required within the business.
- Place prominent informational signs at entrances that employees, patrons, and all others must not enter if they are sick or currently have signs or symptoms of COVID-19, such as the CDC's recommended sign located here: <https://www.cdc.gov/coronavirus/2019ncov/downloads/StayHomeFromWork.pdf>
- Ensure proper ventilation in all indoor areas of any business location.

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- Require all employees, customers and visitors to wear a mask or cloth face covering while within their establishments. Employees are not required to wear masks when at their desk or workstation alone and so long as the workstation is not shared with any other employee.
- Continue promoting frequent and thorough handwashing by providing workers, customers, and visitors a place to wash their hands or use alcohol-based hand sanitizer at or near entrances to a facility and other high-traffic areas. It is strongly encouraged that CDC handwashing guides be placed in all bathrooms and near any handwashing sink as described at <https://www.cdc.gov/handwashing/pdf/wash-your-hands-poster-english-508.pdf>
- Close all water fountains that require individuals to drink from the same spout.
- Require workers to stay home if they are sick pursuant to the following CDC guidance:
 - “How to Protect Yourself and Others”: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> (as of July 24, 2020).
 - “What to Do if You are Sick”: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html> (as of July 24, 2020).
- Health checks and screenings for fever (100.4 degrees Fahrenheit) or other signs and symptoms of COVID-19 must be performed at the start of each employee’s shift so that any employee that exhibits such symptoms may not enter any workplace. This includes taking the temperature of employees who are reporting to work and asking the following:
 1. Have you been in close contact with a confirmed case of COVID-19?
 2. Are you experiencing a cough, shortness of breath or sore throat?
 3. Have you had a fever in the last 48 hours?
 4. Have you had new loss of taste or smell?
 5. Have you had vomiting or diarrhea in the last 24 hours?

Employees who exhibit COVID-19 symptoms (i.e., by answering yes to any of the screening questions or who are running a fever) should be directed to leave the

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premises immediately and seek medical care and/or COVID-19 testing. Alternatively, employees may self-validate their status at the beginning of each shift to their supervisor.

- Report to the Department any employee who has had contact with a person who tests or has tested positive for COVID-19 to notify the Department by faxing the information to 901-222-8249 or by calling 901-426-2624 (or the COVID Call Center at 833-943-1658) to discuss a case they wish to report.
- If an employer is informed that an employee has tested positive for COVID-19, the area(s) where the employee worked should be closed for cleaning and disinfecting pursuant to CDC and OSHA guidance:

“Worker Safety and Support”: <https://www.cdc.gov/coronavirus/2019-ncov/community/worker-safety-support/index.html>

“Guidance on Preparing Workplaces for COVID-19”: <https://www.osha.gov/Publications/OSHA3990.pdf>

- Develop a plan on how to communicate with customers/patrons if they are exposed to someone (such as an employee or another patron) who tests positive for COVID-19. For example, restaurants must maintain seating charts for 21 days to assist with contact tracing as further explained below.
- As determined by the employer and where feasible, allow employees to work from home or permit flexible worksites and hours (including staggered shifts) to increase physical distancing among and between employees.
- Discourage workers from using other employee’s phones, desks, offices or other work tools and equipment, when possible. When this is not possible, sanitizers should be used both prior to use of communal items and immediately after, and care should be taken not to touch the face.
- Increase regular housekeeping practices for all areas to more than twice a day cleanings, including routine cleaning and disinfecting of surfaces, equipment, high-touch surfaces, work areas, break rooms, bathrooms, common areas, and any other areas of the work environment.

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- Limit the number of people who can enter a facility at any time to no more than 50% of listed occupancy and ensure that people inside can easily maintain a minimum 6-foot distance from each other at all times, except when necessary to complete a business transaction such as payment or delivery of goods.

3. Safety Measures for Services and Businesses that require in-person interaction with the public or those who otherwise regularly welcome non-employees into their place of business

(The following measures are required in *addition* to the requirements listed above for all businesses.)

- Where feasible, implement contactless transactions.
- Close all self-service customer bulk-item food and/or supply bins.
- Place an employee at entrances to ensure any applicable building occupancy thresholds (as further delineated below) are not exceeded and customers are wearing masks prior to entering the store.
- Indicate where lines may form at a facility, marking 6-foot increments as guides for where individuals should stand to maintain social distancing.
- Concession registers should be configured to allow for 6-foot spacing between customers.
- Consider installing plexiglass barriers at registers and other employee/customer points of contact.
- If gloves are used by employees, they should be replaced every 30 minutes and discarded whenever an employee washes his/her hands. If at any time the gloves become contaminated with a foreign substance, the gloves are to be discarded and replaced with a new pair.
- Make best efforts to establish hours when they are only available to senior citizens age 55 and older, pregnant women, and otherwise vulnerable populations and

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consider implementing other measures to help serve vulnerable populations, such as offering delivery services.

- As described above, occupancy limits must not exceed 50% of the allowed occupancy of the facility.
- Patrons must not be allowed to congregate in groups larger than six and each group must maintain social distance of greater than 6 feet from any other group and follow all appropriate safety procedures. Where the service or business routinely provides seating or other congregate settings (e.g. tables, benches, fitness equipment, etc.), each setting or group of seats must be placed more than 6 feet from every other table or group of seats. In the event the business has fixed seating or equipment, seats and equipment must be closed with signs to allow for social distancing.
- Restaurants, theaters, and other businesses that allow for group activities or dining (e.g. recreational facilities, pools, etc.) may allow groups (no larger than six) to enter together and act as a “family unit” so long as each group maintains a distance of 6 feet from all other groups. Regardless of “family unit” status, all patrons must continue to wear a mask unless eating or drinking. Where these family unit groups are allowed, the facility must maintain a record of all patrons to include, at a minimum, first name, last name, time of service/attendance, and cell phone or other contact number to allow for contact tracing in the event a COVID+ case is identified. Restaurants must maintain seating charts for 21 days to assist with contact tracing. Records must be maintained for a minimum of 30 days after the date on which the service occurred. The Department will provide technical assistance to any business upon request.
- All business that require close contact between patrons and/or employees for the provision of services (i.e. Nail Salons, Barbershops, Salons, and other personal appearance businesses) must maintain a record of all patrons including, at a minimum, first name, last name, time of service, and cell phone number or other contact number to allow for contact tracing in the event a COVID+ case is identified. Records must be maintained for a minimum of 30 days after the date on which the service occurred.

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- Where practical, businesses are encouraged to use outdoor space for the provision of services. Restaurants in particular are encouraged to provide outdoor dining.
- All communal use of items and products should be prevented, including, for example, writing utensils, store bags, condiment containers, self-service stations, and buffets. All menus or service literature should be disposable, single-patron usage, and/or accessible by personal electronic devices (e.g., internet website, QR Code, etc.).
- Patrons or facility personnel must clean equipment with disinfecting wipes before and after each use. Shared equipment that cannot be cleaned in between use is not allowed.
- High-touch areas, such as elevator buttons, door handles, and counters must be cleaned regularly throughout the day with disinfectant.
- Communal showers and locker rooms must be closed to the public; bathrooms should remain open with regular cleaning and disinfection as required for high-contact areas. Facilities that would normally require changing clothes prior to using their services should encourage all patrons to change prior to coming to the facility; where this is not practical, facilities may allow for a changing area.
- Hot tubs must remain closed.
- If the layout of the facility is such that ingress/egress would often prompt encounters of less than 6 feet, facilities must use best efforts to make for one-way traffic flow and/or specific entrances and exits.
- Scholastic and other organized teams not deemed to be high-risk as determined by the National Federation of State High School Associations may conduct more comprehensive practices, but contact must be limited and all other social distancing principles should apply as much as is practicable.
- High-risk sports including for example wrestling, football, lacrosse, competitive cheer, dance, and other similar high-contact sports activities should follow safety measures contained in any current Directive, and any protocols/guidance provided

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by the Tennessee Secondary School Athletic Association (TSSAA), the Tennessee Department of Education, the Tennessee Department of Health, and the CDC.

- Schools, School Systems, Daycare and Childcare businesses may operate, provided that they implement screening procedures, develop safe drop-off and pickup procedures, ensure additional steps are taken to enhance personal hygiene of employees, (including wearing face coverings that cover the nose and mouth), and provide regular sanitization efforts within the facilities themselves. Activities that occur at any of these businesses must follow any applicable safety measures outlined in the current Health Directive and should follow any guidance or protocols recommended by the Tennessee Department of Health, the Tennessee Department of Education, and the CDC. To submit a reopening plan to the Department for review and technical assistance, visit www.shelbytnhealth.com/healthdirectives and follow the instructions.
- Colleges and Universities, through their governing boards and presidents, retain sole responsibility in making decisions on providing instruction to their students while protecting the health and safety of their students, faculty, and staff. Nothing in this Directive should be construed to stipulate or require campuses to reopen in the Fall. In all cases, colleges and universities should consult the guidance issued by OSHA, the CDC, and the State of Tennessee as well considerations outlined by the American College of Health Association:

“Colleges, Universities, and Higher Learning”: <https://www.cdc.gov/coronavirus/2019-ncov/community/colleges-universities/index.html>

“Higher Education Guidelines”: <https://www.tn.gov/governor/covid-19/economic-recovery/higher-education-guidelines.html>

“Considerations for Reopening Institutions of Higher Education in the COVID-19 Era”: https://www.acha.org/documents/resources/guidelines/ACHA_Considerations_for_Reopening_IHEs_in_the_COVID-19_Era_May2020.pdf

- Live music should not be permitted unless appropriate precautions are taken. Research and the CDC suggest that activities like singing may project respiratory

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droplets in greater quantity and over greater distance, increasing the risk of COVID-19 transmission, particularly with prolonged exposure. Live music performers should maintain at least 18 feet of separation—and more if possible—between audience members and the performer(s) (e.g., vocalists and singers). Thus, seating and spacing modifications should be adopted to increase physical distances between any observer and any performer. Where necessary, install barriers to minimize travel of aerosolized particles from performers or implement alternative placements of performers. In addition, maximize physical spacing between performers on-stage by at least 6 feet unless barriers are used. Dancing should not be allowed unless it occurs outdoors and dancers maintain six feet separation from those who are not of their same household.

- The Shelby County Government Division of Corrections shall follow all safety precautions as stated in any executive order by Mayor Lee Harris.
- Detention facilities: If not already established, Facility administrators should adopt protocols that house new detainees separately from the inmate population in order to properly screen and care for the new inmate until such time as the new inmate can safely be placed in the same environment with the existing inmate population. If any detained person is released on their own recognizance (ROR) or makes bond, they should be provided with a copy of the current “Shelby County Health Order and Directive” and instructed to follow that directive upon release. Additionally, they shall be provided information (6th grade reading level) about COVID-19 and “How to Protect Yourself and Others” issued by the CDC: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.
- Nothing in this Directive is intended to delay or impede the release of detained individuals if they are eligible to be released.
- The State of Tennessee has developed statewide guidelines for the following types of facilities. Each type of facility is required to follow all applicable state guidelines located online as indicated below (as of July 24, 2020).
 1. Full-Service Restaurants: <https://www.tn.gov/governor/covid-19/economic-recovery/restaurant-guidelines.html>. The following additional restrictions must be followed:

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- There shall be no standing room or seating at a physical bar.
 - Alcohol may only be served with food and to customers who are seated at a table.
 - Food service at a table for each customer/group should not exceed two hours.
 - If properly permitted by local and state law, any curbside, drive-thru, or delivery services may continue, but any such sales of alcoholic beverages must end at 10:00 p.m.
 - All restaurants shall close at 10:00 p.m. This means that guests who are already in the restaurant at 10:00 p.m. may remain there until 10:30 p.m. but may not be served food or beverages after 10:00 p.m. Only staff needed to close, open, clean, or operate curbside/delivery services shall be in any restaurant between the hours of 10:30 p.m. and 5:00 a.m. Legally permitted curbside, drive-thru, and delivery service may continue (except for the sale of alcoholic beverages as provided above) without the restriction of closing at 10:00 pm as long as such services also comply with state law.
 - Music (live or recorded) must be kept at a decibel level that permits regular conversation. In other words, the noise level should not be so great as to cause patrons to raise their voices to be heard.
 - Dancing is not permitted at a restaurant.
 - Club houses at golf courses, tennis courts, and other facilities if they qualify as a full-service restaurant under state law, must comply with these requirements as well.
2. **Recreational Facilities:** <https://www.tn.gov/governor/covid-19/economic-recovery/recreation-guidelines.html>
 3. **Exercise Facilities:** <https://www.tn.gov/governor/covid-19/economic-recovery/exercise-facilities-guidelines.html>
 4. **Salons, Barbershops, and Nail Salons, and other personal appearance businesses that require close contact between patrons and employees:** <https://www.tn.gov/governor/covid-19/economic-recovery/close-contact-business-guidelines.html>

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5. **Visitation in Long Term Care Facilities and Assisted Living Centers:** https://www.tn.gov/content/dam/tn/health/documents/cedep/novel-coronavirus/LTCF_Visitation.pdf. Any positive test result shall be reported to the Department of Health by 5:00 p.m. of the day following receipt of such test result. The Department shall have unrestricted access to the facility where such access is determined necessary by the Department for purposes of testing all personnel for COVID-19, and in such circumstances, the operator and administrator shall cooperate fully to facilitate such testing.

Please contact the Shelby County Health Department if you require technical assistance regarding any safety parameters.

In conclusion, the aforementioned guidelines set forth in this Directive present, at this time, the least restrictive means by which transmission of COVID-19 may be slowed while also permitting businesses to reopen and remain open.

The Shelby County Health Department, with the assistance of the Shelby County Sheriff's Office, is authorized to take emergent and immediate action to enforce this Directive.

Requirement to Collect Demographic Data.

Any health care provider located in Shelby County, Tennessee that provides COVID-19 testing or clinical care shall provide to the Shelby County Health Department (SCHD), as requested by the SCHD, demographic data regarding individuals tested or cared for by the provider. Such data shall be in such forms, formats and/or schedules that the SCHD will reasonably specify to the provider by written guidelines, including by way of example and without limitation the following data: gender, race, ethnicity, date of birth or other indicia of age, and such other demographic-based clinical information that the SCHD deems relevant and necessary to respond to and serve the needs of Shelby County related to the COVID-19 pandemic.

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Approved and adopted by:

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SHELBY COUNTY MAYOR

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