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**ORDER OF THE ROCK COUNTY PUBLIC HEALTH DEPARTMENT**

February 4, 2021

WHEREAS, on July 26, 2020, the President's COVID-19 task force recommended that Wisconsin consider adopting a statewide face covering requirement due to the increasing number of confirmed COVID-19 cases;

WHEREAS, face coverings are a proven, effective way to slow the spread of COVID-19 without having a significant impact on people's day-to-day lives;

WHEREAS, the Centers for Disease Control (CDC) has called on Americans to wear face coverings, stating, "[c]loth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus - particularly when used universally within a community setting. All Americans have a responsibility to protect themselves, their families, and their communities";

WHEREAS, in June, 2020 the White House Corona Virus Task Force Coordinator Dr. Deborah Birx urged all Americans to wear masks when outdoors, stating, "It is not theoretical. Masks work, and they protect and prevent spread of the virus." Dr. Birx has also stated that "The federal government has... recommended a mask mandate..." and that "right now we gain our freedom through wearing a mask and social distancing." As recently as December, 2020, Dr. Birx re-iterated the need for required mask wearing, stating, "Any place where you're indoors and they have viral cases in that state, there should be mask requirements;"

WHEREAS, on January 20, 2021 President Joseph Biden issued two executive orders on mask wearing, the first, protecting the federal workforce by requiring that all federal employees comply with CDC mask wearing guidelines, and the second, requiring masks be worn in compliance with CDC guidelines in or on airports, commercial aircraft, trains, public maritime vessels, intercity bus services; and all forms of public transportation. In Issuing these Executive Orders, President Biden stated, "[t]he Centers for Disease Control and Prevention (CDC), the Surgeon General, and the National Institutes of Health have concluded that mask-wearing, physical distancing, appropriate ventilation, and timely testing can mitigate the risk of... spreading COVID-19;"

WHEREAS, published scientific research has shown that the probability of transmission during exposure between a person infected with COVID-19 to an uninfected person is 17.4 percent if face coverings are not worn, and 3.1 percent if face coverings are worn;

WHEREAS, modeling by the University of Washington's Institute for Health Metrics and Evaluation estimates that if face covering requirements in Wisconsin are eased, it would result in a significant increase in deaths related to complications from COVID-19.;"

WHEREAS, on January 12, 2021, the Wisconsin Department of Health Services and laboratory partners identified a variant strain of SARS-CoV-2, referred to as B.1.1.7 and believed to spread more rapidly and easily than the original SARS-CoV-2 strain, making adherence to social distancing and mask wearing practices even more important to control the diseases spread;

WHEREAS, as of December 2, 2020, the majority of states across the nation have recognized the importance and effectiveness of face coverings by imposing mask mandates or requirements upon their residents;

WHEREAS, Rock County must do its part to stop the spread of COVID-19 in the United States, which is leading the world in COVID-19 cases and deaths;

WHEREAS, COVID-19 is not only a threat to public health, but also to our economy;

WHEREAS, since January 1, 2021, Rock County has averaged 50 new cases of COVID-19 per day, which the Wisconsin Department of Health Services has deemed "high" case activity;

WHEREAS, since schools have reopened after the winter holidays, the gathering of students and staff in school and classrooms continues to present a significant risk for community spread of COVID-19;

WHEREAS, the use of face coverings during the school day has greatly reduced the risk of transmission among staff and students within the school building;

WHEREAS, while the State of Wisconsin and its local health department partners are making extraordinary efforts to distribute and administer the Covid-19 vaccine, it will take many months before herd immunity of Wisconsin residents is reached;

WHEREAS, Wisconsin Division of Public Health has set a goal of vaccinating at least 80% of the state-wide population in order to achieve herd immunity;

WHEREAS, of Wisconsin's population of 5.8 million, only 457,768 residents have been vaccinated with one or more doses of the COVID-19 vaccine, and only 129,766 residents have completed the two-dose series of vaccine representing about 2.2% of the population;

WHEREAS, it takes up to two weeks after the second dose of the COVID-19 vaccine to develop maximum immunity;

WHEREAS, the Wisconsin Department of Health Services has stated that vaccination does not negate the need for continual adherence to best practices of distancing, masking, hand-hygiene, testing, isolation and quarantining;

WHEREAS, widespread use of face coverings will slow the spread of COVID-19, allowing Rock County’s economy to move forward by making sure businesses can stay open and jobs are available, and schools to stay open;

WHEREAS, Section 252.03(2) of the Wisconsin Statutes authorizes a Local Health Officer to “do what is reasonable and necessary for the prevention and suppression of disease”; and

WHEREAS, based on input from state and local public health officials, medical professionals, school officials, and business leaders, a county-wide face covering requirements is reasonable and necessary to prevent and suppress the community spread of Covid-19.

Now therefore, I, Michelle Bailey, Interim Public Health Officer for Rock County pursuant to laws of the state of Wisconsin, including but not limited to Section 252.03 of the Wisconsin Statutes, and section 6.111(3) of the Rock County Code of Ordinances, do hereby order the following:

## 1. DEFINITIONS.

a. “Enclosed space” means any of the following:

- i. Any indoor confined space open to the public where individuals congregate;
- ii. Public Transit, taxis, or other ride-share vehicles;
- iii. Outdoor seating or spaces, open to patrons at taverns and food establishments, and spectator areas at sporting events; or
- iv. Any outdoor space or structure open to the public where individuals from separate households congregate and physical distancing cannot be maintained.

b. “Face covering” means a piece of cloth or other material that is worn to cover the nose and mouth completely. A “face covering” includes but is not limited to a bandana, a cloth face mask, a disposable or paper mask, a neck gaiter, or a religious face covering. A “face covering” does not include face shields, mesh masks, masks with holes or openings, or masks with vents.

c. “Physical distancing” means maintaining at least six feet of distance from other individuals who are not members of your household or living unit.

## 2. FACE COVERING REQUIRED.

Every individual, age five and older, in Rock County shall wear a face covering if both of the following apply: a. The individual is indoors or in an enclosed space, other than at a private residence; and; b. Another person or persons who are not members of individual’s household or living unit are present in the same room or enclosed space.

Face coverings are strongly recommended in all other settings, including outdoors when it is not possible to maintain physical distancing.

### 3. EXCEPTIONS.

a. Individuals who are otherwise required to wear a face covering may remove the face covering in the following situations:

- i. While eating or drinking.
- ii. When communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.
- iii. While obtaining a service that requires the temporary removal of the face covering, such as dental services.
- iv. While sleeping.
- v. While swimming or on duty as a lifeguard.
- vi. While a single individual is giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation for an audience, the single speaker may remove the face covering when actively speaking. While the face covering is removed, the speaker must remain at least 6 feet away from all other individuals at all times.
- vii. When engaging in work where wearing a face covering would create a risk to the individual, as determined by government safety guidelines.
- viii. When necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution.
- ix. When federal or state law or regulations prohibit wearing a face covering.

b. In accordance with CDC guidance, the following individuals are exempt from the face covering requirement in Section 2:

- i. Children between the ages of 2 and 5 are encouraged to wear a mask when physical distancing is not possible. The CDC does not recommend masks for children under the age of 2.
- ii. Individuals who have trouble breathing.
- iii. Individuals who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.

iv. Individuals with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the individual from wearing a face covering.

v. Incarcerated individuals. The Rock County Sheriff's Department and any other unit of local government dealing with incarcerated persons should continue to follow best practice COVID-19 protocols to ensure the health and safety of their staff and individuals in their care.

4. ENFORCEMENT. This order is enforceable by civil forfeiture in accordance with section 6.111, of the Rock County Code of Ordinances.

5. SEVERABILITY. If any provision of this Order or its application to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other individuals or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

6. DURATION. This Order shall enter into effect immediately and shall expire on May 5, 2021 or by a subsequent superseding order of the Rock County Public Health Officer.

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Michelle Bailey, MSN, RN,  
Interim Public Health Officer

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Date