

ORDER OF BIG HORN COUNTY PUBLIC HEALTH OFFICER

No. 2020-4

WHEREAS, the Montana Department of Public Health and Human Services (DPHHS) recognizes COVID-19 as a threat to the residents of Montana; and

WHEREAS, response plans and protocols have been activated to prepare for cases of COVID-19 in Big Horn County, Montana; and

WHEREAS, the Montana DPHHS, local health departments, health and medical departments and local jurisdictions have activated response plans and protocols to prepare for the arrival of the virus in Montana; and

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interests of the State of Montana, Big Horn County and its people as set forth in the Board of Big Horn County Commissioners' Emergency Proclamation Resolution No 2020-7, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BIG HORN COUNTY, MONTANA PROCLAIMING AN EMERGENCY RESULTING FROM THE IMMINENT THREAT OF A DISASTER CAUSING IMMEDIATE PERIL TO LIFE OR PROPERTY THAT TIMELY ACTION CAN AVERT OR MINIMIZE; and

WHEREAS Administrative Rule of Montana 37.114.102 LOCAL BOARD RULES provides:

- (1) A local board of health may adopt rules for the control of communicable diseases, if such rules are as stringent as and do not conflict with the requirements of this chapter.

Therefore, no rules, regulations or orders of the local board of health are needed for the Local Health Officer to issue Orders

WHEREAS, Montana Code Annotated § 50-2-118 provides:

50-2-118. Powers and duties of local health officers. In order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:

- (1) make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the condition;
- (2) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events;

(3) report communicable diseases to the department as required by rule;

(4) establish and maintain quarantine and isolation measures as adopted by the local board of health; and

(5) pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated.

WHEREAS, based upon the foregoing the local health officer should institute her authority to close buildings and facilities to prevent the spread of COVID-19 to the County of Big Horn, Montana and take steps to limit contact between people; and

WHEREAS on 20th day of March 2020, at 10:44 a.m. the local health officer issued Order of Big Horn County Public Health Officer 2002-1 [hereinafter Order 1] pursuant to Title 50, Chapter 2, Part 1, specifically but not limited to Montana Code Annotated § 50-2-118, that was effective beginning 5:00 p.m. local time on Friday, March 20, 2020, for a period of time up to and through 12:01 a.m. local time March 28, 2020, unless extended by further order; and

WHEREAS, the situations set forth above did not reach conclusion and in fact have become more exacerbated, by way of example, but not limitation the number of persons in the State of Montana who have been diagnosed with COVID-19 has risen since the implementation of Order 1 on the 20th day of March 2020 at 10:44 a.m.; and

WHEREAS, on March 26, 2020, the Governor of the State of Montana, Steve Bullock issued a Directive Implementing Executive Orders 2-2020 and 3-2020 providing measures to stay at home and designating certain essential functions which provided in part: "This Directive is in effect statewide in Montana. In the interest of uniformity of laws and to prevent the spread of disease, all inconsistent emergency county health ordinances are preempted by this Directive, but only to the extent they are less restrictive. Counties may adopt more restrictive ordinances."; and

WHEREAS on 27th day of March 2020, at 10:25 a.m. the local health officer issued Order of Big Horn County Public Health Officer 2002-2 [hereinafter Order 2] pursuant to Title 50, Chapter 2, Part 1; and

WHEREAS Order 2 provided in part: "IT IS HEREBY FURTHER ORDERED that this Order may be revised, updated, amended, changed or revoked in whole or in part at any time."; and

WHEREAS changing circumstances, including, but not limited to the Governor of the State of Montana on March 30, 2020, issuing his Directive Implementing Executive Orders 2-2020 and 3-2020 and providing mandatory quarantine for certain travelers arriving in Montana from another state or country; another adjacent county reporting a case of COVID-19; and reported cases of COVID-19 continuing to rise in Montana;

WHEREAS by this Order the Public Health Officer is recommending that all persons in authority (by way of example but not limitation, employers, clergy, government officials, elders and camp criers) consider advocating the carrying and use of non-medical grade “face coverings” for everyone when outside of the home and within 6 feet of others. If homemade masks can be created to meet medical standards those are recommended, but commercially available medical grade masks should be saved for the use of medical providers; and

WHEREAS the Local Board of Health has adopted QUARANTINE AND ISOLATION MEASURES;

WHEREAS Order of Big Horn County Public Health Officer 2002-3 [hereinafter Order 3] was adopted on April 10, 2020 at 9:40 a.m. and which provided in part: “IT IS HEREBY FURTHER ORDERED that this Order may be revised, updated, amended, changed or revoked in whole or in part at any time.”

NOW THEREFORE IT IS HEREBY ORDERED that Order 3 is revoked immediately upon the signing this Order, which is denominated Order 2002-4.

IT IS FURTHER ORDERED that:

- A) All persons traveling into Big Horn County, Montana for non-work related purposes, including but not limited to those traveling to stay in a non-primary residence must self-quarantine in their lodging for a minimum of 14 consecutive calendar days from the date of their arrival in Big Horn County, Montana or until they leave Big Horn County, whichever is sooner. This shall apply to any person who intends to stay in Big Horn County more than 24 hours or who does stay in Big Horn County more than 24 hours.

Any person who has already arrived in Big Horn County, Montana for a non-work related purpose before the date of this Order must immediately self-quarantine for the remainder of a 14-day period beginning on the date of their arrival in Big Horn County, or until their departure from Big Horn County, whichever is sooner.

These self-quarantine restrictions do not apply to:

- 1) persons whose residence (as defined in Montana Code Annotated Section 1-1-215) is Big Horn County, Montana;
- 2) public health workers;
- 3) public safety workers; or
- 4) or healthcare workers who are traveling to Big Horn County to work in the person's licensed healthcare profession.

Any person to whom the self-quarantine provisions do not apply must still take precautions, including but not limited to, the wearing of a mask, appropriate social distancing, and checking their body temperature a minimum of twice per day. These precautions must be practiced for a minimum of 14 consecutive calendar days.

All persons traveling into Big Horn County, Montana, whether subject to self-quarantining or not, must take precautions, including but not limited to, the wearing of a mask, appropriate social distancing, and checking their body temperature a minimum of twice per day. These precautions must be practiced for a minimum of 14 consecutive calendar days. If a person leaves Big Horn County, Montana and then returns the period of precautions shall begin anew.

In addition to these restrictions, all persons shall also comply with the requirements of all other Executive Orders and Directives issued by the Governor of the State of Montana, provided, however if the restrictions in the Directives issued by the Governor of the State of Montana are less restrictive than the restrictions in this Order, then the restrictions in this Order shall apply.

Regardless of when a person arrives in Big Horn County, Montana, if a person has had close contact with a person who has tested positive for COVID-19 or with a person for which there is a strong suspicion that the person has COVID-19 that person is to self-quarantine for 14 consecutive calendar days to see if they become sick. If a person leaves Big Horn County, Montana and then returns the period of self-quarantine shall begin anew.

- B) A person known to be infected with COVID-19 or if there is a strong suspicion that a person has COVID-19 such person, immediately upon arrival in Big Horn County, Montana, shall report, verbally or in writing, to Office of the Local Health Officer. Such person is to be immediately isolated for 14 consecutive calendar days at a location deemed suitable by the Office of the Local Health Officer. The Office of the Local Health Officer may direct such person to be examined by a physician licensed in Montana of the Office of the Local Health Officer's choosing. Such examination may be paid for by the Local Board of Health.
- The Local Health Officer shall investigate sources of the infection.

Any person who refuses examination or treatment shall be isolated until such time as the Local Health Officer makes a judgment that releasing the person from isolation would not endanger others.

- C) All gatherings deemed essential under the Directive of the Governor dated March 26, 2020, are limited to 10 people, and those people must practice social distancing, i.e., individuals must be 6 feet apart and shall wear masks. Such gatherings include, but are not be limited to, funerals, weddings, and religious services. This portion of this Order is in conformance with the Directive of the Governor which allows counties to adopt stricter standards.
- D) All other gatherings of more than 10 people are prohibited except when authorized by the Office of the Governor of the State of Montana.
- E) Terms used herein which are defined in Montana Code Annotated shall have the meanings given in the Montana Code Annotated.
- F) A person convicted under this Order is guilty of a misdemeanor with each day constituting a new offense.

Nothing in this Order shall be deemed to limit the power of the Local Health Officer under Federal or State Law, including but not limited to those powers found under Title 50 of the Montana Code Annotated or Title 37 of the Administrative Rules of the State of Montana.


This Order is in conformance with the Directive of the Governor which allows counties to adopt stricter standards.

Unless extended, this order shall be effective immediately upon signing, until 12:01 a.m. Monday, May 4, 2020.

IT IS HEREBY FURTHER ORDERED that this Order may be revised, updated, amended, changed or revoked in whole or in part at any time.

To the extent order is more restrictive, this Order supplements any Orders or Directives of the State of Montana or the United States Government regarding the COVID-19 virus.

Done and Dated at Hardin, MT this 17th day of April 2020 at 10:30 a.m.


Carolyn Greimann, M.D.
Big Horn County Public Health Officer
Big Horn County, Montana

SEE MONTANA CODE ANNOTATED TITLE 50 CHAPTER 2 PART 1 and ADMINISTRATIVE RULES OF MONTANA 37.114.102

ACTION OF BIG HORN COUNTY HEALTH BOARD

I hereby certify that this **ORDER OF BIG HORN COUNTY PUBLIC HEALTH OFFICER** was duly approved by the Big Horn County Health Board to further implement public health laws with a vote of 5 in favor, 0 opposed, and 0 abstaining and that a quorum was present on this 17th day of April, 2020.


Chairman of Health Board