

KNOX COUNTY BOARD OF HEALTH

Regulation No. 2020-1

WHEREAS, it is well recognized that the transmission of the novel coronavirus that causes the Coronavirus Disease 2019 (“COVID-19”) constitutes a public health emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 12, 2020, the Governor of Tennessee declared a state of emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, COVID-19 transmission has rapidly spread throughout Tennessee; and

WHEREAS, community transmission is occurring in Knox County, Tennessee; and

WHEREAS, as of June 30, 2020, there were 604 confirmed deaths in Tennessee due to complications of COVID-19, of which 5 were confirmed in Knox County; and

WHEREAS, as of June 30, 2020, there were 43,509 confirmed cases of COVID-19 in Tennessee, of which 927 are confirmed cases in Knox County; and

WHEREAS, the number of active cases of COVID-19 in Knox County has risen from 104 on June 17, 2020 to 234 active cases on June 30, 2020, an increase of 225 percent.

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) and the Tennessee Department of Health recommend wearing face coverings to reduce the transmission of COVID-19; and

WHEREAS, according to the Institute for Health Metrics and Evaluation at the University of Washington, 24,171 deaths could be avoided in the United States by October 1, 2020 if 95 percent of people wore masks in public; and

WHEREAS, pursuant to Knox County Code § 38-33(a), the Knox County Board of Health has all of the powers and duties as required and provided for by state law; and

WHEREAS, pursuant to T.C.A. § 68-2-601(f), the powers and duties of the Knox County Board of Health include adopting rules and regulations as may be necessary or appropriate to protect the general health and safety of the citizens of Knox County and governing the policies of the Knox County Health Department; and

WHEREAS, pursuant to T.C.A. § 68-2-603(b) and Knox County Code § 38-32(f), the Knox County Health Director, as head of the Knox County Health Department, shall act in concert with, and meet all applicable policies established by, the Knox County Board of Health; and

WHEREAS, by Opinion No. 20-07 issued on April 27, 2020, the Attorney General of Tennessee confirmed that “local health officers confronted with an epidemic [have] the power—*indeed, the obligation*—to ‘[e]stablish appropriate control measures which may include examination, treatment, isolation, quarantine, exclusion, disinfection, immunization, disease surveillance, closure of establishment, education, and other measures considered appropriate by medical experts for the protection of the public’s health’” (quoting Tenn. Comp. R. & Regs. 1200-14-01-.15) (emphasis added); and

WHEREAS, pursuant to Executive Order No. 38 issued by the Governor of Tennessee on May 22, 2020, the Knox County Health Department has the authority to issue additional orders or measures related to the containment or management of the spread of COVID-19, which may permit to a greater degree, or restrict to a greater degree, the opening, closure, or operation of businesses, organizations, or venues or the gathering of persons in Knox County, except with respect to certain subjects; and

WHEREAS, the Knox County Board of Health finds it necessary and appropriate to require the wearing of face coverings as set forth herein in order to protect the general health and safety of the citizens of Knox County during the COVID-19 pandemic.

NOW, THEREFORE, the Knox County Board of Health, by virtue of the power and authority vested in it, to protect the general health and safety of the citizens of Knox County, does hereby declare that a continuing public health emergency exists in Knox County, Tennessee, due to the COVID-19 pandemic and adopt the following regulation:

1. This Regulation shall be known and may be cited as the “COVID-19 Face Covering Regulation.”
2. This Regulation shall take effect at 12:01 a.m. on July 3, 2020, and shall remain in effect until amended, superseded, or rescinded by the Knox County Board of Health.
3. The following words, terms, and phrases, when used in this Regulation, shall have the meanings ascribed to them in this Paragraph 3, except where the context clearly indicates a different meaning. The word “shall” is always mandatory and not merely directory.
 - a. “Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit and a person who volunteers such person’s services for a non-profit entity.
 - b. “Employer” means a person, business, partnership, association, corporation, including a municipal corporation, educational institution,

trust, or non-profit entity that employs the services of one (1) or more individual persons.

- c. "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to ceiling.
- d. "Face covering" means a device, mask, or material covering the nose and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing, sneezing, or other intentional or involuntary action. This definition shall include factory-made face coverings, face coverings sewn by hand, face coverings made from cloth, such as cotton, linen, or silk, and face coverings improvised from household items such as a scarf, shirt, or towel.
- e. "Health care facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, dental, physiological, or psychological conditions. This definition shall include waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- f. "Household" means an apartment, a house, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.
- g. "Indoor public place" means an enclosed area to which the public is invited. This definition shall include, but is not limited to, the following: aquariums; banks; child care and adult and day care facilities; common enclosed areas in apartment buildings, condominiums, congregate living facilities, dormitories, hotels and motels, trailer parks, and other multiple-unit residential or lodging facilities; common-use enclosed areas; convention facilities; private educational facilities; elevators; establishments wherein beer or alcoholic beverages are served; factories; galleries; gasoline stations; grocery stores; hallways; health care facilities; laundromats; libraries; lobbies; museums; pharmacies; places of employment; polling places; private clubs; professional offices; public and private transportation facilities, including trains, buses, taxicabs, and airports, and ticket, boarding, and waiting areas of transit depots; reception areas; restaurants; restrooms; retail food production and marketing establishments; recreational facilities; retail service establishments; retail stores; rooms, chambers, and places of meeting or public assembly; service lines; shopping malls; sports arenas, including enclosed public places in outdoor arenas; stairways and stairwells; theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances; or waiting rooms.

- h. “Person” means an individual, partnership, committee, association, corporation, or any other organization or group of persons.
 - i. “Place of employment” means an enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles.
 - j. “Place of worship” means any enclosed area that is approved, or qualified to be approved, by the Tennessee State Board of Equalization for property tax exemption pursuant to T.C.A. § 67-5-212, based on ownership and use of the enclosed area by a religious institution, and utilized on a regular basis by such religious institution as the site of congregational services, rites, or activities communally undertaken for the purpose of worship.
 - k. “Restaurant” means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.
 - l. “Service line” means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.
 - m. “Shopping mall” means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
4. Except as provided in Paragraph 5 of this Regulation, no person age twelve (12) years or older shall be within six (6) feet of any other person, other than a person residing in the same household, in any indoor public place within Knox County without wearing a face covering.
5. Paragraph 4 of this Regulation shall not apply to any of the following:
- a. Persons with a medical, physiological, or psychological condition or disability that prevents wearing a face covering, including persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
 - b. Persons who are deaf or hard of hearing and for whom wearing a face covering prevents the use of the person’s hearing aid;

- c. Persons while communicating with a person who is deaf or hard of hearing and for whom the ability to see the mouth is essential for communication;
 - d. Persons for whom wearing a face covering would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines;
 - e. Persons receiving treatment or care in a health care facility for which, in the opinion of the person providing such treatment or care, the temporary removal of the person's face covering is necessary to provide the treatment or care;
 - f. Persons actively engaged in the acts of eating or drinking in an establishment wherein beer or alcoholic beverages are sold or a restaurant;
 - g. Private homes and private residences, unless such homes and residences are open to the public or frequented by the public;
 - h. Hotel and motel rooms while rented to and solely occupied by guests;
 - i. Private motor vehicles, unless such motor vehicles are being used for carpooling, ridesharing, or as part of health care or day care transportation;
 - j. Commercial vehicles when such vehicle is occupied solely by the operator;
 - k. Places of worship, but persons in such places of worship are encouraged to wear a face covering consistent with the provisions of this Regulation;
 - l. Nursing homes, retirement homes, long-term care facilities, or assisted-living facilities; and
 - m. Indoor public places owned, leased, or managed by the government of the United States or the government of the State of Tennessee, but persons in such places are encouraged to wear a face covering consistent with the provisions of this Regulation.
6. Signs consistent with this Regulation shall be clearly and conspicuously posted at every entrance to every indoor public place where the wearing of face coverings is required pursuant to this Regulation by the owner, operator, manager, or other person in control of that place.
7. A person who knowingly fails to wear a face covering in any indoor public place where the wearing of face coverings is required pursuant to this Regulation may be subject to such orders and/or penalties as are provided by law, including, but not limited to, the penalty provided in T.C.A. § 68-2-602.

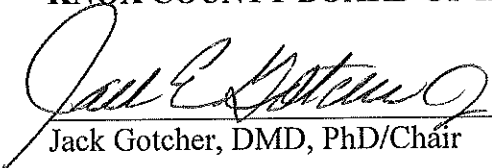
8. A person who owns, manages, operates, or otherwise controls any indoor public place where the wearing of face coverings is required pursuant to this Regulation and who knowingly fails to comply with any provision of this Regulation may be subject to such orders and/or penalties as are provided by law, including, but not limited to, the revocation, suspension, or imposition of conditions on licenses or permits as provided in T.C.A. § 68-2-609.
9. The Knox County Health Director may issue orders, request injunctions, and seek any other remedy available at law or equity to require compliance with this Regulation as provided in T.C.A. § 68-2-608 and, as Knox County Health Officer, as provided in T.C.A. § 68-2-609.
10. The Knox County Health Director and the Knox County Health Department shall engage in a continuing program to explain and clarify the purposes and requirements of this Regulation to all persons affected by this Regulation.
11. The Knox County Board of Health requests and authorizes all officers, including constitutional and charter officers, boards, commissions, departments, offices, and agencies of Knox County government, the City of Knoxville, and the Town of Farragut to cooperate with, aid, consult with, advise, and coordinate with the Knox County Board of Health, the Knox County Health Director, and the Knox County Health Department in furthering the intent of, enforcing, explaining, and clarifying this Regulation.
12. Consistent with Executive Order No. 38 issued by the Governor of Tennessee on May 22, 2020 (“Order”), this Regulation shall not be construed as regulating the provision of medical, dental, or oral procedures; places of worship; or nursing homes, retirement homes, long-term care facilities, or assisted-living facilities. This Regulation does not alter, limit, or abridge the Order’s requirement that persons who test positive for COVID-19 or who are suffering from COVID-19 symptoms shall stay at home, except to receive medical care, until satisfying the conditions set forth by the CDC for discontinuing home isolation. This Regulation does not alter, limit, or abridge the Order’s requirement that an employer, through its supervisors or appropriate management personnel, shall not require or allow an employee who the employer knows has tested positive for COVID-19 to report to work until that employee has satisfied the conditions for discontinuing home isolation under CDC guidelines. This Regulation shall not be construed to prohibit the wearing of face coverings in non-enclosed areas or other places, public or private, which are beyond the scope of this Regulation.
13. The intent of this Regulation is to ensure that the maximum number of people age twelve (12) and older wear face coverings whenever they are within six (6) feet of any other person, other than a person residing in the same household, in any indoor public place within Knox County in order to protect the general health and safety of the citizens of Knox County during the COVID-19 pandemic. This Regulation

shall be liberally construed so as to further this intent, and all provisions of this Regulation shall be interpreted to effectuate this intent.

14. If any provision of this Regulation or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Regulation which can be given effect without the invalid provision or application, and to that end the provisions of this Regulation are declared to be severable.

ADOPTED this 1st day of July, 2020.


KNOX COUNTY BOARD OF HEALTH



Jack Gotcher, DMD, PhD/Chair

7/2/2020
Date

ATTEST:



Martha Buchanan, MD/Secretary

7-2-2020
Date