



LEE HARRIS  
MAYOR

# SHELBY COUNTY HEALTH DEPARTMENT

ALISA R. HAUSHALTER, DNP, RN, PHNA-BC  
DIRECTOR

BRUCE RANDOLPH, MD, MPH  
HEALTH OFFICER



**Public Health**  
Prevent. Promote. Protect.

July 7, 2020

## FORMAL ISSUANCE OF HEALTH ORDER AND DIRECTIVE REGARDING MASKS AND CLOTH FACE COVERINGS

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

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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

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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, which is vested in the Shelby County Health Department (“Health Department”), this Health Order and Directive (“Directive”) is being issued to protect the public health for all citizens and businesses in Shelby County, Tennessee.

Shelby County residents, visitors, and owners of businesses described herein and currently within Shelby County, Tennessee are subject to this Directive as set forth herein. This Directive supersedes all prior written or oral Directives regarding the use of masks and/or cloth face coverings, and, all remaining requirements of any other current Directive shall remain in effect unless superseded. Furthermore, any and all directives, orders, and/ or regulations governing the use of masks or cloth face coverings in Shelby County, Tennessee or otherwise delegating authority to make or issue health measures or

take any action on behalf of the public health are void, unless approved by the State of Tennessee through executive order. This Health Directive will be modified as needed to account for current and relevant Shelby County health data.

This order of the Shelby County Health Department shall govern the use and requirements of cloth face coverings in Shelby County, Tennessee until such order is revoked or modified. Shelby County, Tennessee through its Department of Health orders that cloth face coverings or masks shall be required within Shelby County, Tennessee as set forth in this Order to slow the spread of the novel coronavirus disease, known as COVID-19.

### **SECTION 1.**

- (a) “Face Covering” is a cloth face covering, mask or other device to cover 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. Medical grade masks are not required; coverings may be fashioned from scarves, bandanas or other suitable fabrics. The Face Covering must cover the mouth and nose of the wearer.
- (b) Face Coverings shall be worn at all times by members of the public except as specifically exempted herein.
- (c) Face Coverings are not a substitute for social distancing. Even if wearing a Face Covering, persons should practice appropriate social distancing, stay six feet apart, clean their hands frequently, and take other everyday preventive actions.
- (d) Persons are strongly encouraged to not smoke in locations where face masks are in use due to COVID-19’s effects on the human respiratory system and the impact smoking has on lung capacity and the body’s ability to heal.

Mission

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## SECTION 2.

A Face Covering is not required in the following settings and circumstances:

- (a) Within one's own residence or another's residence;
- (b) By any child aged 12 years or less. Any child aged two years or less shall not wear a face covering because of the risk of suffocation. Parents and caregivers must supervise use of face coverings by children to avoid misuse;
- (c) By persons who cannot medically tolerate wearing a Face Covering. No person, declining to wear a Face Covering because of a medical condition shall be required to produce verifying medical documentation;
- (d) Within one's own or another's motor vehicle, provided the vehicle is not being used for public transportation or a vehicle for hire;
- (e) Within educational institutions, public and private K-12 schools, private colleges and universities, trade schools, post-secondary, and technical colleges, provided the schools comply with the conditions set forth in prior and future Health Directives and Orders issued by The Shelby County Health Director or Health Officer.
- (f) By persons working alone in separate office spaces or in non-public workplaces that have more than adequate area for social distancing based on the size of and number of people in the space (either indoors or outdoors). Such persons must be prepared to wear a Face Covering when interacting with others in groups of 6 or more persons or in groups of any size where social distancing of more than six (6) feet cannot be consistently maintained;
- (g) When wearing a Face Covering poses a safety risk or security risk. "Safety risk" includes, but is not limited to, where wearing a Face Covering may pose a risk to persons working on ladders or at height, wearing other respiratory protection, engaging in heavy physical exertion, operating heavy equipment, or operating in an environment where a Face Covering hinders communications. "Security risk" includes, but is not limited to, an activity or

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transaction where establishing the identity of the customer or employee is important. However, employers are encouraged to structure work to promote social distancing and limit close contact as much as possible within workplaces where Face Coverings may pose such risks;

- (h) When eating or drinking in public at a restaurant, bar, or other food or beverage establishment;
- (i) While outdoors in public spaces unless maintaining a physical distance of six feet from persons who are not members of the same household or residence is not feasible;
- (j) While engaged in outdoor work or recreation, such as swimming, walking, hiking, bicycling, or running, unless maintaining a physical distance of six feet from persons who are not members of the same household or residence is not feasible;
- (k) While in a place of worship. Places of worship are strongly encouraged to follow the health guidelines in paragraph 3 of Governor Lee's Executive Order No. 38, issued on May 22, 2020; and
- (l) While in a building or indoor space owned, managed, or leased by the State of Tennessee or federal government

### **SECTION 3.**

- (a) Businesses or facilities open to the public shall post conspicuous signage at all public entrances stating to the effect:

“Dear Customers/Visitors,

Pursuant to Order of the Shelby County Health Officer for Shelby County, Tennessee, you are **REQUIRED** to wear a cloth face covering or mask while in this business/facility. This will help **PROTECT** our **EMPLOYEES** and **EACH OTHER.**”

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- (b) Except for the circumstances specified in Section 2, all businesses, facilities, commercial venues, and critical infrastructure sectors (including first responders) as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19> as of July 3, 2020) shall require:
  - i. Customers and visitors to wear a Face Covering while inside the business, facility, or workplace, or at a worksite; and
  - ii. Employees to wear a Face Covering when physically interacting with the public or other employees.
- (c) Persons entering or walking through interior “Common Areas” of commercial buildings, residential apartment or condominium buildings, and residential cooperative buildings are required to wear Facial Coverings. “Common Areas” include lobby/reception areas, hallways, elevators, mailrooms, clubhouse/meeting rooms, and stairwells. The respective property managers/building managers shall be required to enforce this requirement.

#### **SECTION 4.**

If any provision, sentence, clause, phrase, or word of this Order or any application of it to any individual, business, or circumstance is held to be invalid by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.

#### **SECTION 5.**

Upon becoming effective, this Order supersedes, and repeals any health directive issued by the Shelby County Health Director or Health Officer regarding face coverings.

This Order shall remain in effect until it is rescinded, superseded, or amended.

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

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Directive pursuant to Governor Bill Lee's executive orders and applicable laws and regulations.

Approved and adopted by:

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LEE HARRIS,  
SHELBY COUNTY MAYOR

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BRUCE RANDOLPH, M.D., M.P.H.,  
SHELBY COUNTY HEALTH OFFICER

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ALISA HAUSHALTER, DNP, RN, PHNA-BC,  
SHELBY COUNTY HEALTH DIRECTOR

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