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MAYOR

SHELBY COUNTY HEALTH DEPARTMENT

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Public Health
Prevent. Promote. Protect.

March 17, 2021

FORMAL ISSUANCE OF FACE MASK DIRECTIVE NO. 5 REGARDING WEARING 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

TO: Residents, Visitors, and Owners/Operators of Services, Facilities, and/or
Businesses in Shelby County, Tennessee

FROM: Lee Harris, Shelby County Mayor
Bruce Randolph, M.D., M.P.H, Shelby County Health Officer

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, which is vested in the Shelby County Health Department (“the Department”), this Face Mask Directive No. 5 is being issued to protect the public health for all residents, services, businesses, and visitors in Shelby County, Tennessee.

Those residents, visitors, and owners of services and businesses described herein and currently within Shelby County, Tennessee serve as the class of people subject to this Directive. This Directive supersedes all prior written or oral Health Directives regarding the use of masks and/or cloth face coverings. Any and all directives, orders, and/or regulations governing the use of masks or cloth face coverings in Shelby County, Tennessee, are void to the extent they are less restrictive than this Face Mask Directive. Furthermore, any and all directives, orders, and/or regulations otherwise delegating authority to make or issue health measures or take any action on behalf of the public

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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.

Shelby County, Tennessee through the Department orders that cloth face coverings or masks shall be required within Shelby County, Tennessee as set forth in this Directive 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 or procedure grade masks are recommended but not required; coverings which are made of suitable layered fabrics are acceptable but scarves, ski masks, and balaclavas are not substitutes for masks. 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 as provided for in the current Health Directive located here: www.shelbytnhealth.com/healthdirectives.

(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.

SECTION 2. EXEMPTIONS

A face covering is not required in the following settings and circumstances:

(a) Within one’s own residence;

(b) By any child age two years or less (“age two years” means any child who has not reached their third birthday);

[Note: Any child age two years or less shall not wear a cloth face covering because of the risk of suffocation. Parents and caregivers must supervise use of face coverings by children to avoid misuse. Children can and do transmit COVID-19 in the same way

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that adults can. This guidance is consistent with CDC recommendations.]

(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 motor vehicle, provided the vehicle is not being used for public transportation or a vehicle for hire;

(e) By persons working alone in separate office spaces and while alone at their desk or workstation so long as the workstation is not shared with any other employee. Such persons must be prepared to wear a face covering when interacting with others who enter the area.

(f) When wearing a face covering poses a safety risk or security risk to a worker or an employee. "Safety risk" or "security risk" includes, but is not limited to, where wearing a face covering may pose a risk to the worker or employee who is: working on ladders or at an unsafe height, wearing other respiratory protection, 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 transaction where establishing the identity of a customer, worker, or employee is important. However, employers are required to structure work to promote social distancing and limit close contact as much as possible within workplaces where face coverings may pose such risks, and they should rely on occupational guidance provided by OSHA/TOSHA standards for alternative, appropriate protective equipment for addressing airborne exposure risks (such as the use of face shields);

(g) If an establishment is open for business under the current Health Directive, when a customer is seated and actively dining (eating/drinking) at a restaurant, bar, or other establishment that is properly permitted to serve food or beverages. However, patrons must wear face coverings when they are seated but not eating or drinking, or moving about the establishment (e.g., to go to their table, to go to the restroom, or to leave the establishment);

(h) While outdoors in public spaces unless maintaining a physical distance of six feet or more from persons who are not members of the same household or residence is not feasible;

(i) While engaged in outdoor work or recreation, such as swimming, walking, hiking, bicycling, or running, unless maintaining a physical distance of six feet or more from persons who are not members of the same household or residence is not feasible;

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(j) While in a place of worship. Places of worship are strongly encouraged to follow the Guidance for Gathering Together in Houses of Worship issued by the Governor’s Office of Faith-Based and Community Initiative, the health guidelines in paragraph 3 of Governor Lee’s Executive Order No. 38, issued on May 22, 2020 and as extended or further addressed by subsequent executive orders; and

(j) While in a building or indoor space owned, managed, or leased by the State of Tennessee or federal government.

SECTION 3. REQUIREMENTS

(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 the Shelby County Face Mask Directive [or any other local order that is not less restrictive than the Face Mask Directive], 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.**”

(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 August 24, 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.

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If any provision, sentence, clause, phrase, or word of this Face Mask Directive 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 Directive.

SECTION 5.

The Department will use all available enforcement options to assure compliance with this Directive, which shall remain in effect until it is rescinded, superseded, or amended.

Approved and adopted by:

LEE HARRIS,
SHELBY COUNTY MAYOR

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

LASONYA HARRIS HALL, M.P.A., PH.D.,
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