SHELBY COUNTY HEALTH DEPARTMENT

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Public Health
Prevent. Promote. Protect.

April 4, 2020

FORMAL ISSUANCE OF HEALTH DIRECTIVE NO. 2

TO: Citizens of Shelby County, Tennessee

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

RE: Public Health Announcement on COVID-19 Response

Pursuant to the authority vested in my office as Health Officer of Shelby County, Tennessee, and in collaboration with the Shelby County Health Director, I am formally issuing this Health Directive No. 2 in order to protect the public health for all citizens and businesses in Shelby County, Tennessee. I am issuing this Health Directive to assure your compliance in preventing the spread of the Coronavirus Disease (COVID-19). Those citizens and owners of businesses described herein and currently within Shelby County, Tennessee serve as the class of people subject to this Directive. This Health Directive No. 2 supersedes the written Health Directive issued on March 25, 2020 and any oral Health Directive issued on April 3, 2020.

My review of all relevant cases, including but not necessarily limited to medical records, and my consultation with medical experts, reveals that the COVID-19 is a respiratory disease caused by the SARS- coV-2 virus that can result in mild or severe symptoms, including fever, cough, and shortness of breath, and can lead to serious illness or death. On January 21, 2020, following the guidance of the Centers for Disease Control and Prevention ("CDC"), the Tennessee Department of Health designated COVID-19 as a reportable disease in Tennessee.

As of April 3, 2020, the CDC, the Tennessee Department of Health, and the Shelby County Health Department reports indicate the number of confirmed cases of COVID-19 continue to rise in the State of Tennessee, and, specifically, in Shelby County, Tennessee. Cases of COVID-19 in Shelby County have resulted in serious complications, up to and including death. Consultation with experts and review of data provided to us by the State

of Tennessee and the CDC show that transmission of the disease increases in locations where groups of people congregate.

Based on the clinical and epidemiological evidence, COVID-19 is a direct and deadly threat to the population of Shelby County, Tennessee.

By virtue of this Directive, I am directing that:

1) All citizens not serving in positions designated as essential services or not engaged in defined essential activities to shelter in place (essential services and essential activities are defined below);

2) All owners and operators of businesses that do not provide essential services to the community shall cooperate with health authorities' efforts to prevent and control the spread of COVID-19;

3) Only those individuals serving for essential services or engaged in essential activities should be traveling. Personnel serving in essential services should be screened and not allowed to be in the workplace if they have a fever or other signs and symptoms of COVID-19; and

4) In conjunction with the limitations on public gatherings set forth below, all businesses that are not an essential service are required to close their physical locations to the public.

"Essential services" means services and/or businesses that the interruption of which would endanger the life, health, or personal safety of the whole or part of the population and shall include the following:

- Federal and state offices and services, including post offices and airports.
- Essential County and municipal government functions including law enforcement, transportation, and businesses that provide government programs and services
- Businesses that provide social services and other necessities of life for seniors, adults, children, or people with disabilities, substance abuse disorders, or mental illness. This includes residential facilities and shelters.

- Legally permitted food and beverage to include: grocery and beverage stores, farmers' markets, food banks, catering, convenience stores selling food, agriculture, food processing, feed mills, and other businesses that directly support the food supply. Patrons within the establishment at any one time are required to be minimally six (6) feet apart.

- Legally permitted restaurants and other businesses that provide goods or services exclusively through curbside pick-up, drive-thru, shipment or delivery, are permitted to continue, with the limitation that there are no more than ten (10) employees within the establishment at any one time and that those employees are minimally six (6) feet apart. This shall include any business that did not previously provide goods or services in this manner but obtains a legal permit and develops a procedure to provide its goods and services in this manner. This Directive does not permit on-site dining.

- Health care, mental and behavioral health, and biomedical research and businesses that directly support the healthcare industry including health information technology, staffing and supplies

- Sanitation and waste removal businesses and services

- Energy, water, and sewage businesses and services

- Pharmacies and medical supply businesses, and other related-businesses that directly support the drug and medical supply pipeline

- Vehicle fuel, support, service stations and businesses

- Banks, savings and loans, insurance companies, accounting businesses, and other businesses that directly support the insurance and financial services sector

- Legal and judicial services as prescribed by state and federal courts

- Laundromats/laundry/cleaning services

- Home and business repair, hardware supply

- Warehousing and storage

- Construction and facilities design businesses

- Product logistics, transport, and distribution businesses
- Parcel/mailings transportation and delivery businesses
- Transportation services including buses, taxis, and other private transportation providers
- Veterinary and pet supply business and services including agricultural services and the caring and feeding of all livestock and farm animals
- Home and business cleaning and maintenance services
- All businesses which rely upon deliveries may continue, including florists
- Internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services)
- Print, online and broadcast media
- Funeral and burial services
- Certain other business and services that the Shelby County Health Department, in coordination with the Shelby County Mayor's Office and Shelby County Attorney's Office, determine are essential for the continued safety and security of Shelby County.

In addition, the following businesses may continue to operate only as recommended by CDC guidelines, but at the very least are required to limit the total number of patrons in the establishment to 10 at any one time. Because such services require close contact, patrons must not have a fever or any other symptoms of COVID-19, and these establishments must ensure additional steps are taken to enhance personal hygiene of employees and to provide extraordinary sanitization efforts within the facilities themselves:

- Daycare and childcare businesses will remain open, but will prioritize children of parents working as emergency responders or in essential services.

- Hotels and commercial lodges will remain open, but must end entertainment or dining services in restaurants or group settings. Pick-up and room-service food services may continue.

- Housing and rental services may continue, but agents should practice social distancing, hold no open houses, or gather in groups larger than 10.

All essential services, especially grocery stores and pharmacies, will make best efforts to establish hours when only available to senior citizens or otherwise vulnerable populations. These businesses will adhere to CDC guidance on social distancing and hand hygiene in the workplace, including encouraging work-from-home and allowing employees when possible to work on-site in shifts to optimize social distancing in the workplace.

All businesses not deemed to provide essential services are hereby required to close their physical locations to the public. This applies to all non-essential businesses and establishments. If your business does not provide essential services, you are required to immediately cease operations until this or a superseding health directive regarding the COVID-19 public health threat no longer exists. The primary purpose of the business on or before March 24, 2020 will be the basis for determining whether the business provides essential services.

In addition, all nursing homes, assisted living facilities, and any other such facilities housing, treating, or caring for senior citizens or other vulnerable populations shall be closed to all visitors. Only employees and residents of such facilities will be permitted. Facilities should strictly adhere to CDC guidance regarding social distancing. Employees must not be permitted to enter if they have a fever or any other symptoms of COVID-19, and these establishments must ensure additional steps are taken to enhance personal hygiene of employees and to provide extraordinary sanitization efforts within the facilities themselves.

"Essential Activities" permitted under this Directive shall include:

- Engaging in activities essential to a person's health and safety or the health and safety of family or household members, persons who are unable or should not leave their home, or pets, including, but not limited to, seeking emergency services, obtaining medical supplies or assistance, obtaining medication, obtaining non-elective medical care or treatment or other similar vital services, or visiting a health care professional;

- Obtaining and/or delivering necessary services or supplies for 1) persons and/or their family/household members; 2) persons who are unable to or whom should not leave their home; or 3) pets. This includes but is not limited to groceries and food, household consumer products, supplies required to work from home, automobile supplies (including dealers, parts, supplies, repair, and maintenance), and products necessary to maintain the safety, sanitation and essential operation of residences;

- The ability to engage in outdoor activity, provided that persons strictly adhere to the CDC, Tennessee Department of Health, and Shelby County Health Department health guidelines to the greatest extent practicable, including, but not limited to physical activities that utilize public areas but that can be performed while maintaining the aforementioned precautions. By way of example, playing on playgrounds and on basketball courts presents unique risks for the spread of COVID-19 and therefore, these types of activities are not essential;

- Caring for or visiting a family member, friend, or pet in another household, or transporting or traveling with family members, friends, or pets as allowed by this Order, provided, that the health guidelines issued by the CDC, Tennessee Department of Health, and Shelby County Health Department are followed;

- Visiting a place of worship, provided that the health guidelines issued by the CDC, the Tennessee Department of Health, and the Shelby County Health Department are followed, and further, any public celebrations or gatherings of more than 10 people, whether religious or secular in nature, should be postponed;

It is my belief that the aforementioned guidelines are the least restrictive means by which to slow the transmission of COVID-19.

Due to the state of emergencies declared nationally, statewide, and locally, the Shelby County Health Department is authorized to take emergent and immediate action to enforce this Health Directive. This Directive serves as official notice of your requirement to comply with it, and therefore immediate action may be taken for any violation of this Directive.

This Health Directive shall remain in force until such time as we have determined that the disease is no longer a threat to the public, but shall expire after thirty (30) days. Upon expiration of this Health Directive, as Health Officer and in consultation with medical experts, I have the authority to extend this Directive for an additional thirty (30) days if such an extension is deemed to be in the best interest of public health.

Your Right of Review

If you feel this Directive has been issued in error, you may request a review by the TDH's Chief Medical Officer, Dr. Tim Jones (615) 741-3111, or a designee. Dr. Jones, or a designee, will review your request within five (5) business days of its receipt, and you will receive a decision in writing. You may also request that the TDH obtain a court order containing the provisions of this Directive. If you request this option, the TDH will take the matter to an available and appropriate court of record. Please be aware you are still required to abide by all of the provisions contained in this Health Directive during any review process.

A copy of the rules setting forth the Health Directive procedure and your related rights is attached to this Health Directive.

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

cc: Dr. Tim Jones