



State of Utah

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State Public Health Order

2021-10

Updated Statewide COVID-19 Restrictions

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) has been characterized by the World Health Organization as a worldwide pandemic caused by Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, COVID-19 has and continues to spread and cause serious illness and death to Utah residents, threatening public health and wellness throughout the state;

WHEREAS, Utah Code § 26-1-30(3) requires and authorizes the Utah Department of Health (the "Department") to promote and protect the health and wellness of the people within the state;

WHEREAS, Utah Code §§ 26-1-30(5) and 26-6-3 require and authorize the Department to investigate and control the causes of epidemic, infectious, communicable and other diseases affecting the public health;

WHEREAS, Utah Code §§ 26-1-30(6) and 26-6-3 require and authorize the Department to prevent and control communicable infectious, acute, chronic, or any other disease or health hazard that the Department considers to be dangerous, important, or likely to affect the public health;

WHEREAS, Utah Code § 26-1-10 authorizes the executive director of the Department to issue public health orders to enforce state laws, including Utah Code §§ 26-1-30 and 26-6-3;

WHEREAS, to prevent and control the causes of COVID-19 throughout the state, the Department has established minimum standards to address the unique circumstances in different locations in Utah;

WHEREAS, published scientific research has shown that properly wearing a face mask can reduce the risk of viral spread and exposure up to 80%;

WHEREAS, the Centers for Disease Control advises Americans to voluntarily continue to wear facemasks in certain circumstances even when fully vaccinated until the effects of vaccinations on the spread of COVID-19 is further studied;

WHEREAS, transmission rates for school-aged children in close contact, such as occurs in school or with participation in sports, can range from 20% to over 50%;

WHEREAS a growing number of studies in school settings with universal mask use have shown transmission rates of COVID-19 can be reduced to as low as 1% to 2%, while keeping schools open to in-person instruction;

WHEREAS, students and staff should be allowed to participate in in-person learning as safely as possible while lessening the burden of quarantine on students and their families, teachers, and school administrators.

Based on the foregoing, in accordance with the authority vested in me as the Executive Director of the Utah Department of Health by Utah Code §§ 26-1-10, 26-1-30, and 26-6-3, and being fully advised and finding the factual basis and legal requirements have been established;

NOW, THEREFORE, I, Richard Saunders, Executive Director of the Utah Department of Health, hereby order the following:

1. **Definitions.** As used in this Order:
 - a. “COVID-19” means:
 - i. severe acute respiratory syndrome coronavirus 2; or
 - ii. the disease caused by severe acute respiratory syndrome coronavirus 2.
 - b. “COVID-19 test” means a test authorized by the FDA as a diagnostic test to determine current COVID-19 infection.
 - c. “Covered institution of higher education” means:
 - i. a public degree-granting institution and technical college identified in Utah Code § 53B-1-102(1)(a) or (b); and
 - ii. a private degree-granting institution of higher education that has more than 10,000 enrolled students residing in Utah.
 - d. “Department” means the Department of Health created in Utah Code § 26-1-8.

- e. “Event host” means a person that owns, operates, provides facilities for, or has formal oversight over any of the following where an organized event occurs: an amusement or water park, arena, aquarium, aviary, botanical garden, ceremony, cinema, comedy club, commercial event venue, commercial party venue, concert or concert hall, conference, convention or convention center, dance or dance hall, driver’s education training, fair or fairground, museum, organized athletic or sporting event, recital, stadium, theater, or zoo. “Event host” does not include an LEA.
- f. “Extracurricular activity” means an activity, a course, or a program that is:
 - i. not directly related to delivering instruction;
 - ii. not a curricular activity or co-curricular activity as those terms are defined in Utah Code § 53G-7-501; and
 - iii. provided, sponsored, or supported by a school or a public or private institution of higher education, including a degree-granting institution or a technical college.
- g. “Face mask” means a mask that completely covers the nose and mouth, is made of tightly woven synthetic or natural fabrics, and fits snugly against the nose and sides of the face and under the chin. “Face mask” does not include a mask with an exhalation valve, vent, or other hole or opening, or a mask that is crocheted or made of lace, mesh, or similar open weblike construction or material.
- h. “FDA” means the United States Food and Drug Administration.
- i. “Fully vaccinated” means:
 - i. an individual has been vaccinated with either:
 - A. the second dose in a two-dose series vaccine authorized by the FDA to immunize against COVID-19, including the Pfizer or Moderna COVID-19 vaccines; or
 - B. a single-dose vaccine authorized by the FDA to immunize against COVID-19, including the Johnson & Johnson COVID-19 vaccine; and
 - ii. fourteen or more days have passed since the individual was vaccinated as described in Subsection (1)(i)(i).
- j. “Local Education Agency” or “LEA” means:
 - i. a school district;
 - ii. a charter school; or
 - iii. the Utah Schools for the Deaf and the Blind.
- k. “Organized event” means an in-person gathering:
 - i. that is coordinated by an event host;
 - ii. that is attended by 50 or more individuals; and

- iii. where an attending individual is unable to physically distance at least six feet from another individual who is not a member of the individual's party.
 - l. "Person" means the same as that term is defined in Utah Code § 68-3-12.5(18).
 - m. "School" means a school other than an online-only charter school or an online-only public school.
- 2. **Transmission area determination.** The Department shall announce each county's transmission area designation on a weekly basis as provided in this Section (2) and provide notice of transmission area designations on the Department's website. The Department may not lower a county's transmission area designation until 14 days after the date of the county's last transmission area designation.
 - a. *Low Transmission Area.* A county is a Low Transmission Area if at least two of the following conditions are met:
 - i. The county's seven-day average positivity rate for COVID-19 tests is less than 5.1%.
 - ii. The county's 14-day case rate is less than 101 per 100,000 people.
 - iii. The statewide seven-day average intensive care unit bed utilization is less than 69% and the statewide seven-day average COVID-19 ICU utilization rate is less than 6%.
 - b. *Moderate Transmission Area.* A county is a Moderate Transmission Area if at least two of the following conditions are met:
 - i. The county's seven-day average positivity rate for COVID-19 tests is at least 5.1% and is less than 10%.
 - ii. The county's 14-day case rate is at least 101 per 100,000 people and is less than 325 per 100,000 people.
 - iii. The statewide seven-day average intensive care unit bed utilization is at least 69% and is less than 72% and the statewide seven-day average COVID-19 ICU utilization rate is at least 6% and is less than 15%.
 - c. *High Transmission Area.* A county is a High Transmission Area if at least two of the following conditions are met:
 - i. The county's seven-day average positivity rate for COVID-19 tests equals or exceeds 10%.
 - ii. The county's 14-day case rate equals or exceeds 325 per 100,000 people.
 - iii. The statewide seven-day average intensive care unit bed utilization is or exceeds 72% and the statewide seven-day average COVID-19 ICU utilization rate equals or exceeds 15%.
- 3. **Restrictions on individuals.** Regardless of a county's transmission index designation, an individual shall wear a face mask while attending an organized event.

4. **Restrictions on event hosts.**

- a. *Statewide restrictions.* Regardless of a county's transmission index designation, an event host of an organized event shall:
 - i. complete and implement the Event Management Template provided by the Department;
 - ii. for any area of the venue of the organized event that includes a restaurant, comply with applicable restrictions in Section (5);
 - iii. require each individual attending the organized event to wear a face mask, including in an area of ingress or egress; and
 - iv. post conspicuous signage at the organized event that:
 - A. lists COVID-19 symptoms;
 - B. asks individuals experiencing COVID-19 symptoms to stay home; and
 - C. provides notice of face mask requirements and, where applicable, physical distancing requirements under Subsection (4)(b)(ii) and (c)(ii).
- b. *Moderate Transmission Area restrictions.* An event host of an organized event in a county designated as a Moderate Transmission Area shall:
 - i. on the day of the organized event, require each attendee to confirm that the attendee:
 - A. is not subject to any isolation or quarantine requirement; and
 - B. is not experiencing any symptom of COVID-19;
 - ii. require an attendee who removes the attendee's face mask to eat or drink to maintain six feet physical distance from any individual from a separate party; and
 - iii. within 24 hours of receiving notice that an attendee of the organized event tested positive for COVID-19, notify each attendee who was within six feet of the positive case for more than 15 minutes cumulatively.
- c. *High Transmission Area restrictions.* An event host of a organized event in a county designated as a High Transmission Area shall:
 - i. on the day of the organized event, require each attendee to confirm that the attendee:
 - A. is not subject to isolation or quarantine requirements; and
 - B. is not experiencing any symptom of COVID-19;
 - ii. require at least six feet of physical distance between individuals from separate parties who attend the organized event, including in an area of

ingress or egress, unless the event host receives a waiver of this requirement pursuant to Section (9); and

- iii. within 24 hours of receiving notice that an attendee of the organized event tested positive for COVID-19, notify each attendee who was within six feet of the positive case for more than 15 minutes cumulatively.

5. **Restrictions on businesses.** The following restrictions apply to a business, including a bar or restaurant, regardless of whether the business is acting as an event host:

- a. *Statewide restrictions.* Regardless of a county's transmission area designation, a business shall post conspicuous signage at each entrance to the business that:
 - i. lists COVID-19 symptoms;
 - ii. asks employees and patrons experiencing COVID-19 symptoms to stay home; and
 - iii. if the business is hosting an organized event, provides notice of face mask requirements and, where applicable, physical distancing requirements under Subsections (5)(b) and (c).
- b. *Moderate Transmission Area restriction.* The following restriction applies in a county designated as a Moderate Transmission Area: a restaurant shall require each party in a waiting area to maintain at least six feet of physical distance from any separate party.
- c. *High Transmission Area restriction.* The following restriction applies in a county designated as a High Transmission Area:
 - i. Except as provided in Subsection (5)(c)(ii), a business, including a restaurant or bar, shall require each patron to maintain at least six feet of physical distance from any patron of a separate party, including in an area of ingress or egress.
 - ii. A business that provides a childcare service may permit a child, parent, or care provider to be within six feet of another child, parent, or care provider while in the course of providing or receiving the childcare service.

6. **Restrictions on organized sports and activities.**

- a. *High school athletic events and extracurricular activities.* A person may not sponsor, host, or participate in a high school sponsored athletic event or extracurricular activity, including a competition or practice, unless:
 - i. if the athletic event or extracurricular activity is a recurring athletic event or extracurricular activity, the high school verifies that each participant:
 - A. received a COVID-19 test within 14 days immediately prior to the athletic event or extracurricular activity; or
 - B. has been fully vaccinated;

- ii. if the athletic event or extracurricular activity is a single-occurring athletic event or extracurricular activity, including a school social dance, the high school:
 - A. requires each attendee to wear a mask; and
 - B. if the activity is held indoors, verifies that each attendee:
 - 1. received a negative COVID-19 test result within 48 hours immediately prior to the activity; or
 - 2. has been fully vaccinated; and
 - iii. immediately prior to participating in the recurring or single-occurring athletic event or extracurricular activity, including a school social dance, each participant confirms that the participant:
 - A. has completed any quarantine or isolation period required by the COVID-19 School Manual provided by the Department; and
 - B. is not experiencing any symptom of COVID-19.
 - b. *Other athletic events and extracurricular activities.* A person may not sponsor, host, or participate in an athletic event or extracurricular activity not covered by Subsection (6)(a), including a club sport or a college or university intramural activity, but not including an intercollegiate athletic event or activity, unless immediately prior to participating in the athletic event or extracurricular activity, each participant confirms that the participant:
 - i. has completed any quarantine or isolation period; and
 - ii. is not experiencing any symptom of COVID-19.
 - c. *Event host exception.* Notwithstanding Subsections (4)(b)(ii) and (4)(c)(ii), an event host of an athletic event or extracurricular activity authorized under this Section (6) is not required to require six feet physical distance between each participant. A participant does not include a spectator.
- 7. **Restrictions on institutions of higher education.**
 - a. For the purposes of this Order, an institution of higher education, including a public or private degree-granting institution or technical college, is considered to be a business subject to Section (5), except that an institution of higher education is not subject to Subsection (5)(c).
 - b. Except as provided in Subsection (7)(c), a covered institution of higher education shall test enrolled students age 18 years or older who live in on-campus housing or attend at least one course that involves in-person instruction provided by the institution of higher education to identify students with current COVID-19 infection and determine campus COVID-19 infection trends in accordance with the intensive testing plan developed by the Utah System of Higher Education and approved by the Utah Department of Health.

- c. Subsection (7)(b) does not apply to an individual who has been fully vaccinated.

8. Face mask exceptions.

- a. Notwithstanding any other provision of this Order, an individual required to wear a face mask may remove the face mask in the following situations:
 - i. while actively eating or drinking, provided that the individual remains in place while eating or drinking;
 - ii. when communicating with an individual who is deaf or hard of hearing;
 - iii. while actively performing as an athlete at an organized athletic event authorized under Section (6);
 - iv. while exercising or engaging in athletic training while:
 - A. outdoors; or
 - B. indoors and maintaining at least six feet of physical distance from any other individual from a separate party;
 - v. while giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation or performance for an audience;
 - vi. when engaging in work where wearing a face mask would create a risk to the individual, as determined by government safety guidelines;
 - vii. when necessary to confirm the individual's identity; or
 - viii. when federal or state law or regulations prohibit wearing a face mask.
- b. The following individuals are exempt from the face mask requirements of this Order:
 - i. a child who is younger than three years old;
 - ii. an individual who is unconscious, incapacitated, or otherwise unable to remove the face mask without assistance; and
 - iii. an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a face mask.

9. Event host physical distancing waivers.

- a. A county executive, in consultation with the local health department, may:
 - i. grant a waiver to an event host from the requirement of Subsection (4)(c)(ii); and
 - ii. review the waiver every 14 days from the date the waiver was granted, and revoke the waiver if the county executive finds it necessary to protect public health.
- b. When considering whether to grant or revoke a waiver pursuant to Subsection (9)(a), the county executive shall consider:

- i. the petitioner’s ability to demonstrate safe operations as outlined in the COVID-19 Business Manual provided by the Department; and
 - ii. any evidence of significant COVID-19 transmission arising directly from an event held by the event host.
- 10. **Gatherings at residences.** This Order does not apply to an in-person gathering at a private residence for a non-commercial purpose.
- 11. **Religious services.** This Order does not apply to a religious service. Faith-based organizations are strongly encouraged to implement protocols to mitigate the spread of COVID-19.
- 12. **Effect on other laws.**
 - a. Nothing in this Order may be construed to prohibit a local health department from issuing a health order that is more stringent than this Order.
 - b. This order supersedes State Public Health Order 2021-9.
 - c. To the extent that this Order conflicts with a provision of State Public Health Order 2021-2, State Public Health Order 2021-2 shall control.
- 13. **Severability.** If a provision of this Order or the application of a provision to any person or circumstance is held invalid, the remainder of this Order shall be given effect without the invalid provision or application. The provisions of this Order are severable.

This Order is effective April 10, 2021, and shall remain in effect through June 15, 2021, unless otherwise modified, amended, rescinded, or superseded.

Made at 6:00 p.m. the 9th day April, 2021.



Richard G. Saunders
Executive Director
Utah Department of Health