



## LOCAL HEALTH OFFICER ORDER NO. 21 ISSUED MARCH 25, 2021

To mitigate the spread of the Coronavirus (COVID-19) in Riley County, Kansas, and pursuant to the authority provided in K.S.A. 65-119, K.S.A. 65-129b, K.S.A. 65-202 and other applicable laws and regulations, this Order No. 21 is issued. In my capacity as the Local Health Officer, I am authorized and required to immediately exercise and maintain supervision over known or suspected cases of any infectious or contagious disease and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws regarding isolation, quarantine and disinfection are duly enforced.

As the Local Health Officer appointed by the Board of Health, I am duly authorized to take measures necessary for the control of any and all infectious or contagious diseases.

In my capacity as the Riley County Local Health Officer, I have determined this Order No. 21 is necessary to control the potential spread of coronavirus (COVID-19) within Riley County, Kansas and to supplement all valid orders of the Governor regarding such potential spread.

IT IS THEREFORE ORDERED the following actions shall be taken immediately, and this Order No. 21 supersedes and rescinds my Orders previously issued, with the exception of any continued prohibitions or restrictions ordered herein, and this Order No. 21 supplements all valid orders of the Governor.

Actions taken so far have demonstrated some success in flattening the epidemic curve to prevent overwhelming our local health care system's ability to care for the number of residents who might develop severe symptoms. **Any City of Manhattan face mask or face covering requirement applies within the boundary of the City of Manhattan, according to the terms of any City of Manhattan Ordinance in effect. All individuals present within the city limits of Manhattan must comply with any such City of Manhattan ordinance in effect and remain subject to its penalties for non-compliance. Based upon data, Order No. 21 continues to require a face mask or face covering in any public space for persons located within Riley County but outside the boundary of the City of Manhattan. (See Section Two for details and exceptions to this requirement.) No fine shall be imposed for any non-compliance with Order No. 21's requirement of a face mask or face covering within Riley County but outside the boundary of the City of Manhattan.** I still strongly recommend you maintain Social Distancing and use proper hand hygiene, such as washing your hands with soap and water, or using hand sanitizer containing at least 60% alcohol.

With full community cooperation, this proactive public health Order No. 21 may minimize the impact of COVID-19 on our Riley County community, while reducing the restrictions that were necessarily in place during the height of the pandemic.

## **Section One: Definition**

For purposes of this Order No. 21, Social Distancing is defined as follows: maintaining at least 6 feet of physical distancing from every other person present at any location, not including individuals who reside together.

## **Section Two: Face Masks or Face Coverings Required Within Riley County but Outside the Boundary of the City of Manhattan**

### **1. Definitions**

The following words or phrases when used in this this Order shall have the following meanings:

- (a) “Mask or other face covering” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.
- (b) “Public space” means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.
- (c) No fine shall be imposed for any violation of this Section Two.

### **2. Mask or other face coverings; when required; exemptions.**

- (a) All persons located within Riley County but outside the boundary of the City of Manhattan shall cover their mouths and noses with masks or other face coverings when they are in the following situations:
  - (1) Inside, or in line to enter, any indoor public space;
  - (2) Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee thereof or a health care provider;
  - (3) Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle; or,
  - (4) While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

- (b) The persons responsible for all businesses or organizations located within Riley County but outside the boundary of the City of Manhattan must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering as follows:
- (1) Employees, when working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
  - (2) Employees, when working in any space where food is prepared or packaged for sale or distribution to others;
  - (3) Employees, when working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
  - (4) Customers, members, visitors, or members of the public, when in a facility managed by the business or organization; or
  - (5) Employees, when in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.
- (c) The following individuals located within Riley County but outside the boundary of the City of Manhattan are exempt from wearing masks or other face coverings in the situations described in subsections (a) and (b) of this Section Two:
- (1) Persons age five years or under—children age two years and under in particular should not wear a face covering because of the risk of suffocation;
  - (2) Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes 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;
  - (3) Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
  - (4) 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;
  - (5) Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
  - (6) Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they

maintain a 6-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;

- (7) Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
- (8) Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
- (9) Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
- (10) Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

Nothing in this order shall be construed to prevent any municipality within Riley County from having a more stringent ordinance, nor to prevent any business or property from having more stringent requirements for their employees, guests, or customers.

**Section Three.** Pursuant to K.S.A. 65-129b, any sheriff, deputy sheriff or other law enforcement officer of the state or any political subdivision within Riley County, Kansas is hereby ordered to assist in the execution or enforcement of this order.

**Section Four.** As the Local Health Officer, I proposed this Local Health Officer Order No. 21 to the Board of Riley County Commissioners during its regular public meeting of March 25, 2021. The Board reviewed this proposed Order and determined it is necessary for me, as the Local Health Officer, to issue today Local Health Officer Order No. 21 for the following reasons:

- (a) Local Health Officer Order No. 21 only mandates the wearing of masks in the unincorporated area of Riley County and within those Riley County cities outside the boundary of the City of Manhattan. That mask mandate expires at 11:59 p.m. on May 16, 2021;
- (b) Local Health Officer Order No. 21 does not limit the size of gatherings of individuals;
- (c) Local Health Officer Order No. 21 does not curtail the operation of business;
- (d) Local Health Officer Order No. 21 does not control the movement of the population of Riley County;
- (e) Local Health Officer Order No. 21 does not limit religious gatherings;
- (f) Local Health Officer Order No. 21 includes exemptions from its mask requirement for persons in any one of 10 listed categories (Section Two, (2)(c));

(g) Local Health Officer Order N. 21 does not allow fines to be imposed for any violation of its mask mandate;

(h) Local Health Officer Order No. 21 is narrowly tailored to the purpose stated in the Order and uses the least restrictive means to achieve such purpose.

**Section Five.** This Order supersedes and revokes “Local Health Order No. 20” effective at 12:01 am on the 31st of March, 2021 and this “Local Health Order No. 21” shall thereafter remain in effect until May 16, 2021, at 11:59 p.m. unless extended, amended, or revoked, and shall remain in effect until amended, superseded, or rescinded in writing, by the Riley County Local Health Officer or the Board of Riley County Commissioners, sitting as the Board of Health.

SO ORDERED, this 25<sup>th</sup> day of March 25, 2021



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Julie Gibbs, Riley County Local Health Officer  
Administrator, Riley County Health Department  
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Manhattan, KS 66502  
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