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**BOARD OF HEALTH  
IN AND FOR SOUTHEAST UTAH HEALTH DEPARTMENT  
(CARBON COUNTY, EMERY COUNTY, GRAND COUNTY), STATE OF UTAH  
IN AND FOR GRAND COUNTY, UTAH**

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In the matter of:

COVID-19 Pandemic within Utah

**PUBLIC  
HEALTH ORDER**

Order No.: SEUHD 2021-01GC

Date: August 18, 2021

Legal Authority: Utah Code §26A-1-114

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Utah Code § 26A-1-106(2) provides that “[r]egulations or standards relating to public health or environmental health services adopted or established by a local health department may not be less restrictive than [State Department of Health orders].”

SEUD permits the local health department to declare a public emergency and issue an order of constraint after notice to the chief executive officer of the relevant county before issuing the order of constraint.

COVID-19 is a contagion that spreads from person to person. The Health Officer for Southeast Utah recognizes the need for the public to continue to work cooperatively and proactively to slow the spread of COVID-19 and to address the myriad challenges that may arise due to COVID-19. The Health Officer finds that this need is especially present in Grand County.

The Executive Director finds COVID-19 poses a continuing and immediate threat to the public health of Grand County residents and visitors. The Delta variant of the COVID-19 virus is the dominant strain actively circulating in Grand County and is more contagious than the original virus and other variants. Grand County is now exceeding the thresholds set in March 2021 by the Utah Legislature in House Bill 294, which terminated all public health orders related to COVID-19 upon the occurrence of three events, only two of which remain relevant. From June 2020 through September 2020, there were a total of 3 pediatric cases of COVID-19 in Grand County. During the school months from October 2020 through May 2021, Grand County averaged 22 pediatric cases per month. From June 1, 2021 through August 17, 2021, there have been 27 pediatric cases of COVID-19, with the school year beginning on August 19, 2021 and the expectation that pediatric cases will increase at a rate that is proportional to last year.

Currently, Grand County is in a High Level of Transmission under criteria separately established by the State of Utah and the Centers for Disease Control and Prevention (CDC). As of August

18, 2021, Grand County has an 8.5% positivity rate, and a case rate of 297 per 100,000 population. Statewide, Utah hospitals have an 82% total ICU utilization rate, with 28.9% ICU COVID-19 utilization. As such, Moab Regional hospital has had occasions where it has been very difficult to find a bed for patients that need to be transported.

The Executive Director finds that COVID-19 presents a continuing threat to children who are not eligible for vaccinations. According to a report by the American Academy of Pediatrics, as of August 5, 2021, “nearly 4.3 million children have tested positive for COVID-19 since the onset of the pandemic. Almost 94,000 cases were added the past week, a continuing substantial increase. After declining in early summer, child cases have steadily increased since the beginning of July.”

In Grand County, there are 1,396 children under 12 years of age who are not eligible for any vaccination. Children under 12 represent 14% of Grand’s County's population. To reach herd immunity with the Delta variant, experts estimate that 80% of the population in Grand County would need to be fully vaccinated. Stated differently, 93% of people aged 12 and over in Grand County would need to be fully vaccinated to reach herd immunity.

Under House Bill 1007, the Utah Legislature prohibited a Local Education Association (LEA), an LEA governing board, the Utah Board of Education, the Utah State Superintendent of Public Instruction, or a school from requiring the wearing of masks in schools. Although the Grand County superintendent supports public health recommendations and orders, the school district lacks the authority to require their students, faculty, or staff to wear masks.

School districts in other parts of the country that have already returned to school have seen a dramatic increase in COVID-19 cases in school settings. Specifically, in Marion County, Arkansas, 949 students and staff were quarantined during the first week of school because of a COVID-19 outbreak in which 54 students and 11 staff members tested positive. Twenty-seven children in Arkansas are currently hospitalized due to COVID-19, compared with 12 children prior to the start of school. And in Louisiana, there have been 16,541 new cases of COVID-19 reported since August 6, 2021. Of those cases, 3,106 have been reported in children. Louisiana is experiencing its highest 7- day average in the pandemic with 4,603 cases.

Multisystem Inflammatory Syndrome in Children (MIS-C) is a condition where different body parts can become inflamed, including the heart, lungs, kidneys, brain, skin, eyes, or gastrointestinal organs. While the causes of MIS-C are unknown, many children with MIS-C were diagnosed with COVID-19 or had been around someone with COVID-19. MIS-C can be serious, even deadly, and children diagnosed with it may suffer long-term effects.

Although the Southeast Utah Health Department continues its efforts to vaccinate all eligible residents, no COVID-19 vaccine is yet approved for children under the age of 12. With the spread of the COVID-19 Delta variant and case rates rapidly increasing, Grand County is at a critical juncture in this pandemic. Accordingly, and based on the foregoing, the Executive Director concludes that requiring students to wear masks in the school setting will help mitigate further widespread transmission of COVID-19 and keep these students and their families safe.

Furthermore, the Executive Director has met the obligation under Utah Code § 26A-1-114(7) by providing 24-hour notice to the Chair of the Grand County Commission of his intent to issue this Public Health Order of Constraint.

**THEREFORE, PURSUANT TO UTAH CODE § 26A-1-114, BE IT HEREBY ORDERED BY BRADON BRADFORD, EXECUTIVE DIRECTOR OF THE SOUTHEAST UTAH HEALTH DEPARTMENT, AS FOLLOWS:**

**Section 1.** The intent of this Public Health Order of Constraint is to ensure a coordinated implementation of practices to slow the transmission of COVID-19 amongst children not yet eligible for a COVID-19 vaccine by providing Grand County residents and schools with access to information needed to implement those practices.

**Section 2.** Face Coverings Mandatory in Schools. All students attending kindergarten through grade 6 at a public, charter, or private school in Grand County, shall be required to wear a face covering that completely covers the nose and mouth when in any indoor area of the premises, on school-provided transportation, or attending an indoor school-sponsored activity, subject to the exceptions below.

**Section 3.** General Face Covering Exceptions.

A. Notwithstanding any other provision of this Order, an individual required to wear a face covering may remove the face covering in the following situations:

1. while outdoors;
2. while actively eating or drinking, provided the individual remains in place while eating or drinking;
3. while alone or only with other members of the same household in a room, cubicle, school-provided transportation, or similar enclosure;
4. when communicating with an individual who is deaf or hard of hearing if:
  - a. communication cannot be achieved through other means; and
  - b. the speaker wears a face shield or uses alternative protection such as a plexiglass barrier;
5. while obtaining or providing a service that requires the temporary removal of the face covering, such as speech therapy services;
6. while actively performing as an athlete at a school-organized or -sponsored athletic event;

7. while giving an educational, artistic, cultural, musical, or theatrical presentation or performance at a school for an audience;

8. while exercising or engaging in athletic training while indoors and maintaining at least six feet of physical distance from any other individual;

B. Notwithstanding any other provision of this Order, the following individuals are exempt from the face covering requirements:

1. an individual who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance;

2. an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a face covering; and

3. an individual who has an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act, 20 U.S.C. § 1414, or an accommodation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, that would necessitate exempting the individual from wearing a face covering.

**Section 4.** This Public Health Order takes effect at 7:00 a.m. on August 19, 2021 and will remain in effect until 7:00 a.m. on September 18, 2021 unless extended, rescinded, superseded, or amended in writing, or otherwise as warranted.

**BY ORDER OF THE EXECUTIVE DIRECTOR OF THE SOUTHEAST UTAH HEALTH DEPARTMENT.**

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Bradon C. Bradford, MSPH, MPA, REHS  
Executive Director/Health Officer  
Southeast Utah Health Department

APPROVED AS TO FORM:

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Christian Bryner  
Southeast Utah Health Department Attorney

Date: August 18, 2021