

**CARBON COUNTY PUBLIC HEALTH VARIANCE ORDER 2020-2:  
COUNTYWIDE VARIANCE TO THE RESTRICTIONS MANDATED IN  
STATEWIDE PUBLIC HEALTH ORDER #1: THIRD CONTINUATION, AND  
MODIFICATION, OF STATEWIDE PUBLIC HEALTH ORDER CLOSING  
BARS, RESTAURANTS, THEATERS, GYMNASIUMS, CHILD CARE  
FACILITIES, K-12 SCHOOLS, COLLEGES, UNIVERSITIES, AND TRADE  
SCHOOLS STATEWIDE**

WHEREAS, Dr. Marvin Wayne Couch, II, M.D. serves as the Carbon County Health Officer pursuant to Wyoming Statute § 35-1-306(a); and

WHEREAS, Wyoming Statute § 35-1-240(a)(i), (ii), and (iv) gives the power to the Wyoming Department of Health, through the State Health Officer, or under her direction and supervision, or through the other employees of the Wyoming Department of Health to control the causes of communicable disease; to close theaters, schools, and other public places; and to forbid gatherings of people when necessary to protect public health; and

WHEREAS, as evidenced by her signature below, Alexia Harrist, MD, Ph.D., the Wyoming State Health Officer, has reviewed and does hereby authorize the issuance of this Variance Order by Dr. Marvin Wayne Couch, II, M.D., the Carbon County Health Officer, and the State Health Officer, Dr. Alexia Harrist, also specifically makes the finding that this Order is necessary for the protection of the public health; and

WHEREAS, Statewide Order #1 is specifically titled: *Third Continuation and Modification, of Statewide Public Health Order Closing Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools Statewide*. Statewide Order #1 originally was to expire on April 3, 2020, however, it was extended by the First Continuation Order to April 17, 2020. The Second Continuation Order extended Statewide Order #2 to April 30, 2020. The Third Continuation Order now extends the Order through May 15, 2020, and allows for a County Health Officer to request a less restrictive or more restrictive variance to the order; and

WHEREAS, COVID-19 was first detected in Wuhan, China in 2019, and since then has spread throughout the world to include the United States, the State of Wyoming, and Carbon County; and

WHEREAS, COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases,

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COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death; and

WHEREAS, the World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in “December 2019 a novel (new) coronavirus known as SARS-Co V-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States;” and

WHEREAS, on March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak; and

WHEREAS, Governor Gordon’s Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety and welfare; and

WHEREAS, a significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic people, place other vulnerable members of the public at significant risk; and

WHEREAS, a large number of persons with serious infections can compromise the ability of the healthcare system to deliver the necessary healthcare to the public; and

WHEREAS, in addition to the above findings, stopping the spread of COVID-19 includes washing hands often, practicing physical distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your faces, eyes, nose, and mouth, covering your cough or sneeze into your elbow or by using a tissue, and wearing a face covering in public; and

WHEREAS, as of May 6, 2020, there have been five (5) laboratory-confirmed and no probable cases of COVID-19 in Carbon County with no COVID-19-related deaths. A total of four (4) cases have recovered;

WHEREAS, as of May 6, 2020, Carbon County has conducted 133 COVID-19 tests with a positivity rate of 4.5%, similar to the statewide rate of 4.1%; and

WHEREAS the five medical facilities located throughout Carbon County, Wyoming, which are involved in COVID-19 testing have an adequate supply of viral transport media and swabs to test symptomatic patients if there were an increased demand for testing; with additional testing supplies available from Carbon County Public Health Nursing;

WHEREAS the five medical facilities located throughout Carbon County, Wyoming, which are involved in COVID-19 testing have an adequate supply of PPE available in the event of an increased incidence of positive cases. Carbon County Public Health has additional PPE supplies if needed.

NOW THEREFORE, IT IS HEREBY ORDERED THAT residents of Carbon County shall comply with Statewide Order #1 (*Third Continuation and Modification, of Statewide Public Health Order Closing Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools Statewide*) with the following exceptions:

1. Restaurants, food courts, cafes, coffeehouses, bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering food, beverages, or alcoholic beverages for on-premises consumption may operate with the following restrictions, to be enforced by the business owner:

- a. All patrons of the business shall be seated at tables (including booths);
- b. Tables shall be limited to groups of 6, preferably of the same household;
- c. Tables with guests must be positioned so that guests at different tables are at least 6 feet apart from each other when seated;
- d. Signage must be maintained to remind individuals from separate parties to stand at least 6 feet apart; waiting areas must have floor markers to indicate proper spacing;
- e. The business shall assure that social distancing guidelines are maintained while customers enter and remain in the establishment;
- f. Staff should wear face coverings at all times and perform hand hygiene between interactions with each table;

- g. Cups, lids, napkins and straws must be handed directly to customers by staff; tables must not be set prior to customer arrival;**
- h. Staff shall avoid touching items that have been placed on the table; the table must be cleared by a dedicated staff member once all guests have left;**
- i. Dedicated staff members shall sanitize the area occupied by customers upon departure including tables, menus, pens, salt and pepper shakers, chairs, etc. (consider the use of disposable items if necessary);**
- j. The business may not operate if PPE, EPA-approved disinfectants and sanitizers, soap, and other necessary cleaning supplies are not available;**
- k. Hand sanitizer must be available at the restaurant entrance and immediately adjacent to bathrooms;**
- l. The business shall clean and disinfect in the morning, afternoon, and evening; all tables, chairs, door handles, floors, bathrooms, and any high-touch surfaces must be cleaned and disinfected;**
- m. No self-serve food service or buffet options may be available unless food is pre-packaged; drink refills are not allowed in the same containers;**
- n. To-go boxes, pizza boxes, paper cups, and any other paper product that touches food must be treated as food;**
- o. Staff shall use gloves when handling ready-to-eat foods (including ice); gloves are not required when handling foods that have yet to be cooked;**
- p. Employees must be screened for symptoms of COVID-19 or exposures to an individual with COVID-19 prior to each shift; employees with symptoms or exposure shall not be allowed to work; logs must be kept and available for inspection by the local health officer;**
- q. Self-service condiments should be eliminated unless they can be cleaned adequately between customers;**
- r. The business should encourage contactless and no-signature payment; if not possible, card and payment stations must be sanitized after each use; staff shall sanitize hands between handling payment options and food containers;**
- s. The business shall maintain a record of staff working hours, by date and time for purposes of COVID-19 tracing, in the event that contact tracing is necessary; if this record keeping is done manually, sanitizing measures must be taken on the instruments used for record keeping in between use;**
- t. Playgrounds in the business must remain closed;**

u. No dart/pool leagues, dances, events, or karaoke may take place at the business; and

v. Signage must be maintained to discourage people who are ill from entering the building and staff will prevent people who are symptomatic with a COVID-19 illness from entering the building.

**IT IS FURTHER ORDERED THAT residents of Carbon County shall comply with Statewide Order #1 (*Third Continuation and Modification, of Statewide Public Health Order Closing Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools Statewide*) with the following exceptions:**

1. **Movie and performance theaters, opera houses, concert halls, music halls and similar places of public accommodation in Carbon County, Wyoming, shall be authorized to operate under the following restrictions to be enforced by staff of the business or facility:**
  - a. **Groups must be limited to groups of 6, preferably of the same household;**
  - b. **A 6-foot distance must be maintained between individual groups at all times, including in waiting areas and while seated in the facility;**
  - c. **The number of people in a confined area at any time must be limited to allow for adequate distancing between groups;**
  - d. **Close contact between members of different groups is prohibited before, during, and after the movie, performance or concert;**
  - e. **Signage must be maintained to remind individuals from separate groups to stand at least 6 feet apart; waiting areas must have floor markers to indicate proper spacing;**
  - f. **Signage must be maintained to discourage people who are ill from entering the building and staff will prevent people who are symptomatic with a COVID-19 illness from entering the building;**
  - g. **Staff shall perform hand hygiene between interactions with each customer or party;**
  - h. **Staff who comes within 6 feet of customers must wear a face covering;**

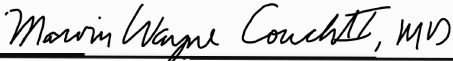
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- i. Staff must be screened for symptoms of COVID-19 or exposures to an individual with COVID-19 prior to each shift; staff with symptoms or exposure shall not be allowed to work; logs must be kept and available for inspection by the local health officer**
  - j. Cups, lids, napkins and straws must be handed directly to customers by staff.**
  - k. Dedicated staff shall sanitize the area occupied by customers upon departures. Consider the use of disposable items if necessary.**
  - l. The business or facility may not operate if PPE, EPA-approved disinfectants and sanitizers, soap and other necessary cleaning supplies are not available.**
  - m. Hand sanitizer must be available at the entrance to the facility and immediately adjacent to bathrooms, entrances and exits.**
  - n. Buildings shall be thoroughly cleaned and disinfected prior to and after any movies, performance, or concerts. All countertops, seating, armrests, door handles, floors, bathrooms and any high-touch surfaces must be cleaned and disinfected, according to CDC guidelines for cleaning.**
  - o. No self-serve food service or buffet options may be available unless food is pre-packaged.**
  - p. To-go boxes, pizza boxes, paper cups, and any other paper product that touches food must be treated as food.**
  - q. Staff shall use gloves when handling ready-to-eat foods (including ice). Gloves are not required when handling foods that have yet to be cooked.**
  - r. The business or facility must maintain a record of staff working hours by date and time for purposes of COVID-19 tracing, in the event that contact tracing is necessary.**
  - s. These businesses or facilities are encouraged to recommend the use of face coverings for staff and customers.**

IT IS FURTHER ORDERED, that the Carbon County Health Officer may grant exceptions to the Order on a case by case basis after evaluating the request and obtaining written approval from the State Health Officer; and

IT IS FURTHER ORDERED, that this Countywide Variance to Statewide Public Health Order #1 shall remain in effect until such time as the Carbon County Health Officer enters a decision to revoke or modify this variance, under the direction and supervision of the State Health Officer; and

IT IS FINALLY ORDERED, that any person or legal entity that violates this variance shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 8th DAY OF May, 2020.

  
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Dr. Marvin Wayne Couch, II, MD  
Carbon County Health Officer

**Direction to Issue Variance**

I, Dr. Alexia Harrist, the Wyoming State Health Officer, hereby state that I have reviewed the above variance and hereby direct, pursuant to Wyoming Statutes §§ 35-1-227 and -240(a)(i), (ii), and (iv), the Carbon County Health Officer to issue the above variance. As the State Health Officer, I specifically deem this variance appropriate for Carbon County, WY. I will reassess the necessity of this variance as appropriate to do so and according to accepted epidemiological and medical standards.

  
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Dr. Alexia Harrist  
Wyoming State Health Officer