

ORDER OF PUBLIC HEALTH MADISON & DANE COUNTY

DATE OF ORDER: October 4, 2021
Goes into effect October 8, 2021 at 12:01 a.m.

FACE COVERING EMERGENCY ORDER #3

Reducing the spread of illness, preventing severe outcomes, and preventing death are foundational public health goals of managing the pandemic. Due to the prevalent spread of the Delta variant of COVID-19, the Centers for Disease Control and Prevention (CDC) released guidance which indicated individuals in areas with a substantial or high level of community transmission of COVID-19 should wear face coverings whenever they are indoors in public places. Madison and Dane County continue to have a high transmission rate of COVID-19 (new cases per 100,000 in the past 7 days exceeds 100). While Dane County has a high vaccination rate, evidence has emerged from the CDC and locally that fully vaccinated people who do become infected with the Delta variant can be infectious and can spread the virus to others. The rate of cases in Dane County has risen rapidly since the Delta variant became dominant; on July 19, our weekly case rate per 100,000 was 22, and on September 19, our weekly case rate per 100,000 was 209. On September 27, our weekly case rate per 100,000 was 157. While lower than in early September, Dane County remains in CDC's high level of community transmission.

Vaccines are still highly effective in preventing severe outcomes from COVID, even with the Delta variant, and are also still effective, but less so, in preventing infection. Over the past two weeks (September 13-September 26), cases among unvaccinated people have decreased by 16%, whereas cases among vaccinated people have decreased by 33%.

Considering the high transmissibility of the Delta variant, layers of prevention strategies in addition to vaccination, including masking, distancing, and ventilation, remain key tools. In order to prevent more severe outcomes and to protect those who are unable to be vaccinated, such as children under the age of 12, and those for whom vaccination may be less effective, such as people who are immunocompromised, face coverings will be required in most indoor situations in Dane County.

Based upon the foregoing, I, Janel Heinrich, Public Health Officer of Madison and Dane County, by the authority vested in me by the Laws of the State, including, but not limited to, Wis. Stats. Secs. 252.03(1), (2) and (4), order the following as necessary to prevent, suppress, and control the spread of COVID-19:

- 1. Face Coverings.** Face covering means a piece of cloth or other material that is worn to cover the nose and mouth completely. A face covering must be secured to the head with ties, ear loops, or elastic bands that go behind the head and must fit snugly but comfortably against the side of the face. Cloth face coverings must be made with two or more layers of breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source). A face covering does not include bandanas, single layer neck gaiters, face shields, goggles, scarves, ski masks, balaclavas, shirt or sweater collars pulled up over the mouth and nose, or masks with slits, exhalation valves, or punctures.
 - a. Face Covering Required.** Every individual, age two (2) and older, shall wear a face covering when:
 - i.** In any enclosed space open to the public where other people, except for members of the person's own household or living unit are present.
 - ii.** Driving or riding in any form of public transportation.
 - b. Exceptions.** Individuals who are otherwise required to wear a face covering may remove the face covering in the following situations:
 - i.** While eating or drinking.
 - ii.** When communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.
 - iii.** While obtaining a service that requires the temporary removal of the face covering, such as dental services.
 - iv.** While sleeping.
 - v.** While swimming or on duty as a lifeguard.
 - vi.** When engaging in work where wearing a face covering would create a risk to the individual, as determined by government safety guidelines.
 - vii.** When necessary to confirm the individual's identity, including when entering a financial institution.

- viii. When federal or state law or regulations permit the removal of a face covering.
 - ix. When actively playing a wind instrument that has a fabric bell cover, or similar cover, that acts as a face covering over the instrument, as long as individuals are spaced at least six (6) feet apart at all times.
 - x. While presenting or performing a religious, political, media, educational, artistic, cultural, musical, theatrical or any other type of presentation for an audience, as long as:
 - A. Everyone at the presentation or event is fully vaccinated. Fully vaccinated means: Two (2) weeks after an individual's second dose in a 2-dose vaccine series for COVID-19 (such as Pfizer-BioNTech's or Moderna's vaccine) or two (2) weeks after their first dose in a single-dose vaccine series for COVID-19 (such as Johnson & Johnson's Janssen vaccine); and
 - B. The presenters and performers maintain at least six (6) feet distance from all attendees at all times.
- c. The following individuals are exempt from the face covering requirement in Section 1.a. of this Order:
- i. Children under the age of two (2).
 - ii. Individuals who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
 - iii. Individuals with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the individual from wearing a face covering.
2. All places subject to this Order must develop and implement a written protective measure policy and procedure that ensures employees are provided with and wear face coverings at all times when required under Section 1 of this Order.
3. All places subject to this Order must post a sign in a visible location that notifies the public that face coverings are required upon entering the property. Residential properties (e.g., apartment buildings and condominiums) that have shared common indoor spaces (e.g., mailrooms, lobbies, hallways) open to the public are also required to post a sign in a visible location that notifies the public that face coverings are required upon entering the property. If preferred, PHMDC's "Face Covering" sign is available for use at <https://publichealthmdc.com/coronavirus/recommendations-and-guidance#business>.

4. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
5. This Order shall become effective Friday, October 8, 2021 at 12:01 a.m. This Order shall remain in effect until November 5, 2021 at 12:01 a.m.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Janel Heinrich". The signature is written in a cursive, flowing style.

Janel Heinrich
Health Officer, Public Health Madison & Dane County