



LEE HARRIS
MAYOR

SHELBY COUNTY HEALTH DEPARTMENT

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Public Health
Prevent. Promote. Protect.

August 19, 2021

(effective August 3, 2021 at 12:00 pm until August 31, 2021 at 12:00 pm)

FORMAL ISSUANCE OF SECOND AMENDED HEALTH ORDER NO. 24

Pursuant to the Declarations of a State of Emergency
by Shelby County Mayor Lee Harris
and the Necessity of a Communicable Disease Control Threat Procedure
by the Shelby County Health Department¹

TO: Residents, Visitors, and Owners/Operators of Services, Facilities, and/or
Businesses in Shelby County, Tennessee

FROM: Lee Harris, Shelby County Mayor
Bruce Randolph, M.D., M.P.H, Shelby County Health Officer
Michelle Taylor, M.D., Dr.P.H, Shelby County Health Director

RE: Public Health Announcement on COVID-19 Response

Shelby County and most of Tennessee are experiencing high rates of community transmission of COVID-19. In large part, this is due to the low percentage of vaccinated people in the County and the State. The CDC Morbidity and Mortality Weekly Report for July 30, 2021 provides an example of how the Delta variant is highly transmissible. During July, multiple summer events and large public gatherings in the town of Barnstable County, Massachusetts, resulted in an increased number of COVID-19 cases, from zero cases per 100,000 persons per day on July 3rd to 177 cases per 100,000 persons by July 17th. In order

¹ Pursuant to the emergency management authority vested in Shelby County, Tennessee, for coordination of relief efforts in the event of a countywide emergency that may result in substantial injury or harm to the population, and the necessity to respond to public health emergencies vested in the Shelby County Public Health Department ("the Department"), this Health Order is being issued to protect the public health for all citizens and businesses in Shelby County, Tennessee.

to respond to the highly contagious Delta variant, the CDC recommends that all persons, including those who are fully vaccinated, wear masks in indoor public settings in areas such as Shelby County where COVID-19 transmission is high. www.cdc.gov/coronavirus/2019-ncov. Vaccination is the most important strategy to prevent severe illness and death.

The CDC also recommends “universal indoor masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status.” Many schools serve children under the age of 12 who are not eligible for vaccination at this time. We also know that, based on the latest science and research, children can have severe outcomes if they contract the Delta-variant virus. The CDC’s guidance emphasizes implementing layered prevention strategies (e.g., using multiple prevention strategies together consistently) to protect as many people as possible. These national recommendations must be understood in light of our local data and trend.

Right now, Shelby County is experiencing a surge in cases and a high level of transmission. Most troubling of all is the local data in Shelby County on pediatric cases, which has been released over the last week to ten days, reflecting that children are now experiencing higher rates of severe outcomes if they contract the Delta variant of the virus. Because of this recent local data and trends, the Shelby County Health Department is amending the Health Directive to add an extra of layer protection for children—many of whom are not eligible for vaccination—and their families. Therefore, we are requiring all K-12, Pre-K schools, and Daycare facilities to require universal indoor masking for all teachers, staff, students, and visitors to the schools, regardless of vaccination status. These amendments, like the rest of the Directive will expire on August 31, 2021, but may be renewed, depending on levels of vaccination rates (such as whether the County has attained a vaccination rate of 70%), hospital capacity, and/or cases per 100,000 residents.

This document includes updated recommendations on vaccinations, testing, and mask wearing. We implore everyone to get vaccinated if they are eligible, to get tested regularly, especially if you are not vaccinated, and to wear masks as recommended below.

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All persons age 12 and older are eligible to receive the Pfizer vaccine.

All persons age 18 and older are eligible to receive the Moderna and Johnson & Johnson/Janssen vaccine.

Everyone should get vaccinated as soon as possible.

For current eligibility, check here: www.shelby.community/covid-19-vaccine

Key Things to Know About COVID-19 Vaccines

www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html

What You Can Do When You're Fully Vaccinated

www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html#print

This Directive provides guidance on:

- A. Vaccinations and Testing
- B. Wearing Face Masks/Face Coverings;
- C. Preventive Measures for Individuals; and
- D. Preventive Measures for all Services and Businesses.

A. Vaccinations and Testing

1. Everyone is strongly encouraged to get vaccinated if they are eligible. Getting vaccinated prevents severe illness, hospitalizations, and death. Unvaccinated people should get vaccinated and continue masking until they are fully vaccinated. With the Delta variant, this is more urgent now than ever.

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2. Employers are strongly encouraged to require a COVID-19 vaccination or regular COVID-19 testing for all unvaccinated employees, including those who are asymptomatic. Such testing should be compliant with all applicable laws.

B. Wearing Face Masks/Coverings:

The Department values its business partners in the fight to end the pandemic. For this reason, the Department asks that businesses continue this partnership in ensuring that their locations are safe for their workers, visitors, and customers by following any mask mandates that apply to their locations.

Guidance for Wearing Masks

www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html

www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html

1. Masks **must** be worn in Shelby County in the following circumstances (unless a valid exemption applies as set forth below):
 - a. You are awaiting, boarding, disembarking, or traveling on public airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares. This includes indoor hubs, airports, terminals, stations, and ports of entry. Please consult the CDC for current guidance on public transportation.

Requirement for Face Masks on Public Transportation Conveyances and at Transportation Hubs

www.cdc.gov/coronavirus/2019-ncov/travelers/face-masks-public-transportation.html

- b. You are in an indoor, public setting in Shelby County unless:
 - i. You are a child under the age of 2 years.
 - ii. You are seated in a restaurant or bar for the purpose of eating and drinking.
 - iii. You are engaged in other activities that require removal of a mask, such as cardio activities inside a gym, grooming activities, or theatre performances.

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- iv. You are in a place of worship and the place of worship does not require you to wear a mask.
 - v. You are in an indoor setting that is not open to the public.
 - vi. You are a person with a disability who cannot wear a mask, or cannot safely wear a mask, for reasons related to the disability.
 - vii. You are a person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by a workplace risk assessment.
 - viii. You are a K -12 grade school student and your parent has submitted a written notification that you are opting out of wearing a mask according to Governor Lee's Executive Order No 84.
2. Because the CDC currently considers Shelby County to be an area of substantial or high transmission, masks are **highly recommended** if you are in an outdoor setting that involves close contact with others who may not be fully vaccinated. Please also consult with your health care provider about wearing a mask due to any health conditions you may have.

C. Preventive Measures for Individuals:

Individuals should follow CDC guidance on preventive measures and personal practices that can be taken to prevent themselves and others from becoming infected by the COVID-19 virus (www.cdc.gov):

1. Individuals must cooperate with the Department on contact tracing and case investigation.
2. Individuals who test positive for COVID-19 must report this information to the Department by calling 901-222-MASK (which is 901-222-6275) or by faxing the information to 901-222-8249. Individuals who test positive for COVID-19 must notify those who are known to have been in contact with them.
3. Individuals who test positive for COVID-19 must isolate in accordance with CDC Guidance, and individuals who have been in close contact with someone with COVID-19 must quarantine if you have not had COVID-19 in the past three months or have not been fully vaccinated.

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Isolate if You are Sick

www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/isolation.html.

When to Quarantine

www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html.

An isolation and quarantine calculator can be found here:

covid19.tn.gov/prevention/quarantine-isolation-calculator/.

D. Preventive Measures for all Services and Businesses

The following preventive measures are **required**:

1. Cooperate with health authorities' efforts to prevent and control the spread of COVID-19.
2. Report to the Department any employee who has had contact with a person who tests positive for COVID-19 by calling 901-222-MASK (which is 901-222-6275) or by faxing the information to 901-222-8249. For employers needing after-hours assistance, please call 901-232-4036.
3. Comply with all federal and state business COVID-19 safety requirements, such as the Occupational Safety and Health Administration requirements (OSHA and TOSHA) by providing employees with a workplace free from recognized hazards likely to cause death or serious physical harm.
4. Place prominent signs at entrances and high-traffic areas notifying employees, customers, and visitors if masking is required or recommended.
5. Require all workers to stay home if they are sick pursuant to the following CDC guidance. Workers who meet CDC criteria or symptoms for COVID-19 should be directed to leave the premises immediately and seek medical care and/or COVID-19 testing.

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How to Protect Yourself and Others

www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html.

What to Do if You are Sick

www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html.

6. If an employer is informed that an employee has tested positive for COVID-19, the employer must close the areas where the employee worked for cleaning and disinfecting pursuant to CDC and OSHA guidance:

Toolkit for Worker Safety and Support

www.cdc.gov/coronavirus/2019-ncov/communication/toolkits/employees-and-worker-safety.html.

CDC Guidance on Workplaces and Businesses

www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html.

OSHA Guidance on Preparing Workplaces for COVID-19

www.osha.gov/sites/default/files/publications/OSHA3990.pdf

The following preventive measures are **recommended**:

1. Place prominent signs at entrances and high-traffic areas that state that workers, customers, and visitors should not enter if they are sick or currently have signs or symptoms of COVID-19.

2. Ensure proper ventilation in all indoor areas of any business location:

Ventilation in Buildings

www.cdc.gov/coronavirus/2019-ncov/community/ventilation.html.

3. Continue promoting frequent and thorough handwashing by providing workers, customers, and visitors a place to wash their hands or use alcohol-based hand sanitizer at or near entrances to a facility and other high-traffic areas. It is strongly encouraged that CDC handwashing guides be placed in all bathrooms and near any handwashing sink.

Wash Your Hands! (sign)

www.cdc.gov/handwashing/pdf/wash-your-hands-poster-english-508.pdf.

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4. Develop a plan on how to communicate with workers/customers/visitors if they are exposed to someone who tests positive for COVID-19.
5. Discourage workers from using other employee's phones, desks, offices, or other work tools and equipment, when possible. When this is not possible, sanitizers should be used both prior to use of communal items and immediately after, and care should be taken not to touch the face.
6. Increase regular housekeeping practices for all areas, including routine cleaning and disinfecting of surfaces, equipment, high-touch areas, work areas, break rooms, bathrooms, common areas, and any other areas of the work environment.
7. If feasible, implement contactless transactions.
8. Indicate where lines may form at a facility, marking 6-foot increments as guides for where individuals should stand to maintain social distancing.
9. Provide a hand sanitizing station (with adequate signage) at buffets for customers to use prior to and after serving themselves and require customers and employees to wear a mask while at a buffet. The sanitizing station must be properly distanced from any food in compliance with food permit restrictions on keeping chemicals away from food.
10. Regularly clean/disinfect restrooms, lounges, gyms, and shower facilities.
11. Encourage the use of outdoor space for the provision of services, where practical. Restaurants in particular are encouraged to provide an outdoor dining option.
12. Consider creating a plan to limit the communal use of items and products, such as eating or writing utensils and condiment containers.

Event planners for large-scale festivals, fairs, parades, sporting events, and community events may, but are not required to, seek the Department's feedback for their event plan(s) if such technical assistance is desirable.

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Shelby County Buildings that house individuals, including the Walter Bailey Criminal Justice Complex, the Shelby County Division of Corrections and Detention Facilities shall follow all safety precautions as stated in any executive order by Mayor Lee Harris.

Long Term Care Facilities and Assisted Living Centers:

Nursing Homes and Long-Term Care Facilities

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/nursing-home-long-term-care.html>.

The Department shall have unrestricted access to the facility where such access is determined necessary by the Department for purposes of investigating COVID-19 cases and testing all personnel for COVID-19, and in such circumstances, the operator and administrator shall cooperate fully to facilitate such testing. Any positive test result shall be reported to the Department of Health by 5:00 p.m. of the day following receipt of such test result. Consistent with CDC guidance, facilities must inform residents and their representatives within 12 hours of the occurrence of 1) a single confirmed infection of COVID-19 or 2) three or more residents or staff with new-onset of respiratory symptoms that occur within 72 hours. Updates to residents and their representatives must be provided weekly and after each subsequent time a confirmed infection of COVID-19 is identified or whenever three or more residents or staff with new onset of respiratory symptoms occurs within 72 hours. Updates should include information on mitigating actions implemented to prevent or reduce the risk of transmission including whether normal operations in the facility will be altered.

Lessors of Residential Properties

HUD and its PHA and private landlord partners have been taking steps to mitigate the impact of COVID-19 as each state reopens its economies. Keeping people in their homes and out of crowded or congregate settings — like homeless shelters — is a key step in helping to stop the spread of COVID-19. The best option for all is for renters to pay (or be able to pay) their rent.

Tenants and landlords may submit applications for the COVID-19 Emergency Rental & Utility Assistance Program: www.home901.org/covid-resources/.

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The displacement of COVID-19 positive citizens from their homes pursuant to a writ of possession, upon the filing of eviction proceedings, without notice of available assistance by the local health department is precluded by local health directive, its authority vested in state regulations regarding communicable diseases, including quarantine and isolation.

All inhabitants, present and/or readily available, of the dwelling which is the subject of eviction proceedings must be provided informational resources for rental assistance, food and housing instability, employment, and general health from the Shelby County Health Department and Shelby County Division of Community Services to further mitigate the secondary effects of the COVID-19 pandemic. Property owners, landlords, or their hired agents must distribute the following notice concurrently with the service of process of a Forcible Entry and Detainer Action (or Summons and Complaint) to any individual against whom an FED or other eviction action is filed. The notice must be provided in **English** and in **Spanish**:

Emergency Utility, Rental/Mortgage, Medical/Prescriptions, and Family Support Assistance is available.

- If you or anyone in your household are currently quarantined or are in isolation due to COVID-19 and are unable to secure housing at this time, please notify the Shelby County Health Department by calling 901-222-MASK (which is 901-222-6275) or by faxing the information to 901-222-8249. Temporary housing support may be available.
- If you are behind on your rent or utilities, you may be eligible for relief for up to 12 months of your payments, made directly to your landlord or MLGW.
- Eligibility is determined by income, and residents must also be able to demonstrate that they had an income loss due to COVID-19.
- Legal assistance may be available for eviction/FED cases in court.
- To apply, visit www.shelbycountyttn.gov/247/Community-Services-Agency or www.home901.org/covid-resources or text “home901” or “casa” to 21000.

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COVID-19 Asistencia Urgente para pagar su renta o servicios públicos (Emergency Rent Assistance).

- Si usted o una persona en su hogar está en cuarentena o aislado debido a COVID-19 y no sea posible obtener una vivienda en este momento, por favor notifica al Departamento de Salud de Shelby County por llamada a 901-222-MASK (901-222-6275) o por fax a 901-222-8249. Asistencia temporal de vivienda puede ser disponible.
- Si debe en alquiler o servicios públicos, puede ser elegible para asistencia de emergencia hasta 12 meses de pagos, pagado directamente a su dueño o MLGW.
- Elegibilidad esta basada en sus ingresos, y es necesario demostrar que haya perdido ingresos debido a COVID-19.
- Asistencia legal puede ser disponible por desalojos/FED en la corte
- Para solicitar, visita a www.shelbycountyttn.gov/247/Community-Services-Agency o www.home901.org/covid-resources o mandar por text “casa901” a 21000.

For purposes of ensuring the public health safety of all residents and visitors in Shelby County, executions of any writs of possession cannot occur unless:

- 1) This notice has been provided to the tenant(s) or resident(s) of the subject premises either with the service of process of the eviction notice or at least two weeks before execution of a writ of possession, whichever is shorter. An example of proof of notice that can be used can be found here: www.shelbytnhealth.com/AssistanceNotice; and
- 2) Proof of this notice is provided to the Department via email to COVID@shelbycountyttn.gov or fax to 901-222-8249.

In those cases when the Shelby County Sheriff’s Office (SCSO) provides service of notices of writs of execution or assists in executing such writs, SCSO has previously implemented a process for providing this notice before executing all writs of possession. Private process servers should also implement a procedure for providing the notice. Courts and clerks who assist in FED action may also provide information about the notice requirement to private process servers. The failure to provide this notice may result in temporarily halting a private process server’s authority to participate in executions of writs of possession for impeding the Health Department’s obligation to protect public health.

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Please contact the Department if you require technical assistance regarding any preventive measures.

Requirement to Collect Demographic Data

Any health care providers located in Shelby County, Tennessee that provides COVID-19 testing or clinical care shall provide to the Department, as requested by the Department, demographic data regarding individuals vaccinated, tested, or cared for by the provider. Such data shall be in such forms, formats and/or schedules that the Department will reasonably specify to the provider by written guidelines, including by way of example and without limitation the following data: gender, race, ethnicity, date of birth or other indicia of age, and such other demographic-based clinical information that the Department deems relevant and necessary to respond to and serve the needs of Shelby County related to the COVID-19 pandemic.

Approved and adopted by:

LEE HARRIS,
SHELBY COUNTY MAYOR

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SHELBY COUNTY HEALTH OFFICER

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