St. Louis County Department of Public Health
2019 Novel Coronavirus ("COVID-19")
Third Amended Order for Business and Individual Guidelines for
Social Distancing and Re-Opening

I. Background

The St. Louis County Department of Public Health ("DPH") has been closely monitoring the
global public health crisis caused by a viral illness called COVID-19. Infections with COVID-
19 have been reported around the world. The first confirmed instance of person-to-person spread
of the virus in the United States was reported on January 30, 2020. The first confirmed instance
of COVID-19 in St. Louis County was reported on March 7, 2020. A state of emergency was
declared in St. Louis County on March 13, 2020, resulting in several executive orders and DPH
orders, policies, and rules to implement those executive orders.

COVID-19 is considered an infectious, contagious, communicable, and dangerous disease for
purposes of §§ 192.020-1, 192.139, & 192.300 RSMo., 19 CSR 20-20.020, and other state and
local laws. The DPH’s director is the “local health authority” under 19 CSR 20-20.050(1)
pursuant to 19 CSR 20-20.010(26), Section 4.130 of the Charter, and Section 600.010 SLCRO,
and has been delegated the authority to act on St. Louis County’s behalf for the public health
purposes described in § 192.300 RSMo.

The collective efforts of St. Louis County, surrounding jurisdictions, and many regional partners
to increase access to testing, educate the public, perform case investigations, case monitoring and
contact tracing, and focus on protection of the most vulnerable residents helped reduce rates of
transmission and hospitalizations for COVID-19 for a period of time. As a result, businesses and
activities were gradually reopened pursuant to DPH Orders effective on June 1, 2020 and June

While encouraging St. Louis County residents to continue to stay at home when possible and
avoid situations that increase their risk of exposure to the virus, DPH’s “Second Amended Order
for Business and Individual Guidelines for Social Distancing and Re-Opening” required
businesses and activities to comply with business-specific operating standards, guidelines and/or
protocols issued by DPH, as amended, and with the intent to protect employees, patrons, and all
individuals in St. Louis County.

However, St. Louis County recognized the continued danger to the health and welfare of the
community and has been closely monitoring rapidly changing information regarding COVID-19
including but not limited to national and international evidence-based information as well as the
local trajectory of influenza-like illnesses, documented cases of COVID-19, the ability of
hospitals to treat patients without crisis care, deaths, testing access and positivity rates, and any
other information deemed relevant to the well-being of the citizens of St. Louis County. In the
face of increasing case numbers, on July 2, 2020 DPH issued the “Order Requiring Members of
the Public and Employees to Wear Face Coverings.”
As of the date of this Order, St. Louis County is experiencing a major surge in infections and hospitalizations. The St. Louis region experienced a 251% increase in COVID-19 cases when comparing seven-day case averages on June 22, 2020 (58.6 cases/day) and July 22, 2020 (205.9 cases/day). In addition, the St. Louis Pandemic Task Force has reported that the St. Louis area’s seven-day moving average of new hospitalizations has risen to around 40 per day and continues to rise. These are critical indicators that further measures are needed to address community transmission of the virus. Accordingly, St. Louis County must take immediate steps to respond to this increased community transmission beyond the requirement of wearing facial coverings. There is ample scientific evidence to suggest that the virus is easily transmitted in places where people congregate for prolonged periods of time, including gatherings of groups of people, restaurants, bars, and other event venues. Accordingly, this Order reduces the capacity limitations to 25% (from 50%) of legal occupancy for all Businesses subject to capacity restrictions, restricts Gatherings to 50 or fewer individuals for places other than Businesses subject to capacity restrictions and as specified in this Order, and restricts the hours of Businesses that primarily sell alcohol.

II. Purpose

The intent of this Order is to provide standards for individual conduct while in public and for business operations with the goal to decrease transmission of COVID-19. Individuals are encouraged to remain in their places of residence to the maximum extent feasible to reduce their own risks and risks to others of being exposed to and transmitting COVID-19. This Order, as well as DPH’s business-specific operating standards, guidelines and/or protocols, reduces the congregation of people and sets standards for individuals and Businesses to minimize the continued health risks associated with COVID-19.

III. Policy

A. Limitations on Gatherings: All Gatherings pose an increased risk of transmission and should be voluntarily avoided whenever possible. Gatherings of individuals outside of those in the same household pose a significant risk of COVID-19 transmission. All public and private Gatherings of 50 or more individuals are prohibited, except as otherwise set forth in this Order.

B. While still required to follow Social Distancing Requirements, Face Covering requirements, and other applicable general and business-specific operating standards, guidelines and/or protocols published by DPH, the limitations of Section III.A, Limitations on Gatherings related to public and private gathering of 50 or more individuals, do not apply to:

1. Businesses that are subject to capacity limitations, including but not limited to, grocery stores, retail, personal services, and religious, spiritual and memorial services;
2. Hospitals;
3. Public transit, including airports;
4. Urgent care centers;
5. Medical offices;
6. Shelters;
7. Daycare facilities;
8. Schools;
9. Polling places; and
10. Other professional businesses that do not engage in direct interactions with the public.

C. Drinking establishments must close to ingress, egress, use, and occupancy by members of the public by 10:00 p.m.

D. When a Business is subject to capacity limitations pursuant to DPH business-specific operating standards, guidelines and/or protocols, that Business must:

1. Limit the number of individuals in any particular location to 25% (twenty-five percent) or less of the entity’s authorized fire or building code occupancy;
2. Install physical barriers between customers and employees where possible or otherwise ensure six (6) feet of distance between customers and employees, particularly in check-out lines, return-lines or any other place where there is prolonged contact between the customer and employee;
3. In all areas which are prone to lines or congregation, install clear markings with signage, tape, or other means that show six (6) feet of distance as the appropriate spacing between customers;
4. Provide signage inside and outside the facility outlining Social Distancing Requirements and Face Covering requirements, limitations on crowd size, and procedures to limit crowd size;
5. Prohibit customers from bringing outside containers, including reusable bags or boxes, into the facility;
6. Arrange for contactless payment, pick-up and delivery options whenever feasible and provide postings as to the availability of such services; and
7. Follow any additional applicable requirements as determined by DPH and posted on stlcourona.com related to general and Business-specific operating standards, guidelines and protocols.

E. All persons and Businesses must comply with DPH’s “Order Requiring Members of the Public and Employees to Wear Face Coverings.”

F. All Businesses shall comply with Social Distancing Requirements, Disinfection Processes and use of Face Covering, and must take the following additional precautions:

1. All Businesses shall require frequent Disinfection Processes of all high touch surfaces and any other areas that may be frequently touched by customers, employees, volunteers, or any other individuals.
2. All Businesses shall provide reasonable breaks for employees and volunteers to wash their hands.

3. All Businesses shall train employees about procedures related to Disinfection Processes, Social Distancing Requirements, and appropriate use of Face Coverings.

4. All Businesses shall provide employees and volunteers working in the Businesses’ facility with Face Coverings or supplies to make Face Coverings.

5. All Businesses shall require employees and volunteers to wear Face Coverings while at work, unless such employee or volunteer is working alone in an enclosed area or has a medical reason not to wear a Face Covering. 

6. All Businesses shall conduct daily screening of employees and volunteers who work in their facilities for symptoms of COVID-19.

7. All Businesses shall encourage employees and volunteers to quarantine or isolate if they have or are believed to have COVID-19 or if they have come into contact with individual(s) with COVID-19.

8. All Businesses shall follow any additional requirements as determined by general and business-specific operating standards, guidelines and/or protocols published by DPH.

G. All Businesses, vendors, or retailers operating within other Businesses that are providing food or drink for consumption must comply with food and retail service guidelines operating standards, guidelines, and/or protocols published by DPH. For example, a concession provider within a pool complex must comply with guidelines for food and drink facilities.

H. Businesses are authorized to deny entry to members of the public who refuse to wear Face Coverings unless such refusal is on account of a medical condition that makes wearing Face Coverings injurious or potentially injurious. A Business shall not require the individual to produce medical documentation verifying a medical condition or ask about the nature of a medical condition. If the Business is providing medication, medical supplies, or food, the Business should provide alternate methods of pick up or delivery of such goods.

I. Any Business that is closed as a result of an enforcement action or to protect the public health may still operate with respect to the minimum necessary activities to maintain the value of a Business’s inventory, provide security, process payroll or employee benefits, or to facilitate employees of the Business being able to continue to work remotely provided that such activities do not further endanger the public health.

J. Locations necessary for voting, including the Board of Election offices and other polling locations, shall be allowed to open and operate while following Social Distancing Requirements and Disinfection Processes. The Board of Elections staff, paid and unpaid, shall be allowed to work at these locations and shall comply with the Social Distancing Requirements, Disinfection Processes and use of Face Coverings.
K. Due to the uniqueness of certain Businesses, venues, and activities, a proposed plan for the Businesses, venues, and activities listed below must be submitted to DPH. These Businesses, venues, and activities must also comply with the 25% capacity restrictions set forth in this Order. These Businesses, venues, and activities can operate only upon written approval of the proposed plan, as may be modified by DPH. Approval of the proposed plan is subject to withdrawal or modification for failure to comply with the plan and for the protection of public health:

1. Entertainment and attraction venues;
2. Concert Venues;
3. Mass Sporting Events;
4. Museums;
5. Casinos; and
6. Playgrounds.

L. Congregate activities that maintain safe distances from others, such as car parades and drive-in entertainment, are encouraged in lieu of other forms of group activities to promote community engagement and mental health.

IV. Definitions

For purposes of this order, these terms, regardless of whether capitalized, are defined as follows:

1. “Business” or “Businesses” means any for-profit companies, non-profit organizations, benevolent associations, limited liability companies, or partnerships, regardless of legal organization, form, entity, tax-treatment, or structure;

2. “CDC” means the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;

3. “County” means St. Louis County, Missouri;

4. “Disinfection Processes” means the process of destroying pathogenic microorganisms, and in the case of decreasing spread of COVID-19 includes:
   a. Providing hand washing or sanitizing opportunities for the public where possible; and,
   b. Requiring frequent sanitation of high touch areas with products thought to destroy COVID-19. High touch areas include but are not limited to:
      i. Handrails;
      ii. Elevator buttons;
      iii. Door handles;
      iv. Check-out areas, including keypads, credit card machines, and other such systems;
      v. Carts and baskets;
      vi. Restrooms; and
vii. Shared computers or kiosks.

5. “Drinking establishment” means any business with a valid license issued by the St. Louis County Department of Revenue (pursuant to Chapter 801, Title VIII SLCRO 1974 as amended, "Alcoholic Beverages") to sell intoxicating liquor by the drink or to sell beer and light wine by the drink, or a similar license issued by the Missouri Gaming Commission, whose on-site sales of food for consumption on the premises comprises no more than twenty-five (25) percent of gross sales of food and both alcoholic and non-alcoholic beverages on an annual basis. To the extent the general and business-specific operating standards, guidelines and/or protocols published by DPH reference bars, bars shall be defined as “Drinking establishments” and this definition shall apply.

6. “Face Coverings” for the purpose of this order, means a device, usually made of cloth, that covers the nose and mouth. Consistent with current CDC guidelines, face coverings prevent those who may have COVID-19 from spreading it to others. Cloth face coverings are recommended for the general public over surgical or N95 respirators which should be reserved for medical professionals and first responders. Nothing in this Order should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the Business otherwise provides their workers with such equipment due to the nature of the work involved.

7. “Gathering” or “gatherings” means people coming together as a group, whether formal or informal, whether public or private and whether indoor or outdoor.

8. “Public Transit” means Businesses that provide transportation services, including but not limited to buses, light rail, rail, airlines, taxis, transportation network providers, livery services, vehicle rental services, ride shares and other public and private transportation providers.

9. “Social Distancing Requirements” means, to the extent possible, maintaining at least six-foot social distancing from other individuals; washing hands with soap and water for at least twenty seconds as frequently as practical or using hand sanitizer with more than sixty percent alcohol; covering coughs or sneezes with something other than hands; regularly cleaning high-touch surfaces; not shaking hands; and behaviors as otherwise defined by order.

V. Application and Enforcement

1. Application with Other Laws. This Third Amended Order rescinds and replaces the “St. Louis County Department of Public Health 2019 Novel Coronavirus ("COVID-19") Second Amended Order for Business and Individual Guidelines for Social Distancing and Re-Opening” Order dated June 26, 2020, with an effective date of June 29, 2020. To the extent that the Second Amended Order for Business and Individual Guidelines for Social Distancing and Re-Opening authorized any general and business-specific operating standards, guidelines and/or protocols published by DPH, those guidelines are herein
authorized by this Order. To the extent not otherwise explicitly modified or rescinded in this Order or otherwise, all other orders and guidelines of the Director of the Department of Public Health remain in effect and this Order shall not supplant, supersede, replace, rescind, amend, or modify any other County Executive Order, law, ordinance, rule, regulation, or permit condition or requirement.

Failure to comply with a public health order designed to “prevent the entrance of infectious, contagious, communicable or dangerous diseases” into St. Louis County is enforceable and punishable under Missouri law. In addition to the authority of DPH, in accordance with Section 5.030 of the St. Louis County Charter, the St. Louis County Counselor can seek emergency injunctive relief or other civil relief to enforce any provision of this Order. Pursuant to Section 5.060 of the St. Louis County Charter, the St. Louis Prosecuting Attorney can pursue criminal charges for violation of this Order. Noncompliance with this Order or the guidelines may also disqualify Businesses from future financial benefits.

2. For information regarding additional precautions and restrictions required by general and business-specific operating standards, guidelines and/or protocols published by DPH, refer to stlcorona.com. Business-specific operating standards and guidelines may be amended from time to time to address a change in the trajectory of reported cases of influenza-like illnesses, documented cases of COVID-19, the ability of hospitals to treat patients without crisis care, and any other information deemed relevant to specific Businesses. In the event there is an inconsistency between this order and the general and business-specific operating standards and guidelines published by DPH, this Order shall govern.

3. All Businesses must cooperate with DPH when DPH is conducting compliance and contact investigations, complying with all directives and requirements, including, but not limited to, matters related to notifications to employees or volunteers regarding possible exposure to a person who has tested positive for COVID-19, and providing names and contact information of those employees or volunteers.
4. In addition to other civil and criminal penalties that may be sought, DPH may enforce this Order by administrative order of closure. In accordance with 19 CSR 20-20.040 DPH has the authority to establish appropriate control measures to prevent or control the spread of an infectious disease, including isolation, quarantine, disinfection, and closure of establishments in the interest of public health. In accordance with 19 CSR 20-20.040 and 19 CSR 20-20.050, DPH has the authority to deem a Business, Businesses comprising a certain industry, geographic areas or the County as a whole to be unsafe and order such Business, Businesses comprising a certain industry, or Businesses in a geographic area, to cease operations or to close to protect the public health and prevent transmission. If DPH closes a Business in accordance with such authority, that Business will have the opportunity to be heard by the Director of DPH. In exercising its authority, DPH may proceed with isolation, quarantine, and closures actions including:

a. At the individual level, including isolation and quarantine of cases, family members and close contacts;
b. At the business level by location of transmission or necessity to protect the public health, such as non-compliance with capacity, Face Covering and Social Distancing Requirements;
c. At the industry/sector level if businesses in that industry are found to be particularly associated with transmission or necessity to protect the public health, such as particularly high industry wide/sector level non-compliance with capacity, Face Covering and Social Distancing Requirements;
d. By geographic area or location with significant outbreaks or clusters of cases or other necessity to protect the public health or the area or location;
e. Through closure at the County level to protect the public health.

VI. Effective Date

This Third Amended Order is signed July 29, 2020, and shall become effective on July 31, 2020 at 5:00 p.m. and shall remain effective until rescinded or amended, which shall occur at the earliest possible date as is appropriate based upon data regarding COVID-19 transmission rates and the protection of public health.

VII. Savings Clause

If any provision of this Order or its application to any person, Business or circumstance is held to be invalid, then the reminder of the Order, including the application of such part or provision to other persons, businesses or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
VIII. Authorization

This Order is authorized pursuant to Executive Orders 10 through 18, which are incorporated herein by reference, and to Missouri and St. Louis County law, including the Missouri Constitution, §§ 192.006, 192.200 and 192.300 RSMo., Chapter 44 RSMo., 19 CSR 20-20.040 and 19 CSR 20-20.050 of the Rules of the Department of Health and Senior Services, the St. Louis County Charter and the St. Louis County Revised Ordinances.

So Ordered this 29th day of July 2020.

By:

Dr. Emily Doucette
Acting Director
Chief Medical Officer
St. Louis County Department of Public Health