

**ORDER OF HEALTH OFFICER REGARDING  
PHASED REOPENING: PHASE TWO**

WHEREAS, a state of emergency exists in Montana due to the global outbreak of the SARS-CoV-2 virus, which causes COVID-19 disease, as a global pandemic;

WHEREAS, COVID-19 is a disease that can result in serious illness or fatality and can easily spread from person to person;

WHEREAS, the Centers for Disease Control and Prevention identifies the potential public health threat posed by COVID-19 in the United States as "high" and has advised that person-to-person spread of COVID-19 will continue to occur, including throughout the United States, Montana and Butte-Silver Bow;

WHEREAS, the circumstances of this outbreak may exceed the capacity of the services, personnel, equipment, supplies and facilities of Butte-Silver Bow if proactive measures are not continued to mitigate and limit the spread of COVID-19 infections in the community;

WHEREAS, during the course of the pandemic, Montana Gov. Steve Bullock has issued directives requiring the closure of non-essential businesses, providing social distancing requirements and limiting non-essential travel;

WHEREAS, on April 22, 2020, Gov. Bullock issued a directive providing guidance and conditions for the phased reopening of businesses in Montana, beginning with Phase One;

WHEREAS, the April 22 directive recognized the importance of individual responsibility, through good hygiene and strict adherence to social distancing, to fight against new infections, and it emphasized the continued need to protect those most vulnerable to complications from COVID-19;

WHEREAS, the April 22 directive allowed for implementation of the phased reopening on a county-by-county basis and directed local officials to coordinate on a regional basis and continue to assess the conditions in their jurisdictions. Further, the directive allowed local public health authorities to adopt more restrictive approaches based on local need;

WHEREAS, the duration of each phase of reopening must be regularly evaluated by public health and emergency management professionals using the best available epidemiological data for the community. As explained in the directive, factors that must be considered in moving from one phase to the next include the ability to monitor new cases adequately and conduct appropriate contact tracing to prevent further spread; treat all patients safely, both COVID-19 patients and those with other health conditions; screen and test all people with COVID-19 symptoms; and maintain sufficient levels of personal protective equipment;

WHEREAS, the April 22 directive appropriately recognized that negative indicators in the factors listed above may result in the need to re-implement certain restrictions or take other protective measures;

WHEREAS, Gov. Bullock issued a directive on May 8, 2020 that allowed for the expansion of openings for certain businesses and facilities under Phase One, including pools at licensed public accommodations, gyms, gym pools, fitness studios, theaters, and museums, as long as they adhered to strict guidelines limiting capacity, requiring social distancing, and imposing thorough sanitation requirements;

WHEREAS, on May 19, 2020, Gov. Bullock issued a directive establishing conditions for the second phase of the phase reopening of Montana;

WHEREAS, similar to the April 22 directive for Phase One, the May 19 directive for Phase Two encouraged local officials to coordinate on a regional basis and continue to assess the conditions in their jurisdictions and recognized that local public health authorities may adopt more restrictive approaches based on local need;

WHEREAS, the Montana Department of Public Health and Human Services issued guidance titled "Bar Seating During Phase 2" effective June 5, 2020, which extends the hours of operation for restaurants, breweries, distilleries, bars and casinos until 12:30 a.m. and allows for open seating at bars and counters at these establishments in compliance with social distancing and sanitation protocols;

WHEREAS, pursuant to 50-2-116(f) MCA, the Butte-Silver Bow Board of Health, through Health Department staff, has the

duty to "identify, assess, prevent and ameliorate conditions of public health importance through: (i) epidemiological tracking and investigation; (ii) screening and testing; (iii) isolation and quarantine measures; (iv) diagnosis, treatment and case management; (v) abatement of public health nuisances; (vi) inspections; (vii) collecting and maintaining health information; (viii) education and training of health professionals; or (ix) other public health measures as allowed by law";

WHEREAS, 50-1-101 (2) MCA defines a "condition of public health importance" as "a disease, injury or other condition that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community";

WHEREAS, the Board of Health, through Health Department staff, also has the duty pursuant to 50-2-116(1)(g) MCA to "protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health";

WHEREAS, pursuant to 50-2-118 MCA, a local health officer in carrying out "the purpose of the public health system ... shall (2) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and cancelling events," and (5) "pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated";

WHEREAS, consistent with Gov. Bullock's May 19 directive and its deference to local control, this order provides for the re-implementation of business restrictions and other protective measures in Butte-Silver Bow when determined necessary by the health officer, in close consultation with public health and emergency management professionals, based upon factors relating to new case monitoring and contact tracing, safe patient treatment, COVID-19 screening and testing and personal protective equipment levels.

NOW, THEREFORE, EFFECTIVE IMMEDIATELY:

Restaurants, bars, breweries, distilleries and casinos remain in the same operational status as Phase One, but with an increase to 75 percent capacity, extended hours until 12:30 a.m. and sitting at bars and counters in strict compliance with social distancing and sanitation protocols. These businesses must continue to maintain strict physical distancing and must otherwise adhere to the reopening guidelines:

- a. These businesses must close their doors and have all patrons out by 12:30 a.m. Breweries and distilleries shall follow existing laws on closing time.
  - A patron who does not leave a restaurant, bar, brewery, distillery or casino by 12:30 a.m. or other closing time provided by law, is in violation of this order.
  - An owner, operator or employee of a restaurant, bar, brewery, distillery or casino who does not close and has no patrons within the business by 12:30 a.m. or other closing time provided by law, is in violation of this order.
  - These businesses may allow patrons to sit at counters and bars in strict compliance with the governor's Phase Two directive.

Dated this 3<sup>rd</sup> day of September 2020.

DocuSigned by:

*Karen Sullivan*

Karen Sullivan  
Health Officer  
Butte-Silver Bow

ATTEST:

DocuSigned by:

*Sally J. Holley*

Sally J. Holley  
Butte-Silver Bow Clerk & Recorder

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Envelope Sent	Hashed/Encrypted	September 3, 2020   11:45
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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

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To contact us by email send messages to: [clerkrec@bsb.mt.gov](mailto:clerkrec@bsb.mt.gov)

To contact us by paper mail, please send correspondence to:

City and County of Butte-Silver Bow

155 W. Granite St.

Room 208

Butte, MT 59701-9234

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