



PUBLIC HEALTH ADVISORY ORDER REQUIRING MASKS TO BE WORN IN INDOOR, PUBLIC SPACES

April 1st, 2021

This advisory is not intended to be independently enforceable. However, because of the level of disease in our community and surrounding communities, credible complaints for violation of this advisory order may be taken and investigated by Pierce County Public Health and/or law enforcement. This advisory shall be in place until June 4th, 2021, upon which time it will be reviewed by the Health Officer to determine if it can be continued, modified or discontinued.

WHEREAS, Pierce County in Wisconsin is in the midst of a pandemic and continues to sustain high levels of disease in the community. On March 31st, Pierce County had a rolling 7-day average daily case rate (14.4 cases/100,000 population), which is higher than the “accelerated spread” threshold rate¹ and is higher than the WI state average (11.5 cases per 100,000 population); and

WHEREAS, Pierce County is classified by the Centers for Disease Control and Prevention (CDC) as having a high level of community transmission for the period of March 21-March 27, 2021,² and;

WHEREAS, the CDC is closely monitoring variants of the SARS-CoV-2 virus, which have mutations in the virus genome that alter the characteristics and cause the virus to act differently in ways that are significant to public health. The B.1.1.7 variant may be associated with increased risk of death compared to other variants and the P.1 variant may neutralize antibodies from the COVID-19 vaccine or previous infection.³ In Minnesota, 526 cases of B.1.1.7 variant, 2 cases of P.1 variant and 8 cases of B.1.351 variant have been identified. In Wisconsin, 78 cases of B.1.1.7 variant, 1 case of P.1 variant and 2 cases of B.1.351 variant have been identified, and;

¹ Harvard Global Health Institute and Brown School of Public Health Global Pandemics Project:

<https://globalepidemics.org/key-metrics-for-covid-suppression/>

² CDC Data Tracker: <https://covid.cdc.gov/covid-data-tracker/#county-view>

³ CDC Science Brief: Emerging SARS-CoV-2 Variants, https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/scientific-brief-emerging-variants.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fmore%2Fscience-and-research%2Fscientific-brief-emerging-variants.html



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WHEREAS, experimental and epidemiology data support community masking to reduce the spread of COVID-19;^{4,5} and

WHEREAS, the adopting of universal masking policies can help avert the closing of schools, businesses and other facilities, especially if combined with other non-pharmaceutical interventions such as social distancing, hand hygiene and adequate ventilation;⁶ and

WEREAS, three vaccines for COVID-19 have been approved by the FDA for emergency use authorization, but supply is limited nationally and locally, two doses are required weeks apart for the vaccine to be fully effective for two of the vaccines available, and it will take months to provide vaccinations for every Pierce County adult who wants one, and the vaccines are not approved for people under the age of 16; and

WHEREAS, without vaccine having been widely distributed to the entire population, the most effective population-wide tools we have to slow the spread of the disease are to stay physically distanced as much as possible and wear a face mask when we cannot stay apart; and

WHEREAS, 39 deaths are associated with COVID-19 in Pierce County; and

WHEREAS, without measures to slow the spread of COVID-19, people in Pierce County will suffer from more unnecessary illness, vulnerability from an overwhelmed health care and public health systems, and insecurity from an unstable economy; and

WHEREAS, hospitals in the Twin Cities metro report less than 2% of ICU beds were available on March 30th; and

WHEREAS, based on information from the Centers for Disease Control and Prevention (CDC) and input from state and local public health officials and medical professionals, face masking, physical distancing and limiting the size of mass gatherings is necessary to protect persons throughout the State of Wisconsin from COVID-19; and

WHEREAS, pursuant to Wis. Stat. § 252.03, the local health officer: (i) shall promptly take all measures necessary to prevent, suppress and control communicable diseases; (ii) may do what is reasonable and

⁴ CDC Community Masking to Control SARS-CoV-2- Epidemiological Investigations.

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/science-of-masking-full.pdf>

⁵ Proceedings of the National Academy of Sciences of the United States of America. An evidence review of face masks against COVID-19. <https://www.pnas.org/content/118/4/e2014564118>

⁶ CDC Scientific Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2.

<https://www.cdc.gov/coronavirus/2019-ncov/more/masking-science-sars-cov2.html>



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necessary for the prevention and suppression of disease; and (iii) may forbid public gatherings when deemed necessary to control outbreaks or epidemics; and

WHEREAS, the local health officer deems the issuance of this directive and the measures to be taken as set forth herein to be reasonable and necessary to prevent, suppress and control the spread of COVID-19 in Pierce County; and

WHEREAS, pursuant to Wisconsin Administrative Code s. DHS 145.06(6) the local health officer has authority to "direct persons who own or supervise real or physical property..., which present a threat of transmission of any communicable disease...to do what is reasonable and necessary to abate the threat of transmission"; and

NOW, THEREFORE BE ADVISED, that while all ongoing health recommendations remain of significant importance to reduce the spread of COVID-19, the following health recommendations are critical to suppress the further spread of COVID-19 and by this Advisory Order and Directive are hereby imposed, effective April 1st, 2021:

1. DEFINITIONS.

- a. "Face mask" means a piece of cloth or other material that is worn to cover the nose and mouth completely. A "face mask" includes but is not limited to a cloth face mask, a disposable or paper mask, a neck gaiter, or a religious face mask. A "face mask" does not include face shields, mesh masks, masks with holes or openings, or masks with vents.
- b. "Physical distancing" means maintaining at least six feet of distance from other individuals who are not members of your household or living unit.

2. MASKING REQUIRED. Every individual, age five and older, in Pierce County shall wear a face mask if both of the following apply:

- a. The individual is indoors, other than at a private residence; and;
- b. Another person or persons who are not members of individual's household or living unit are present in the same room or enclosed space.

Face masks are strongly recommended in all other public settings, including outdoors when it is not possible to maintain physical distancing.

3. EXCEPTIONS.

- a. Individuals who are otherwise required to wear a face mask may remove the face mask in the following situations:
 - i. While eating or drinking.



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- 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 mask, such as dental services.
 - iv. While sleeping.
 - v. While swimming, diving or on duty as a lifeguard.⁷
 - vi. While competitive cheerleading (tumbling/stunting/flying) and gymnastics (while on an apparatus).⁷
 - vii. During competitive wrestling contact, unless an adult coach or official is closely monitoring for safety purposes.⁷
 - viii. While a single individual is giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation for an audience, the single speaker may remove the face mask when actively speaking. While the face mask is removed, the speaker must remain at least 6 feet away from all other individuals at all times.
 - ix. When engaging in work where wearing a face mask would create a risk to the individual, as determined by government safety guidelines.
 - x. When necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution.
 - xi. When federal or state law or regulations prohibit wearing a face mask.
- b. In accordance with CDC guidance, the following individuals are exempt from the face mask requirement in Section 2:
- i. Children between the ages of 2 and 5 are encouraged to wear a mask when physical distancing is not possible. The CDC does not recommend masks for children under the age of 2.
 - ii. Individuals who have trouble breathing.
 - iii. Individuals who are unconscious, incapacitated, or otherwise unable to remove the face mask without assistance.
 - iv. Individuals with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the individual from wearing a face mask.

⁷ American Academy of Pediatrics, COVID-19 Interim Guidance: Return to Sports, <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-interim-guidance-return-to-sports/>



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Enforcement and Applicability

This advisory is not intended to be independently enforceable. Pierce County may take complaints and investigate persons and facilities violating the above guidelines. Violations of the health guidelines may result in enforcement under Wisconsin Administrative Code DHS s. 145.06(6) and/or Pierce County Ordinance Chapter 120.

This means that if, based on credible, clear and convincing evidence, the Pierce County Public Health Department’s investigation finds that a person or facility is violating the above guidelines, the Pierce County Public Health Department may issue a specific directive to the person or facility, providing an opportunity to correct or abate the violation.

If, based on credible evidence, the person or facility violates or does not comply with the specifics of the health directive issued to that person or facility, further enforcement under DHS s. 145.06(5) or Pierce County Ordinance Chapter 120 may be pursued in Court with the person or facility having the opportunity to respond and be heard.

Dated this 1st of April 2021.

DocuSigned by:
Alysin Snyder
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AZ Snyder, MSc
Health Officer



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