



DIRECTOR'S ORDER

Re: Director's Second Amended Order for Social Distancing, Facial Coverings and Non-Congregating

I, Stephanie McCloud, Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to “make special orders...for preventing the spread of contagious or infectious diseases” **Order** the following to prevent the spread of COVID-19 into the State of Ohio:

Preamble: As Governor DeWine announced, the vast majority of health orders -- except some orders for safety in congregate living and health settings and some technical matters -- will be rescinded on June 2, 2021, at 12:01 AM EDT. This is designed to give individuals, who have not yet been vaccinated, time to get vaccinated before the public health mitigation measures are lifted. Businesses may continue to require mitigation measures (e.g., masking and social distancing) among those vaccinated and unvaccinated, and individuals may choose to practice mitigation measures.

The CDC announced on Thursday, May 13, 2021, a change in its guidance and safety procedures for those who are fully vaccinated against COVID-19. The purpose of this Order is to bring the State of Ohio's health orders into conformity with this new CDC guidance during the time until June 2, 2021. In short, except in certain limited circumstances, fully vaccinated persons may safely do most activities without a facial covering and without socially distancing. Unvaccinated individuals are at a significantly higher risk of getting COVID-19 and suffering its devastating toll. As such, unvaccinated individuals should continue to protect themselves using mitigation measures, such as masking and social distancing.

Scientific evidence is clear that vaccinations and facial coverings are the most effective weapons in the fight against COVID-19. Individuals who are fully vaccinated are protected and can start doing most of the things they stopped doing because of the pandemic.

Persons who are not fully vaccinated should continue to wear a mask, socially distance, avoid large gatherings, and whenever possible, be outside for activities and gatherings. Only by vaccination and following the basic precautions can we continue to lower the number of COVID-19 cases and save lives.

The Director's Order signed August 13, 2020, Requiring the Use of Facial Coverings in Child Education Settings remains in effect until June 2, 2021, at 12:01 AM EDT, at which time it is rescinded and supersedes any conflict with this Order. To maintain consistency and model safe behavior for Ohio's students, these changes do not affect the existing order requiring the use of facial coverings and other health protocols in our schools. Only those exemptions listed in the August 13, 2020 Order apply in the education settings, while this Order is in effect until June 2, 2021.

Nothing in this order is intended to interfere with the separation of powers under the Ohio Constitution. Businesses must apply exceptions to wearing a mask equally to all persons. This Order does not apply to jails, prison facilities, nursing homes, assisted living facilities, or adult day services centers for elderly adults. This Order is not intended to supersede, supplant, or preempt any order or law of a local jurisdiction that is more restrictive than this Order.

1. Facial Coverings (Masks).

- a. In accordance with the guidance issued on May 13, 2021 by the Centers for Disease Control and Prevention, all fully vaccinated people (fully vaccinated refers to a person who is ≥ 2 weeks following receipt of the second dose in a 2-dose series, or ≥ 2 weeks following receipt of one dose of a single-dose vaccine, per the CDC Public Health Recommendations for Vaccinated Persons) can resume activities without wearing a mask. However, vaccinated individuals must continue to wear masks on all planes, trains, buses and other forms of public transportation.
- b. Except as provided herein, all individuals that are not fully vaccinated in the State of Ohio shall wear facial coverings at all times when:
 - i. In any indoor location that is not a residence;
 - ii. Outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their family/household; or
 - iii. Waiting for, riding, driving, or operating public transportation, a taxi, car service, or a ride sharing vehicle. This does not apply to private or rental vehicles where members of a family/household are sharing a vehicle.
- c. Regardless of vaccination status, the requirement to wear a facial covering does not apply when:
 - i. The individual is under ten years of age, except as required by school guidance;
 - ii. A medical condition including those with respiratory conditions that restrict breathing, mental health conditions, or disability contraindicates the wearing of a facial covering;
 - iii. The individual is communicating or seeking to communicate with someone who is hearing-impaired or has another disability, where the ability to see the mouth is essential for communication;
 - iv. The individual is alone in an enclosed space, such as an office, or in lieu of an enclosed space, the individual is separated by at least six feet in all directions from all other individuals, and in either case the space is not intended for use or access by the public;
 - v. The individual is actively engaged in exercise in a gym or indoor facility so long as six or more feet of separation between individuals exists;
 - vi. The individual is actively participating in athletic practice, scrimmage, or competition that is permitted under a separate Department of Health order;

- vii. The individual is actively engaged in a public safety capacity, including but not limited to law enforcement, firefighters or emergency medical personnel;
- viii. The individual is seated and actively consuming food or beverage in a restaurant, drinking establishment, catering or banquet facility;
- ix. Facial coverings are prohibited by law or regulation;
- x. Facial coverings are in violation of documented industry standards;
- xi. Facial coverings are in violation of a business's documented safety policies;
- xii. Individual is actively participating in broadcast communications;
- xiii. Individual is an officiant of a religious services; or
- xiv. In an industrial or manufacturing facility, employees are separated by at least six feet in all directions, or by a barrier in a manufacturing line or work area.
- xv. Child care centers, family child care, in-home aids, day camps, and after school programs licensed by the Ohio Department of Job and Family Services (ODJFS) that comply with current and future guidelines set forth by ODJFS and the Ohio Department of Health.

d. For the purposes of this Order, a facial covering (mask) is any material covering an individual's nose, mouth, and chin.

2. Congregating. Unless fully vaccinated, individuals must avoid gathering in groups and attempt at all times to maintain social distancing. When gathered together, unvaccinated individuals should be in a group of no more than ten individuals that is separated from other groups by at least six feet. Regardless of vaccination status, each individual should perform a daily health assessment and stay home if you have a fever, cough, or other signs of possible COVID-19.

3. Social Distancing Requirements. In accordance with the guidance issued on May 13, 2021 by the Centers for Disease Control and Prevention, all fully vaccinated people (fully vaccinated refers to a person who is ≥ 2 weeks following receipt of the second dose in a 2-dose series, or ≥ 2 weeks following receipt of one dose of a single-dose vaccine, per the CDC Public Health Recommendations for Vaccinated Persons) can resume activities without socially distancing.

For individuals not fully vaccinated and for purposes of this Order, Social Distancing Requirements include maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. Where possible, designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance. Have hand sanitizer and sanitizing products readily available for employees and customers.

4. Sanitation.

- a. Hand washing or sanitization upon entry to facility.
- b. Use sanitizer products that meet the CDC guidelines.

- c. Have sanitizer available throughout businesses and organized events for employees and patrons.
- d. Routine disinfection of high-contact surfaces, desk workstations, restrooms, and equipment.

5. Large gatherings. Organizers and managers should conduct the event in a manner that discourages individuals that are not fully vaccinated from standing or sitting close together in buildings or on other parts of the grounds or premises. Where possible, the organizers and managers should provide one-way traffic in buildings or other areas, where doing so will help people maintain social distancing.

6. Exhibitions, competitions, and auctions for individuals not fully vaccinated

- i. Participants, spectators, and judges shall, when possible, maintain a distance of six feet between each other.
- ii. Family members of the participants shall have priority in the viewing area.
- iii. Each family should group together in the viewing area, and there should be six feet between families.
- iv. Microphones shall be sanitized after each person uses the microphone.
- v. Organizers should consider the use of a virtual exhibitions, competitions, and auctions, although this is not required. Priority seating shall be family members of participants and buyers at auctions.

7. Fixed Seating

Indoor and outdoor venues

- i. The maximum number of spectators permitted to be in attendance at an indoor facility with fixed seating shall be twenty-five percent of the capacity of the facility with fixed seating.
- ii. There are no capacity limitations for outdoor facilities.
- iii. Unless the parties are all fully vaccinated, a distance of six feet should be maintained between seated spectators with groups of no more than ten people seated together.

8. Signage

- i. All businesses and organized gatherings, where possible, shall post clearly visible signage at all entrances to each of their grounds or premises requiring all persons not fully vaccinated entering to wear a facial covering. The text shall state that, unless the individual is fully vaccinated, all persons are required to wear a facial covering and engage in social distancing at all times in or on the grounds or premises. Such signage is available for download from <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/responsible-restart-ohio/Posters-and-Signs/> Any entity requiring assistance printing signage should contact the Ohio Department of Health Call Center at 1-833-4-ASK-ODH (1-833-427-5634).

9. Buildings

- i. Buildings accessible to the public shall strive to maximize ventilation, including opening doors and windows. Indoor facilities are expected to employ filtration of MERV 13 or higher as soon as practicably possible.

10. Food and Beverages

- i. Restaurants, drinking establishments and catering or banquet facilities shall require patrons to be seated while actively eating or drinking. The tables should be six feet apart, unless there is a physical barrier, and seat no more than 10 persons per table. Unless all parties are fully vaccinated, facial coverings are to be worn when not seated, in compliance with the requirements of this Order.
- ii. At all other organized gatherings and unless all parties are fully vaccinated, it is recommended that areas be designated for tables and seating for food and drink consumption. The tables should be six feet apart and seat no more than 10 persons per table. Food and drink should be consumed while seated.

11. Confirmed Cases.

- a. Immediately isolate and seek medical care for any individual who develops symptoms.
- b. Contact the local health district about suspected cases or exposure.
- c. Organizer must maintain a complete list of coaches, players, and employees present at each event to include the date, beginning and ending time of the event, plus name, address, and phone contact to be made available upon request from local health district.
- d. It is recommended that, if possible, work with local health department to identify potentially infected or exposed individuals to help facilitate effective contact tracing/notifications.
- e. It is recommended that, if possible, once testing is readily available, test all suspected infections or exposures.
- f. It is recommended that, if possible, following testing, contact local health department to initiate appropriate care and tracing.

g. Students:

- i. Unless fully vaccinated, athletes and students involved in extracurricular activities whose exposure was not in a classroom setting, CDC continues to endorse quarantine for 14 days and recognizes that any quarantine shorter than 14 days balances [the] reduced burden [of quarantine] against a small possibility of spreading the virus [beyond 10 days]. CDC recognizes that reducing the length of quarantine may make it easier for people to quarantine by reducing the time they cannot play sports. Players, coaches, officials, or other individuals who had close contact (within six feet of an infected individual for at least 15 minutes) or who had direct physical contact with the person (e.g., who were coughed on or sneezed on by the infected person) and who remain asymptomatic may consider the following to consider stopping quarantine:
 - After day 10 without testing
 - After day 7 after receiving a negative test result (test must occur on day 5 or later)
- ii. However, youth who are not required to quarantine due to exposure occurring in a classroom setting under the school-based exposure guidance or are fully vaccinated are permitted to participate in organized sports activities and extracurricular activities as long as they remain symptom free and follow applicable guidance.

12. Testing and Quarantine Following a Known Exposure. In accordance with the May 13, 2021 guidance from the CDC, fully vaccinated people can refrain from testing following a known exposure to COVID-19 if asymptomatic, with some exceptions for specific settings (ex. testing, but not quarantine, is still recommended following an exposure to someone with suspected or confirmed COVID-19 for fully vaccinated residents and employees of correctional and detention facilities and homeless shelters). Fully vaccinated people may refrain from quarantine following a known exposure if asymptomatic.

13. Clarification on Protected Activity. Other than the Facial Coverings (Masks) requirements of this Order, the Social Distancing, Congregating and capacity requirements of this Order do not apply to religious observances and First Amendment Activity, including activity of the media, as has been the case in Ohio since the beginning of the pandemic.

14. Duration. This Order shall be effective retroactive to May 14, 2021 at 4:00 PM EDT and remains in full force and effect until June 2, 2021 at 12:01 AM EDT unless the Director of the Ohio Department of Health rescinds or modifies this Order before that time.

Accordingly, I hereby ORDER the Social Distancing, Facial Coverings and Non-Congregating requirements remain in effect. To the extent any public official enforcing this Order has questions regarding what services are prohibited under this Order, the Director of Health hereby delegates to local health departments the authority to answer questions in writing and consistent with this Order.



Stephanie McCloud, Director

May 17, 2021

Date