



LEE HARRIS
MAYOR

SHELBY COUNTY HEALTH DEPARTMENT

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Public Health
Prevent. Promote. Protect.

September 27, 2021
(effective September 30, 2021 until October 31, 2021)

FORMAL ISSUANCE OF HEALTH ORDER NO. 26

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 is beginning to experience a small decline in COVID-19 cases, and while this gives reason to hope, the best way to continue on this path is to remain vigilant in our efforts to combat the disease. Generally speaking, this means: Get vaccinated. Wear a mask. Stay home if you are sick. The danger in letting down our guard right now is that we experience a plateau in cases followed by another surge. The most troubling aspect of this surge is the impact on children and the marked increase in pediatric cases compared to

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.

last year. This is why masking in schools, with appropriate exceptions, is a must. The Department considers in-person learning a vital element of education and pediatric health.

Shelby County is still considered by the CDC to be an area with a high rate of community transmission of COVID-19. In large part, this is due to the low percentage of vaccinated people in the County and in Tennessee. Vaccination is the most important strategy to prevent severe illness and death.

There are four recent developments since Health Order No. 25 was issued:

1) A single dose of a Pfizer-BioNTech’s COVID-19 vaccine (“Pfizer vaccine”) booster shot is available to the following people who have received their first and second doses (“primary series”) of the Pfizer vaccine at least 6 months ago:

- People 65 years and older;
- Residents in long-term care settings;
- People aged 50–64 years with underlying medical conditions;
- People aged 18–49 years with underlying medical conditions, based on their individual benefits and risks; and
- People aged 18-64 years who are at increased risk for COVID-19 exposure and transmission because of their occupational or institutional setting, based on their individual benefits and risks.

Underlying Medical Conditions

www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html

Booster Shots

www.cdc.gov/media/releases/2021/p0924-booster-recommendations-.html

2) On September 17, 2021, a United States District Court issued an injunction ordering Shelby County to “enforce its Health Orders without exception for Governor Lee’s Executive Order No. 84” (the Governor’s order provides a parental “opt-out” to the Department’s mask requirement for schools in indoor settings). For this reason, the Department will work with schools on enforcing its mask requirement, which includes visits to schools, technical

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assistance, and referring compliance issues to the Tennessee Department of Education, the Tennessee Department of Health, and the Court regarding the indoor mask requirement.

3) Employers with 100 or more employees should prepare for a new emergency temporary standard (ETS) from the Occupational Safety and Health Administration (OSHA) requiring them to mandate that all employees be vaccinated against COVID-19 or else undergo weekly testing. Please consult with your legal counsel about coverage and implementation of the emergency standard.

4) On September 20, Pfizer announced the results of studies showing that its vaccine is safe for children 5 to 11 years old and that it intends to submit the data to the FDA for review as to whether the vaccine can be released for use by children 5 years and older.

This Order includes recommendations and some requirements on vaccinations, testing, and mask wearing. Please get vaccinated, get a third dose of vaccine or a booster, (if and when you are eligible), and get tested regularly, especially if you are not vaccinated or if you are having symptoms. Masks are required in indoor, public settings and are highly encouraged in any setting that involves close contact with people of unknown vaccination status. This Order will expire on October 31, 2021, unless amended or 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.

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

Everyone who is eligible for a booster shot (“third dose”) of a vaccine should get one.

[Key Things to Know About COVID-19 Vaccines](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow)
www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow

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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 Businesses and Schools.

A. Vaccinations and Testing

1. Everyone should 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.
2. Persons who are eligible for a booster shot (third dose) of a vaccine should get one as soon as possible (please see guidance provided above).
3. 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):

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- 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 a **public, indoor setting**, including schools, 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 during cardio activities or athletics, grooming activities, or while performing in a theatre production.
 - 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.
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.

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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. To facilitate contact tracing and required isolation and quarantine measures, individuals who test positive for COVID-19 must report this information to the Department within 24 of receiving their test result 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.
4. Individuals should report any violation(s) of a current health order by a school or other business, including failure to require masks pursuant to this health order. Reports may be made by calling 901-222-MASK (901-222-6275).

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/.

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D. Preventive Measures for all Businesses and Schools

The following preventive measures are **required**:

1. Cooperate with health authorities' efforts to prevent and control the spread of COVID-19. This includes notifying the Department within 24 hours that a student, visitor, contractor, or employee has tested positive.
2. Report to the Department within 24 hours any employee, student, worker, or contractor who has tested positive or who 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 to businesses and high-traffic areas notifying employees, customers, and visitors that masks must be worn as required in public, indoor areas.
5. Schools must place signs at entrances notifying employees, students, and visitors that masks are required in indoor areas.
6. 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.

How to Protect Yourself and Others

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

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What to Do if You are Sick

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

7. 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 **highly recommended**:

1. Place prominent signs at entrances and high-traffic areas stating 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

BRUCE RANDOLPH, M.D., M.P.H.,
SHELBY COUNTY HEALTH OFFICER

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