

NOTICE OF EMERGENCY RULES ADOPTION

OCC RECEIVED AT
NOV 10 '20 PM 1:35

BY: Dr. Mark Escott, Interim, Medical Director and Health Authority.

ADOPTION DATE:

The Health Authority has adopted the following Emergency Rules as authorized by Ordinance No. 20200709-003. This notice is issued under Chapter 1-2 (*Adoption of Rules*) of the City Code.

EFFECTIVE DATE OF EMERGENCY RULES

The Emergency Rules adopted by this notice become effective on November 10, 2020 and expire on December 31, 2020 unless the rules are withdrawn or amended.

SUMMARY OF RULES

The Emergency Rules govern individuals and sites within the City of Austin; and impose requirements reasonably necessary to protect public health related to the transmission of COVID-19. These rules replace and supersede Health Authority Rules adopted on August 14, 2020.

TEXT OF THE RULES

See Exhibit A attached to this Notice of Emergency Rules Adoption.

NATURE OF EMERGENCY

The Health Authority and the City Manager find that an imminent peril to the public health, safety, or welfare requires adoption of the rules on an emergency basis. Specifically, emergency rules are required to reduce the possibility of exposure to COVID-19 and protect public health.

AUTHORITY FOR ADOPTION OF PROPOSED RULES

The authority and procedure for adoption of a rule is provided in City Code Chapter 1-2 (*Adoption of Rules*). The authority to adopt rules to protect public health is established in Ordinance No. 20200709-003.


CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Emergency Rules, the City Attorney certifies the City Attorney has reviewed the Emergency Rules and finds that adoption of the Emergency Rules is a valid exercise of the Health Authority and City Manager's authority.

REVIEWED AND APPROVED



Date: 11.10.2020
Dr. Mark E. Escott, Interim Medical Director
and Health Authority


Date: 11/10/2020
Spencer Cronk, City Manager

Anne L. Morgan, City Attorney

Date: 11/10/2020

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1. Definitions.

- A. **CLOSE CONTACT** means sharing eating or drinking utensils with a COVID-19 positive individual; caring for a COVID-19 positive individual; or being:
 - 1. exposed during an event such as a cough or sneeze to the respiratory droplets of a COVID-19 positive individual; or
 - 2. within six feet of another individual for 15 or more minutes within 48 hours of experiencing symptoms consistent with COVID-19
- B. **COHORT** means a stable group of students and teachers that is smaller than a normal class size.
- C. **COVID-19** means the pandemic that is the subject of the Local Disaster Declaration, dated March 6, 2020.
- D. **COVID-19 POSITIVE** means an individual who tested positive for COVID-19.
- E. **EXTRACURRICULAR ACTIVITIES** means an activity involving students that may have an indirect relation to some areas of the curriculum. Activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities; and include both University Interscholastic League (UIL) sponsored activities and activities that are not sponsored by UIL.
- F. **FACE COVERING** means a covering that fits snugly over an individual's nose and mouth, such as a commercially made or homemade fabric mask, scarf, bandana, handkerchief, or shield. Although the CDC does not recommend that face shields be used for normal everyday activities or as a substitute for cloth face coverings, individuals who cannot wear a cloth face covering may consider wearing a face shield.
- G. **GENERAL HEALTH PRE-SCREENING** means:
 - 1. asking questions intended to find out whether a worker is experiencing symptoms or has been exposed to someone with COVID-19;
 - 2. reiterating public health requirements; and
 - 3. checking face covering.
- H. **HAND SANITIZER** means a liquid or gel generally used to decrease infectious agents on the hands that consists of at least 60% alcohol.
- I. **HEALTH AUTHORITY** means City of Austin /Travis County Health Authority or his designee.
- J. **HIGH TOUCH ITEM** means an object, surface, tool, equipment, or piece of electronics that is utilized by individuals multiple times a day. This includes, but is not limited to, levers, light switches, phones, remote controls, counters, tabletops, doorknobs, bathroom fixtures, toilets, keyboards, tablets, hammers and wrenches.
- K. **KNOWN EXPOSURE** means close contact with an individual who is confirmed or suspected COVID-19 positive.

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- L. MAINTAINS means to own, operate, manage, or oversee a site.
- M. PERSON IN CONTROL means a person who maintains a site.
- N. SITE means property. A site does not include:
 - 1. property maintained by a governmental entity that is not a school district;
 - 2. property where medical services are provided;
 - 3. dwelling unit where the individual resides.
- O. STANDARD PRECAUTIONS means a group of infection prevention practices that apply to all patients, regardless of suspected or confirmed diagnosis or presumed infection status; and is a combination and expansion of Universal Precautions 780 and Body Substance Isolation 1102.
- P. SYMPTOMS CONSISTENT WITH COVID-19 means cough, fever, sore throat, runny nose or congestion, chills, muscle or body aches, loss of smell, loss of taste, shortness of breath, difficulty breathing, fatigue, vomiting, nausea, and/or diarrhea.
- Q. TRANSMISSION-BASED PRECAUTIONS means the second tier of basic infection control and are to be used in addition to Standard Precautions for patients who may be infected or colonized with certain infectious agents for which additional precautions are needed to prevent infection transmission.
- R. VULNERABLE INDIVIDUAL means an individual who:
 - 1. is 65 years old and older; or
 - 2. has certain health conditions such as heart disease, lung disease, diabetes, kidney disease, Human Immunodeficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS), or a weakened immune system
- S. WORKER means an employee, independent contractor, subcontractor, or other similar agent present at the site

2. Rules Applicable to Individuals.

2.1. Face Coverings.

- 2.1.1. Except as provided in 2.1.2, an individual must wear a face covering when outside of his or her residence.
- 2.1.2. Exceptions. A face covering is not required for:
 - 2.1.2.1. any person younger than 10 years of age (though it is still recommended for children two years of age and older);
 - 2.1.2.2. any person with a medical condition or disability that prevents wearing a face covering;
 - 2.1.2.3. any person while the person is eating or drinking, or is seated at a restaurant to eat or drink;
 - 2.1.2.4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors and (b) maintaining a safe distance from others not in the same household;
 - 2.1.2.5. any person while the person is driving alone or with passengers of the same household as the driver;
 - 2.1.2.6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or the need for specific access to the face, such as while visiting a bank or while obtaining a

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- personal care service involving the face, but only to the extent necessary for the temporary removal;
- 2.1.2.7. any person while the person is in a swimming pool, lake, or similar body of water;
 - 2.1.2.8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
 - 2.1.2.9. any person who is actively providing or obtaining access to religious worship;
 - 2.1.2.10. any person while the person is giving a speech for a broadcast or to an audience; or
 - 2.1.2.11. any person while temporary removal of the face covering is necessary for communication by or with a person who is hearing impaired; or
 - 2.1.2.12. any person who is alone, or in the presence of only members of the same household or residence, in a separate room or single space not accessible to the public, and not in an indoor common area.
- 2.2. No more than ten individuals may stand or gather together.
- 2.3. Physical Distancing
- 2.3.1. Except as provided in 2.3.2, an individual must be at least six feet apart from another individual.
 - 2.3.2. Exceptions. An individual is not required to stay six feet from another individual in the following circumstances:
 - 2.3.2.1. When passing another individual is incidental and momentary.
 - 2.3.2.2. When all individuals reside in the same household.
 - 2.3.2.3. When it is not feasible to maintain six feet distance between a service provider and patron.
 - 2.3.2.4. When the individual is dining with nine or fewer individuals.
 - 2.3.3. A parent or guardian of a child who is under the age of 10 is responsible for maintaining physical distance between the child in their household and others' households.
 - 2.3.4. A group of ten or fewer individuals must be at least six feet from another group of ten or fewer individuals except when the groups are seated at tables that are at least four feet apart and separated by a solid barrier.
- 2.4. Positive Test, Pending Test, Known Exposure, or Symptomatic.
- 2.4.1. If someone in a household is COVID-19 positive or is awaiting the results of a COVID-19 test, the entire household shall isolate and avoid travel outside of the City of Austin except to seek medical attention until the household is cleared by Austin Public Health.
 - 2.4.2. When seeking medical care or emergency medical care, an individual who is COVID-19 positive, is experiencing symptoms consistent with COVID-19, or experienced a known exposure must notify the healthcare provider in advance or, in the event of an emergency, the 9-1-1 call taker and first responders.
 - 2.4.3. An individual who tested positive shall:

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- 2.4.3.1. notify Austin Public Health if the residence does not allow for physical separation from other household contacts (separate room and bathroom);
- 2.4.3.2. notify Austin Public Health if a member of their household is over the age of 65 and/or if they have underlying medical conditions identified by the Centers for Disease Control (CDC) of increasing the risk of complications from COVID-19; and
- 2.4.3.3. remain in home quarantine for at least 10 days after symptoms first appeared, at least 24 hours with no fever without fever-reducing medication, and symptoms have improved.
- 2.4.4. An individual who experienced a known exposure shall:
 - 2.4.4.1. quarantine themselves at home for a period of 14 days since the last contact with an individual known or suspected to be COVID-19 positive, regardless of the presence of symptoms; and
 - 2.4.4.2. if the individual becomes symptomatic, follow the requirements in 2.4.3.

3. Rules Applicable to Sites.

- 3.1. General. Rules 3.1-3.3 do not apply to a site that where child care programs operate.
- 3.2. A person in control of a site must:
 - 3.2.1. require each individual to wear a face covering except as provided in 2.1.2;
 - 3.2.2. clean and disinfect high touch items at least twice per day;
 - 3.2.3. limit the number of individuals who gather or stand together to ten or less;
 - 3.2.4. require at least six feet between groups of individuals except when the groups are seated at tables that are at least four feet apart and separated by a solid barrier;
 - 3.2.5. conduct a general health pre-screening of each worker every day before the worker begins his or her shift unless the site is a school;
 - 3.2.6. keep toilets clean, sanitary and operational at all times and ensure proper disposal of waste from these facilities;
 - 3.2.7. provide single use disposable paper towels and no-touch trash receptacles in restrooms and breakrooms;
 - 3.2.8. mandate workers wash their hands for at least twenty seconds at the following times:
 - 3.2.8.1. before workers begin work;
 - 3.2.8.2. after workers remove gloves;
before and after the use of high touch items;
 - 3.2.8.3. before and after any meal or restroom breaks;
 - 3.2.8.4. after a worker's shift or work time ends; and
 - 3.2.9. for workers confirmed to have contracted COVID-19, follow all directions from Austin Public Health concerning that worker and other workers that may have come in contact with the infected worker.
- 3.3. Signs required. A person in control of a site shall post:
 - 3.3.1. at least one face covering signs at or near each entrance;
 - 3.3.2. at least one Austin Public Health "Help Prevent Disease" signs at each entrance and on each restroom door (available for download and print at:

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<https://austintexas.gov/article/austin-public-health-general-hygiene-education-material-available-print>); and

- 3.3.3. where information for workers is customarily posted, at least one sign in English and at least one sign in Spanish that explains the requirement to remain at least six feet apart and the requirement to wear a face covering.

4. Rules Applicable to Hospitals, Pharmacies, Clinics, and Similar Entities.

- 4.1. A hospital, pharmacy, clinic, or any other entity or person who performs or obtains testing for COVID-19 shall provide the Health Authority test results at least weekly on Thursdays and, beginning August 31, 2020, twice weekly on Mondays and Thursdays. The test results must include PCR, antigen, antibody testing, and other information when specifically requested by the Health Authority; and must be provided in electronic form and in the manner directed by Austin Public Health. In this provision, test results means the tests performed and those reported positive, negative, or inconclusive.
- 4.2. Any data that is required to be provided to the State of Texas under state law shall be simultaneously provided to the Health Authority if the individual is tested within the City of Austin or Travis County.

5. Rules Applicable to Specific Types of Sites.

- 5.1. Construction Sites. A person in control of a construction site shall comply with Rules Applicable to Sites and:
 - 5.1.1. institute staggered shifts for sites with more than 10 active workers and post at these sites, in languages understood by all persons working there, a notice showing the sizes and types of shift crews working there, and directions on how the person in control is limiting crew sizes and rotating shifts;
 - 5.1.2. ensure handwashing station and restroom(s) are spaced six feet apart or more from each other;
 - 5.1.3. prohibit the use of community water coolers;
 - 5.1.4. provide individual water bottles or instruct workers to bring their own;
 - 5.1.5. designate a COVID-19 safety monitor who is always on-site; and
 - 5.1.6. ensure that each worker who enters a jobsite has signed in and keep a list of and contact information for each worker that enters the jobsite every day for the purpose of identifying and notifying workers if they have shared a jobsite with someone who has been confirmed to have COVID-19.
- 5.2. Child Care Facilities.
 - 5.2.1. Notify Austin Public Health's Nurse Line at 512-972-5560 to report any laboratory confirmed cases of COVID-19 among children or staff.
 - 5.2.2. Follow the steps provide by Austin Public Health regarding suspected or confirmed cases of COVID-19.
 - 5.2.3. Comply with "City of Austin Guidance for Open Child Care Programs."
- 5.3. Schools. A person in control of a school that offers instruction to students in one or more grades, pre-kindergarten through grade 12, shall comply with Rules Applicable to Sites and the requirements described in this rule.
 - 5.3.1. COVID-19 Point of Contact.

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- 5.3.1.1. Each school district must designate a district-wide COVID-19 point of contact. A person designated as a district-wide COVID-19 point of contact must notify Austin Public Health at 512-972-5560 when a student or worker is COVID-19 positive
- 5.3.1.2. A person in control of a school that is within a school district must designate a COVID-19 point of contact who will communicate with workers, students, and families about COVID-19 concerns.
- 5.3.1.3. A person in control of a school that is not within a school district must designate a COVID-19 point of contact.
 - 5.3.1.3.1. A person designated as a COVID-19 point of contact in Rule 5.3.1.3 must notify Austin Public Health at 512-972-5560 when a student or worker is COVID-19 positive.
 - 5.3.1.3.2. A person designated as a COVID-19 point of contact in Rule 5.3.1.3 must communicate with workers, students, and families about COVID-19 concerns.
- 5.3.2. A person in control must:
 - 5.3.2.1. provide soap, single use disposal paper towels, and tissues in each classroom, restroom, and break room where a sink or handwashing station is present;
 - 5.3.2.2. provide hand sanitizer for use by older children and workers in each classroom, at building entrances and exits, in the cafeteria, and in the gym;
 - 5.3.2.3. incorporate handwashing breaks into classroom activity;
 - 5.3.2.4. train workers and students about hand hygiene, respiratory etiquette, and proper use of face coverings;
 - 5.3.2.5. limit the use of shared supplies and equipment to one group of children at a time and clean and disinfect between uses
 - 5.3.2.6. require at least six feet between workers, students, and visitors when stationary and, to the greatest extent possible, six feet between seating in classrooms, reception areas, and cafeterias;
 - 5.3.2.7. require workers and students to screen for COVID-19 symptoms and exposure at home each day prior to arriving at school;
 - 5.3.2.8. limit the number of visitors and activities involving external groups or organizations; and
 - 5.3.2.9. provide cloth face coverings or disposable face coverings for workers, visitors, and students who do not have them or if a face covering becomes soiled.
- 5.3.3. When feasible, a person in control must divide students and teachers into cohorts that are static and must limit mixing between cohorts.
- 5.3.4. A person in control must:
 - 5.3.4.1. create a process for students, families, and workers to self-identify as being at increased risk of severe illness from COVID-19 or as living in a household with someone at high risk; and

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- 5.3.4.2. review all current plans for accommodating students with special healthcare needs and update their care plans as needed to decrease the risk for exposure to COVID-19.
- 5.3.5. A person in control must ensure that:
 - 5.3.5.1. ventilation systems operate properly and increase circulation of outdoor air as much as possible; and
 - 5.3.5.2. building water systems and related devices are safe after a prolonged shut down by following CDC Guidance for Building Water Systems.
- 5.3.6. Food service.
 - 5.3.6.1. A person in control of a school that serves food must serve food as individually plated meals.
 - 5.3.6.2. A person in control must provide disposable food service items unless non-disposable food service items are handled with gloves and washed with dish soap and hot water or in a dishwasher.
 - 5.3.6.3. An individual who touches used food service items must wash their hands even if the individual wears gloves.
- 5.3.7. Outdoor Activities.
 - 5.3.7.1. A person in control must require students practice physical distancing during recess or in physical education class.
 - 5.3.7.2. A person in control must limit the use of shared equipment.
- 5.3.8. Band, Choir, or Music Class
 - 5.3.8.1. When students are not singing or playing an instrument that requires the use of their mouth, a person in control must require students to wear face coverings except as provided in 2.1.2.
 - 5.3.8.2. When students are singing or playing an instrument, a person in control must use visual clues to require students to maintain at least six feet of distance.
- 5.3.9. Sports and Extracurricular Activities.
 - 5.3.9.1. A person in control must provide each parent or guardian of a student who participates in sports or extracurricular activities with a written notice that:
 - 5.3.9.1.1. explains these activities increase the risk of COVID-19 transmission to the student and the household; and
 - 5.3.9.1.2. recommends each student practice physical distancing and wear face coverings while at home.
 - 5.3.9.2. The notice described in Rule 5.3.9.1 applies to sports and extracurricular activities where physical distancing or masking is not possible or practical.
 - 5.3.9.3. Strength and Conditioning
 - 5.3.9.3.1. A person in control may allow strength and conditioning activities to resume beginning on August 17, 2020 if the notice described in Rule 5.3.9.1 is provided and the person in control of a school complies with the guidance promulgated by the University Interscholastic League (UIL)

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- 5.3.9.3.2. A person in control must clean surfaces and equipment (i.e. benches, barbells, dumbbells, kettlebells, training ropes, medicine balls, pull-up bars, weight bars, etc.) after individual use.
- 5.3.9.3.3. A person in control must limit the use of shared equipment to one individual or a group of individuals.
- 5.3.10. Procedures when an individual exhibits symptoms consistent with COVID-19 while at school.
 - 5.3.10.1. A person in control must isolate an individual who develops symptoms consistent with COVID-19 and follow the school's illness management policy.
 - 5.3.10.2. A person in control must provide an individual who is required to leave the school with information on quarantine, isolation, and return-to-campus criteria.
 - 5.3.10.3. A person in control must ensure that an isolation area is cleaned in a manner that complies with CDC's "Considerations for Cleaning and Disinfecting Your Building or Facility If Someone Is Sick".
 - 5.3.10.4. A person in control must follow Standard Precautions and Transmission-Based Precautions when caring for an individual who becomes ill at school.
 - 5.3.10.5. A person in control must provide equipment for and training on the use of Standard and Transmission-based Precautions and Personal Protective Equipment (PPE).
- 5.3.11. COVID-19 Positive.
 - 5.3.11.1. A person in control must establish procedures that will allow workers to determine when the individual was last on campus.
 - 5.3.11.2. A person in control must follow any protocols, including privacy protocols, for identifying and notifying individuals who were in close contact with the individual who is COVID-19 positive.
 - 5.3.11.3. A person in control must ensure that any area used by the COVID-19 positive individual is cleaned in a manner that complies with CDC's "Considerations for Cleaning and Disinfecting Your Building or Facility If Someone Is Sick."
- 5.4. After School Programs. A person who operates an after-school program at a school shall comply with Rules Applicable to Sites and Rule 5.3.
- 5.5. Transportation provided for schools. A person in control of a bus or other similar vehicle used to transport students must:
 - 5.5.1. create distance between and among the driver and passengers when possible;
 - 5.5.2. limit each bus seat to one passenger unless the students are members of the same household;
 - 5.5.3. institute measures that physically separate or create distance that exceeds six feet between a bus operator and passengers;
 - 5.5.4. clean, sanitize, and disinfect equipment including items such as car seats and seat belts, wheelchairs, walkers, and adaptive equipment being transported to schools;

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- 5.5.5. clean and disinfect frequently touched surfaces in the vehicle (e.g., surfaces in the driver's cockpit, hard seats, arm rests, door handles, seat belt buckles, light and air controls, doors and windows, and grab handles) prior to morning routes and prior to afternoon routes; and
- 5.5.6. provide hand sanitizer.