



STATE OF ARIZONA
COUNTY OF MARICOPA

AMENDED REGULATIONS REQUIRING FACE COVERINGS IN MARICOPA COUNTY

WHEREAS, on March 11, 2020, the Governor of the State of Arizona issued a Declaration of Public Health Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can spread from person to person; and

WHEREAS, the current scientific understanding of this virus from the U.S. Centers for Disease Control and Prevention indicates that it spreads mainly from person to person, mainly through respiratory droplets produced when an infected person talks, coughs, or sneezes; and

WHEREAS, these respiratory droplets can land in the mouths or noses of nearby people or can possibly be inhaled into the lungs; and

WHEREAS, spread is more likely when people are in close contact with one another (within 6 feet); and

WHEREAS, data show that 25,945 cases of COVID-19 already exist in Maricopa County, and the effects of person-to-person transmission throughout Maricopa County have impacted the life and health of the people of Maricopa County, as well as our economy, and is a public health incident that affects life, health, property or the public peace; and

WHEREAS, data show that 585 deaths from COVID-19 have already occurred in Maricopa County; and

WHEREAS, Maricopa County is seeing an increase in the rate of new cases: on June 1, 2020, data showed a daily change of 137 cases and 1 death in Maricopa County; on June 19, 2020, data showed a daily change of 2,055 new cases and 16 deaths in Maricopa County and

WHEREAS, currently there is no vaccine, treatment, or cure for COVID-19; and

WHEREAS, studies have found that mandated face coverings significantly reduce the number of infections, *see, e.g., C. Raina MacIntyre & Abrar Ahmad Chughtai, A rapid systematic review of the efficacy of face masks and respirators against coronaviruses and other respiratory*

transmissible viruses for the community, healthcare workers and sick patients, 108 Int'l J. Nursing Stud. (Aug. 2020), <https://doi.org/10.1016/j.ijnurstu.2020.103629>; and

WHEREAS, pursuant to Executive Order No. 2020-40, the Governor of the State of Arizona authorized a county, city, or town, based on conditions in its jurisdiction, to adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19; and

WHEREAS, Maricopa County has authority to promulgate county-wide regulations to mitigate the spread of infectious disease for the protection and preservation of public health pursuant to A.R.S. § 26-307 and consistent with *Maricopa County Health Department v. Harmon*, 156 Ariz. 161 (1987);

NOW, THEREFORE, IT IS HEREBY ORDERED that, as a result of the aforementioned conditions, it is the policy of Maricopa County that all persons within Maricopa County shall wear face coverings in compliance with the following regulations:

I. Definitions

- A. “Face Covering” means a covering that fully covers a person’s nose and mouth. The term “Face Covering” includes, but is not limited to, cloth face masks, surgical masks, towels, scarves, and bandanas.
 - i. A “Face Covering” is not a Medical-Grade Mask or a Valve Mask.
 - a. A “Medical-Grade Mask” means an N95, KN95, or other mask that would be appropriate for a health care setting.
 - b. A Valve Mask is a mask or other face-covering that incorporates a one-way valve. Typically, a one-way valve is a raised plastic cylinder about the size of a quarter on the front or side of the mask designed to facilitate easy exhaling.
 - ii. A “Face Covering” shall fit snugly on a person’s face but allow the person to breathe easily. A Face Covering shall be worn consistent with the guidance provided by the U.S. Centers for Disease Control and Prevention.
- B. “Home” has its natural meaning, as a person’s residence, to include the dwelling structure and all property legally associated with the dwelling structure.
- C. “Patron” means a customer or other person who visits a Place of Public Accommodation who is not a staff member of the Place of Public Accommodation.
- D. “Physical Distancing” means keeping 6 feet of distance between persons who are not in the same household.

- E. “Place of Public Accommodation” means facilities, buildings, establishments, accommodations, services, commodities, or uses offered to or for use by the general public in Maricopa County, including public places where food or beverages are offered for sale, public places operated for temporary lodging, use or accommodation of those seeking health or recreation and all establishments offering goods or facilities, communal outdoor spaces such as sidewalks, trails, parks, and outdoor patio areas of commercial establishments, and entities soliciting patronage from the general public.
- F. “Public Transportation” means shared-ride surface transportation services that are open to the general public, including without limitation, taxi services, ride-sharing services, car services, and transit services provided by any political subdivision or regional public transportation authority, including buses and light rail service.

II. Use of Face Coverings

- A. Effective as of 12:00 a.m. on June 20, 2020, all persons in Maricopa County who do not qualify for an exemption described in Section III of these regulations must wear a Face Covering under the following circumstances:
 - i. All riders and operators on any Public Transportation are required to wear Face Coverings (excluding any operator in a separate compartment that is off-limits to riders);
 - ii. All patrons age six and over are required to wear Face Coverings while inside the enclosed area of any Place of Public Accommodation;
 - iii. Adult patrons accompanying children aged two through five shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Place of Public Accommodation; and
 - iv. All Places of Public Accommodation shall require staff members to wear, and those staff members shall wear, Face Coverings while working in areas open to the general public and areas in which interactions with other staff members are likely.
- B. Wearing a Medical-Grade Mask satisfies any requirement in section II.A to wear a Face Covering. But all persons in Maricopa County are urged to reserve Medical-Grade Masks for use by health care workers and first responders.
- C. Wearing a Valve Mask does not satisfy these regulations.

III. Categorical Exemptions

- A. These regulations do not apply to persons in Homes.

- B. Exemptions are also applicable under the following circumstances:
- i. For persons who fall into the U.S. Centers for Disease Control and Prevention's guidance for those who should not wear Face Coverings due to a medical or mental health condition or developmental disability;
 - ii. For children under 2 years old;
 - iii. For restaurant patrons while they are eating or drinking;
 - iv. For persons congregating or exercising in communal outdoor spaces, or persons walking or exercising with other persons from the same household in communal outdoor spaces, as long as Physical Distancing is maintained. For persons congregating in communal outdoor spaces with other persons not in their same household, Face Coverings are required when Physical Distancing is not maintained;
 - v. In settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services such as dental services, medical treatments or while engaging in exercise or swimming;
 - vi. For persons in a personal vehicle, personal office, or similarly private space where other persons outside of the person's household are not present;
 - vii. For public safety employees and/or emergency responders and/or field employees engaged in essential functions, when wearing a Face Covering would interfere with or severely limit their ability to carry out their essential duties or functions; and
 - viii. For persons complying with the directions of public safety employees and/or emergency responders.

IV. Territorial Applicability

- A. These regulations apply throughout Maricopa County, without regard to whether the area is in incorporated or unincorporated Maricopa County.
- B. These regulations set minimum standards for Face Coverings. Nothing in these regulations prohibits or impedes any city, town, other public entity, or private entity from enacting and enforcing more restrictive regulations regarding the use of Face Coverings.

V. Enforcement

- A. A person who declines to wear a Face Covering because of a medical condition shall not be required to produce documentation verifying the condition.

- B. Consistent with the Governor of the State of Arizona's Executive Order No. 2020-40, enforcement of these regulations shall focus first on educating the public on the dangers of community spread and promoting best public health practices to achieve the goal of these regulations: mitigating the spread of COVID-19.
- C. Any person violating these regulations shall be notified of the provisions of these regulations and be given an opportunity to comply prior to any enforcement action being taken.
1. A first offense under these regulations shall result in a warning.
 2. Further offenses may subject the person violating these regulations to a civil penalty of not more than \$50.

VI. Severability

It is the intent of Maricopa County that if a provision of these regulations or their application to any person or circumstance is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or applications of the regulations that can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

IT IS FURTHER PROCLAIMED that Maricopa County encourages cities and towns in Maricopa County to adopt regulations at least as restrictive as these regulations; and

IT IS FURTHER PROCLAIMED AND ORDERED that these regulations shall remain in place until further notice of repeal or revision by the Maricopa County Board of Supervisors.


ADOPTED by the Maricopa County Board of Supervisors, Maricopa County, Arizona, this 26th day of June, 2020.


Clint Hickman, Chairman
Maricopa County Board of Supervisors

ATTEST:

Fran McCarroll, Clerk of the Board

Approved as to form:


Deputy County Attorney
