

PUBLIC HEALTH ORDER 12-2021
PURSUANT TO INDIANA CODE § 16-20-1-24
AND CHAPTER 7, ARTICLE 5 OF THE CODE OF THE HEALTH
AND HOSPITAL CORPORATION OF MARION COUNTY

Marion County continues to experience COVID-19 cases and hospitalizations, which left unchecked pose a risk to our community. It is more important than ever to follow guidance from local, state, and federal officials on how to stop the spread of the virus. To ensure that social distancing measures vital to the mitigation of the pandemic remain in place, I order the following, **effective 12:00 AM on June 8, 2021**, and remaining in force until superseded or rescinded.

1. **Masks.** Unless an exception applies, all individuals must wear a mask or face covering over their nose and mouth when indoors, other than the home, or when outdoors in a situation where adequate social distancing of at least six (6) feet is not possible (including outdoor public gatherings). This requirement does not apply to:
 - Fully vaccinated individuals, except as described in the paragraphs below;
 - Children who are two (2) years of age or younger, except as described in paragraph 13 and in PHO 14 - 2021;
 - Individuals who are hearing or speaking impaired and for whom a mask or face covering is an obstacle to communication;
 - Individuals who are unable to wear a mask or face covering for a physical, medical, or health-related reason. **However, many individuals who cannot wear a mask for health reasons can wear a plastic face shield and must do so whenever possible;**
 - Individuals in a hospital, doctor's office, dentist's office, or other health care settings, in circumstances where wearing a mask or face covering would be an impediment to receiving proper care;
 - Individuals experiencing homelessness who are living outdoors in unsheltered environments. When indoors, including in shelter facilities, individuals experiencing homelessness must wear a mask or face covering whenever a mask or face covering is available;
 - Individuals who are alone in a room in a public building, such as, in an office;
 - Individuals who are traveling alone in a vehicle;

- Individuals for whom wearing a face mask or covering would present a risk to their safety while at work or performing their duties, as determined by local, state, or federal workplace safety regulations. However, in these instances, individuals must adhere to social distancing of at least fifteen (15) feet;
- Performers in a live performance who are at least ten (10) feet away from all audience members;
- Individuals who are incarcerated. However, detention and correctional facilities must establish policies that require all staff and detainees or inmates to wear masks or face coverings to the maximum extent compatible with the safe operation of the facility;
- Individuals who are engaged in a form of indoor exercise that is incompatible with wearing a mask or face covering, including swimming;
- Individuals who are seated at a restaurant, bar, nightclub, or other establishment that serves food and/or drink, while they are eating or drinking. However, individuals must wear masks at all other times while in such establishments;
- Individuals who are engaged in outdoor physical exercise, including running, jogging, walking, bicycling, or swimming, if in groups of less than 25;
- Bona fide emergency situations in which a person lacks the time or the means to put on a mask or face covering before entering an indoor or outdoor public space;
- Individuals who are outdoors and are maintaining at least six (6) feet of distance from others who are not part of their household; or
- Exceptions specifically described in the paragraphs below.

2. **General health and safety precautions.** When individuals must interact with one another outside the home, including at work, at essential businesses, and at non-essential businesses, they should observe the following precautions:

- a. Maintain a distance of at least six (6) feet from other individuals who are not part of their own household;
- b. Wash their hands with soap and water for at least 20 seconds as frequently as possible, or use hand sanitizer with at least 60% alcohol when soap and water is not available;
- c. Cover all coughs and sneezes with a tissue that can then be disposed;
- d. Disinfect frequently used surfaces;
- e. Avoid sharing food, drinks, and utensils;
- f. Refrain from sharing office supplies and equipment (such as pens, staplers, and computer keyboards);
- g. Frequently clean communal office equipment (such as printers and copiers);

- h. Increase ventilation of indoor spaces, by opening windows or adjusting air conditioning, as much as possible;
- i. Hold all necessary meetings by telephone or videoconference whenever possible; and
- j. Refrain from shaking hands or engaging in other physical contact with the hands or face of another person.

It is recommended that individuals encourage family members and/or attendees to get fully vaccinated before attending gatherings. Individuals should also consider hosting events that are smaller than usual, limiting the number of guests from outside the household.

3. **General rules for gatherings and large events.**

- a. **Social gatherings must be limited to 500 people or fewer.** A social gathering is defined as an event, assembly, or convening that brings together multiple people, individually or from separate households, in a single space, indoors or outdoors, at the same time and in a coordinated fashion where a significant purpose is to interact with others. Examples of social gatherings include, but are not limited to, private parties, club meetings, and banquets.
- b. **All other forms of gathering, meeting, or special or seasonal events** (including pre-planned gatherings such as wedding receptions) are exempt from the 500-person limit established in subparagraph (a). Such events **must be limited to no more than 50% for indoor sporting venues and 50% of all other venue capacity as defined by the fire marshal.** Social distancing of a minimum of six (6) feet must be maintained, and face coverings must be worn at all times. Pre-planned social gatherings must include a guest list and contact information for each guest, such that contact-tracing may occur.
- c. **Notwithstanding subparagraph b above, a gathering or special event that anticipates attendance of more than 500 people, may proceed only if a risk mitigation plan for the event is submitted to MCPHD at least seven (7) days before the event is scheduled to begin and MCPHD has approved the risk mitigation plan before the event begins.** Risk mitigation plans must include the host name that will retain contact information for all attendees of large events and gatherings, including conferences and conventions. A special or seasonal event is defined as an assembly or convening of multiple people from separate households in a single space, indoors or outdoors, at the same time but where the purpose is not primarily to interact with the other attendees but to attend the event itself. Examples of special or seasonal events include, but are not limited to, concerts, special movie screenings, fairs, festivals, back to school events, carnivals, parades, graduation ceremonies, community holiday

celebrations, conventions, fundraisers, sport, or racing competitions, shows, or other entertainment events.

- d. Large facilities, such as, museums or convention centers may have more than one event simultaneously if those events collectively do not exceed the capacity stated in the appropriate paragraph.
4. **The Indianapolis Public Library**, Central location, and branches may increase to 75% capacity. Patrons are encouraged to take advantage of delivery and curbside options. Additionally, the Library must follow the recommendations of the CDC to prevent the transmission of COVID-19 on library material surfaces.
5. **Shopping malls and other retail stores**, including liquor stores and convenience stores, may remain open at 75% capacity. Employees must be screened daily. Air ventilation should be increased to maximum capacity, or at least 6 air changes per hour. The following additional requirements apply:
 - a. Common areas within indoor shopping malls must restrict capacity to 75%.
 - b. Food courts within shopping malls may remain open for in-house dining but must restrict capacity to 75% and must maintain social distancing of six (6) feet between dining parties. Party size must be limited to 10 people or fewer at a table, while maintaining a minimum of six (6) feet between parties not from the same household.
6. **Bars and nightclubs** must restrict capacity to 75% indoors and may have 100% outdoors. Hookah bars and cigar bars are considered bars and are subject to this paragraph. Gentlemen's and ladies' clubs are considered bars and are subject to this paragraph.
7. **Restaurants and retail food establishments** may remain open at 75% capacity indoors and 100% capacity outdoors, subject to the restrictions listed below.
 - a. All patrons or group parties must be at least six (6) feet away from people at other tables. Party size must be limited to ten people or fewer at each table, while maintaining a minimum of six (6) feet between parties not from the same household.
 - b. Food and beverage consumption may only occur while seated.
 - c. Walk up bar service may be offered so long as there is a designated, separated bar area for walk up drink orders.
 - d. Lines for bar services must provide an environment where patrons and staff maintain social distancing, at least six (6) feet away from other people to the greatest extent possible. Patrons must be masked and must return to their table before consuming beverages.

- e. Bar-top seating is permitted with social distancing of six (6) feet between patrons.
- f. Buffets or salad bars within a restaurant may resume self-service, although service by employees is still highly recommended. Measures must be in place to ensure a minimum distance of six (6) feet is maintained between patrons, by use of signage and/or floor markers. Patrons must wear masks when in the self-service area. Limited numbers of patrons should be allowed at the self-service areas to ensure social distancing of six (6) feet between patrons. Lines waiting for self-service buffets or salad bars must provide an environment where patrons and staff maintain social distancing (at least six (6) feet from other patrons) to the greatest extent possible. Staff should continuously monitor mask usage, social distancing, and remove any contaminated food or utensils. Serving utensils (e.g., tongs, spoons) should be changed, cleaned, and sanitized frequently. Handwashing and hand sanitizer use among customers should be encouraged before using the self-service area. Patrons must return to their seats before consuming food or beverages. Carry-out service is permitted. Lines for carry-out services must provide an environment where patrons and staff maintain social distancing, at least six (6) feet away from other people to the greatest extent possible.
- g. Plexiglass or similar barriers do not negate the need for social distancing and masks.
- h. Live entertainment is permitted but must comply with the spacing requirements for live entertainment set forth in Paragraph 10 of this Order.
- i. Customers must remain seated, and congregation is not permitted.
- j. Open congregate areas that are not necessary for the preparation and service of food and beverages (i.e., billiards, card playing, pinball game, video games, arcade games, dancing) may be utilized by customers but must maintain proper social distancing of six (6) feet.
- k. Karaoke is not permitted.
- l. Staff must perform proper hand washing hygiene frequently and/or apply hand sanitizer.
- m. Employees must be screened daily.
- n. All establishments must continue to adhere to all food and safety code requirements and must consult Indiana Restaurant and Lodging Association best practices.
- o. All establishments are encouraged to use outdoor seating as much as possible.
- p. Breweries, wineries, and distilleries that do not offer retail food sales may continue to offer tastings at 75% capacity and carry-out sales. Outdoor tastings can be offered at bar seating and must be socially distanced (at least six (6) feet from other patrons). Walk up bar service

may be offered so long as there is a designated and separated section of the bar for walk up drink orders. Patrons must be masked and social distancing (at least six (6) feet) must be maintained. Adequate space must be provided to allow distancing of the patrons in line and seated patrons. Patrons must be seated before consuming beverages. Masks are required when not eating or drinking.

- q. Air ventilation should be increased to maximum capacity, or at least six (6) air changes per hour.
 - r. This Paragraph does not apply to food service in healthcare facilities and food pantries, but those facilities must implement policies to maintain social distancing (at least six (6) feet away from other people) to the greatest extent possible.
 - s. Outdoor tent seating is permitted only if the tent has at least two (2) open-air sides for maximum ventilation.
 - t. Private dining rooms within these venues must be limited to no more than 75% of room capacity as defined by the fire marshal. Social distancing of a minimum of six (6) feet must be maintained, and face coverings must be worn at all times. These gatherings must include a guest list and contact information for each guest, such that contact-tracing may occur.
8. **Private clubs or fraternal organizations** meeting the eligibility criteria of Indiana Code § 7.1-3-20-1 or § 7.1-3-20-7 may open at 75% capacity and must maintain social distancing (at least six (6) feet away from other people) to the greatest extent possible.
9. **Spacing Requirements for Live Entertainment.** Any business that offers live entertainment, including a restaurant, bar, nightclub, comedy club, concert venue, event venue, or music venue, must ensure that a space of at least 10-15 feet is maintained between performers and the audience. All performers must be at least six (6) feet from each other. With those restrictions in place, live performers may perform without a mask. Performers may not sit or mingle with patrons, perform private dances, or have close contact of any kind with patrons. All such businesses must also comply with the capacity restrictions set forth in the paragraphs of this Order applicable to their type of business.
10. **Personal services businesses**, such as salons, barber shops, nail salons, spas, and tattoo parlors, may remain open but must maintain six (6) feet social distancing. Air ventilation should be increased to maximum capacity, or at least six (6) air changes per hour. Patrons may remove their mask or face covering for beard trimming, or other facial treatments. Employees must be screened daily.

11. **Indoor religious services** may continue to operate at 100% capacity. It is recommended that all individuals remain at least six (6) feet away from other attendees not from their household. Outdoor religious services may continue without a set capacity restriction. Religious organizations should operate in accordance with all guidelines of the CDC and MCPHD. Individuals who are not vaccinated and are immunocompromised or unvaccinated individuals of all ages with serious underlying medical conditions, are strongly recommended to avoid in-person religious gatherings unless they can maintain social distancing of at least six (6) feet with individuals outside of their households and wear masks. Air ventilation for indoor religious services should be increased to maximum capacity, or at least six (6) air changes per hour.
12. **Funeral homes** may operate public areas at or below 100% capacity. It is recommended that all individuals remain at least six (6) feet away from attendees not from their household. Funeral homes must ensure all attendees are at least six (6) feet apart and wearing masks and must observe industry and CDC health and safety guidelines.
13. **Campgrounds, youth camps and young adult camps** may remain open subject to CDC social distancing guidelines and appropriate sanitation precautions. Overnight camping is permitted. No masks are required for children seven (7) years of age or younger.
14. **Community swimming pools** may operate at 100% capacity but must follow CDC guidance. Fountains, hot tubs, spas, and splash pads may remain open.
15. **Outdoor Playgrounds** may remain open, but all visitors must wash or sanitize hands frequently.
16. **Gyms, fitness centers, yoga and dance studios, martial arts studios, and like facilities** may remain open but must restrict capacity to 75%. The following additional requirements apply:
 - a. Classes must be restricted to 75% of their normal size, or to the class size necessary to ensure social distancing of at least six (6) feet among all participants, whichever number is less.
 - b. Fitness equipment must be spaced at least 10 feet apart.
 - c. Air ventilation should be increased to maximum capacity, or at least six (6) air changes per hour.
 - d. Equipment must be cleaned after each use.
 - e. Locker rooms and shower rooms may remain open.
 - f. All employees must be screened daily.

17. **Outdoor golf course facilities** may remain open at full capacity. Indoor golf course facilities, such as, restaurants, bars, snack bars, and pro shops may operate at 75% capacity. Locker rooms and shower rooms may open at 75% capacity. Indoor air ventilation should be at maximum capacity, or at least six (6) air changes per hour.
18. **Indoor and Outdoor Events, including sports venues and raceway events**, may open but must restrict spectator capacity to the following:
- a. Indoor event capacity is limited to 50%.
 - b. Outdoor event capacity is limited to 50%.
 - c. Indoor and outdoor capacity is limited with consideration for CDC social-distancing guidelines. It is highly encouraged that sports venues and raceways use electronic ticketing methods to aid in identifying patron seating locations. As stated in paragraph 4(c) above, events at a sports venue or raceway that anticipate more than 500 attendees must create a risk mitigation plan and submit it to MCPHD for approval at least 7 days before the event is to begin; the event may not take place until the plan has been approved by MCPHD.
19. **Cultural, entertainment, and tourism sites, including zoos, museums, music venues, and parks**, may be open at 75% capacity. Patrons and staff must maintain social distancing (at least six (6) feet away from other people). Air ventilation should be increased to maximum capacity, or at least six (6) air changes per hour. Music venues are those venues that sell tickets to a specific musical performance.
- a. Music venues may open dance floors to individuals or may have standing room events so long as patrons are standing six (6) feet apart. Social distancing must be clearly marked on the floor. Patrons may not congregate in one area.
 - b. Bars or nightclubs with a DJ are not considered music venues.
 - c. Locations which typically operate as bars or nightclubs will not be considered music venues for any reason.
 - d. Performances at music venues are subject to the restrictions on live entertainment set forth in Paragraph 10 of this Order.
20. All other **non-essential entertainment businesses** not listed above, such as **movie theaters, bowling alleys, trampoline parks, boating and marina facilities, and rock wall climbing facilities**, can increase to 75% capacity. Individuals or groups must keep a distance of six (6) feet apart at all times. Air ventilation should be increased to maximum capacity, or at least six (6) air changes per hour.

21. **Gaming facilities** may be open if they have received MCPHD approval. Gaming facilities must conform to the bar and restaurant restrictions specified in paragraph 8.
22. **Conventions and conferences** Events are encouraged to be outdoors whenever feasible. Air ventilation should be increased to maximum capacity, or at least six (6) air changes per hour. As stated in paragraph 4(c) above, host organizations for conventions or conferences that anticipate more than 500 attendees for the event must create a risk mitigation plan and submit it to MCPHD for approval at least 7 days before the event is to begin; the event may not take place until the plan has been approved by MCPHD.
23. **Fairs and festivals** Staff and participants must maintain a distance of at least six (6) feet or more from persons not from their household. Air ventilation should be increased to maximum capacity, or at least six (6) air changes per hour. As stated in paragraph 4(c) above, host organizations for any fair or festival that anticipates more than 500 attendees must create a risk mitigation plan and submit it to MCPHD for approval at least seven (7) days before the fair or festival is to begin; the fair or festival may not take place until the plan has been approved by MCPHD.
24. **Office buildings** may operate at full capacity. Air ventilation should be increased to maximum capacity, or at least six (6) air changes per hour.

City, County, and local government. Offices may open at full capacity for all residents as long as social distancing of six (6) feet can be maintained and masks are worn. Social distancing and wearing masks are required for all employees. Air ventilation should be increased to maximum capacity, or at least six (6) air changes per hour. Certain municipal buildings, such as the City-County Building, will still require social distancing and masks to be worn for all visitors and maintained upon entry into the building. Social distancing of at least six (6) feet and masks will also be required at the Health & Hospital Corporation, Marion County Public Health Department and all its buildings for all visitors and maintained upon entry into the building. Employees must wear a mask and social distancing of at least six (6) feet is required unless in their own office.

25. All workplaces that remain open or that reopen, including manufacturing and industrial businesses, should maintain six (6) feet between employees and visitors. All such workplaces must adhere to CDC and OSHA guidelines. Air ventilation should be increased to maximum capacity, or at least six (6) air changes per hour. MCPHD does not provide residents with letters, written recommendations, or references to return to the workplace. Residents

should contact their primary care physician or the Indiana Department of Health hotline for guidance.

26. **Hospital Mask Usage** is required. Individuals are required to wear a mask when entering and visiting hospitals and health care facilities, even if fully vaccinated.

27. **Public Transportation mask usage** is required. Individuals are required to wear a mask on planes, buses, taxis, trains, and other forms of public transportation travelling to, from, and within Marion County, the United States, and within airports, airplanes, and stations, even if fully vaccinated.

28. **Assisted living communities, nursing homes/skilled nursing facilities, and other group homes** may allow indoor and outdoor visitation in accordance with IDH Visitation Guidelines updated May 4, 2021.

This Order does not apply on State property.

This Order is issued pursuant to Indiana Code § 16-20-1-24 and Chapter 7, Article 5 of the Code of The Health and Hospital Corporation of Marion County.

Unless otherwise specified in this Public Health Order 12-2021, the restrictions imposed by Governor Holcomb's Executive Orders apply.

Virginia A. Caine, M.D.

Virginia A. Caine, M.D.
Director and Chief Medical Officer

Issue Date: June 8, 2021