

KNOX COUNTY BOARD OF HEALTH

Regulation No. 2020-5

WHEREAS, on March 11, 2020, the novel Coronavirus Disease 2019 (COVID-19) was declared a global pandemic by the World Health Organization, one day before the first COVID-19 infection was identified in Knox County; and

WHEREAS, as of July 20, 2020, Knox County met the criteria of a county in the Red Zone by the White House Coronavirus Task Force, satisfying the requirements of “counties during the last week reported both new cases above 100 per 100,000 population, and a diagnostic test positivity result above 10%,” and for which mitigation recommendations include “limit[ing] social gatherings to 10 people or fewer;” and

WHEREAS, as of August 2, 2020, the Tennessee Department of Health determined that Knox County is above the “threshold for acceptable disease transmission within the community” using the metric of the average rate of new COVID-19 cases per 100,000 county residents over the last 14 days; and

WHEREAS, on July 22, 2020, the Knox County Health Department’s Director of Communicable and Environmental Disease, Charity Menefee, said, in reference to the spread of COVID-19 in Knox County, “It’s the social gatherings, getting together with people you’re comfortable with;” and

WHEREAS, as of July 27, 2020, the Coordinator of the White House Coronavirus Task Force, Dr. Deborah Birx, stated, “I can tell you in every red state, and Tennessee is now in the Red State category, it flipped from being in the Yellow State category, what does that mean? They had under 10% test positivity, they’re now over 10% test positivity and the number one bullet is mandate masks, close your bars, enhance social distancing, tell every Tennessean to not socially gather with more than 10 people, to not socially gather even with your relatives if they’ve been elsewhere because of the chance of spreading this virus. ... We have put it in the guidelines that this is our recommendation at the federal level, based on science and evidence, of what we think will have the greatest impact on saving more Tennessean lives and decreasing the spread of this virus;” and

WHEREAS, as of August 2, 2020, the risk of being exposed to COVID-19 in a group of 25 people within Knox County is 59% as calculated by the Georgia Institute of Technology Applied Bioinformatics Laboratory; and

WHEREAS, as of August 2, 2020, the risk of being exposed to COVID-19 in a group of 10 people within Knox County is 30% as calculated by the Georgia Institute of Technology Applied Bioinformatics Laboratory; and

WHEREAS, as of July 28, 2020, the Centers for Disease Control and Prevention (CDC) “Considerations for Events and Gatherings” included among its guiding principles the following: “The more people an individual interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading;” and

WHEREAS, pursuant to Knox County Code § 38-33(a), the Knox County Board of Health has all of the powers and duties as required and provided for by state law; and

WHEREAS, pursuant to T.C.A. § 68-2-601(f), the powers and duties of the Knox County Board of Health include adopting rules and regulations as may be necessary or appropriate to protect the general health and safety of the citizens of Knox County and governing the policies of the Knox County Health Department; and

WHEREAS, pursuant to T.C.A. § 68-2-603(b) and Knox County Code § 38-32(f), the Knox County Health Director, as head of the Knox County Health Department, shall act in concert with, and meet all applicable policies established by, the Knox County Board of Health; and

WHEREAS, by Opinion No. 20-07 issued on April 27, 2020, the Attorney General of Tennessee confirmed that “local health officers confronted with an epidemic [have] the power—*indeed, the obligation*—to ‘[e]stablish appropriate control measures which may include examination, treatment, isolation, quarantine, exclusion, disinfection, immunization, disease surveillance, closure of establishment, education, and other measures considered appropriate by medical experts for the protection of the public’s health’” (quoting Tenn. Comp. R. & Regs. 1200-14-01-.15) (emphasis added); and

WHEREAS, pursuant to Executive Order No. 38 issued by the Governor of Tennessee on May 22, 2020, the Knox County Health Department has the authority to issue additional orders or measures related to the containment or management of the spread of COVID-19, which may permit to a greater degree, or restrict to a greater degree, the opening, closure, or operation of businesses, organizations, or venues or the gathering of persons in Knox County, except with respect to certain subjects; and

WHEREAS, as of July 28, 2020, the foregoing authority remains in effect pursuant to Executive Order No. 50 issued by the Governor of Tennessee on June 29, 2020; and

WHEREAS, the Knox County Board of Health finds it necessary and appropriate to limit the probability of COVID-19 spread in droplet and airborne transmission for people under the jurisdiction of the Knox County Board of Health as set forth herein in order to protect the general health and safety of the citizens of Knox County during the COVID-19 pandemic.

NOW, THEREFORE, the Knox County Board of Health, by virtue of the power and authority vested in it, to protect the general health and safety of the citizens of Knox County, does hereby declare that a continuing public health emergency exists in Knox County, Tennessee, due to the COVID-19 pandemic, and adopts the following regulation:

1. This Regulation should be cited as the “COVID-19 Social Group Transmission Suppression Regulation.”
2. This Regulation shall take effect at 12:01 a.m. on August 15, 2020, and shall remain in effect until amended, superseded, or rescinded by the Knox County Board of Health.
3. The words, terms, and phrases used in this Regulation shall have the same meanings ascribed to them in Paragraph 3 of the COVID-19 Face Covering Regulation, Knox County Board of Health Regulation No. 2020-1 (adopted July 1, 2020).

4. Except as provided in Paragraph 5 of this Regulation, all public or private indoor gatherings of more than twenty five (25) persons age twelve (12) years or older within the same 900 square feet at any given time within Knox County, other than gatherings consisting exclusively of persons residing in the same household, are prohibited.
5. Paragraph 4 of this Regulation shall not apply to any of the following:
 - a. Nursing homes, retirement homes, long-term care facilities, or assisted-living facilities, but persons who own, manage, operate, or otherwise control any nursing home, retirement home, long-term care facility, or assisted-living facility are encouraged to limit gatherings consistent with the provisions of this Regulation;
 - b. Places of worship, but persons in such places of worship are encouraged to limit gatherings consistent with the provisions of this Regulation;
 - c. Places owned, leased, or managed by the government of the United States or the government of the State of Tennessee, or the Knox County Sheriff's Office, but persons in such places are encouraged to limit gatherings consistent with the provisions of this Regulation;
 - d. Public and private schools, but persons in such places are encouraged to limit gatherings consistent with the provisions of this Regulation;
 - e. Waiting areas or terminals for public or common transportation, but operators of and persons in such places are encouraged to limit gatherings consistent with the provisions of this Regulation; and
 - f. Health care facilities, but operators of and persons in such places are encouraged to limit gatherings consistent with the provisions of this Regulation;
6. A person who knowingly fails to comply with any provision of this Regulation may be subject to such orders and/or penalties as are provided by law, including, but not limited to, the penalty provided in T.C.A. § 68-2-602.
7. A person who owns, manages, operates, or otherwise controls any indoor or outdoor public or private space in Knox County and who knowingly fails to comply with any provision of this Regulation may be subject to such orders and/or penalties as are provided by law, including, but not limited to, the revocation, suspension, or imposition of conditions on licenses or permits as provided in T.C.A. § 68-2-609.
8. The Knox County Health Director may issue orders, request injunctions, and seek any other remedy available at law or equity to require compliance with this Regulation as provided in T.C.A. § 68-2-608 and, as Knox County Health Officer, as provided in T.C.A. § 68-2-609.
9. The Knox County Board of Health requests and authorizes all officers, including constitutional and charter officers, boards, commissions, departments, offices, and

agencies of Knox County government, the City of Knoxville, and the Town of Farragut to cooperate with, aid, consult with, advise, and coordinate with the Knox County Board of Health, the Knox County Health Director, and the Knox County Health Department in furthering the intent of, enforcing, explaining, and clarifying this Regulation.

10. Consistent with Executive Order No. 38 issued by the Governor of Tennessee on May 22, 2020 ("Order"), as extended by Executive Order No. 50 issued by the Governor of Tennessee on June 29, 2020, this Regulation shall not be construed as regulating the provision of medical, dental, or oral procedures; places of worship; or nursing homes, retirement homes, long-term care facilities, or assisted-living facilities. This Regulation does not alter, limit, or abridge the Order's requirement that persons who test positive for COVID-19 or who are suffering from COVID-19 symptoms shall stay at home, except to receive medical care, until satisfying the conditions set forth by the CDC for discontinuing home isolation. This Regulation does not alter, limit, or abridge the Order's requirement that an employer, through its supervisors or appropriate management personnel, shall not require or allow an employee who the employer knows has tested positive for COVID-19 to report to work until that employee has satisfied the conditions for discontinuing home isolation under CDC guidelines.
11. The intent of this Regulation is to ensure that no more than 25 persons, other than persons residing in the same household, congregate within the same 900 square feet at any given time within Knox County in order to protect the general health and safety of the citizens of Knox County during the COVID-19 pandemic. This Regulation shall be liberally construed so as to further this intent, and all provisions of this Regulation shall be interpreted to effectuate this intent.
12. If any provision of this Regulation or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Regulation which can be given effect without the invalid provision or application, and to that end the provisions of this Regulation are declared to be severable.

ADOPTED this 12th day of August, 2020.

KNOX COUNTY BOARD OF HEALTH

Jack Gotcher, DMD, PhD/Chair

Date

ATTEST:

Martha Buchanan M.D./Secretary

Date