

**STATE OF ARIZONA  
COUNTY OF GRAHAM**

**REGULATIONS REQUIRING FACE COVERINGS IN GRAHAM 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-Co V-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 primarily 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, numerous cases of COVID-19 already exist in Graham County, and the effects of person-to-person transmission throughout Graham County have impacted the lives and health of the people of Graham County, as well as our economy, and is a public health crisis that affects life, health, property or the public peace; and

WHEREAS, Graham County is seeing an increase in the rate of new cases; and

WHEREAS, currently there are no vaccines available or cure for COVID-19, 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, Graham County has authority to institute 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 Graham County that all persons within Graham 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, bandanas and face shields. 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, businesses, public places operated for temporary lodging, use or accommodation of those seeking health or recreation and all establishments offering goods or facilities and any location soliciting patronage from the general public.

## **II. Use of Face Coverings**

A. Effective as of 12:00 a.m. on November 26, 2020, all persons in Graham 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 patrons age six and over are required to wear Face Coverings while inside the enclosed area of any Place of Public Accommodation;

ii. 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

iii. All Places of Public Accommodation shall require staff members to 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. However, all persons in Graham County are urged to reserve Medical-Grade Masks for use by health care workers and first responders.

### **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 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, participating in sporting competitions or other like activities;
  - 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 Graham County, whether the area is in incorporated or unincorporated Graham 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.

i. A first offense under these regulations shall result in a warning.

ii. 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 Graham County that if a provision of these regulations or the ir 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 Graham County encourages cities and towns in Graham County to adopt regulations at least as restrictive as these regulations; and

IT IS FURTHER PROCLAIMED AND ORDERED that these regulations shall be reviewed during the first Board of Supervisors meeting in January. If not renewed at the first meeting in January, the regulations shall expire on January 5, 2021.

ADOPTED by the Graham County Board of Supervisors, Graham County, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Paul R. David  
Chairman of the Graham County Board of Supervisors

Attest:

Approved as to Form:

\_\_\_\_\_  
Clerk of the Board of Supervisors

\_\_\_\_\_  
Graham County Attorney