

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 20—Communicable Diseases

EMERGENCY AMENDMENT

19 CSR 20-20.050 Quarantine or Isolation Practices and Closing of Schools and Places of Public and Private Assembly. The department is amending the purpose statement, section (3), and adding section (4).

PURPOSE: This amendment clarifies a component of section (3) and adds a section (4) pertaining to the issuance of gathering orders.

PURPOSE: This rule provides for the isolation or quarantine of persons and animals with a communicable disease and their contacts; it also authorizes the closing of schools and places of public and private assembly as well as the issuance of gathering orders.

EMERGENCY STATEMENT: The Department of Health and Senior Services (“DHSS”) determined that this emergency amendment is necessary to protect the public health, safety, and welfare of Missouri residents and visitors.

This emergency amendment is necessary help prevent the spread of Coronavirus 2019 (COVID-19) and to further facilitate Centers for Disease Control guidelines. The purpose of limiting the size of public gatherings is to help “flatten the curve,” an approach recommended by multiple health and scientific organizations for slowing the rate of COVID-19 infections. Slowing infection rates helps prevent medical providers from becoming overloaded and reaching a point where they can no longer provide treatment to all those infected. Due to its severity and the rapid increase in the number of cases of COVID-19 infections and potential deaths to Missouri citizens, it is imperative for director of the Department of Health and Senior Services to have the authority to issue orders limiting public gathering to certain sizes.

DHSS needs this emergency amendment to ensure that the director of the Department of Health and Senior Services has the clear and immediate authority to limit the size of public gatherings to limit the spreads of the 2019 Novel Coronavirus (2019-nCoV) aka COVID-19. This emergency amendment provides for the isolation or quarantine of persons and animals with a communicable disease and their contacts; it also authorizes the closing of schools and places of public and private assembly as well as the issuance of gathering orders.

DHSS finds that there is an immediate danger to the public health, safety or welfare, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. DHSS believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 20, 2020, becomes effective April 3, 2020, and expires January 13, 2021.

(3) The local health authority, the director of the Department of Health and Senior Services or the director’s designated representative is empowered to close any public or private school or other place of public or private assembly when, in the opinion of the local health authority, the director of the Department of Health and Senior Services or the director’s designated representative, the closing is necessary to protect the public health. However, in a statewide pandemic, **as established by [only] the director of the Department of Health and Senior Services or the director’s designated representative, such individual** shall have the authority to close a public or private school or other place of public or private assembly. The director or designated representative shall consult with the local health authorities prior to any such closing. Any school or other place of public or

private assembly that is ordered closed shall not reopen until permitted by whomever ordered the closure.

(4) The director of the Department of Health and Senior Services or the director’s designated representative may issue an order limiting public gathering to a certain number of people as established by order, when, in the opinion of such person, such limitation is necessary to protect the public health. For the purpose of this rule, the term “gathering” shall mean any planned or spontaneous event or convening that would bring together more than the established number of people in a single space at the same time.

AUTHORITY: section 192.020, RSMo Supp. 2006. This rule was previously filed as 13 CSR 50-101.061. Original rule filed Dec. 11, 1981, effective May 13, 1982. Emergency amendment filed June 15, 2007, effective July 6, 2007, expired Jan. 1, 2008. Amended: Filed June 15, 2007, effective Jan. 30, 2008. Emergency amendment filed March 20, 2020, effective April 3, 2020, expires January 13, 2021. An Emergency and a Proposed amendment covering this same material will be published in the May 1, 2020, issue of the Missouri Register.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.