

**ARIZONA DEPARTMENT OF HEALTH SERVICES**  
**EMERGENCY MEASURE 2020-04**  
***(Slowing the Spread of COVID-19 in Schools)***

**WHEREAS**, the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020; and

**WHEREAS**, the Governor of the State of Arizona, in response to the COVID-19 pandemic issued a Declaration of Emergency on March 11, 2020, authorizing the Director of the Arizona Department of Health Services (“Director”) to coordinate all matters pertaining to the public health emergency response of the State in accordance with Arizona Revised Statutes (“A.R.S.”) Title 36, Chapter 6, Article 9; and

**WHEREAS**, as of November 18, 2020, there have been 283,102 diagnosed cases of COVID-19 in Arizona including 6,365 deaths, and the State continues to see increased numbers; and

**WHEREAS**, mitigation measures need to be sustained to ensure continued containment, protect public health and safety and mitigate the strain on Arizona’s healthcare systems; and

**WHEREAS**, on July 23, 2020, the Governor of the State of Arizona issued Executive Order 2020-51, pursuant to which “[a]ll school districts and charter schools shall develop and implement a policy to require face coverings, such as face masks or face shields, for all staff and students over the age of five until the Arizona Department of Health Services determines that face coverings are no longer necessary or recommended to contain the spread of the virus”; and

**WHEREAS**, pursuant to Executive Order 2020-51(5):

- a. A school district or charter school’s policy to require face coverings “shall include exceptions for instances when students can socially distance or are outside in playground settings with distancing, and shall allow breaks for students to take their face covering off in a safe environment.
- b. Schools shall incorporate other restrictions and exceptions consistent with guidance from the Centers for Disease Control and Prevention.
- c. Cloth face coverings should not be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.”; and

**WHEREAS**, while wearing a mask or face covering can prevent the wearer from spreading infection to others, the Centers for Disease Control and Prevention recently released important updates to their mask data and guidance, including new studies showing that

wearing a mask can also protect the wearer from the infectious droplets from other people. This data further supports community masking to reduce the spread of COVID-19, especially when it comes to those who have COVID-19 but don't exhibit symptoms; and

**WHEREAS**, asymptomatic people are estimated to account for more than half of COVID-19 transmissions<sup>1</sup>; and

**WHEREAS**, although current mask mandates, limitations on group gatherings, and closure of certain businesses resulted in improvements slowing the growth in numbers of cases during the summer, Arizona is seeing another increase in COVID-19 cases and as we approach the holidays, these measures not only need to continue, but need to be increased due to the increasing rates of hospitalizations and high numbers of cases; and

**WHEREAS**, the Director, pursuant to the Declaration of Emergency and as authorized by A.R.S. §§ 26-307(A) and 36-787(A), may make, amend, and rescind orders, rules, and regulations necessary for emergency functions and shall coordinate all matters pertaining to the public health emergency response of the State; and

**WHEREAS**, pursuant to A.R.S. § 36-787(A)(1) and (2), the Arizona Department of Health Services ("ADHS") has primary jurisdiction, responsibility, and authority for planning and executing the public health emergency mitigation response for the State and coordinating the public health emergency response among State, local and tribal authorities; and

**WHEREAS**, the Director, pursuant to A.R.S. § 36-136(H), may define and prescribe emergency measures for detecting, reporting, preventing or controlling communicable or infectious diseases or conditions if the Director has reasonable cause to believe that a serious threat to public health and welfare exists. Emergency measures are effective for no longer than eighteen months; and

**WHEREAS**, to attempt to both prevent and control the continued spread of COVID-19, which still poses a serious threat to public health and welfare, it is necessary to prescribe emergency measures to mandate face coverings at all schools and charter schools in the State.

**NOW, THEREFORE**, I, Cara Christ, M.D., M.S., by virtue of the authority vested in me as the Director of ADHS, in order to address the State of Emergency and the serious threat to public health and welfare posed by the continued spread COVID-19 hereby prescribe the following Emergency Measure:

1. Each school district and charter school shall immediately mandate that masks are worn on school campus, on school buses, during school-associated activities, and

---

<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/more/masking-science-sars-cov2.html>

while participating in or observing any school-associated athletic activities, by all students, faculty, staff, contractors and visitors.

- a. Exceptions shall be made for instances when students can socially distance or are outside in playground settings with distancing, and students shall be allowed to take their masks off during breaks and while in a safe environment.
  - b. Students who are engaged in high intensity activities, like running, shall not be required to wear a mask if it causes difficulty breathing.
  - c. Masks should not be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
  - d. School districts and charter schools shall abide by other restrictions and exceptions consistent with guidance from the Centers for Disease Control and Prevention, including recommendations for those who have sensory, cognitive, or behavioral issues.
2. Notwithstanding any other law or Executive Order, for purposes of executing this Emergency Measure and in order to ensure coordination between the State and local authorities related to this Emergency Measure, law enforcement, any regulatory agency, pursuant to their regulatory authority, ADHS and local health departments may take immediate action for operation in violation of this Emergency Measure.
  3. Notwithstanding any other law, if ADHS becomes aware of continued actions taken by the entities covered by this Emergency Measure that jeopardize the health, safety and welfare of the public, ADHS will take additional action as necessary to protect the health, safety and welfare of the public.
  4. If any provision of this Emergency Measure or its application to any person, entity or circumstance is held invalid by a court of competent jurisdiction, this invalidity does not affect any other provision or application of this Emergency Measure, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Emergency Measure are declared to be severable.
  5. This Emergency Measure shall remain in effect for no longer than eighteen months.

Having authority to do so under Arizona law, I have executed this Emergency Measure on this 19<sup>th</sup> day of November, 2020.

A handwritten signature in black ink, appearing to read "Cara Christ", is written over a horizontal line.

**Cara Christ, M.D., M.S., Director, Arizona Department of Health Services**

ON this 19<sup>th</sup> day of November, 2020,

Cara Christ, M.D., M.S., Director of the Arizona Department of

Health Services, signed and acknowledged this document

in my presence.



Notary Public