



**The Guilford County Board of County Commissioners (BOCC) in their capacity as the Guilford County Board of Health (BOH), order as follows:**

### **Section I. Authority**

This rule is authorized by Chapters 130A and 153A of the North Carolina General Statutes.

### **Section II. Findings**

This BOH Rule is adopted pursuant to North Carolina General Statutes, Chapter 130A – Public Health, North Carolina General Statutes Chapter 153A - Counties, Guilford County Public Health rules, Guilford County Ordinances and the Guilford County Declaration of a State of Emergency (SOE) dated March 13, 2020, and the Governor’s Declaration of a State of Emergency (SOE) dated March 10, 2020 and related to the COVID-19 pandemic. The BOH finds that this Rule is necessary for the immediate protection of the public’s health and safety, based upon the following:

- A. The novel coronavirus disease-2019 (COVID-19) is a disease which has spread across the globe infecting millions of people with a significantly high rate of death, particularly among those who are elderly or medically vulnerable.
- B. On January 30, 2020, the World Health Organization (WHO) determined the outbreak constitutes a Public Health Emergency of International Concern (PHEIC).
- C. On January 31, 2020, former Health and Human Services Secretary, Alex M. Azar, II, declared COVID-19 to be a public health emergency in the United States.
- D. On March 10, 2020, in order to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID 19 in North Carolina, Governor Roy Cooper declared a state of emergency in North Carolina.
- E. On March 13, 2020, former President Donald J. Trump declared the COVID-19 pandemic to be a national emergency.
- F. On March 14, 2020, to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19, Governor Roy Cooper issued Executive Order 117. Among the measures he directed were limiting mass gatherings to no more than 100 persons, temporarily closing public schools, and urging compliance with Centers for Disease Control and Prevention (“CDC”) recommendations on social distancing.

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- G. From March 17, 2020-present, Governor Roy Cooper issued several Executive Orders, to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina. The last one requiring the wearing of masks was allowed to expire on July 30, 2021.
- H. In response to the COVID-19 pandemic, the Chair of the Guilford County Board of County Commissioners (“Chair”) issued a local Declaration of State of Emergency (“Declaration”) on March 13, 2020, recommending behavior designed to protect the public health.
- I. The COVID-19 virus has developed a variant, the Delta variant, which is far more contagious than others and it is the dominant form of the disease currently in our State and County.
- J. While vaccinated persons are far less likely to contract COVID-19, the Delta variant has infected vaccinated persons and can be retransmitted to others by them as determined by the CDC. The positive rate of infections in Guilford County has increased significantly, from a 14-day average of 1.8% in July to 9.6% as of August 26, 2021 and the number of new cases, to include those under the age of 18, was rising at an alarming rate. The positive rate of infections in the State of North Carolina hit 13% in July. Guilford County increased from an average of 10-15 new COVID-19 cases per day in early July 2021 to 220 - 293 new COVID-19 cases per day in the third week of August 2021. Similarly, Guilford County increased from 8 COVID-19 hospital patients on July 1, 2021 to 169 hospital patients on August 26, 2021. As of August 26, 2021, Guilford County has averaged 221 new confirmed COVID-19 cases per day (41.4 for every 100,000 residents).
- K. During the same time period as set out in Paragraph J above, i.e., July and August 2021, Guilford County’s Public Health Director and operators of Cone Health, a major health care provider within Guilford County, confirmed that the rate of infections in Guilford County was at a level requiring prompt action to slow the spread of COVID-19 within the County in order to preserve medical supplies and hospital capacity to treat those with COVID-19 and other serious illnesses and injuries. Moreover, County Public Health and Emergency Services were severely strained impacting the County’s ability to effectively address the current or future pandemic needs.
- L. In order to address these serious and immediate Public Health concerns, the Guilford County Board of Health adopted a Board of Health Rule on August 26, 2021 which mandated Face Coverings when indoors in all businesses, establishments, and public places and required all businesses, establishments, and public places, whether for profit or not-for-profit, to require that all persons wear Face Coverings when indoors on their premises. The Rule (hereinafter sometimes referred to as the “Mask Mandate Rule”) included a provision that the continued enforcement of the Mask Mandate Rule would be re-evaluated as circumstances change, including, specifically, if the positivity rate was below 5% for three weeks.
- M. The severe detrimental impact of the Delta variant of the COVID-19 virus has significantly lessened in recent weeks, including several straight weeks with a positivity rate at or below 5%. The significantly reduced positivity rate, together with other factors indicating a reduction in the severity of the Delta variant on the residents of Guilford County and its impact on Guilford County governmental resources, constitute a change in the circumstances to the point that the Board of

Health can adopt a significantly less restrictive rule. Therefore, the Guilford County Board of Health finds that it is appropriate to rescind the Mask Mandate Rule and replace it with the limited rule set out herein.

- N. Despite the improved circumstances that warrant the rescission of the Mask Mandate Rule, significant risk to the public from COVID-19 still exists and it is important for all Guilford County residents to continue to exercise those safety precautions recommended by the CDC and Guilford County Public Health.
- O. Recent NCDDHS guidance, which the Board finds credible, provides:

After months of decline, North Carolina is experiencing a rapid increase in COVID-19 cases and hospitalizations among those who are unvaccinated. The Delta variant, which is now the predominant strain of the COVID-19 virus in North Carolina, is significantly more contagious than the original virus. While the original virus spread from one person to an average of two or three people, the Delta variant is spreading from one person to an average of six people. Therefore, unvaccinated people are at greater risk of catching and spreading COVID-19, and they pose a risk to children under 12. [Getting vaccinated](#) is the most effective way to prevent serious illness, hospitalizations and death, and slow community spread. Rigorous clinical trials among thousands of people ages 12 and older, have proven that vaccines are safe and effective.

Following the July 27 guidance from the Centers for Disease Control and Prevention (CDC), all unvaccinated individuals should wear a face covering all indoor public settings. Fully vaccinated individuals should wear a face covering in all indoor public spaces if you live in a [county of high or substantial levels of transmission](#) as defined by the CDC, until more people are vaccinated and viral transmission decreases.

### **Section III. Rescission of Mask Mandate Rule of August 26, 2021**

The Mask Mandate Rule adopted by the Guilford County Board of Health on August 26, 2021 is hereby rescinded in full, having no further force and effect, from and after the effective date of this Rule. The Mask Mandate Rule is rescinded with respect to all persons, businesses, establishments and public entities immediately upon the effective date of this Rule. Notwithstanding the foregoing, nothing herein shall prejudice in any way the enforcement of the Mask Mandate Rule as to violations thereof prior to its rescission.

### **Section IV. Board of Health Recommendations Regarding COVID-19 Safety Precautions**

All Guilford County residents are strongly encouraged to follow the recommendations for reducing the spread of COVID-19 issued by NCDHHS. These recommendations include the following Recommendations to Promote Social Distancing and Reduce Transmission:

- a. Ensure that you and your family members of five years of age and older are fully vaccinated. Note: children between the ages of 5 and 11 are now eligible for

vaccinations and Guilford County residents are encouraged to take steps to protect this vulnerable population through vaccination.

- b. Maintain at least six (6) feet social distancing from other individuals, except for family or household members.
- c. If you are not fully vaccinated and aged 2 or older, or a person with a weakened immune system, you should wear mask in indoor public spaces. Wear a Face Covering over the nose and mouth when leaving home and wear it inside all public settings such as grocery stores, pharmacies, or other retail or public-serving businesses.
- d. Carry hand sanitizer with you when leaving home and use it frequently.
- e. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible.
- f. Regularly clean high-touch surfaces such as steering wheels, wallets, and phones.
- g. Avoid large gatherings.
- h. Stay at home if sick.
- i. Fully vaccinated individuals should follow CDC guidance when gathering with other fully vaccinated individuals.

**Businesses are reminded that they continue to have the authority to implement voluntary guidance regarding their own operations and they can restrict service to customers who choose not to abide by reasonable and lawful safety restrictions including the wearing of masks and other COVID-19 precautions listed above.**

Worship, religious, spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all requirements of this Rule, notwithstanding any other provision of this Rule.

Federal operations are not included within this Rule.

Children under two (2) years of age should not wear a Face Covering.

#### **Section V. Effective Period**

This BOH Rule becomes effective upon adoption and will remain in effect until the earlier of: (1) expiration or termination of the Proclamation of a Local Emergency, (2) January 8, 2022 at 5:00 p.m., or (3) modification or revocation by the Guilford County Board of Health. Further, it is also the Board's intention to reevaluate this Rule as circumstances change, and may make changes to this Rule guided by the advice and recommendations from our Public Health Director and other local health care professionals. Upon becoming effective, this Rule supersedes the Board's earlier Rule on this topic.

This Rule is effective as of November 15, 2021 at 6:10 p.m.