



ORDER 8
FROM THE CHIEF MEDICAL DIRECTOR
CLOTH FACE COVERINGS OR MASKS ORDER

**Pursuant to the Declaration of Public Health Emergency adopted by
the Board of Health for Nashville and Davidson County on March 15,
2020**

From: Dr. Michael C Caldwell, Chief Medical Director of Health

WHEREAS, the Chief Medical Director of Health (“Medical Director”) recognizes the emergency declarations of the President of the United States, the Governor of the State of Tennessee, and the Board of Health for Nashville and Davidson County related to the spread of COVID-19 disease in our community; and,

WHEREAS, COVID-19 is a disease caused by a novel coronavirus, previously unknown in humans, and causes upper-respiratory tract illnesses that can range from mild to severe, spread quickly, and may cause death, particularly in older adults and persons with certain medical conditions; and,

WHEREAS, the World Health Organization declared COVID-19 to be a global pandemic as of March 15, 2020; and,

WHEREAS, states of emergency have been declared by the President of the United States, the Governor of Tennessee, and the Mayor of Nashville and Davidson County, and continue to exist; and,

WHEREAS, the Medical Director finds that an emergency of unprecedented size resulting from the natural cause of community spread of COVID-19 has occurred in Nashville and Davidson County; and,

WHEREAS, as of June 27, 2020, Nashville and Davidson County has a total of 9,226 cases, an increase of 350 in the previous 24 hours, and 101 fatalities; and,

WHEREAS, the Medical Director recognizes that it is critical to continue maintaining 6-foot social distancing to slow the spread of COVID-19, but that the additional use of simple cloth face coverings or masks, as recommended by the Centers for Disease Control and Prevention, can further aid in slowing the spread of the virus by reducing the chances of symptomatic and asymptomatic people transmitting the virus to others; and,

WHEREAS, in reopening certain businesses, places of work, and venues and other activities in the Nashville and Davidson County, it is in the best interest of public health for individuals to continue to use social distancing and the additional precaution of cloth face coverings or masks while in public contact with other persons; and,

WHEREAS, it continues to be extremely important to protect individuals from contracting the virus; and,

WHEREAS, members of households with vulnerable individuals need to use all reasonable precautions to avoid potential exposure to the virus; and,

WHEREAS, the risks of inaction are high for serious and possibly fatal illness for elderly persons and individuals with underlying health conditions, including persons with serious heart conditions; pregnant women; smokers and those with asthma, scarred or damaged lungs or chronic lung disease; diseases that affect blood flow to the brain; cystic fibrosis; high blood pressure; dementia; liver disease; diabetes; obesity; sickle cell disease; and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy; and,

WHEREAS, numerous medical experts and personnel in Nashville and Davidson County support the use of cloth face coverings and masks to mitigate the spread of the virus; and,

WHEREAS, on June 26, 2020, the Board of Health for Nashville and Davidson County unanimously approved a policy of requiring the use of face coverings and masks; and

WHEREAS, the Medical Director finds that it is in the best interest of the public peace, health, welfare, and safety, and to preserve the lives and protect the health of citizens of Nashville and Davidson County, to require that cloth face coverings or masks be worn by persons when interacting in public places in Nashville and Davidson County.

NOW, THEREFORE, BE IT ORDERED by the Medical Director of Nashville and Davidson County that: 1) cloth face coverings or masks shall be required within Nashville and

Davidson County as set forth in this Order to slow the spread of the novel coronavirus disease, known as COVID-19; and 2) this Order supersedes and replaces Amended and Reinstated Order 4 from the Medical Director.

SECTION 1.

(a) "Face Covering" is a cloth face covering, mask or other device to cover the nose and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned from scarves, bandanas or other suitable fabrics. The Face Covering must cover the mouth and nose of the wearer.

(b) Face Coverings shall be worn at all times by members of the public except as specifically exempted herein.

(c) Face Coverings are not a substitute for social distancing. Even if wearing a Face Covering, persons should practice appropriate social distancing, stay six feet apart, clean their hands frequently, and take other everyday preventive actions.

(d) Persons are strongly encouraged to not smoke in locations where face masks are in use due to COVID-19's effects on the human respiratory system and the impact smoking has on lung capacity and the body's ability to heal.

SECTION 2.

A Face Covering is not required in the following settings and circumstances:

(a) Within one's own residence or another's residence;

(b) By any child aged twelve years or less. Any child aged two years or less shall not wear a Face Covering because of the risk of suffocation. Parents and caregivers must supervise use of Face Coverings by children to avoid misuse.

(c) By persons who cannot medically tolerate wearing a Face Covering. No person declining to wear a Face Covering because of a medical condition shall be required to produce verifying medical documentation;

(d) Within one's own or another's motor vehicle, provided the vehicle is not being used for public transportation or a vehicle for hire;

(e) Within educational institutions, public and private K-12 schools, private colleges and universities, trade schools, post-secondary, and technical colleges, provided K-12 schools comply with the conditions in Nashville Plan: A Framework for a Safe, Efficient and Equitable Return to School, as outlined at <https://news.mnps.org/nashvilles-plan-for-reopening-schools/>;

(f) By persons working alone in separate office spaces or in non-public workplaces that have more than adequate area for social distancing based on the size of and number of people in the space (either indoors or outdoors). Such persons must be prepared to wear a Face Covering when interacting with others in groups of 6 or more persons or in groups of any size where social distancing of more than six (6) feet cannot be consistently maintained;

(g) When wearing a Face Covering poses a safety risk or security risk. "Safety risk" includes, but is not limited to, where wearing a Face Covering may pose a risk to persons working on ladders or at height, wearing other respiratory protection, engaging in heavy physical exertion, operating heavy equipment, or operating in an environment where a Face Covering hinders communications. "Security risk" includes, but is not limited to, an activity or transaction where establishing the identity of the customer or employee is important. However, employers are encouraged to structure work to promote social distancing and limit close contact as much as possible within workplaces where Face Coverings may pose such risks;

(h) When eating or drinking in public at a restaurant, bar, or other food or beverage establishment;

(i) While outdoors in public spaces unless maintaining a physical distance of six feet from persons who are not members of the same household or residence is not feasible;

(j) While engaged in outdoor work or recreation, such as swimming, walking, hiking, bicycling, or running, unless maintaining a physical distance of six feet from persons who are not members of the same household or residence is not feasible;

(k) While in a place of worship. Places of worship are strongly encouraged to follow the health guidelines in paragraph 3 of Governor Lee's Executive Order No. 38, issued on May 22, 2020; and

(l) While in a building or indoor space owned, managed, or leased by the State of Tennessee or federal government.

SECTION 3.

(a) Businesses or facilities open to the public shall post conspicuous signage at all public entrances stating to the effect:

“Dear Customers/Visitors,

Pursuant to Order 8 from the Chief Medical Director of Health for the Metropolitan Government of Nashville and Davidson County, you are REQUIRED to wear a cloth face covering or mask while in this business/facility. This will help PROTECT our EMPLOYEES and EACH OTHER.”

(b) Except for the circumstances specified in Section 2, all businesses, facilities, commercial venues, and critical infrastructure sectors (including first responders) as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19> shall require:

- i. Customers and visitors to wear a Face Covering while inside the business, facility, or workplace, or at a worksite; and
- ii. Employees to wear a Face Covering when physically interacting with the public or other employees.

(c) Persons entering or walking through interior "Common Areas" of commercial buildings, residential apartment or condominium buildings, and residential cooperative buildings are required to wear Facial Coverings. "Common Areas" include lobby/reception areas, hallways, elevators, mailrooms, clubhouse/meeting rooms, and stairwells. The respective property managers/building managers shall be required to enforce this requirement.

(d) Mayor John Cooper’s Executive Order No. 7, “Requirement that Face Coverings be Worn at Metropolitan Government Buildings,” issued on May 18, 2020, shall continue to apply and is incorporated herein by reference.

SECTION 4.

Violations of this Order shall be subject to civil and criminal penalties, including punishment as a Class C Misdemeanor pursuant to Tenn. Code Ann. § 68-2-602.

SECTION 5.

If any provision, sentence, clause, phrase, or word of this Order or any application of it to any individual, business, or circumstance is held to be invalid by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.

SECTION 6.

Upon becoming effective, this Order supersedes, and repeals Amended and Reinstated Order 4 from the Medical Director.

This Order is hereby issued and effective at 12:01 a.m. CDT on June 29, 2020, except that Section 4 shall be effective at 12:01 a.m. CDT on July 3, 2020, and the Order shall remain in effect until it is rescinded, superseded, or amended.

Date: June 28, 2020



Michael C Caldwell MD MPH
Chief Medical Director of Health