

Regulation 2020-8 Social Gathering Limitation

WHEREAS, on March 11, 2020, the novel Coronavirus 2019 Disease (COVID-19) was declared a global pandemic by the World Health Organization; and

WHEREAS, as of November 15, 2020, Knox County was defined as a county in the Red Zone by the White House Coronavirus Task Force, meeting the requirements of “counties during the last week reported both new cases of 10 to 100 per 100,000 population, and a diagnostic test positivity result between 5% and 10%,” further stating “Current mitigation efforts are inadequate and must be increased to flatten the curve to sustain the health system for both COVID and non-COVID emergencies;” and

WHEREAS, as of November 18, 2020, Knox County new case rate, percent positivity, and are all above the Board of Health adopted metrics for escalation; and

WHEREAS, as of November 18, 2020 three of the five of the Knox County Health Department Benchmarks are rated as red and the remaining two are rated as yellow, indicating a worsening situation; and

WHEREAS, pursuant to Knox County Code § 38-33(a), the Knox County Board of Health has all of the powers and duties as required and provided for by state law; and

WHEREAS, pursuant to T.C.A. § 68-2-601(f), the powers and duties of the Knox County Board of Health include adopting rules and regulations as may be necessary or appropriate to protect the general health and safety of the citizens of Knox County and governing the policies of the Knox County Health Department; and

WHEREAS, pursuant to T.C.A. § 68-2-603(b) and Knox County Code § 38-32(f), the Knox County Health Director, as head of the Knox County Health Department, shall act in concert with, and meet all applicable policies established by, the Knox County Board of Health; and

WHEREAS, pursuant to T.C.A. § 68-2-609, the Knox County Health Officer is empowered to order (1) the quarantine of any place or person, if the county health officer finds that the quarantine is necessary to protect the public from an epidemic, (2) the closure of any public establishment, facility or building if the county health officer finds unsanitary conditions of such a nature and extent to significantly threaten the public health, or (3) the closure of any public establishment, facility or building, if the county health officer is otherwise authorized by law to take that action; and

WHEREAS, by Opinion No. 20-07 issued on April 27, 2020, the Attorney General of Tennessee confirmed that “local health officers confronted with an epidemic [have] the power—*indeed, the obligation*—to ‘[e]stablish appropriate control measures which may include examination, treatment, isolation, quarantine, exclusion, disinfection, immunization, disease surveillance, closure of establishment, education, and other measures considered appropriate by

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medical experts for the protection of the public's health” (quoting Tenn. Comp. R. & Regs. 1200-14-01-.15) (emphasis added); and

WHEREAS, pursuant to Executive Order No. 38 issued by the Governor of Tennessee on May 22, 2020, the Knox County Health Department has the authority to issue additional orders or measures related to the containment or management of the spread of COVID-19, which may permit to a greater degree, or restrict to a greater degree, the opening, closure, or operation of businesses, organizations, or venues or the gathering of persons in Knox County, except with respect to certain subjects; and

WHEREAS, as of November 25, 2020, the foregoing authority remains in effect pursuant to Executive Order No. 67 issued by the Governor of Tennessee on October 30, 2020; and

WHEREAS, the Knox County Board of Health finds it necessary and appropriate to limit the spread of COVID-19 spread in order to protect the general health and safety of the citizens of Knox County during the COVID-19 pandemic; and

WHEREAS, Knox Countians are encouraged to continue to engage in the healthy and essential activities of daily life, including supporting local businesses and their employees while adhering to the health and safety measures set forth in this Order, so that we will safeguard to the greatest extent possible the economic well-being of so many Knox Countians whose lives and work have been disrupted by the COVID-19 outbreak and ensure that Knox County is best positioned to recover following this outbreak; and

NOW, THEREFORE, the Knox County Board of Health, by virtue of the power and authority vested in it to protect the general health and safety of the citizens of Knox County, does hereby declare that a continuing public health emergency exists in Knox County, Tennessee, due to the COVID-19 pandemic, and in accordance with the recommendations in the White House Coronavirus Taskforce Report and the guidance from the CDC to limit the spread of COVID-19, adopts the following regulation:

1. This Regulation should be cited as the "COVID-19 Social Gathering Limitation."
2. The words, terms, and phrases used in this Regulation shall have the same meanings ascribed to them in Paragraph 3 of the COVID-19 Face Covering Regulation, Knox County Board of Health Regulation No. 2020-1 (adopted July 1, 2020), as well as those ascribed additional definition in Paragraph No. 3 of Knox County Board of Health Regulation No. 2020-5, Curfew Regarding the Sale or Consumption of Alcoholic Beverages in Certain Establishments.
3. Except as provided in Paragraph 5 of this Regulation, all public or private gatherings of more than ten (10) persons age twelve (12) years or older indoors within

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the same 360 square feet at any given time within Knox County, other than gatherings consisting exclusively of persons residing in the same household, are prohibited. It shall not be a violation of this provision if, within the 360 square feet, people not residing in the same household are at least six (6) feet from each other, at a minimum.

4. Except as provided in Paragraph 5 of this Regulation, all public or private gatherings of more than ten (10) persons age twelve (12) years or older outdoors within the same 360 square feet at any given time within Knox County, other than gatherings consisting exclusively of persons residing in the same household, are prohibited if that 360 square feet is entirely or partially within thirty feet (30') of any restaurant, club, or any other business of any kind which either sells for on-premises consumption, or permits the on-premises consumption of, "alcoholic beverages" or "beer" as they are defined under Tennessee Law. It shall not be a violation of this provision if, within the 360 square feet, people not residing in the same household are at least six (6) feet from each other, at a minimum.

5. Paragraphs 3 and 4 of this Regulation shall not apply to any of the following:

a. Nursing homes, retirement homes, long-term care facilities, or assisted-living facilities, but persons who own, manage, operate, or otherwise control any nursing home, retirement home, long-term care facility, or assisted-living facility are encouraged to limit gatherings consistent with the provisions of this Regulation and adhere to the five core actions; and

b. Places of worship, weddings, and funerals, but persons in such places of worship are encouraged to limit gatherings consistent with the provisions of this Regulation and adhere to the five core actions; and

c. Private dwelling places or residences, but persons in such places are encouraged to limit gatherings consistent with the provisions of this Regulation and adhere to the five core actions; and

d. Places owned, leased, or managed by the government of the United States, the government of the State of Tennessee, or any branch of Knox County, Knoxville City, or City of Farragut governments or the Knoxville-Knox County Public Building Authority, including, but not limited to, jails, municipal buildings or offices, courthouses and/or courtrooms, but persons in such places are encouraged to limit gatherings consistent with the provisions of this Regulation and adhere to the five core actions; and

e. Public and private schools, but persons in such places are encouraged to limit gatherings consistent with the provisions of this Regulation and adhere to the five core actions; and

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- f. Waiting areas or terminals for public or common transportation, but operators of and persons in such places are encouraged to limit gatherings consistent with the provisions of this Regulation and adhere to the five core actions; and
 - g. Health care facilities, but operators of and persons in such places are encouraged to limit gatherings consistent with the provisions of this Regulation and adhere to the five core actions; and
 - i. Gatherings for the purpose of providing therapeutic support for those suffering from mental illness, addiction, or similar groups, but persons in such places are encouraged to limit gatherings consistent with the provisions of this Regulation and adhere to the five core actions; and
 - j. Gatherings for the purpose of political protest or activity, or expression of First Amendment rights, although participants and organizers of such activities are encouraged to limit gatherings consistent with the provisions of this Regulation, and to observe social distancing and other protective measures; and
 - k. Individuals experiencing homelessness, who may include individuals in shelters and homeless encampments, shall not be subject to this Order, but are encouraged to follow CDC guidance on social distancing and hand hygiene.
6. A person who knowingly fails to comply with any provision of this Regulation may be subject to such orders and/or penalties as are provided by law, including, but not limited to, the penalty provided in T.C.A. § 68-2-602.
7. A person who owns, manages, operates, or otherwise controls any indoor or outdoor public or private space in Knox County and who knowingly fails to comply with any provision of this Regulation may be subject to such orders and/or penalties as are provided by law, including, but not limited to, the revocation, suspension, or imposition of conditions on licenses or permits as provided in T.C.A. § 68-2-609.
8. The Knox County Health Director may issue orders, request injunctions, and seek any other remedy available at law or equity to require compliance with this Regulation as provided in T.C.A. § 68-2-608 and, as Knox County Health Officer, as provided in T.C.A. § 68-2-609.
9. The Knox County Board of Health requests and authorizes all officers, including constitutional and charter officers, boards, commissions, departments, offices, and agencies of Knox County government, the City of Knoxville, and the

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Town of Farragut to cooperate with, aid, consult with, advise, and coordinate with the Knox County Board of Health, the Knox County Health Director, and the Knox County Health Department in furthering the intent of, enforcing, explaining, and clarifying this Regulation.

10. Consistent with Executive Order No. 38 issued by the Governor of Tennessee on May 22, 2020 ("Order"), as extended most recently by Executive Order No. 67, issued by the Governor of Tennessee on October 30, 2020, this Regulation shall not be construed as regulating the provision of medical, dental, or oral procedures; places of worship; or nursing homes, retirement homes, long-term care facilities, or assisted-living facilities. This Regulation does not alter, limit, or abridge the Order's requirement that persons who test positive for COVID-19 or who are suffering from COVID-19 symptoms shall stay at home, except to receive medical care, until satisfying the conditions set forth by the CDC for discontinuing home isolation. This Regulation does not alter, limit, or abridge the Order's requirement that an employer, through its supervisors or appropriate management personnel, shall not require or allow an employee who the employer knows has tested positive for COVID-19 to report to work until that employee has satisfied the conditions for discontinuing home isolation under CDC guidelines.

11. The intent of this Regulation is to ensure that no more than 8 persons, other than persons residing in the same household, congregate at any given time for social purposes within Knox County in order to protect the general health and safety of the citizens of Knox County during the COVID-19 pandemic. This Regulation shall be liberally construed so as to further this intent, and all provisions of this Regulation shall be interpreted to effectuate this intent.

12. If any provision of this Regulation or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Regulation which can be given effect without the invalid provision or application, and to that end the provisions of this Regulation are declared to be severable.

13. This regulation shall remain in effect until 12:01 AM December 2020 and may be extended by the Board of Health if indicated by the current data.

**Regulation 2020-8
Social Gathering Limitation**

This Order shall be effective and enforceable at 12:01 a.m., Eastern Standard Time, on December 4, 2020, and shall remain in effect until 12:01 a.m., Eastern Standard Time, on December ____, 2020.

ADOPTED this day of December, 2020.

KNOX COUNTY BOARD OF HEALTH

Jack Gotcher, DMD, PhD/Chair

Date

ATTEST:

Martha Buchanan, MD/Secretary

Date

DRAFT