

RESOLUTION NO. 2021-_____**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS ADOPTING
RECOMMENDATIONS FOR FACE MASK USE**

The Board of Supervisors of Pima County, Arizona finds:

1. On March 19, 2020, Pima County adopted Resolution 2020-18, declaring a state of emergency related to the Covid-19 outbreak. That state of emergency remains in effect.
2. The Covid-19 pandemic is the worst public-health crisis the United States has faced in a century. It has caused over 580,000 confirmed deaths in the United States and infected over 32.6 million people, though the actual numbers of deaths and infections are very likely higher. Many of those who survive Covid-19 will do so only after experiencing serious illness and lengthy hospitalization.
3. There have been over 115,000 COVID-19 cases diagnosed in Pima County since the beginning of the pandemic. More than one out of every 450 residents of Pima County has died due to COVID-19.
4. COVID-19 is highly contagious and spreads primarily through person-to-person contact. Significant community and individual adherence to mitigation recommendations has been demonstrated to decrease illness and death. Starting in late November 2020, the Pima County Health Department identified an accelerated transmission of COVID-19 throughout Pima County that lasted until February 2021.
5. On December 4, 2020, the Pima County Board of Supervisors adopted Resolution 2020-96, requiring all persons in Pima County who are not exempt under that Resolution to wear compliant face coverings while in public and unable to easily and continuously physically distance from others. The Board hereby readopts and incorporates by reference the findings in Resolution 2020-96, as updated by those in this Resolution.
6. Compliance with mitigation measures and the availability of vaccines have resulted in a considerable decline in our case rate. Over 400,000 residents of Pima County have received COVID-19 vaccines. 49% of the population 18 or older have received a vaccination. Over 76% of people 65 and over have been vaccinated.
7. A growing body of evidence suggests that fully vaccinated people are less likely to have asymptomatic infection and to be able to transmit SARS-CoV-2 to others. Studies show full vaccination to be >90% effective in the real-world settings in preventing mild and severe disease, hospitalization, and death. If you're vaccinated, you're less likely to spread the virus.

8. In light of this evidence, the United States Centers for Disease Control and Prevention (CDC) updated its COVID-19 advice on May 13, 2021, eliminating the recommendation that fully vaccinated people wear masks in most public places.
7. Pima County, through both the Board of Supervisors and its Health Department, has broad authority to take action to protect the public health and safety of all Pima County's inhabitants, see A.R.S. § 11-251 (17); A.R.S. Title 36, Chapter 1, Article 4; *Marsoner v. Pima County*, 166 Ariz. 486 (1991), including authority to adopt and enforce "regulations necessary for the public health and safety of the inhabitants," A.R.S. § 36-183.02.

NOW, THEREFORE, BE IT RESOLVED,

Section 1. Resolution 2020-96 is repealed.

Section 2. *Face coverings recommended.*

2.1 Every person who is reasonably able to do so and has not been fully vaccinated is advised to wear a face covering that completely and snugly covers the person's nose and mouth when the person is in a public place and cannot easily maintain a continuous distance of at least six feet from all other persons.

2.2 All persons, vaccinated or not, are advised to continue to wear such a face covering on public transportation if they are reasonably able to do so.

2.3 Mask use is still recommended for health care settings, schools, correctional facilities, shelters, congregate facilities and any other setting where it is required by local, state or federal law.

2.4 For purposes of this Resolution:

- a. "Face covering" does not include any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling.
- b. A person is "fully vaccinated" 2 weeks after receiving their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.
- c. "Public place" means any place, indoor or outdoor, that is open to the public or a segment of the public and includes, but is not limited to, businesses or other establishments where people assemble or members of the general public may enter; schools; offices; public buildings, highways, and parks.
- d. "Public transportation" includes planes, buses, trains, taxicabs and ride sharing, and transportation hubs such as airports and bus stations.

Section 3. Establishments.

3.1 Establishments that are open to the public are requested to provide face coverings for any employees who are not fully vaccinated and to encourage their use.

3.2 Nothing in this resolution prevents an establishment, or any private or public entity or service, from setting its own stricter standards for masking and social distancing, or from refusing access to anyone not in compliance.

3.3 Nothing in this resolution excuses any establishment's failure to comply with the Pima County Code, any conditions of licensing or permitting, or any other applicable statute or regulation.

Section 4. Public Health Advisories. All persons are recommended to follow updated advice as provided by the Pima County Health Department in its COVID-19 Public Health Advisory Updates.

Section 5. Applicability. This Resolution applies throughout Pima County, including within incorporated areas.

Section 6. Effective date. This Resolution is effective upon adoption.

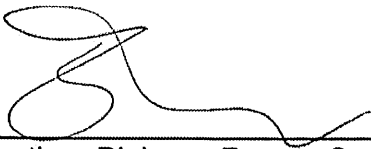
PASSED AND ADOPTED this _____ day of May, 2021.

Sharon Bronson
Chair, Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Julie Castañeda, Clerk of the Board



Jonathan Pinkney, Deputy County Attorney