



**OFFICE OF THE MAYOR
THE COUNTY OF KAUA'I**

**DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR**

Re-Instated Mayor's Emergency Rule #6 Amendment #1

Purpose:

The Centers for Disease Control and Prevention ("CDC") stated that cloth face coverings function as "a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the cloth face covering coughs, sneezes, talks, or raises their voice." Furthermore, "COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of cloth face coverings is particularly important in settings where people are close to each other or where social distancing is difficult to maintain."

Rule:

Pursuant to HRS §127A-12(a)(5)(D), §127A-12(c)(12), and §127A-25, except as provided herein, all persons five (5) years of age or older are required to wear some form of face covering over their nose and mouth, whether indoors or outdoors, in any setting in which they are in close contact (within 6 feet) of people who don't live in their immediate household. Face coverings must be worn by employees, customers, and visitors at all times inside any establishment in which close contact may occur.

Exceptions:

The only exceptions to this rule are individuals who can prove by a preponderance of evidence that they are:

1. Engaging in the consumption of a food or beverage;
2. Entering into banks, other financial institution, or where the inability to verify the identity of the person may pose a security risk;
3. Interacting with a person who is hearing impaired that may rely on lip-reading to communicate;
4. Engaged in outdoor exercise where physical distancing can be maintained; or
5. Incapable of wearing a face covering due to a medical condition or disability. Medical exemptions must be issued by a licensed medical doctor (MD), doctor of osteopathy (DO), or advanced practice registered nurse (APRN). Medical exceptions should not specify the medical condition that precludes wearing of face coverings.

Definition:

A "face covering" means a tightly woven fabric without holes that covers the nose and mouth secured to the head with either ties or straps, or simply wrapped and tied around the face. It can be made of a variety of fabrics such as cotton, silk, or linen. A face covering may be factory-made, sewn by hand, or can be improvised from household items such as handkerchiefs, scarfs, or shirts.

Force and Effect:

This rule shall have the force and effect of law. Violation of this rule is a misdemeanor, subject to penalty per HRS §127A-29.



Penalty per HRS §127A-29:

Any person violating any rule of the governor or mayor prescribed and promulgated pursuant to this chapter and having the force and effect of law, shall, if it shall be so stated in the rule, be guilty of a misdemeanor. Upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

Term:

Effective July 22, 2020, subject to modification.

APPROVED FOR FORM & LEGALITY:



Derek S.K. Kawakami
Mayor



Matthew M. Bracken
County Attorney

CONCURRENCE:



David Y. Ige
Governor of Hawai'i

or

Major General Kenneth Hara
Director, HI-EMA