



Nisqually Indian Tribe

NISQUALLY TRIBE PUBLIC HEALTH OFFICER

STAY AT HOME ORDER

DATE OF ORDER: March 24, 2020

Please read this order carefully. Violation of or failure to comply with this Order shall result in a fine, detention, or both. (Nisqually Public Health Code § 5.3.1, 5.3.2)

UNDER THE INHERENT AUTHORITY GRANTED BY THE CONSTITUTION AND BYLAWS OF THE NISQUALLY INDIAN TRIBE AND THE AUTHORITY GRANTED TO THE TRIBE'S PUBLIC HEALTH OFFICER BY THE NISQUALLY PUBLIC HEALTH CODE, TITLE 5, IT IS HEREBY ORDERED:

1. **Stay at Home.** All individuals currently living within the exterior boundaries of the Nisqually Indian Reservation ("Reservation") are ordered to stay at their place of residence.
 - a. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six (6) feet from any other person when they are outside their residence.
 - b. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 10.
 - c. People at high risk of severe illness from COVID-19 and people who are sick are ordered to stay in their residence to the extent possible except as necessary to seek medical care. "People at high risk of severe illness from COVID-19" are people who meet the CDC definition of higher risk.
2. **Intent.** The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times as reasonably possible comply with Social Distancing Requirements as defined in Section 10 of this Order. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent and serious threat to public health.



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3. **Background.** This Order is issued based on evidence of increasing occurrence of COVID-19 within Thurston County and throughout Washington State, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the Reservation places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the Reservation. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity on the Reservation.
4. **Business Operations.** All businesses with a facility on the Reservation, except Essential Businesses as defined in Section 10, are required to cease all activities at facilities located within the exterior boundaries of the Reservation except Minimum Basic Operations, as defined in Section 10. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 10 below, including, but not limited to, when any customers are standing in line.
5. **Telework.** To the extent possible, Essential Businesses shall require employees to work remotely or from home, to maximize Social Distancing.
6. **Gatherings Prohibited.** All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 10. All in-dining at restaurants must cease, with the exception of home delivery and takeout, and all gyms and the casino must close. Nothing in this Order prohibits the gathering of members of a household or living unit.
7. **Travel.** All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined in Section 10, is prohibited. People must use public transit only for purposes of performing



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Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 10, to the greatest extent feasible. This Order allows travel into or out of the Reservation to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

8. **Authority.** This Order is issued in accordance with, and incorporates by reference, the Proclamation of a State of Emergency due to the outbreak of COVID-19 that the Tribal Council made on March 11, 2020, and Resolution 24-2020, Establishing a Public Health officer and Public Health Code, enacted by Tribal Council on March 16, 2020.
9. This Order comes after the release of substantial guidance from the Centers for Disease Control and Prevention, the Washington State Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Tribe will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID- 19.

10. Definitions and Exemptions

- a. Individuals are allowed to leave their residence only to perform any of the following “Essential Activities.”
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health, or to the safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, biking, running or equestrian activities. Any outdoor activity should not utilize communal equipment such as playgrounds or involve gathering otherwise prohibited by this Order.



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- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
 - v. To care for a family member or pet in another household.
 - vi. To engage in community member's treaty fishing and hunting rights, provided the individuals comply with Social Distancing Requirements to the maximum extent feasible.
 - vii. To engage in necessary employment outside the Reservation where the employer is still requiring individuals to report for duty.
- b. **Healthcare Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including, but not limited to, hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.
- c. **Essential Infrastructure.** For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, flood control, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection, processing and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- d. **Essential Governmental Functions.** All first responders, emergency management personnel, public health staff, emergency dispatchers, court personnel, law enforcement personnel, and all others who the Tribe determines are essential to the



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tribal government and who need to perform essential services are categorically exempt from this Order while performing essential functions. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the tribal entity performing those functions. Each tribal entity shall identify and designate appropriate employees and/or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

- e. This Order applies to all businesses, including any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- f. **Essential Businesses.** For the purposes of this Order, “Essential Businesses” means:
 - i. Any activity conducted by “Essential Staff” of the Nisqually Tribal Government, as determined by Nisqually Tribal Administration.
 - ii. Healthcare Operations and Essential Infrastructure.
 - iii. Treaty fishing, treaty hunting, hatcheries, shell fish production, salmon production, and gathering;
 - iv. Grocery stores, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - v. Gas stations;
 - vi. Businesses providing mailing and shipping services, including post office boxes;
- g. **Minimum Basic Operations.** For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:



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- i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; and
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- h. **Travel.** For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.
 - i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of residence from outside the jurisdiction.
 - v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their place of residence outside the Reservation. Individuals are strongly encouraged to verify that their transportation out of the Reservation remains available and functional prior to commencing such travel.
- i. **Residences.** For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.
- j. **Social Distancing Requirement.** For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six (6) feet social distancing from other individuals, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high touch surfaces, and not shaking hands.

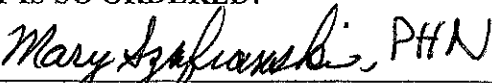


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- k. For purposes of this Order, it is strongly recommended that businesses providing essential goods and services such as groceries, designate certain hours exclusively for shopping by persons at higher risk of serious COVID-19 Disease including seniors and those with chronic health conditions, to the extent possible.
- l. **Enforcement.** Pursuant to the Nisqually Indian Tribe's Constitution and its inherent authority, the Tribal Council has the authority to safeguard and promote the economic security, peace, safety, morals, and general welfare of the Nisqually Tribal Members, and to promulgate and enforce ordinances and orders governing the conduct of members and nonmembers within the exterior boundaries of the Reservation. **The Nisqually Police will ensure compliance with and enforce this Order. You must cooperate with the requirements in this order to protect the public's health. As authorized by Title 5, Nisqually Public Health Code, violations of this order may subject you to a fine of up to \$10,000 per day and possible detention.**
- m. The violation of any provision of this Order constitutes a serious and imminent threat to public health.
- n. This Order shall become effective at 6 p.m. on March 24, 2020, and will continue to be in effect until 6 p.m. on April 30, 2020 or until it is extended, rescinded, superseded, or amended in writing by the Tribe.
- o. Copies of this Order shall mailed to the last known address of each Nisqually Tribal Member, posted at the Tribal Center in a manner visible to visitors who have not entered the building, and posted at other public places on the Nisqually Indian Reservation. This shall include the newsletter, Tribe's website and social media, and any other outlets reasonably calculated to reach members.
- p. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:



Mary Szafranski
Public Health Officer for the Nisqually Indian Tribe