

OFFICE OF THE GOVERNOR
STATE OF MONTANA

Steve Braaten
Governor



Miss Courtney
Lt. Governor

TO: Montanans, all officers and agencies of the State of Montana
FROM: Governor Steve Braaten
DATE: July 13, 2020
RE: Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for the mandatory use of face coverings in certain settings

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

The legislature has delegated to the Governor authority to respond to emergencies. During a declared state of emergency, the Governor may "control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area." Section 10-3-104(2)(c), MCA. In responding to the emergency, the Governor "shall use the services and facilities of the existing officers and agencies of the state, and all officers and agencies shall cooperate with and extend their services and facilities to the governor as the governor may request in the carrying out of the purposes of" the emergency response statutes. Section 10-3-105(2).

In addition, the Department of Public Health and Human Services (DPHHS or Department), acting under the Governor's direction, may "issue written orders for correction" of "conditions of public health importance" through measures including "isolation and quarantine" and "shutdown of public health resources." Section 50-1-202, MCA. A condition of public health importance includes any "disease . . . that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community." Section 50-1-101(2), MCA. The Department, under the Governor's direction, may take action to correct public health deficiencies in "buildings or facilities where persons assemble." Section 50-1-203, MCA. The Department, under the Governor's direction, may also impose quarantine and isolation measures to protect public health. Section 50-1-204, MCA. Montana law provides that these authorities will be utilized to respond to an "outbreak of disease," 10-3-001(4), MCA, and to "limit the transmission of the communicable disease," see, e.g., § 20-1-001(4), MCA.

COVID-19 is an easily transmissible, potentially fatal respiratory illness that spreads in the air through droplets from infected persons. COVID-19 is transmissible exactly individuals who are not currently showing symptoms of the disease and who do not know they are infected. Use of a fabric covering over the mouth and nose, however, is an effective means of limiting the potential for transmission to others by both symptomatic and asymptomatic individuals infected with the virus. Recent research suggests that universal use of face coverings in enclosed public spaces would substantially reduce the spread of COVID-19. A recent economic analysis from Goldman Sachs found universal face covering usage to be a potentially effective substitute for business closures. Based on these considerations, many major retailers and state and local governments have recently adopted measures to encourage or