TITLE: An Action Relating To An Emergency; Requiring Businesses On The Navajo Nation To Require Wearing Masks Or Face Covering While In The Place Of Business

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DATE: April 17, 2020

Title of Resolution: Relating to an emergency; Requiring businesses on the Navajo Nation to require wearing of masks or face covering while in the place of businesses.

PURPOSE: The purpose of this legislation is to require businesses on the Navajo Nation to require wearing of masks or face covering by patrons and business employees while in the place of business.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0098-20

AN ACTION

RELATING TO AN EMERGENCY; REQUIRING BUSINESSES ON THE NAVAJO NATION TO REQUIRE WEARING OF MASKS OR FACE COVERING WHILE IN THE PLACE OF BUSINESS

BE IT ENACTED:

Section One. Authority

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).

B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.”

Section Two. Findings

A. The Navajo Nation President issued Executive Order 001-20 declaring a state of emergency due to COVID-19 on March 13, 2020.

C. On April 10, 2020, the Navajo Nation Office of Environmental Health & Protection Program, Navajo Department of Health, announced new operational procedures for retail food stores and convenience stores.

D. "Current information suggests that the two main routes of transmission of the COVID-19 virus are respiratory droplets and contact. Respiratory droplets are generated when an infected person coughs or sneezes. Any person who is in close contact (within 1 m) with someone who has respiratory symptoms (coughing, sneezing) is at risk of being exposed to potentially infective respiratory droplets. Droplets may also land on surfaces where the virus could remain viable; thus, the immediate environment of an infected individual can serve as a source of transmission (contact transmission)." Advice on the use of masks in the context of COVID-19, World Health Organization. April 6, 2020.

E. "CDC [Center for Disease Control] continues to study the spread and effects of the novel coronavirus across the United States. We now know from recent studies that a significant portion of individuals with coronavirus lack symptoms ("asymptomatic") and that even those who eventually develop symptoms ("presymptomatic") can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms. In light of this new evidence, CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) especially in areas of significant community-based transmission." Centers for Disease Control, https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html

F. New York City Mayor Andrew Cuomo recently issued an executive order requiring New York City residents to wear a mask with social distancing is not possible such as in stores and crowded sidewalks. This executive order was in response to the need to prevent the spread of COVID-19. New York Times

G. The Navajo Nation Council finds that in the interest of safety and health of business employees and business patrons, the businesses on the Navajo Nation should require patrons and business employees to wear facial coverings or masks while in the business.

H. This resolution is necessary to address a pressing public need during this State of Emergency.

Section Three. Businesses on the Navajo Nation are to require patrons and business employees to wear facial coverings or masks while in the business

The Navajo Nation Council hereby requires businesses on the Navajo Nation to require patrons and employees to wear masks or face covering while in the place of business.

Section Four. Effective Date

A. The provisions of this Action shall become effective pursuant to 2 N.N.C. § 221 (B).

B. The provisions of this Action shall expire when the Commission on Emergency Management lifts the State of Emergency unless otherwise determined by resolution of the Navajo Nation Council.