

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0098-20\_

SPONSOR: Thomas Walker, Jr.

**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**

***Date posted: April 17, 2020 at 4:49 PM***

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0098-20

**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  
24<sup>th</sup> 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 of 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.

- 1 B. On March 11, 2020, the Emergency Management Commission declared a state of  
2 emergency due to an COVID-19. CEM-20-03-11.
- 3 C. On April 10, 2020, the Navajo Nation Office of Environmental Health &  
4 Protection Program, Navajo Department of Health, announced new operational  
5 procedures for retail food stores and convenience stores.
- 6 D. "Current information suggests that the two main routes of transmission of the  
7 COVID-19 virus are respiratory droplets and contact. Respiratory droplets are  
8 generated when an infected person coughs or sneezes. Any person who is in  
9 close contact (within 1 m) with someone who has respiratory symptoms  
10 (coughing, sneezing) is at risk of being exposed to potentially infective  
11 respiratory droplets. Droplets may also land on surfaces where the virus could  
12 remain viable: thus, the immediate environment of an infected individual can  
13 serve as a source of transmission (contact transmission)." Advice on the use of  
14 masks in the context of COVID-19, World Health Organization, April 6, 2020.
- 15 E. "CDC [Center for Disease Control] continues to study the spread and effects of  
16 the novel coronavirus across the United States. We now know from recent studies  
17 that a significant portion of individuals with coronavirus lack symptoms  
18 ("asymptomatic") and that even those who eventually develop symptoms ("pre-  
19 symptomatic") can transmit the virus to others before showing symptoms. This  
20 means that the virus can spread between people interacting in close proximity—  
21 for example, speaking, coughing, or sneezing—even if those people are not  
22 exhibiting symptoms. In light of this new evidence, CDC recommends wearing  
23 cloth face coverings in public settings where other social distancing measures are  
24 difficult to maintain (e.g., grocery stores and pharmacies) especially in areas of  
25 significant community-based transmission." Centers for Disease Control,  
26 <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>
- 27 F. New York City Mayor Andrew Cuomo recently issued an executive order  
28 requiring New York City residents to wear a mask with social distancing is not  
29 possible such as in stores and crowded sidewalks. This executive order was in  
30 response to the need to prevent the spread of COVID-19. New York Times

1 [https://www.nytimes.com/2020/04/15/nyregion/coronavirus-face-masks-](https://www.nytimes.com/2020/04/15/nyregion/coronavirus-face-masks-andrew-cuomo.html)  
2 [andrew-cuomo.html](https://www.nytimes.com/2020/04/15/nyregion/coronavirus-face-masks-andrew-cuomo.html)

- 3 G. The Navajo Nation Council finds that in the interest of safety and health of  
4 business employees and business patrons, the businesses on the Navajo Nation  
5 should require patrons and business employees to wear facial coverings or masks  
6 while in the business.
- 7 H. This resolution is necessary to address a pressing public need during this State of  
8 Emergency.

9

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

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

15

16 **Section Four. Effective Date**

- 17 A. The provisions of this Action shall become effective pursuant to 2 N.N.C. § 221 (B).
- 18 B. The provisions of this Action shall expire when the Commission on Emergency  
19 Management lifts the State of Emergency unless otherwise determined by resolution  
20 of the Navajo Nation Council.