



New Hampshire Municipal Association

Halloween Guidance

September 28, 2020

Even though it is not yet October, and school's been on for far less than a month, everything is already smoky-smelling and the sky orange and ash gray at twilight, and everyone across New Hampshire is wondering whether Halloween will come.

This question has been at the forefront of our members' minds since the cool air of autumn first stirred the bronze leaves now beginning to populate our forest floors, and we have consolidated our guidance as follows:

Regulation of Trick-or-Treating

New Hampshire, like much of New England, is among the handful of states that regularly see municipalities set rules for trick-or-treating. The regulation of trick-or-treating or, rather, the encouragement of it and the abiding by rules set by municipalities, started in the 1930s, as municipalities attempted to deal with the vandalism and property damage that traditionally accompanied the holiday.

In modern times, [RSA 41:11](#) incorporates the authority of [RSA 47:17, VII](#) to allow all New Hampshire municipalities, regardless of governmental structure, to regulate the use of public ways "to prohibit the rolling of hoops, playing at ball or flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets and sidewalks, or to frighten teams of horses within the same." Large crowds of children and youths dressed in scary costumes, congregating in and wandering around the streets in search of candy, could be construed as an amusement or practice having a tendency to annoy persons passing or to frighten teams of horses and interfere with vehicular travel. Although cities and town charter towns are often different than other towns in their powers, we are aware of only one municipality which specifically references Halloween in its city code, Manchester, which requires that the Chief of Police must designate Halloween hours. [Section 31.15](#) of the Manchester City Code.

However, municipalities should also be aware of [RSA 147:1](#), permitting local health officers to "make regulations...relating to the public health as in their judgment the health and safety of the people

require, which shall take effect when approved by the selectmen, recorded by the town clerk, and published in some newspaper printed in the town, or when copies thereof have been posted in 2 or more public places in the town.” In the midst of a pandemic, having large numbers of persons – children or otherwise – congregating and going door-to-door raises health concerns.

Public Health Guidance on Trick-or-Treating

In regard to specific health guidance, NHMA would defer to the CDC and DHHS on issues of public health for COVID-19. However, many of our members have asked for guidance, and we thought it appropriate to summarize the information that we have at this time.

Recently, the [CDC issued some helpful Halloween guidance](#) that rates various activities on a lower, moderate, and higher risk scale. The lower risk activities include staying home and spending time with household members and having virtual interactions. The moderate risk activities include the use of physical distancing for trick-or-treating, parades, and outdoor gatherings. The higher risk activities include traditional door-to-door trick-or-treating, or other events where people interact at close distances with those outside their household. This guidance contrasts with some of the widely reported guidance from other organizations, particularly regarding the risk of activities such as traditional door-to-door trick-or-treating.

Public health guidance surrounding Covid-19 aims to reduce the risk of exposure by using distance, barriers, and time as protective factors. In its [universal guidance](#), the State defines a higher-risk ‘close contact’ as anyone who has been within six feet of a person with Covid-19 for ten minutes or longer. The 10 minutes of contact can be at one time or cumulative over the course of the day. Therefore, people should avoid being in ‘close contact’ with those outside of their household during any Halloween activities.

The CDC’s recommendation of a physical separation of six feet reduces the spread of droplets to people and surfaces. The idea is to keep a safe distance, especially between non-household members. The safest interactions are those which take place at a distance that make infection less likely. For example, a virtual ‘monster mash’ where children can display their Halloween costumes to grandparents and other relatives via video calls.

If a six-foot distance is not possible, then barriers between people can help to reduce the risk of exposure to infected droplets. The most effective barrier is wearing face coverings designed to prevent or minimize the spread and/or intake of respiratory droplets. Face coverings are the best option when distance is not achievable. Additional protective measures, such as face shields, plastic sheets, and Plexiglas barriers, are also encouraged by public health officials. **REMEMBER**, Halloween costume masks usually have holes for the mouth and nose for breathing, so are **NOT** a substitute for face coverings designed to stop droplet spread.

The amount of time of exposure is also important, even in the case of persons wearing face coverings and distancing. Reducing the total time spent with those outside your household to ten minutes or less can be another way to reduce the risk of infection with Covid-19. The risk of infection will increase the longer that an uninfected person interacts with an infected person. The same is true regardless of the number of infected persons who are interacted with. Therefore, the same risk factor could be found in ten one-minute interactions with ten separately infected individuals, as might happen with

ten different children coming to one person's door over a ten-minute period. This is one of the reasons that the CDC considers traditional trick-or-treating a higher risk activity.

NHMA encourages municipalities to provide simple guidance to their communities to help explain the protective concepts in a manner that allows their citizens to make informed choices. In addition, municipalities should consider incorporating generally accepted, universal Halloween rules – such as ‘no porch light on means no one's home’ (or they decided not to participate in Halloween). This will assist parents in educating their children of those rules and remind older individuals of those rules and how they interplay with concerns about Covid-19.

We have heard of communities around New Hampshire being inventive – creating and awarding prizes for best socially distanced candy station, best aspiring (and masked) surgeon, and providing venues for trick-or-treating (including allowing donations of candy for distribution to school children in lieu of traditional trick-or-treating). NHMA encourages communities to continue to engage in this creative thinking to help make Halloween safe and fun.

Generally, municipalities can encourage these simple steps:

- everyone should wear appropriate face-coverings designed to minimize the spread of Covid-19, especially when social distancing cannot be maintained
- trick-or-treaters should use social distancing and wait patiently for their turn to get candy (i.e. do not congregate together in the same place).
- trick-or-treaters should routinely wash hands or use hand sanitizer to prevent the spread of germs between candy bowls and homes,
- those handing out candy should set-up socially distanced candy distribution methods,
 - encourage candy distribution to occur outside the home, rather than in doorways, in a manner that increases the distance between individuals, and decreases the amount of time spent with those not in the same household.
 - monitor the area where candy is spread out (i.e. table, chair, stairs, etc.) so that trick-or-treaters can each take a piece with sanitization occurring as the area is restocked, or individually prepare packages/candies, rather than provide a big bowl that trick or treaters reach into.
- those handing out candy should use a disinfectant to routinely sanitize commonly touched surfaces (e.g. doorbells, candy bowls, etc.).

Regulation of Other Festivities

In addition to trick-or-treating, many municipalities host festivities associated with Halloween – themed runs, pumpkin regattas, jack-o-lantern lightings, etc. Municipalities should be aware that the State has promulgated guidelines for some activities – such as [fairs and festivals](#) and [road races](#) – which may be applicable to those festivities.

Although, technically, these guidelines do not apply to municipalities and the events they host pursuant to the language of [Emergency Order #17](#), it is advisable for municipalities to use them to minimize the likelihood of transmission of Covid-19 and equitably apply these rules to all similar events. In addition to the above, municipalities should review the [universal guidelines](#), which have been amended as new information has come to light about Covid-19.

In addition, municipalities should keep in mind that [Emergency Order #63](#), which does apply to municipalities, would apply in the context of Halloween. That Order requires that face coverings be worn at scheduled gatherings of 100-or-more people. Therefore, municipalities should be careful to remind organizers and attendees of the face covering requirement when such gatherings are proposed.

Lastly, municipalities should keep in mind that the Department of Safety routinely publishes [Halloween safety tips](#). Those tips are aimed at ensuring that parents check their children's costumes to ensure that those costumes can be safely worn, that appropriate steps are taken to ensure that young children are not left unsupervised while trick-or-treating, and that parents ensure that treats are checked to ensure that any with damaged packaging are discarded.