HARRIS COUNTY HOMELAND SECURITY & EMERGENCY MANAGEMENT TEXAS
County Judge Lina Hidalgo
DIRECTOR

ORDER OF COUNTY JUDGE LINA HIDALGO
Regarding Health and Safety Policy and Face Coverings

Whereas, on March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to allow Harris County to take measures to reduce the possibility of exposure to the novel coronavirus (COVID-19) and promote the health and safety of Harris County residents in accordance with Section 418.108(a) of the Texas Government Code; and

Whereas, on March 13, 2020, Governor Greg Abbott issued a Declaration of State of Disaster, certifying under Section 418.014 of the Texas Government Code that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas and to thus take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

Whereas, in March 2020, the US Centers for Disease Control issued guidance as to individuals, recommending that individuals practice social or physical distancing to prevent the spread of COVID-19 by staying at least 6 feet from other people, by refraining from gathering in groups, by staying out of crowded places and by avoiding mass gatherings; and

Whereas, on March 15, 2020, the US Centers for Disease Control issued guidance as to large events, explaining that larger gatherings (for example, more than 250 people) offer more opportunities for person-to-person contact and therefore pose a greater risk of COVID-19 transmission and community spread; counseling that based upon what is currently known about the virus, spread from person-to-person happens most frequently among close contacts (within 6 feet); and urging organizers to continually assess whether to postpone, cancel, or significantly reduce (if possible) the number of attendees at larger gatherings; and

Whereas, on March 17, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to March 25, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on March 19, 2020, after determining that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, Texas Department of State Health Services (DSHS) Commissioner John Hellerstedt issued the first Public Health Disaster Declaration released in the State of Texas since 1901; and

Whereas, on March 19, 2020, the Harris County Judge issued the first Order requiring that any person entering a building owned, occupied, or operated by Harris County may be screened for symptoms consistent with COVID-19; and

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Whereas, on March 24, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to April 29, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on April 12, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

Whereas, on April 17, 2020, DSHS Commissioner Dr. Hellerstedt renewed the State's Public Health Disaster Declaration; and

Whereas, on April 28, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to May 20, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on May 12, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

Whereas, on May 15, 2020, DSHS Commissioner Dr. Hellerstedt renewed the State's Public Health Disaster Declaration; and

Whereas, on May 19, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to June 10, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on June 9, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to July 1, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

Whereas, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and the Texas Department of State Health Services (DSHS) and by approving on June 9, 2020, extension of the Declaration of Local Disaster for Public Health Emergency, the Harris County Commissioners Court authorized the Harris County Judge to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Harris County by the issuance of executive orders as necessary (each, an "Executive Order");

Whereas, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Harris County Community and rates of infection are increasing at an alarming rate and the number of people ending up in the hospital, ICU, or on ventilators is also dramatically rising despite efforts by local authorities to control the spread; and

Whereas, the County Judge has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

Whereas, a County Judge acts as the emergency management director for the county and serves as the Governor's designated agent in the administration and supervision of duties during a state of emergency

declared by the Governor in accordance with Section 418.1015(a) and (b) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, "may exercise the powers granted to the governor under this chapter on an appropriate local scale" in accordance with Section 418.1015(b) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises on an appropriate local scale in accordance with Sections 418.1015 and 418.018 of the Texas Government Code; and

Whereas, upon Declaration of a Local Disaster, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises in accordance with Section 418.108(g) of the Texas Government Code; and

Whereas, it is the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott; and

Whereas, by the authority vested in me as Harris County Judge and as the Emergency Management Director for Harris County to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I issue this Executive Order in their place.

NOW THEREFORE, I, COUNTY JUDGE FOR HARRIS COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes.

Effective at 12:01 a.m. on Monday, June 22, 2020, and continuing through 11:59 p.m. on Tuesday, June 30, 2020, unless extended, modified or terminated early by Harris County Judge Lina Hidalgo or as otherwise indicated below:

I. **Public Health Emergency**. That this Executive Order shall incorporate and adopt the most recent executive order GA-26 issued by Governor Greg Abbott on June 3, 2020, and any subsequent orders by the Governor relating to the expanded opening of Texas in response to the COVID-19 disaster.

II. **Health and Safety Policy – Commercial Entities**. From the date of this Executive Order, all commercial entities in Harris County providing goods or services directly to the public must develop, post, and implement a health and safety policy ("Health and Safety Policy"). The Health and Safety Policy must require, at a minimum, that all employees or visitors to the commercial entity's business premises or other facilities wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public. The Health and Safety Policy required to be developed and implemented by this Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19, such as those included in the Harris County Public Health Guidance

document "Business Guidance for Mitigating the Spread" posted on ReadyHarris.org or https://publichealth.harriscountytx.gov/Portals/27/Documents/Business%20Guidance%20for%20Mitgating%20the%20Spread.pdf?ver=2020-06-05-142005-537. **Commercial entities must post the health and safety policy required by this Executive Order in this paragraph in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements.** Failure to develop and implement the Health and Safety Policy required by this Executive Order within five (5) calendar days following the Effective Date may result in a fine not to exceed $1,000 for each violation.

III. **Face Coverings – General Public**. Except for the exemptions below, all people 10 years or older shall wear a face covering over their nose and mouth when in a commercial entity or working in areas in a commercial entity that involve close proximity with others. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Harris County residents should continue to maintain social distancing of at least six feet while outside the home. Harris County employees also are required to wear face coverings under the same circumstances as the general public.

IT IS STRONGLY RECOMMENDED THAT PEOPLE NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment. Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside;
- While driving alone or with passengers who are part of the same household as the driver;
- When doing so poses a greater mental or physical health, safety, or security risk;
- While pumping gas or operating outdoor equipment;
- While in a building or activity that requires security surveillance or screening, for example, banks; or
- When consuming food or drink.

Please note that face coverings are a secondary strategy to other mitigation efforts. **Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick**. All people should follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return;
- staying at least six feet away from others;
- avoiding touching nose or face;
- not using disposable masks more than three times; and
- washing reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Order GA-26 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

IV. **Severability.** If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

V. **Interpretation and Additional Terms.** To the greatest extent possible, this Executive Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Executive Order, enforceable as if set forth herein without necessity for the issuance of any further orders.

VI. **Enforcement**. Excepting Section III of this Executive Order and in accordance with the limitations contained in the executive orders of Governor Greg Abbott, any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975 (at Section 418.173 of the Texas Government Code) and pursuant to Appendix 9 to and Section V(A)(5)(a) Annex U of the Harris County Basic Plan adopted by Harris County Commissioners Court on October 29, 2019.

VII. **Posting.** Harris County will post this Order on the Internet.

ORDERED at 3:45 p.m. on this 19th day of June, 2020, in the County of Harris, Texas.

IT IS SO ORDERED.

LINA HIDALGO
HARRIS COUNTY JUDGE