

Governor Abbott Issues Executive Order and Proclamation Ahead of July 4th Holiday – What Does it Mean for Businesses?

July 3, 2020

On the eve of the July 4th holiday, Texas Governor Greg Abbott issued Executive Order No. GA-29 and amended Executive Order No. GA-28, mandating that, with some exceptions, all Texans wear a face mask in public spaces and authorizing county officials to impose restrictions on outdoor gatherings. He also released a new video message, attributing these new orders to the recent “swift and a substantial spike in COVID-19 cases” and encouraging Texans to do their part to mitigate the spread.

Mask Requirement

The Governor ordered that each person in Texas must wear a “face covering over the nose and mouth” while (a) inside commercial buildings or (b) in an outdoor public space, whenever six feet of social distancing is not feasible. This mask requirement, however, is subject to several “commonsense” exceptions, and the mask requirement does not apply to the following:

- a. any person younger than 10 years of age;
- b. any person with a medical condition or disability that prevents wearing a face covering;
- c. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
- d. any person while the person is (i) exercising outdoors or engaging in physical activity outdoors, and (ii) maintaining a safe distance from other people not in the same household;
- e. any person while the person is driving alone or with passengers who are part of the same household as the driver;
- f. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening or a need for specific access to the face, such as while visiting a bank or while obtaining a personal care service involving the face, but only to the extent necessary for the temporary removal;
- g. any person while the person is in a swimming pool, lake or similar body of water;

- h. any person who is voting, assisting a voter, serving as a poll watcher or actively administering an election, but wearing a face covering is strongly encouraged;
- i. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
- j. any person while the person is giving a speech for a broadcast or to an audience; or
- k. any person in a county with fewer than 21 active COVID-19 cases in which the county judge has affirmatively opted out of the mask requirement.

The Governor also specifically singled out protests, and explicitly mandated that face coverings are required of all protestors in groups of 10 or more people who are not practicing social distancing.

Texans who violate the mask requirement may be charged a fine of \$250 or less, after receiving a first verbal or written warning. Governor Abbot was careful to emphasize that jail may not be used as a penalty for violation of the mask requirement.

In support of his mask requirement, Governor Abbott explained that “medical studies have shown that wearing a face covering slows the spread of COVID-19 and it protects you and your family.”

Limitations on Gatherings

Concurrently with Executive Order GA-29, Governor Abbott amended his most recent Executive Order related to mass gatherings in Texas, effective as of July 3, 2020. Significantly, the amendment limits all groups, with few exceptions, to 10 or fewer people.

Additionally, outdoor gatherings in excess of 10 people are prohibited without the approval of the mayor or county judge for the county in which the gathering is held. These new amendments, however, do not change the exceptions outlined in GA-28, including for places of worship, local government operations, child care services and amusement parks. Texans are free to continue operating or offering such services, subject to any preexisting occupancy restrictions, without regard to the 10 person limit.

While emphasizing that this is not a stay at home order, Governor Abbot also encouraged Texans to try to stay home wherever possible.

Impact to Businesses

Governor Abbott's previous executive orders, including the majority of Executive Order GA-28, remain in force and the new orders do not appear to affect occupancy limits. However, there are certain things that business owners should consider moving forward under the Governor's new Executive Order and proclamation:

- a. Where a business is either indoors or social distancing is not feasible, businesses can and should restrict entry to patrons wearing masks. However, it is up to local law enforcement to enforce the mask restrictions.
- b. To the extent that any local or county orders regarding the use of masks are not contrary to the Governor's Order, they remain in effect as well.
- c. In counties where previous mask requirements were not implemented, business owners and management should ensure that all employees wear face coverings while inside the workplace or while working outside where social distancing is not feasible.
- d. If your business is open to the public, groups of patrons must be limited to 10 people, including members of the same household and those persons who traveled together to the event/facility/location. You should ensure that there are no tables of more than 10 people.

In the future, Governor Abbott may very well implement further restrictions. As he explained, when it comes to Texas, "COVID-19 is not going away. In fact, it's getting worse."

Full text: [Executive Order No. GA-29](#) and [amended Executive Order No. GA-28](#)

ABOUT THE AUTHOR

Amber Carson serves on the firm's Back to Business Task Force, which is dedicated to keeping clients apprised and informed of all they need to know about the state's new rules and regulations in light of COVID-19.

As an advisor for debtors, creditors, official committees, trustees and other parties in interest, Amber represents clients in all facets of bankruptcy, creditors' rights and federal bankruptcy-related litigation matters. She has guided clients in many different industries, including healthcare, retail, construction, oil and gas, restaurant and manufacturing to successful outcomes in many courts in Texas and across the country.

