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Authors:

Thomas F. Allen, Jr.
Mark A. Platt
Fred Gaona III

Dallas County Requires Health and Safety Policies for All Commercial Entities

On June 19, 2020, Dallas County implemented a new Order requiring all commercial entities within the county to develop and implement health and safety policies in response to the COVID-19 pandemic. At a minimum, the health and safety policies must mandate "that all employees or visitors to the commercial entity's business premises or other facilities wear face coverings in an area or while performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible." These policies may also include the implementation of other mitigating measures, such as temperature checks and health screenings, to control or reduce the transmission of COVID-19.

Under the Order, commercial entities must post their health and safety policies in conspicuous locations to provide sufficient notice to employees and visitors of all health and safety requirements. A commercial entity that fails to develop such a policy within five days of the Effective Date of the Order is subject to a $500 penalty. In contrast, the Order makes clear that consistent with Governor Greg Abbott's Executive Orders, no civil or criminal penalty will be imposed against individuals who do not wear a face covering.

The new Dallas County Order also requires that people ages 10 years old and older must wear a face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people, or working in areas that involve close proximity with other coworkers. The Order makes clear that 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

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- 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
- When consuming food or drink

The Dallas County Order was approved on a 3-2 vote by Dallas County Commissioners. The Order went into effect on June 19, 2020, and will remain in effect until 11:59 p.m. on August 4, 2020.

The Dallas County Order follows the passage of similar orders by Bexar and Hidalgo Counties; in public statements, Governor Abbott approved those orders. Bexar County, Hidalgo County, and Dallas County have all seen increases in the number of COVID-19 cases over the last couple of weeks. Harris County, Travis County, and Bastrop County passed similar measures on Friday, June 19, 2020.

For more information, please contact Thomas Allen, Mark Platt, Fred Gaona, or any attorney in the Government Services practice group.

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