



**DALLAS COUNTY
OFFICE OF THE COUNTY JUDGE**

JOHN F WARREN
COUNTY CLERK
DALLAS COUNTY, TEXAS
FILED: Aug 16, 2021, 10:05 am
BY DEPUTY:
Sumer Bloyed

**ORDER OF COUNTY JUDGE CLAY JENKINS
MODIFYING ORDER ON REQUIRED USE OF A FACE MASK IN
CERTAIN PUBLIC SPACE**

DATE ORDER ISSUED: August 16, 2021

WHEREAS, pursuant to Texas Government Code Section 418.108, Dallas County Judge Clay Jenkins declared a state of local disaster on March 12, 2020, due to imminent threat arising from COVID-19;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 19, 2020, the Dallas County Commissioners Court approved an Order Continuing Declaration of State of Local Disaster for Dallas County and on June 16, 2020, the Dallas County Commissioners Court again approved the Order Continuing Declaration of State of Local Disaster for Dallas County (hereafter, the "Order of Disaster Declaration");

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 approval of the Order of Disaster Declaration, the Dallas County Commissioners Court authorized the Dallas County Judge to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Dallas 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 Dallas County community and rates of infection are increasing at an alarming exponential 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;

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 is authorized to protect the health, safety, and welfare of the citizens of Dallas County, including but not limited to, controlling ingress to and egress from a disaster area and controlling the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director;

WHEREAS, on August 11 and 12, 2021, County Judge Clay Jenkins issued Orders on Required Use of a Face Mask in Certain Public Space; and

WHEREAS, this Order modifies the August 12, 2021 Order in compliance with the Texas Supreme Court stay order signed on August 15, 2021, in No. 21-0686;



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THEREFORE, County Judge Clay Jenkins hereby ISSUES the following Order as follows:

**UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE
SECTION 418.108, DALLAS COUNTY JUDGE CLAY JENKINS ORDERS:**

1. Effective as of 1:00 p.m. on August 16, 2021, (“*Effective Date*”), and continuing until rescinded by Dallas County Judge Clay Jenkins:

- I. **Health and Safety Policy – Pre-K-12 Public Schools and Child Care Centers.** From the date of this Executive Order, all child care centers and Pre-K-12 Public Schools operating in Dallas County must develop and implement a health and safety policy (“Health and Safety Policy”). The Health and Safety Policy must require, at a minimum, universal indoor masking for all teachers, staff, students, and visitors to child care centers and pre-K-12 schools, regardless of vaccination status, except for children under 2 years of age. The Health and Safety Policy required to be developed and implemented by this Executive Order may also include the implementation of other mitigating measures recommended by the CDC to control and reduce the transmission of COVID-19, such as maintaining at least 3 feet of physical distance between students within classrooms.
- II. **Dallas County Health Authority Order.** The requirements of the Health Authority Order issued by the Local Health Authority for Dallas County and the City of Dallas issued pursuant to Texas Health and Safety Code Section 81.082 imposing requirements on all public schools offering instruction to students in any grades from pre-kindergarten through Grade 12 and made effective as of August 16, 2021, is hereby adopted and made effective throughout Dallas County.
- III. **Health and Safety Policy – Public Institutions of Higher Education.** From the date of this Executive Order, all public institutions of higher education operating in Dallas County must develop and implement a health and safety policy (“Health and Safety Policy”). The Health and Safety Policy must require, at a minimum, universal indoor masking for all teachers, staff, students, and visitors to the institution’s premises or other facilities, regardless of vaccination status, except for children under 2 years of age. The Health and Safety Policy required to be developed and implemented by this Order may also include the implementation of other mitigating measures recommended by the CDC to control and reduce the transmission of COVID-19, such as maintaining at least 3 feet of physical distance between students within classrooms.
- IV. **Health and Safety Policy – Commercial Entities.** From the date of this Executive Order, all commercial entities in Dallas County providing goods or services directly to the public must develop and implement a health and safety policy (“*Health and Safety Policy*”). The Health and Safety Policy must require, at a minimum, universal indoor masking for all employees and visitors to the commercial entity’s business premises or other facilities, except that employees are not required to wear a face mask while alone in their office. The Health and Safety Policy required to be developed and implemented



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by this Executive Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings. Commercial entities must post the Health and Safety Policy required by this Executive Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements.


- V. **Face Coverings Required – Dallas County Buildings.** From the date of this Executive Order, all employees, contractors, and visitors when on the premises of a building or offices owned or operated by Dallas County are required to wear a face mask, regardless of vaccination status. Dallas County employees are not required to wear a face mask while alone in their office.
- VI. **Face Coverings Strongly Urged – General Public.** It is strongly urged that all people 2 years or older wear a face mask when in a public indoor space where it is difficult to keep six feet away from other people. No civil or criminal penalty will be imposed on individuals for failure to wear a face mask.

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 face 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.

- VII. **Severability.** The sections, paragraphs, sentences, clauses, and phrases in this Order are severable and if any phrase, clause, sentence, paragraph, or section of this Order should be declared invalid by the final judgement or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections that can be given effect without the invalid provision, and to this end, the provisions of this Order are severable.

IT IS SO ORDERED



CLAY JENKINS
DALLAS COUNTY JUDGE