

**COMPARISON OF GOVERNOR’S ORDERS
WITH CITY EMERGENCY REGULATIONS
AND COUNTY ORDER REGARDING FACE COVERINGS**

REGULATIONS	STATE – GA-10; GA-13; GA-25; GA-29; GA-31; GA-32	CITY/COUNTY EMERGENCY REGULATIONS	COUNTY HEALTH ORDERS
Safer at Home	GA-32 does not prohibit people from providing or obtaining services so long as good-faith efforts and available resources are used to follow the minimum standard health protocols recommended by DSHS.	The City Emergency Regulations are consistent with the Governor’s Executive Orders because they adopt and require compliance with GA-32 and any related future executive order or proclamation that are applicable to the City of Dallas.	
Social Gatherings	<p>Except as provided by GA-32 or the recommended minimum standard health protocols, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.</p> <p>People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.</p>	The City Emergency Regulations are consistent with the Governor’s Executive Orders because they adopt and require compliance with GA-32 and any related future executive order or proclamation that are applicable to the City of Dallas.	
Business Establishments; Providing or Obtaining Services	<p>Every business establishment shall operate at no more than 50 percent (see bolded language in Paragraph 2) of the total listed occupancy of the establishment; provided, however, that:</p> <p>1. There is no occupancy limit for the following:</p> <p style="padding-left: 20px;">a. any services listed by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 4.0 or any subsequent version;</p>	The City Emergency Regulations are consistent with the Governor’s Executive Orders because they adopt and require compliance with GA-32 and any related future executive order or proclamation that are applicable to the City of Dallas.	<p>The following businesses operating within Dallas County are required to cease all activities at facilities located within the county:</p> <p>1. Bars, night clubs, bottle clubs, or similar commercial establishments, whether or not alcoholic beverages are served, which features persons who appear nude or semi-nude; and</p>

	<p>b. religious services, including those conducted in churches, congregations, and houses of worship;</p> <p>c. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;</p> <p>d. child-care services;</p> <p>e. youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps and other daytime and overnight camps for youths;</p> <p>f. recreational sports programs for youths and adults;</p> <p>g. any public or private schools, and any public or private institutions of higher education, not already covered above; and</p> <p>h. drive-in concerts, movies, or similar events, under guidelines that facilitate appropriate social distancing, that generally require spectators to remain in their vehicles, and that minimize in-person contact between people who are not in the same household or vehicle.</p> <p>i. the following establishments that operate with at least six feet of social distancing between work stations: cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services.</p>		<p>2. Cigar bars and cigar lounges.</p>
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	<p>2. In areas with high hospitalizations as defined below, any business establishment that otherwise would have a 75 percent occupancy or operating limit may operate at up to only 50 percent. This paragraph does not apply, however, to business establishments located in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19.</p> <p>“Areas with high hospitalizations” means any Trauma Service Area that has had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of all hospitalized patients exceeds 15 percent, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of all hospitalized patients is 15 percent or less.</p> <p>A current list of areas with high hospitalizations will be maintained at www.dshs.texas.gov/ga3031.</p> <p>Trauma Service Area E (“TSA-E”)—which includes the City of Dallas—has had a number of hospitalized COVID-19 patients that exceeds 15 percent of TSA-E’s total hospital capacity for seven consecutive days. Therefore, the reduced occupancy or operating limit of 50 percent stated above in this paragraph is currently in effect until TSA-E’s COVID hospitalization percentage is reduced to 15 percent or less for seven consecutive days.</p> <p>3. Except as provided below in No. 5, there is no occupancy limit for outdoor areas, events, or establishments, except that the following outdoor areas, events, or establishments may</p>		
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	<p>operate at no more than 75 or 50 percent, as applicable, of the normal operating limits as determined by the owner:</p> <ul style="list-style-type: none"> a. amusement parks; b. water parks; c. swimming pools; d. museums and libraries; and e. zoos, aquariums, natural caverns, and similar facilities. <p>4. All indoor and outdoor professional, collegiate, and similar sporting events, including rodeos and equestrian events, shall remain limited to 50 percent of the normal operating limits as determined by the owner.</p> <p>5. For any outdoor gathering in excess of 10 people, including rafting, tubing, and related services, other than those set forth above in Nos. 1, 3, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with the executive order.</p> <p>6. Restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, and whose customers eat or drink only while seated, may offer dine-in services.</p> <p>7. Bars or similar establishments that hold a permit from the Texas Alcoholic Beverage Commission (TABC), and are not restaurants as defined above in No. 6, may offer on-premises services only as described below.</p>		
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	<p>A bar or similar establishment may offer on-premises services at up to 50 percent of the total listed occupancy of the establishment if:</p> <p>a. the bar or similar establishment is not in an area with high hospitalizations as defined above in No. 2, and the county judge of the county in which the bar or similar establishment is located files the requisite form with TABC; or</p> <p>b. the bar or similar establishment is in an area with high hospitalizations as defined above in No. 2, but is located in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, and the county judge of the county in which the bar or similar establishment is located also files the requisite form with TABC.</p> <p>Patrons at bars or similar establishments operating under this paragraph may eat or drink only while seated, except that in an establishment that holds a permit from TABC as a brewer, distiller/rectifier, or winery, customers may sample beverages while standing so long as they are in a group of six people or fewer and there is at least six feet of social distancing or engineering controls, such as partitions, between groups. Where applicable, this 50 percent occupancy limit applies only indoors; the limit does not apply to outdoor areas, events, or establishments, although social distancing and other protocols must be followed.</p> <p>People shall not visit bars or similar establishments that are located in counties not included in parts (a) or (b) above. A current list of all counties reopening under this paragraph will be maintained on TABC's website. The use by bars or similar establishments of drive-thru, pickup, or delivery</p>		
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	<p>options for food and drinks remains allowed to the extent authorized by TABC.</p> <p>Trauma Service Area E (“TSA-E”)—which includes the City of Dallas—has had a number of hospitalized COVID-19 patients that exceeds 15 percent of TSA-E’s total hospital capacity for seven consecutive days. Therefore, the closing of bars for on-premise service is currently in effect until TSA-E’s COVID hospitalization percentage is reduced to 15 percent or less for seven consecutive days.</p> <p>8. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed.</p> <p>9. Staff members are not included in determining operating levels, except for manufacturing services and office workers.</p> <p>10. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS found at www.dshs.texas.gov/coronavirus.</p> <p>11. Nothing in GA-32 or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services.</p>		
<p>Nursing Homes/Retirement/ State Supported Living Centers/Assisted Living</p>	<p>People may visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities as determined through guidance from the Texas Health and Human Services Commission (HHSC).</p>	<p>The City Emergency Regulations are inconsistent with the Governor’s Executive Orders because they prohibit non-essential visitors unless they are providing critical assistance or end-of-life visitation.</p>	

Facilities/Long-Term Care Facilities	Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.	Supplemental Order of County Judge Clay Jenkins (Dated August 4, 2020): Nursing homes, retirement, and long-term care facilities are instructed by this Order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.	
School Operations	Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards.	N/A	
Governor’s Strike Force to Open Texas	Created to advise the governor on safely and strategically restarting and revitalizing all aspects of the Lone Star State—work, school, entertainment, and culture. The Strike Force will represent a collaboration among medical professionals and public and private leaders, and shall have specific charges from the governor, as well as any other advisory tasks assigned by the governor.	N/A	
Hospital Capacity	Every hospital that is licensed under Chapter 241 of the Texas Health and Safety Code, and is also located in an area with high hospitalizations as defined below, shall postpone all surgeries and procedures that are not medically necessary to diagnose or correct a serious medical condition of, or to preserve the life of, a patient who without timely performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient’s physician; provided, however,	The City Emergency Regulations are consistent with GA-31.	

	<p>that this prohibition shall not apply to any surgery or procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete any hospital capacity needed to cope with the COVID-19 disaster.</p> <p>“Areas with high hospitalizations” means any Trauma Service Area that has had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of all hospitalized patients exceeds 15 percent, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of all hospitalized patients is 15 percent or less. A current list of areas with high hospitalizations will be maintained at www.dshs.texas.gov/ga3031.</p> <p>Every hospital that is licensed under Chapter 241 of the Texas Health and Safety Code shall reserve at least 10 percent of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients, as determined by the Texas Health and Human Services Commission; provided, however, that any hospital that is part of a hospital system consisting of more than one member hospital may reserve less than 10 percent of its capacity so long as the cumulative capacity reserved throughout the hospital system within the same Trauma Service Area is at least 10 percent.</p> <p>Trauma Service Area E (“TSA-E”)—which includes the City of Dallas—has had a number of hospitalized COVID-19 patients that exceeds 15 percent of TSA-E’s total hospital capacity for seven consecutive days. Therefore, the elective surgery postponement requirement stated above is currently in effect until</p>		
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	TSA-E's COVID hospitalization percentage is reduced to 15 percent or less for seven consecutive days.		
County and Municipal Jails	All county and municipal jails are closed to in-person visitation, and every person in Texas shall avoid in-person visitation at closed jails; provided, however, that this restriction does not apply to visitation by (i) an attorney meeting with a client; or (ii) a religious leader or member of the clergy. Any visitation allowed under this executive order should be conducted in accordance with guidance issued by the Texas Commission on Jail Standards.	The City Emergency Regulations do not address this restriction.	
Face Coverings	<p>Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:</p> <ol style="list-style-type: none"> 1. any person younger than 10 years of age; 2. any person with a medical condition or disability that prevents wearing a face covering; 3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink; 4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household; 5. any person while the person is driving alone or with passengers who are part of the same household as the driver; 	<p>The City Emergency Regulations are consistent with the Governor's Executive Orders because they adopt and require compliance with GA-32 and any related future executive order or proclamation that are applicable to the City of Dallas (i.e., GA-29).</p> <p>The Supplemental Order of County Judge Clay Jenkins (dated August 4, 2020) regarding face coverings:</p> <p>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, that all employees or visitors to the commercial entity's business premises or other facilities wear face coverings when in an area</p>	

	<p>6. 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;</p> <p>7. any person while the person is in a swimming pool, lake, or similar body of water;</p> <p>8. 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;</p> <p>9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;</p> <p>10. any person while the person is giving a speech for a broadcast or to an audience; or</p> <p>11. any person in a county (a) that meets the requisite criteria promulgated by the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.</p> <p>There is no exception from the face covering requirement for any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.</p>	<p>or 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. 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 or reduce the transmission of COVID-19 such as temperature checks or health screenings.</p> <p>Commercial entities must post the Health and Safety Policy required by this Order 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 Order within five calendar days following the Effective Date of this Order may result in a fine not to exceed \$500 for each violation.</p> <p>All people 10 years or older shall 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 such as visiting a grocery store/pharmacy or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Dallas County residents should continue to maintain social distancing of at least six feet while outside their home. Dallas County employees are also required to wear</p>	
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	<p>TDEM shall maintain on its website a list of counties that are not subject to this face-covering requirement pursuant to paragraph number 11. The list can be found at: www.tdem.texas.gov/ga29.</p> <p>Following a verbal or written warning for a first-time violator of this face covering requirement, a person’s second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.</p> <p>The governor may by proclamation amend this executive order or add to the list of people to whom this face-covering requirement does not apply.</p>	<p>face coverings under the same circumstances as the general public. IT IS STRONGLY RECOMMENDED THAT YOU 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:</p> <ul style="list-style-type: none"> • 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. • When consuming food or drink. <p>The County has clarified that all commercial entities in Dallas County must:</p> <p>(1) create a policy that requires, at a minimum, that all employees or visitors to the commercial entity’s business premises or other facilities wear face coverings in an area or while</p>	
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		<p>performing an activity that will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible; and</p> <p>(2) implement the policy.</p> <p>However, just because a person is in a business without a mask, does not mean the business has not complied with the Supplemental Order.</p> <p>Businesses in Dallas County should take the following steps to demonstrate compliance with the county's order:</p> <p>(1) Create a face mask policy. (2) Post the policy in a location so that patrons can see it. (3) Post signs on doors stating that masks are required. (4) Tell customers that masks are required. (5) Provide alternative means of service for people who do not wear masks.</p>	
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Executive Order GA-29 prohibits law enforcement or other officials from detaining, arresting, or confining in jail any person for a violation of GA-29 or for related non-violent, non-felony offenses that are predicated on a violation of GA-29; provided, however, that any official with authority to enforce GA-29 may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner. GA-29 prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.

Executive Order GA-32 supersedes any local order that restricts services allowed by the order, allows gatherings prohibited, or expands the list or scope of services set forth in GA-32. The order also amends all existing executive orders relating to COVID-19 to eliminate confinement in jail as an available penalty for any violation of the executive orders. No jurisdiction can confine a person in jail as a penalty for violating any executive order, or any order issued by local officials, in response to the COVID-19 disaster. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail, that order is hereby superseded, and all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any order issued in response to the COVID-19 disaster are suspended.

Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, are suspended to the extent necessary to ensure that local officials do not impose restrictions inconsistent with the executive order, provided that local officials may enforce the executive order as well as local restrictions that are consistent with this executive order.