STATE OF ARKANSAS
EXECUTIVE DEPARTMENT

# PROCLAMATION

EO 20 - 43

TO ALL TO WHOM THESE PRESENTS COME – GREETINGS:

**EXECUTIVE ORDER PURSUANT TO THE PUBLIC HEALTH EMERGENCY CONCERNING COVID-19, AS DECLARED IN EXECUTIVE ORDER 20-37, FOR THE PURPOSE OF REQUIRING FACE COVERINGS**

WHEREAS: An outbreak of coronavirus disease 2019 (COVID-19) has spread throughout the world resulting in a global pandemic; and

WHEREAS: On March 11, 2020, by Executive Order 20-03, an emergency was declared in the State as a result of COVID-19; and

WHEREAS: On March 26, 2020, Executive Order 20-10, amending Executive Order 20-03, declared the entire State of Arkansas a disaster area in which ingress and egress to and from, the movement of persons within, and the occupancy of premises therein, may be controlled, pursuant to Ark. Code Ann. § 12-75-114(e)(7); and

WHEREAS: On May 5, 2020, by Executive Order 20-25, the emergency was extended for forty-five (45) additional days, until June 19, 2020; and

WHEREAS: On June 18, 2020, by Executive Order 20-37, the emergency declared pursuant to Executive Order 20-03 and its amendments was terminated, and the public health and disaster emergency and declaration of the State of Arkansas as a disaster area resulting from the state-wide impact of COVID-19 was declared anew; and

WHEREAS: COVID-19 continues to spread throughout the United States and the State of Arkansas; and

WHEREAS: Pursuant to Act 96 of 1913, Ark. Code Ann. §§ 20-7-101 et seq., and the rules promulgated therefore, the Secretary of Health has the authority to impose such quarantine restrictions and regulations upon commerce and travel by railway, common carriers, or any other means, and upon all individuals as in his judgment may be necessary to prevent the introduction of communicable disease into the State or from one place to another within the State; and

WHEREAS: On April 5, 2020, in his daily press briefing, Governor Hutchinson encouraged all Arkansans to follow Center for Disease Control (CDC) Guidelines by wearing face coverings when adequate social distancing cannot be achieved; and

WHEREAS: On June 19, 2020, the Secretary of Health released guidance regarding the use of face coverings by the general public, which asserts that ample evidence exists to support the efficacy of wearing face coverings to prevent the transmission of COVID-19; and

WHEREAS, The Department of Health recommends that the general public wear face coverings in all indoor environments where they are exposed to non-household members and distancing of six (6) feet or more cannot be assured. This includes, but is not limited to, workplaces, retail stores,

businesses, places of worship, courtrooms, jails/prisons, schools, healthcare facilities, and other people's homes; and

WHEREAS, The Department of Health recommends that the general public should also wear face coverings in all outdoor settings where there is exposure to non-household members, unless there exists ample space of six (6) feet or more to practice physical distancing; and

WHEREAS, The Arkansas Department of Education and public school districts are either requiring or encouraging face coverings for children returning to school in the coming weeks. It is important that adults wear face coverings to set an example for children and reinforce the Department of Health's recommendation for wearing face coverings to prevent the transmission of COVID-19; and

WHEREAS, Arkansas continues to experience high numbers of COVID-19 cases through symptomatic and asymptomatic spread of the virus, requiring additional mitigation measures; and

WHEREAS, It is in the best interest of all Arkansans to keep businesses open and maintain the activities of daily life. Requiring face coverings is a less restrictive mitigation measure that will not only enable the Arkansas economy to remain open, but also it will reduce the spread of COVID-19.

NOW, THEREFORE, I, Asa Hutchinson, Governor of the State of Arkansas, acting under the authority vested in me by Ark. Code Ann. §§ 12-75-101, *et seq.* and Ark. Code Ann. § 20-7-110, in consultation with Secretary of Health, do hereby issue this Executive Order pursuant to the on-going public health emergency as declared in Executive Order 20-37, and order the following, effective Monday July 20, 2020 at 12:01a.m.:

1. The Secretary of Health shall issue a public health directive requiring every person in Arkansas to wear a face covering over the mouth and nose in all indoor environments where they are exposed to non-household members and distancing of six (6) feet or more cannot be assured and in all outdoor settings where there is exposure to non-household members, unless there exists ample space of six (6) feet or more to practice physical distancing. The following shall be exempt from wearing a face covering:

    a. Persons younger than 10 years of age;

    b. Persons with a medical condition or disability that prevents wearing a face covering;

    c. Persons performing job duties where a six (6) feet distance is not achievable, but a mask is inhibitory to the ability to safely and effectively perform the job duty;

    d. Persons participating in athletic activities where a six (6) feet distance is not achievable, but a mask is inhibitory to the activity;

    e. Persons consuming food or drink;

f. Persons driving alone or with passengers from the driver's household;

g. Persons receiving services that require access to the face for security, surveillance, or other purposes may temporarily remove a face covering while receiving those services;

h. Persons voting, assisting voters, serving as poll watchers, or actively performing election administration duties; however, face coverings are strongly encouraged;

i. Persons engaged in religious worship activities; however, face coverings are strongly encouraged;

j. Persons giving a speech or performance for broadcast or to an audience; however, those persons shall safely distance from nearby individuals;

k. Persons in counties where the Department of Health has certified that risk of community transmission of COVID-19 is low. To be considered low risk, the county must not have a newly identified case of COVID-19 for twenty-eight (28) consecutive days, assuming there has been adequate testing in the county.

2. Executive Orders of the Governor issued pursuant Ark. Code Ann. §§ 12-75-101, *et seq.*, have the force and effect of law. Additionally, pursuant to Ark. Code Ann. § 20-7-101, violation of a directive from the Secretary of Health during this public health emergency is a misdemeanor offense, and upon conviction thereof is punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

3. Law enforcement and local officials have the authority and are encouraged to enforce this directive.

    a. First-time violators of this order shall receive a verbal or written warning.

    b. Violators of this order under 18 years of age shall only receive a verbal or written warning.

    c. No law enforcement officer or local official may detain, arrest, or confine in jail any person for violation of this order.

    d. This order shall not prohibit law enforcement officers or local officials from enforcing trespassing laws or other applicable laws in removing violators at the request of businesses or other property owners.

4. Cities and counties may issue local ordinances consistent with this order.

5. Cities shall not impose any measure that is in conflict with a directive or guideline issued by the Secretary of Health, in consultation with the Governor.

6. The provisions of this order shall supersede those contained Executive Order 20-41; however, nothing in this order shall invalidate any ordinance passed pursuant to EO 20-41.

7. This order shall automatically expire upon termination of the current emergency.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 16th day of July, in the year of our Lord 2020.

Asa Hutchinson, Governor