

TEXAS – COVID-19 – Back to Business Orders (Updated through 12/15/20)

All Executive Orders:

<https://lrl.texas.gov/legLeaders/governors/displayDocs.cfm?govdoctypeID=5&governorID=45>

Open Texas Report: <https://gov.texas.gov/uploads/files/organization/opentexas/OpenTexas-Report.pdf>

Open Texas website: <https://open.texas.gov>

DSHS Health Protocols: www.dshs.texas.gov/coronavirus

GENERAL TOPIC	SUMMARY	PAGE #
General	Governor Greg Abbott has issued several Executive Orders detailing the ongoing plan to open businesses and activities in Texas, in phases. All newly opened businesses and services are subject to the recommended minimum standard health protocols outlined by DSHS. Exec Order GA-32 , effective 10/14/20, reopens most businesses to 75% capacity, but suspends reopening in Trauma Service Areas with high hospitalizations. Executive Order GA-32	
Social Distancing/Limits on Gatherings	Except as provided in the latest executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus , people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.	GA-30; Pg 4
Medical Procedures Limited	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,” 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, 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. “Areas	GA-31, Pg 2

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GENERAL TOPIC	SUMMARY	PAGE #
	<p>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>Furthermore, 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>	
Operating Guidelines	<p>Every business establishment in Texas shall operate at no more than 75% of total listed occupancy of the establishment; provided, however, that:</p> <ol style="list-style-type: none"> 1. There is no occupancy limit for the following: <ol style="list-style-type: none"> 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 3.1 or any subsequent version; b. religious services conducted in churches, congregations, and houses of worship ; 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; d. child-care services; e. youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety 	GA-32, Pg 2-4

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GENERAL TOPIC	SUMMARY	PAGE #
	<p>Code, and including all summer camps and other daytime and overnight camps for youths;</p> <ul style="list-style-type: none"> f. recreational sports programs for youths and adults; g. any public or private schools, and any public or private institutions of higher education, not already covered above; and 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. 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>2. In areas with high hospitalizations. any business establishment that otherwise would have a 75 percent occupancy or operating limit may operate at up to only 50 percent. Counties with minimal cases may file an attestation with DSHS to be exempt from this paragraph.</p> <p>3. Except as provided below by paragraph No. 5, there is no occupancy limit for outdoor areas, events, and establishments, with the exception of the following outdoor areas, events, or establishments that may 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 	

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GENERAL TOPIC	SUMMARY	PAGE #
	<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. Provisions are included for approval of outdoor gatherings of more than 10 persons.</p>	
Bars/Restaurants	<p>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>Bars may offer on-premises services at up to 50 percent of the total listed occupancy of the establishment <i>if</i></p> <ol style="list-style-type: none"> the bar or similar establishment is not in an area with high hospitalizations; or the bar or similar establishment is in an area with high hospitalizations, but is located in a county that has filed with DSHS, and is in compliance with, the requisite attestation form relating to minimal cases 	GA 32, p 4
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 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"> any person younger than 10 years of age; any person with a medical condition or disability that prevents wearing a face covering; any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink; 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; any person while the person is driving alone or with passengers who are part of the same household as the driver; any person obtaining a service that requires temporary 	GA-29, Pg 2-3

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GENERAL TOPIC	SUMMARY	PAGE #
	<p>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>Not excepted from this face-covering requirement is 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>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>	
Failure to Comply	Fine not to exceed \$1000, except in the case of a failure to wear a face covering pursuant to GA-29, which may be punishable as follows: following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second	GA-30, Pg 2 GA-29, Pg 3

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GENERAL TOPIC	SUMMARY	PAGE #
	violation shall be punishable by a fine not to exceed \$250, and each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.	
Impact on other Orders	Exec Order GA 32 shall supersede any conflicting order issued by local officials in response to the COVID- 19 disaster, but only to the extent that such a local order restricts services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list or scope of services as set forth in this executive order. All executive orders amended to eliminate jail as a penalty for violating any order. GA 32 supersedes GA 30, but does not superseded GA-10, GA-13, GA-17, GA-24, GA-25, GA-29, or GA-31.	GA-32, Pg 4-5

DISCLAIMER: *This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction's Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight's COVID-19 Response Team – State and Local Orders and Regulations.*

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