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TEXAS – COVID – Executive Orders 29 Issued on 07/02/2020, 30 Issued on 09/17/2020, and 31 Issued on 09/17/2020, by the Governor of the State of Texas

Order GA 29: “*Relating to the use of face coverings during the COVID-19 disaster.*”
<https://lrl.texas.gov/scanned/govdocs/Greg%20Abbott/2020/GA-29.pdf>

Order GA 30: “*Relating to the continued response to the COVID-19 disaster as Texas Reopens.*”
https://gov.texas.gov/uploads/files/press/EO-GA-30_expanded_openings_COVID-19.pdf

Order GA 31: “*Relating to hospital capacity during the COVID-19 disaster.*”
https://gov.texas.gov/uploads/files/press/EO-GA-31_hospital_capacity_COVID-19.pdf

All Executive Orders:
<https://lrl.texas.gov/legeLeaders/governors/displayDocs.cfm?govdoctypelID=5&governorID=45>

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

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

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

TEA Guidance for Schools:
<https://tea.texas.gov/texas-schools/health-safety-discipline/covid/coronavirus-covid-19-support-and-guidance>

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Effective Period	GA-29: July 3, 2020, 12:01 p.m., Dallas, Texas time GA-30: September 21, 2020, 12:01 a.m., Dallas, Texas time GA-31: September 17, 2020, 11:30 a.m., Dallas, Texas time Each shall remain in effect unless modified, amended, rescinded, or superseded.	GA-29, Pg 2 GA-30, Pg 2 GA-31, Pg 2
General	GA-30 continues general occupancy limits for businesses at 50% or total allowable occupancy, except as otherwise expressly permitting certain businesses to be unrestricted as to occupancy and certain other business to operate with expanded occupancy limits of 75% of total allowable occupancy.	

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	GA-31 limits surgeries and medical procedures at facilities located in areas with “high hospitalizations,” except where medically necessary or where performance of such procedure would not deplete any hospital capacity needed to cope with the COVID-19 disaster. GA-29 provides certain requirements for use of face coverings over the mouth and nose.	
Social Distancing/Limits on Gatherings	Except as provided in this 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	<p>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 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>	GA-31, Pg 2

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Operating Guidelines	<p>Every business establishment in Texas shall operate at no more than 50 percent 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 liceqses), 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 Code, and including all summer camps and other daytime and overnight camps for youths; 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. 2. The following types of business establishments may operate at up to 75 percent of the total listed occupancy of the establishment, except for those establishments in areas with high hospitalizations as defined [above]: <ol style="list-style-type: none"> a. in-store, non-CISA retail establishments; b. dine-in restaurants, as defined below in paragraph No. 7; c. non-CISA office buildings; 	GA-30, Pg 2-4

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	<p>d. non-CISA manufacturers;</p> <p>e. museums and libraries; and</p> <p>f. gyms and exercise facilities and classes.</p> <p>3. Except as provided below by paragraph No. 6, this 50 percent occupancy limit does not apply to outdoor areas, areas or outdoor venues identified in paragraph No. 2 of Executive Order GA-28 shall operate at no more than the percentage of normal operating limits as was set forth in Executive Order GA-28.</p> <p>4. There is no occupancy limit for the following establishments that operate with at least six feet of social distancing between work stations:</p> <ul style="list-style-type: none"> a. cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; b. 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 c. 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>5. Amusement parks shall operate at no more than 50 percent of the normal operating limits as determined by the owner.</p> <p>6. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph Nos. 1, 2, 3, or 5, 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 and restrictions not inconsistent with this order.</p> <p>7. Only 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>8. People shall not visit bars or similar establishments that hold a permit from the Texas Alcoholic Beverage</p>	

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	<p>Commission and are not restaurants as defined above in paragraph 7; provided, however, that the use by such bars or similar establishments of drive-through, pickup, or delivery options for food and drinks is allowed to the extent authorized by TABC.</p> <p>9. People shall not use commercial rafting or tubing services, including rental of rafts or tubes and transportation of people for the purpose of rafting or tubing.</p> <p>10. For any business establishment that is subject to a 50 percent "total listed occupancy" limit or "normal operating limit," and that is 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, the business establishment may operate at up to 75 percent of the total listed occupancy or normal operating limit of the establishment.</p> <p>11. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed.</p> <p>12. Staff members are not included in determining operating levels, except for manufacturing services and office workers.</p> <p>13. Except as provided in this 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.</p> <p>14. People over the age of 65 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> <p>15. 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.</p> <p>16. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional</p>	

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	<p>hygiene measures when obtaining services.</p> <p>17. 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). 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.</p> <p>18. 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.</p>	
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"> 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; 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; 7. any person while the person is in a swimming pool, lake, or 	GA-29, Pg 2-3

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	<p>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>	
Schools	<p>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.</p>	GA-30, Pg 4
Failure to Comply	<p>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 violation shall be punishable by a fine not to exceed \$250, and</p>	GA-30, Pg 2 GA-29, Pg 3

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	each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.	
Impact on other Orders	<p>GA-30 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; provided that local officials may enforce this executive order as well as local restrictions that are not inconsistent with this executive order.</p>	GA-30, Pg 4-5
	<p>All existing state executive orders relating to COVID-19 are amended to eliminate confinement in jail as an available penalty for any violation of the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.</p>	GA-30, Pg 5
	<p>GA-28 supersedes Executive Order GA-26, but does not supersede Executive Orders GA-10 (reporting), GA-13 (jails), GA-17 (task force), GA-19 (healthcare), GA-24, GA-25 (jails), GA-27 (medical procedures), or GA-29 (face coverings).</p>	GA-30, Pg 5
	<p>GA-31 supersedes Executive Orders GA-19 (healthcare) and GA-27 medical procedures.</p>	GA-31, Pg 3

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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