



# Hays County News

## June 22, 2020

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### FOR IMMEDIATE RELEASE

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### **Answers to Frequently Asked Questions about Hays County Order #4**

Hays County Courthouse, San Marcos, TX – Hays County Judge Ruben Becerra issued a new COVID-related executive Order effective today, June 22, that, among other provisions, requires face coverings be worn in public in Hays County. This marks the fourth Order issued by Judge Becerra since the beginning of the pandemic.

Based on questions received from the public, media, municipalities and local businesses, the County compiled the following Frequently Asked Questions (FAQ) to help clarify and provide guidance about the Order. We believe this will assist local residents, businesses and agencies in better understanding the provisions of the Order.

#### **Q. How will Order #4 be enforced?**

A. Local law enforcement are already authorized to enforce the Governor's Order, so they will also work with local businesses and citizens to raise awareness of the Order, and its requirements. Local Health Inspectors of food services businesses will also help raise awareness and compliance.

#### **Q. Will law enforcement have the authority to address people not abiding by the Order?**

A. We distinguish between "Enforcement" and "civil or criminal penalty" (a.k.a., fines). The approach is more educational than it is punitive. If an officer observes non-compliance, that officer should engage the situation. If Judge Becerra needs to amend the Order as it relates to businesses, to further enable "enforcement", that is an option down the line. Consistent with Executive Order GA-26 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

#### **Q. Are people required to wear masks if they are able to stay six feet apart?**

A. No. However, situations are dynamic and can change quickly. Wearing a mask is the best method when public interaction is possible.

#### **Q. Do people have to wear a mask inside a business if they can keep their distance from others?**

A. Businesses should include policies for the use of face coverings in their Health and Safety Policies. Use of face coverings will vary depending on the business. Telework is still recommended, where and when possible.

#### **Q. When tubing on the river, do people need to wear masks?**

A. If one can float the river while maintaining safe distancing (6'+), then no mask is needed. A tubing company should, in the Health and Safety Policy they develop per the Order, provide instructions to their customer regarding what is appropriate.

**Q. How will this Order impact places of worship?**

A. This Order does not modify the Governor's Order on places of worship, except that those places need to develop and implement a Health and Safety Policy.

**Q. Are all Hays Co. employees required to wear masks at work at all times?**

A. The rule for Hays County employees is the same as it is for citizens. Departments are each making their own plans, since their situations are each unique.

**Q. Who will enforce if County staff are wearing masks?**

A. Policies are enforced within each department with input from Human Resources, where needed.

**Q. Do student athletes need to wear masks during camps and practices?**

A. Camps and sporting events should develop and implement a Health and Safety Policy just like a business must do. That plan should include the use of face coverings where appropriate.

**Q. During the news conference, the judge mentioned he is working with the local Chambers of Commerce and that the chambers will have materials to distribute to businesses. What is the role of local chambers and will we receive materials from the County?**

A. Our Development Services Department has put together suggestions for a business Health and Safety Policy.

**Q. Will the Order cause members of the public to shame businesses via social media even if they are set up in an area where masks wouldn't be necessary? Due to many local businesses already struggling from the shutdown, they will likely have to turn away customers without a mask because they either cannot afford to provide disposable masks or find them to purchase in the first place.**

A. The County Judge and team recognizes that the Health and Safety practices of businesses will vary widely based on the circumstances. If a business does its best to practice CDC guidelines, and have its customers do so, then the community spread and effect of the virus should be diminished.

**Q. If a customer claims they have a health condition and cannot wear a mask, will the business be in violation of the Order by allowing them inside? And are businesses that are requiring a reason for not wearing a mask in violation of HIPAA laws?**

A. Individuals who do not wear a face covering when required to do so are in violation of the Order, not the business they happen to be patronizing. The business is in violation if it does not have a Health and Safety Policy or doesn't practice it. If a business asks why a customer is not wearing a mask, that would not be a violation of HIPAA. HIPAA's privacy affects "covered entities", which are generally businesses that obtain personal health information in the course of business. A restaurant, for instance, is not providing medical treatment or assistance, so it isn't a covered entity under HIPAA when it asks a customer why they are refusing to (or cannot) follow best CDC practices.

The Order can be found on the Hays County website: [https://hayscountytexas.com/wp-content/uploads/sites/69/2020/06/COVID19\\_4th.OrderHays.Co\\_.Judge6\\_.18.20.pdf](https://hayscountytexas.com/wp-content/uploads/sites/69/2020/06/COVID19_4th.OrderHays.Co_.Judge6_.18.20.pdf)

The FAQs are also available online if any media outlets or other organizations would like to share the link: <https://hayscountytexas.com/frequently-asked-questions-about-hays-county-order-4/>

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