IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
07/09/2020
Clerk of the
Appellate Courts

IN RE: COVID-19 PANDEMIC

No. ADM2020-00428

ORDER REGARDING FACE COVERINGS

On March 13, 2020, in response to the COVID-19 pandemic, the Chief Justice of the Tennessee Supreme Court declared a state of emergency for the Judicial Branch of Tennessee government and activated a Continuity of Operations Plan for the courts of Tennessee. See Tenn. Const. Art. VI, § 1; Tenn. Code Ann. §§ 16-3-501 to 16-3-504 (2009); Moore-Pennoyer v. State, 515 S.W.3d 271, 276-77 (Tenn. 2017); Tenn. Sup. Ct. R. 49. This state of emergency constitutes a "disaster" for purposes of Tenn. Sup. Ct. R. 49 and Tenn. Code Ann. § 28-1-116. On May 26, 2020, the Court extended the state of emergency for the Judicial Branch of Tennessee government and the Continuity of Operations Plan for the courts of Tennessee, but eased the suspension of in-person court proceedings. The Court indicated in that order that jurors should be required to wear face coverings. In light of the continued spread of COVID-19 and the recommendations of federal and state authorities with respect to the use of face coverings, and under the constitutional, statutory, and inherent authority of the Tennessee Supreme Court, the Court now further orders the mandatory use of face coverings as follows:

1) Except as otherwise expressly provided herein, all persons who, for the purpose of conducting court-related business, enter a courthouse or other building in which court facilities are located shall wear a face covering over the nose and mouth. The face covering shall be worn at all times while inside the building.

2) Children aged twelve (12) years or less are not required to wear a face covering. Parents or caregivers shall supervise the use of face coverings by children to avoid misuse.

3) Persons who have trouble breathing due to an underlying health condition or who have another bona fide medical or health-related reason are not required to wear a face covering.

4) Face coverings are not required in situations in which a face covering poses a safety or security risk.

The requirements of this order are in addition to those of any applicable executive orders issued by the Governor or authorized local officials. This order applies statewide

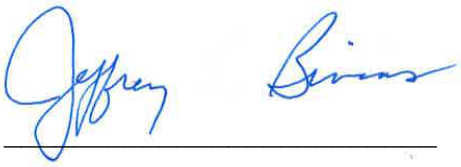
to all courts and court clerks' offices except administrative courts within the Executive Branch and federal courts and federal court clerks' offices located in Tennessee.

Under the terms of this order, the courts of Tennessee remain open, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19. Judges should work with local law enforcement and other county officials to ensure that, to the extent possible, courthouses remain accessible to carry out essential constitutional functions and time-sensitive proceedings.

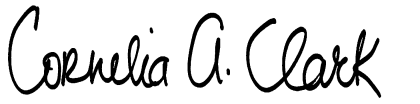
This order shall be effective on Monday, July 13, 2020, and shall remain in effect until further order of the Court.

It is so ORDERED.

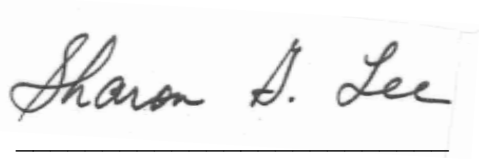
FOR THE COURT:



Jeffrey S. Bivins, Chief Justice



Cornelia A. Clark, Justice



Sharon G. Lee, Justice

Holly Kirby, Justice

Roger A. Page, Justice