Ohio | Department of Health

**Mike DeWine**, Governor
**Jon Husted**, Lt.Governor

**Lance D. Himes**, Interim Director

# DIRECTOR'S ORDER

**Re: Director's Order for Retail and Business Compliance for Facial Coverings throughout the State of Ohio**

I, Lance D. Himes, Interim Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to "make special orders…for preventing the spread of contagious or infectious diseases," **Order** the following to prevent the spread of COVID-19 in the State of Ohio:

**Preamble:** As the spread of COVID-19 accelerates in Ohio, a stronger response is required if Ohio is to minimize the risk of major shutdowns and limitations such as those being imposed in other countries and several cities and states in the United States. Every county in Ohio is currently a "high incidence" county, reflecting that the State of Ohio is experiencing a uniform high exposure and spread of COVID-19. Every Ohioan has the right to know that stores and businesses they enter are as safe as possible and that the state is taking the steps necessary to keep Ohio's economy functioning. Immediate action therefore is required.

1. **Compliance Requirement:** To mitigate the rapid spread of COVID-19 in Ohio, I hereby Order that no store, retail business or other enterprise in Ohio offering goods in person to the public, except those subject to Orders identified in paragraph 14, (collectively, "Retailers") shall be open for business or operate unless in compliance with this Order as well as all other applicable ODH Orders.

2. **Facial Covering (Mask) Requirement:** All persons are required to wear a facial covering (mask) in compliance with this Order at all times they are in or on the premises of a Retailer ("Retail Premises"). The mandatory facial covering (mask) requirements of the Director's Order for Facial Coverings throughout the State of Ohio, signed July 23, 2020, as may be modified, continues in effect except when a person is in or on Retail Premises requiring compliance with the enhanced protections set forth in this Order. Employees are covered by the prior sector orders which apply to the retail sector. This order does not apply to children under 10 years of age.

3. **Notice Posting Requirement:** All Retailers shall post clearly visible signage at all entrances to each of their Retail Premises requiring all persons entering to wear a facial covering consistent with this Order. The text shall state that all persons are required to wear a facial covering at all times in or on the Retail Premises. Such signage is available for download from https://coronavirus.ohio.gov/wps/portal/gov/covid-19/responsible-restart-ohio/Posters-and-Signs/ Any business requiring assistance printing signage should contact the Ohio Department of Health Call Center at 1-833-4-ASK-ODH (1-833-427-5634).

4. **Responsibility:** Retailers shall ensure compliance with this Order at all locations. Persons entering any Retail Premises shall comply with the provisions of this Order and the Notice

posted pursuant to paragraph 3. Employees of retailers are not required to place themselves in jeopardy or risk harm when seeking to enforce this Order.

5. **Facial Covering Defined:** A facial covering (mask) shall be made of a cloth material or comparable material and shall fully cover the person's nose, mouth and chin. The face covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not have to adjust it frequently, so as to avoid touching the face.

6. **Physical Distancing And Hygiene:** All Retailers shall post at all entrances and enforce the maximum capacity limitation it determined pursuant to the May 29, 2020 Director's Updated and Revised Order for Business Guidance and Social Distancing; shall limit and stagger the number of persons in their retail premises to assure that a minimum of six feet of physical separation can be maintained between persons throughout; shall mark 6' separation spots in all check-out lines; and shall arrange all store aisles to be directionally one-way if required to achieve appropriate social distancing. Retailers also shall place hand sanitizers in high contact locations; require regular hand washing by employees; require employees to stay home if symptomatic; and disinfect high touch items after each use (e.g. carts, baskets and other equipment).

7. **Reasonable Accommodation:** Each Retailer should provide reasonable accommodation to any person who is unable to wear a mask into the retail premises by (a) providing on-line or telephone ordering and curbside, non-contact pick-up or a delivery option; and/or (b) allowing the person to wear a full face shield that extends below the chin. This Order does not apply to those medically or developmentally unable to wear a mask. A notice, in addition to that required in paragraph 3, shall be posted at each entrance to each Retail Premises providing the details of such accommodations. Such signage is available for download from https://coronavirus.ohio.gov/wps/portal/gov/covid-19/responsible-restart-ohio/Posters-and-Signs/. The Retailer shall also post the arrangements for such accommodations on its website, if any. Patrons of retailers are strongly urged to utilize on-line or telephone ordering and curbside, non-contact pick-up or a delivery options.

8. **Designated Compliance Officer.** Each business shall designate an on-site compliance officer for each business location and each shift during all business hours whose responsibility is to ensure compliance with this Order. The designated individual shall also be the contact person for the local health department and law enforcement agency which has jurisdiction.

9. **Health Remediation Upon Violation**. Upon issuance of a notice of violation of this Order by a representative of ODH, a local health department or district, or law enforcement, the business premises shall immediately close to the public for a period not exceeding twenty-four hours, as set forth in the notice of violation, to allow dissipation of COVID-19 airborne droplets. The representative will issue an initial warning to the business premises before issuing a notice of violation requiring closure.

10. **Cooperation.** All businesses shall allow access to, and permit inspection of the public areas of their premises by, representatives of ODH, local health departments or districts and law enforcement during all business hours; shall provide any information regarding compliance with this Order that is requested; and, shall cooperate fully in any inspection or investigation of compliance.

11. **Observation Of Non-Compliance.** Citizens observing violations of this Order should notify the Ohio Department of Health Call Center at 1-833-4-ASK-ODH (1-833-427-5634). Local health departments can also request assistance of ODH if needed on the ODH Call Center.

12. **Authorization Of State Employees With Enforcement Powers: Designation Of BWC Health And Safety Inspectors**. Pursuant to R.C. 3701.28, State of Ohio employees with enforcement powers, specifically including the Ohio Bureau of Workers' Compensation Retail Compliance Unit employees, a local health department or district, and local law enforcement officers are hereby authorized to inspect and enforce this Order as representatives of ODH.

13. **Businesses Not Subject To This Order:** This Order does not apply to businesses subject to each of the following ODH Orders as may hereafter be amended:

a. Director's Third Amended Order that Reopens Restaurants, Bars, Banquet and Catering Facilities and Services to Dine-in Service, with Exceptions signed September 23, 2020;

b. Amended Director's Order that Reopens Hair Salons, Day Spas, Nail Salons, Barber Shops, Tattoo Parlors, Body Piercing Locations and Tanning Facilities signed October 9, 2020; and,

c. Director's Order that Reopens Gyms, Dance Instruction Studios, and Other Personal Fitness Venues signed May 22, 2020.

14. **Other ODH Orders:** As to Orders issued by ODH other than those listed in the preceding paragraph, this Order supersedes any provision of previously issued Orders that is inconsistent with the provisions of this Order.

15. **Miscellaneous**. Nothing in this Order is intended to interfere with a separation of powers under the Ohio Constitution. This Order does not apply to jails or prison facilities. This Order is not intended to supersede, supplant or preempt any order or law of a local jurisdiction that is more restrictive than this Order.

Accordingly, I hereby **ORDER** that all persons wear facial coverings in or on Retail Premises in the State of Ohio as set forth in this Order. This Order shall be effective at 12:01 a.m. on November 16, 2020 and shall remain in full force and effect until the State of Emergency declared in the Governor's Executive Order expires or the Director of the Ohio Department of Health rescinds or modifies this Order. To the extent any public official enforcing this Order has questions regarding the effect of this

Order, the Director of Health hereby delegates to local health departments the authority to answer questions in writing and consistent with this Order.

November 13, 2020

Lance D. Himes
Interim Director of Health