THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

WHEREAS: On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and

WHEREAS: The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 15, 2020; and

WHEREAS: On April 8, 2020, I renewed the Public Health State of Emergency until May 13, 2020 by issuing Executive Order 04.08.20.02; and

WHEREAS: The Centers for Disease Control and Prevention guidance for limiting the spread of COVID-19 includes the recommendation that persons wear masks to prevent spread of this novel coronavirus; and

WHEREAS: Code Section 16-11-38 states that it is a misdemeanor for a person to, in part, ". . . wear[] a mask, hood, or device by which any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer. . ."; and

WHEREAS: Code Section 16-11-38 provides limited exceptions for the statute, including subsection (b)(4), which excludes enforcement of the statute against "[a] person wearing a gas mask prescribed in emergency management drills and exercises or emergencies"; and

WHEREAS: Guidance for law enforcement may be necessary to ensure that residents and visitors of this State are able to comply with Centers for Disease Control and Prevention recommendations without fear of offending Georgia law; and

WHEREAS: Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS: Code Section 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and

NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS THE GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That Code Section 16-11-38(b)(4) shall not apply to any person wearing "a mask, hood, or device by which any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer" if that person is wearing such device for the purpose of complying with the guidance of any healthcare agency or to prevent the spread of COVID-19.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: All provisions of the Order shall become effective upon signature and shall expire at the conclusion of the Public Health State of Emergency declared in Executive Order 03.14.20.01 and renewed by Executive Order 04.08.20.02. If the Public Health State of Emergency is renewed, this Order shall carry forward with the Public Health State of Emergency until such State of Emergency is terminated or ceases to be renewed by the Governor.

This 13th day of April 2020, at 12:02 A.M./P.M.

B:Ph

GOVERNOR