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Secretary of State
Tre Hargett

STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 54

AN ORDER PROVIDING LOCAL GOVERNMENTS WITH AUTHORITY CONCERNING FACE COVERINGS

WHEREAS, Coronavirus Disease 2019 (COVID-19) remains a threat to our citizens, our healthcare systems, and our economy, and each Tennessean should continue to protect themselves and others by following applicable health guidance from the Centers for Disease Control and Prevention (CDC) and other leading medical experts to slow the spread of this virus, including practicing social distancing, effective personal hygiene practices, and "wear[ing] cloth face coverings in public settings and when around people who don't live in your household, especially when other social distancing measures are difficult to maintain"; and

WHEREAS, importantly, wearing a cloth face covering is a simple step that each Tennessean can take to slow the spread of the virus, which prevents having to take more drastic and disruptive measures for our economy and job market, like requiring the closure of businesses; and

WHEREAS, whether to require or recommend wearing a face covering may depend on the spread of COVID-19 or lack thereof in a particular community, which varies widely across the State, and local governments are therefore better positioned to make this decision based on the conditions in their communities; and

WHEREAS, in addition to the other powers granted by law, Tennessee Code Annotated, Section 58-2-107, provides, among other things, that during a state of emergency, the Governor is authorized to suspend laws and rules regarding the conduct of state business if necessary to cope with an emergency, utilize all available state and local resources needed to combat an emergency, and take measures concerning the conduct of civilians and the calling of public meetings and gatherings, among other things, as well as delegate such powers as the governor may deem prudent; and

WHEREAS, pursuant to this authority and the general emergency management powers of the Governor under law, the temporary suspension of selected state laws and rules and the other measures contained herein are necessary to facilitate the response to the ongoing effects of the emergency resulting from COVID-19.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, do hereby declare a continuing state of emergency and major disaster in order to facilitate the response to COVID-19 and accordingly order the following:

1. Persons are urged to wear face coverings in public places. To reiterate Paragraph 5 of Executive Order No. 38 (as extended by Executive Order No. 50), in accordance with CDC guidance, persons, including employees or customers of businesses, are strongly urged to wear cloth face coverings or other similar coverings in public settings where being in close proximity to others is anticipated, and particularly where other social distancing measures are difficult to maintain at all times. Such cloth face coverings can be created from household items or made at home from common materials at low cost. Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or anyone who is incapacitated or otherwise unable to remove the mask without assistance. Surgical masks and N-95 respirators should be reserved for health care workers and first responders.

2. Specific delegation of authority to issue orders concerning face coverings. Notwithstanding anything to the contrary in Paragraph 13.b. of Executive Order No. 38 (as extended by Executive Order No. 50, and as may be subsequently extended), county mayors in the 89 counties that do not have a locally run county health department shall have the authority to issue orders or measures requiring or recommending the wearing of face coverings within their jurisdictions, consistent with Paragraph 3 of this order.

3. Contents of local orders. Orders or measures issued by county mayors pursuant to this Order should be consistent with CDC guidance and may have such exemptions as deemed advisable, provided that, at a minimum, there shall be no requirement that a face covering be worn:

    i. Within one's residence or automobile, unless transporting others for hire;

    ii. By a child twelve (12) years of age or younger;

    iii. By someone who has trouble breathing due to an underlying health condition or another bona fide medical or health-related reason for not wearing a face covering;

    iv. By someone who is incapacitated or otherwise unable to remove the cloth face covering without assistance;

v. While eating or drinking;

vi. While outdoors, unless the person cannot substantially maintain appropriate social distancing from others outside of the person's household;

vii. While working under conditions where appropriate social distancing from others outside of the person's household is substantially maintained;

viii. In situations in which wearing a face covering poses a safety or security risk;

ix. While in a house of worship unless required by that house of worship, but wearing a face covering in such locations is strongly encouraged; or

x. While in a voting site for the purpose of voting or administering an election, but wearing a face covering in such locations is strongly encouraged.

4. Suspension of laws that would limit application of this Order. Any law, order, rule, or regulation that would otherwise limit the enforceability of this Order is hereby suspended, pursuant to Tennessee Code Annotated, Section 58-2-107.

5. Nothing preempts or supersedes any authority of bodies in six counties with a locally run county health department. Nothing herein or in Paragraphs 5 or 13 of Executive Order No. 38 (as extended by Executive Order No. 50, and as may be subsequently extended) preempts or supersedes any existing authority, as provided by executive order, statute, charter, or otherwise, of a locally run county health department, board of health, official, or local legislative body, located in a county with a locally run county health department, to issue or enact orders, ordinances, rules, or law regarding face coverings to mitigate the spread of COVID-19. Executive Order No. 38 (as extended by Executive Order No. 50, and as may be subsequently extended) is hereby amended to the extent necessary to effectuate this Paragraph 5, which amendment shall survive expiration or termination of this Order.

6. Effect of Order. A local order promulgated under the authority delegated by this Order constitutes an order, rule, or regulation promulgated pursuant to Tennessee Code Annotated, Title 58, Chapter 2, Part 1, for purposes of Tennessee Code Annotated, Section 58-2-120.

7. Severability. If any provision of this Order or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Order which can be given effect without the invalid provision or application, and to that end the provisions of this Order are declared to be severable.

8. Term and effective date. This Order shall be effective upon execution and shall remain in effect until 11:59 p.m., Central Daylight Time, on August 3, 2020.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 3rd day of July, 2020.

GOVERNOR

ATTEST:

SECRETARY OF STATE