

Information Regarding Executive Order 20-43

On July 16, 2020, Governor Asa Hutchinson signed EO 20-43, an Executive Order for the Purpose of Requiring Face Coverings. There have been questions raised about the order. This document will assist in answering those questions.

Does EO 20-43 serve as a mandate?

Yes, this is a mandate to wear a mask which covers the mouth and nose.

How long with the mandate remain in effect?

EO 20-43 will remain in effect until the Governor of Arkansas in consultation with the Arkansas Secretary of Health declares the public health emergency is over.

What are the requirements regarding where masks are to be worn?

1. Masks must be worn indoors, except in private residences, when exposed to people who are not household members and when a distance of six feet cannot be maintained.
2. Masks must be worn outdoors, except at private residences, when in close proximity to people who are not household members and when a distance of six feet cannot be maintained.

Are there any exemptions to the mandate set forth in EO 20-43?

Yes, there are eleven exemptions to the order:

1. Persons younger than 10 are not required to wear a mask.
2. Persons with a medical condition or disability that would prevent them from wearing a mask are exempt from the order.
3. Persons performing job duties in which a mask would interfere with the safe performance of the job do not have to wear a mask, even if co-workers cannot be at least six feet apart.
4. Persons do not have to wear a mask during athletic activities if a mask is inhibitory to the activity even if six feet of distance is not achievable.
5. Persons do not have to wear a mask if eating or drinking.
6. Persons may drive a motor vehicle without a mask if alone or with household members.

7. Persons receiving services in a facility which requires access to the face for security, surveillance, or other purposes may temporarily remove the mask to receive the services.
8. Persons may remove masks while voting, assisting other voters, working as a poll watcher, or performing other election-related duties. However, face masks are strongly encouraged.
9. Persons may remove masks during religious services and worship events. However, face masks should be worn whenever possible during services.
10. Persons may remove masks when making a speech, or performing for an audience or a broadcast. However, the speaker must stay at least six feet from the audience.
11. Persons who live in a county in which the Department of Health has certified that the risk of community spread of COVID-19 is low don't have to wear a mask. You may check the Department of Health website to determine which counties are exempt.

Can local governments still issue mask ordinances?

Yes, cities and counties may issue local mask ordinances which are consistent with this order.

Are there penalties for failing to abide by the mandate?

Yes, a person can be cited for a misdemeanor offense for refusing to wear a mask. Specifics regarding the penalties are:

1. A person convicted of violating the order, may be fined at least \$100 but no more than \$500.
2. First-time violators will receive a verbal or written warning.
3. Violators younger than 18 will receive a verbal or written warning. They will not be cited for a misdemeanor offense.
4. No law-enforcement officer or local official may detain, arrest, or confine in jail anyone who violates this order.
5. This order allows law enforcement officers or local officials to enforce trespassing laws or other applicable laws to remove violators at the request of a business owner or property owner.