

**ORDER OF COUNTY JUDGE LINA HIDALGO**  
**County Judge's Eighth Order Authorizing Fever and Health Screening**  
**and Face Coverings in County Buildings**

**Whereas**, in response to the novel coronavirus (COVID-19) pandemic, federal, state and local officials have issued proclamations and declarations of disaster and thereby invoked their respective emergency management plans to protect the public; and

**Whereas**, on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency “in response to COVID-19, a highly contagious virus that spreads through person-to-person contact and continues to ravage communities across the globe”; and

**Whereas**, in March 2020, the U.S. Centers for Disease Control and Prevention (“CDC”) issued guidance as to individuals, recommending that individuals practice social or physical distancing to prevent the spread of COVID-19 by staying at least six feet from other people, by refraining from gathering in groups, by staying out of crowded places and by avoiding mass gatherings; and

**Whereas**, the CDC has repeatedly issued guidance explaining that COVID-19 cases, hospitalizations and deaths across the United States are rising; that COVID-19 most commonly spreads during close contact; that when people with COVID-19 cough, sneeze, sing, talk, or breathe they produce respiratory droplets; and that infections occur mainly through exposure to respiratory droplets when a person is in close contact with someone who has COVID-19; and encouraging individuals to wear a mask in public settings, stay at least six feet apart, avoid crowds and wash hands often to protect self and others in the community; and

**Whereas**, on January 29, 2021, the CDC ordered that effective February 2, 2021, people must wear masks over the mouth and nose when boarding, disembarking and for the duration of travel on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in U.S. transportation hubs such as airports and stations; and

**Whereas**, hospitalization rates for COVID-19 in Harris County are currently increasing at rates not seen since July of 2020 due to the spread of the highly contagious B.1.617.2 (delta) variant of the SARS-CoV-2 virus; and

**Whereas**, on July 27, 2021, the CDC updated its guidance, recommending that fully vaccinated people wear a mask in public indoor settings in areas of substantial or high transmission; and

**Whereas**, the CDC continues to recommend that unvaccinated people protect themselves and others by, among other things, wearing a mask that covers their nose and mouth and staying six feet apart from others who don't live with them; and

**Whereas**, the CDC recommends universal indoor masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status; and

**Whereas**, the total percentage of Harris County residents who are fully vaccinated against COVID-19 as of August 16, 2021 is approximately 47%; and

**Whereas**, the Texas Disaster Act is codified at Sections 418.001 – 418.261 of the Texas Government Code; and

**Whereas**, on March 13, 2020, Governor Greg Abbott issued a disaster proclamation, certifying under Section 418.014 of the Texas Government Code that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas; and

**Whereas**, in each subsequent month since then and, most recently on July 30, 2021, Governor Abbott determined that a state of disaster continues to exist in all counties due to COVID-19 and has issued proclamations renewing the disaster declaration for all Texas counties; and

**Whereas**, Governor Abbott has issued executive orders and suspensions of Texas laws in response to the COVID-19 pandemic, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster and recognizing the importance of face coverings to reduce the spread of COVID-19; and

**Whereas**, on March 19, 2020, John Hellerstedt, M.D., Commissioner of Texas' Department of State Health Services ("DSHS"), issued a public health disaster declaration, certifying that the introduction and spread of the communicable disease known as COVID-19 in the State of Texas created an immediate threat of disaster for all counties in the State of Texas, poses a high risk of death to a large number of people and creates a substantial risk of public exposure because of the disease's method of transmission and evidence that there is community spread in Texas, and declaring a state of public disaster for the entire State of Texas; and

**Whereas**, each month since March of 2020 and, most recently on May 10, 2021, Dr. Hellerstedt has renewed the public health disaster declaration for the entire State of Texas, determining that COVID-19 "continues to present an immediate threat, poses a high risk of death to a large number of people and creates a substantial risk of public exposure because of the disease's method of transmission and evidence that there is community spread in Texas", directing that each person shall act responsibly to prevent and control communicable disease, and specifying actions to be immediately taken to reduce and delay the spread of COVID-19; and

**Whereas**, upon Declaration of a Local Disaster, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises in accordance with Section 418.108(g) of the Texas Government Code; and

**Whereas**, on March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to allow Harris County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Harris County residents in accordance with Section 418.108(a) of the Texas Government Code. Since then, the Harris County Commissioners Court has repeatedly extended this Declaration in accordance with Section 418.108(b) of the Texas Government Code. This Declaration has remained in effect since March 11, 2020; and

**Whereas**, on March 19, 2020, the Harris County Judge issued her first order requiring that any person entering a building owned, occupied or operated by Harris County may be screened for symptoms consistent with COVID-19; and

**Whereas**, the Harris County Judge has issued subsequent orders requiring that any person entering a building owned, occupied or operated by Harris County may be screened for symptoms consistent with COVID-19 and, with some exceptions, requiring all people seeking entry into a Harris County owned or controlled building to wear a face covering over their nose and mouth when entering and while in such building; and

**Whereas**, on August 3, 2020, the Texas Attorney General issued Opinion No. KP-0322, concluding that pursuant to a county judge’s emergency authority under Tex. Gov’t Code § 418.108, a county judge operating under a local disaster order may require a person to wear a facial covering when occupying a courthouse or other county-owned or controlled building; and

**Whereas**, in Opinion No. KP-0322, the Texas Attorney General concluded that consistent with its authority to maintain and regulate a county courthouse and other county offices and buildings under Section 291.001(3) of the Texas Local Government Code, a commissioners court “may require any person entering a courthouse or other county-owned or controlled building to wear a facial covering”; and

**Whereas**, in Opinion No. KP-0322, the Texas Attorney General concluded that consistent with the Texas Supreme Court’s emergency orders and guidance promulgated by the Office of Court Administration, courts may require any person entering the courthouse in which they preside to wear a facial covering while in the courthouse; and

**Whereas**, in Opinion No. KP-0322, the Texas Attorney General concluded that in accordance with their broad inherent authority to control orderly proceedings in their courtrooms, courts can require individuals in their courtrooms to wear facial coverings if necessary to maintain order and safety; and

**Whereas**, this Order is intended to and shall be construed and interpreted to be consistent with all laws of the State of Texas; and

**Whereas**, on June 11, 2020, Harris County implemented a Harris County COVID-19 Threat Level System that provides color coded levels of risk based on the incidence of COVID-19 and its transmission level in Harris County and provides corresponding recommendations to the public.<sup>1</sup> At the time of implementation of the Harris County COVID-19 Threat Level System, Harris County was at a Level 2, Significant Uncontrolled Community Transmission; and

**Whereas**, since August 6, 2021, the Harris County’s COVID-19 threat level has been at Level 1 (Red – “severe uncontrolled community transmission” presenting a severe threat to public health), given the rapidly accelerating outbreak in COVID-19 cases in Harris County and the

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<sup>1</sup> See [https://www.readyharris.org/Portals/60/documents/INFO\\_ReopeningStrategyPUBLIC-FULL.pdf](https://www.readyharris.org/Portals/60/documents/INFO_ReopeningStrategyPUBLIC-FULL.pdf)

resulting strain on local hospitals' capacity, meaning there is ongoing transmission of the virus; and

**Whereas**, at COVID-19 Threat Level 1, unvaccinated residents should minimize contact with others wherever possible and avoid all gatherings; and

**Whereas**, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Harris County community and rates of infection are increasing at an alarming rate, and the number of people in the hospital, ICU, or on ventilators is also dramatically rising despite efforts by local authorities to control the spread; and

**Whereas**, the Harris County Judge has determined that extraordinary emergency measures must be taken in order to protect the health, safety and welfare of the residents and employees of Harris County to mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

**NOW THEREFORE, I, COUNTY JUDGE FOR HARRIS COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:**

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted and made a part hereof for all purposes.

Effective upon signing and continuing through the fourteenth day following the expiration of Governor Greg Abbott's final declaration certifying that the novel coronavirus (COVID-19) poses an imminent threat of disaster unless terminated or modified by an earlier order issued by me as the County Judge for Harris County, Texas, I deem it in the public interest to order the following:

1. Except as otherwise expressly provided below:
  - a. Any person entering a building owned or controlled by Harris County shall be screened for symptoms consistent with COVID-19 including but not limited to:
    - i. A fever screen for a temperature above 100.4 degrees Fahrenheit;
    - ii. A health screen for symptoms consistent with COVID-19;
    - iii. A travel questionnaire; and/or
    - iv. A screen for exposure to anyone with the above conditions.
  - b. Any person who exhibits symptoms consistent with COVID-19 shall be denied entrance into the building.
  - c. Any person who refuses to submit to screening shall be denied entrance into the building.

2. Except as otherwise expressly provided below, all people two (2) years of age or older seeking entry into a Harris County owned, operated or occupied building shall wear a face covering over their nose and mouth when entering such building. Failure to wear an appropriate face covering will result in the person being barred from entry.
3. Except as otherwise expressly provided below, all people two (2) years of age or older shall wear a face covering over their nose and mouth while inside a Harris County owned, operated or occupied building. Any person who removes his/her face covering after entering such building will be directed to leave the building. If that person refuses to do so, he/she will be removed from the building.
4. Appropriate face coverings may include, but are not limited to face masks, homemade masks, scarfs, bandanas, or a handkerchief.
5. This face-covering requirement applicable to persons entering and inside a Harris County owned, operated or occupied building does not apply to any person:
  - a. with a medical condition or disability that prevents wearing a face covering.
  - b. while that visitor is consuming food or drink or is seated to eat or drink in a café, cafeteria or restaurant located in a County owned, operated or occupied building.
  - c. who is obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, but only to the extent deemed to be necessary for the temporary removal.
  - d. who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged.
    - i. Voters are strongly encouraged, but not required, to wear face coverings in the polling place in order to protect the health and safety of voters, election workers, and local election officials and their staff. Polling locations have been supplied with ample masks to provide to voters who do not have one of their own. Voters who cannot or choose not to wear a mask should be encouraged to vote curbside. However, if a voter prefers to vote indoors, he/she must be allowed inside and should vote at a designated machine for his/her safety and the safety of other voters and poll workers. Reasonable social distancing measures may also be put into place for voters who are not wearing face coverings in the polling place.
    - ii. A voter who refuses to participate in the screening process in a County owned, operated or occupied building may be required to use a separate entrance to the building, provided the entrance is ADA-accessible. If


there is a line to enter the voting location, voters may also be directed to wait in a separate line for voters.

- e. A mask need not be worn by any person who is a Harris County official or employee who is alone in a room or office in a County owned, operated or occupied building behind a closed door; or in any area in a County building where he/she would not otherwise come into close proximity (*i.e.*, within six feet) of other officials, employees or the public.
6. If a judge's courtroom is located in a courthouse with other county offices, that judge will determine whether face coverings must be worn in his/her courtroom and chambers. A court's orders regarding face coverings do not extend to the use of such face coverings in other areas of a Harris County owned or controlled building.
7. This Order applies to any person entering a building owned or controlled by Harris County, and is intended to reduce the airborne transmission of COVID-19 and to thus protect all persons in such buildings. Compliance with this Order is voluntary. However, any person who refuses to wear a face covering or adhere to other protective measures in compliance with the terms of this Order will not be permitted to enter or remain in a Harris County owned, operated or occupied building.
8. State supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings.
9. The Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
10. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
11. The Harris County Judge will file this Order with the Harris County Clerk's Office. Harris County will post this Order on the Internet. All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.

Pursuant to Appendix 9 to Annex U of the Harris County Basic Plan adopted by Harris County Commissioners Court on October 29, 2019, and in accordance with Tex. Gov't Code § 418.173, any law enforcement agency based in Harris County is hereby authorized to use its discretion in enforcing this Order.

ORDERED at 5:00 p.m. on this 17<sup>th</sup> day of August, 2021, in the County of Harris, Texas.

IT IS SO ORDERED.



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LINA HIDALGO  
HARRIS COUNTY JUDGE