## Order 36 Prohibiting Government Entities From Mandating Masks May 18, 2021 | Austin, Texas | Proclamation **Executive Order**

Governor Abbott Issues Executive

**Executive Department** 

Austin, Texas May 18, 2021

**GA36** 

**EXECUTIVE ORDER** 

purporting to require face coverings; and

authority to fulfill that responsibility; and

effective immediately:

following:

b.

C.

d.

orders ... hav[ing] the force and effect of law;" and

inconsistent local orders; and

BY THE GOVERNOR OF THE STATE OF TEXAS

Relating to the prohibition of governmental entities and officials from mandating face coverings or restricting activities in response to the COVID-19 disaster.

poses an imminent threat of disaster for all counties in the State of Texas; and WHEREAS, I issued Executive Order GA-34 on March 2, 2021, to open

Texas 100 percent and remove face-covering requirements; and

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster

proclamation on March 13, 2020, certifying under Section 418.014 of

the Texas Government Code that the novel coronavirus (COVID-19)

WHEREAS, since then, COVID-19 hospitalizations and the rate of new COVID-19 cases have continued their steady decline; and WHEREAS, Executive Order GA-34 specifically provides that "no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering," and, notwithstanding that order, some local governmental entities have caused confusion by nonetheless

COVID-19-related operating limits for any business or other establishment," that any "conflicting order issued by local officials in response to the COVID-19 disaster" is superseded, and that all relevant statutes are suspended to the extent necessary to preclude

WHEREAS, to further ensure statewide uniformity, and based on the

continued improvement of conditions in Texas, revised standards are

WHEREAS, Executive Order GA-34 also provides that "there are no

appropriate to achieve the least restrictive means of combatting COVID-19; and WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad

WHEREAS, under Section 418.012, the "governor may issue executive"

WHEREAS, under Section 418.016(a), the "governor may suspend the

provisions of any regulatory statute prescribing the procedures for

conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;" and WHEREAS, under Section 418.018(c), the "governor may control ingress and egress to and from a disaster area and the movement of

persons and the occupancy of premises in the area;" and

the [state emergency management plan] or with a rule, order, or ordinance adopted under the plan;" NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the

power and authority vested in me by the Constitution and laws of the

State of Texas, do hereby order the following on a statewide basis

offense," punishable by a fine up to \$1,000, any "failure to comply with

WHEREAS, under Section 418.173, the legislature authorized as "an

public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; provided, however, that: state supported living centers, government-owned hospitals, and

government-operated hospitals may continue to use appropriate

b. the Texas Department of Criminal Justice, the Texas Juvenile

Justice Department, and any county and municipal jails acting

policies regarding the wearing of face coverings; and

No governmental entity, including a county, city, school district, and

may continue to use appropriate policies regarding the wearing of face coverings. 2. Notwithstanding the above, public schools may continue to follow policies regarding the wearing of face coverings to the extent reflected in current guidance by the Texas Education Agency, until June 4, 2021.

The Texas Education Agency shall revise its guidance such that,

3. This executive order shall supersede any face-covering

effective 11:59 p.m. on June 4, 2021, no student, teacher, parent, or

requirement imposed by any local governmental entity or official,

other staff member or visitor may be required to wear a face covering.

except as explicitly provided in paragraph numbers 1-2. To the extent

impose any such face-covering requirements, I hereby suspend the

necessary to ensure that local governmental entities or officials do not

Sections 418.1015(b) and 418.108 of the Texas Government Code;

Chapter 81, Subchapter E of the Texas Health and Safety Code;

Chapters 121, 122, and 341 of the Texas Health and Safety Code;

any other statute invoked by any local governmental entity or

Chapter 54 of the Texas Local Government Code; and

consistent with guidance by the Texas Commission on Jail Standards

official in support of a face-covering requirement. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000, beginning at 11:59 p.m. on May 21, 2021. 4. Under Executive Order GA-34, business activities and legal

proceedings are free to proceed without COVID-19-related limitations

imposed by local governmental entities or officials, in all counties not in

Executive Order GA-34 also superseded any conflicting local order in

response to the COVID-19 disaster, and directed that all relevant laws

inconsistent local orders. Pursuant to the legislature's command in

emergency management plan, the imposition of any conflicting or

Section 418.173 of the Texas Government Code and the State's

an area of high hospitalizations as defined in that executive order.

are suspended to the extent necessary to preclude any such

inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000, beginning at 11:59 p.m. on May 21, 2021. This executive order supersedes subparagraph numbers 1(b) and 2(c) (iii) of Executive Order GA-34, but does not otherwise supersede Executive Orders GA-10, GA-13, GA-34, or GA-35. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive

order may also be amended by proclamation of the governor.

Given under my hand this the 18th day of May, 2021.

**Contact** 

Office of the Texas Governor

P.O. Box 12428

(512) 463-2000

Austin Texas 78711

**Governor Abbott** 

**GREG ABBOTT** 

ATTESTED BY:

**RUTH R. HUGHS** 

Secretary of State

Governor

Home

First Lady

Initiatives

Organization

News

**Employment** Site Policies **TRAIL Search** 

Report Fraud

Texas.gov

Site Map

**RSS Feed** 

Texas Veterans Portal

Where the Money Goes Accessibility

f (in (in (in)