



Legislation Text

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AN ORDINANCE BY THE CITY OF JONESBORO ARKANSAS REGARDING THE USE OF MASKS IN RELATION TO THE COVID-19 PANDEMIC.

WHEREAS, an outbreak of COVID-19 (coronavirus) has resulted in an ongoing global pandemic; and

WHEREAS, On June 18, 2020, Executive Order 20-37 declared that the emergency declared pursuant to Executive Order 20-03 and its amendments was terminated and that the public health and disaster emergency and declaration of the State of Arkansas as a disaster area resulting from the state-wide impact of Covid-19 was declared anew and would be effective for sixty (60) days unless renewed; and

WHEREAS, On June 19, 2020, the Arkansas Department of Health (ADH), released guidance regarding the use of face masks/coverings by the general public which asserts that ample evidence exists to support the efficacy of wearing face masks to prevent the transmission of Covid-19 including a World Health Organization (WHO) funded study; and

WHEREAS, the afore-mentioned ADH guidance on masks recommends that the general public should wear face coverings in ALL indoor environments where they are exposed to non-household members and distancing of 6 feet or more cannot be assured. This includes, but is not limited to, workplaces, retail stores, businesses, places of worship, courtrooms, jails/prisons, schools, and healthcare facilities; and

WHEREAS, the afore-mentioned ADH guidance recommends that the general public should also wear face coverings in ALL outdoor settings where there is exposure to non-household members, unless there exists ample space of 6 feet or more to practice physical distancing; and

WHEREAS, Arkansas Governor Asa Hutchinson supports and encourages the usage of facial coverings in an effort to curb the spread of Covid-19; and

WHEREAS, the United States Supreme Court has long recognized state and local control over the spread of infection diseases and gave broad leeway in responding to these threats in *Jacobson v. Massachusetts*, 197 U.S. 11 (1905); and

WHEREAS, the Centers for Disease Control and Prevention (CDC) encourages the use of cloth face coverings

to curb the spread of Covid-19; and

WHEREAS, individuals infected with Covid-19 are often asymptomatic and may transmit the virus; and

WHEREAS, the health of employees and patrons of reopened businesses is directly threatened by individuals who enter such establishments without a facial covering.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF JONESBORO, ARKANSAS:

Section 1: Upon consultation with the ADH and the Governor's Office, the City of Jonesboro, Arkansas **requires the usage of facial coverings according to ADH guidance** in an effort to help curb the spread of Covid-19 except when it is likely that physical distancing of at least six (6) feet from other individuals is practicable, in particular to protect the most vulnerable members of our community, as well as to ensure that the hard won progress made by the citizens of Arkansas in reopening our shared economy is preserved.

Section 2: The City of Jonesboro will act in a support capacity to local businesses that wish to enforce the use of masks upon their premises. The City, acting in such a support capacity, shall educate and encourage members of the public who decline to wear facial coverings regarding the efficacy of wearing such coverings according to the ADH guidance on facial coverings released on June 19, 2020. The City may additionally act in a support capacity to local businesses by educating individuals who decline to comply with the facial covering requirement of any local business that the individual must abide by that requirement or leave the premises.

Section 3: The City of Jonesboro will make this ordinance available electronically on the City's website. All businesses within the City are required to print the ordinance and display it in a prominent area of the business or on the primary entrance way. Posting shall be as soon as is practical, but not more than 14 days from the date of passage.

Section 4: Sixty (60) days after the passage and approval of this ordinance, the ordinance will appear on the agenda of the next regularly scheduled council meeting for review. This ordinance shall be terminated immediately upon the lifting of the state of emergency instituted by Governor Asa Hutchinson.

Section 5: An emergency is declared to exist, and because of the need for immediate response to the COVID-19 pandemic, this ordinance shall go into effect immediately upon passage. The emergency factors considered in declaring an emergency is the infectious rate of COVID-19, the rapid use of protective equipment across all sectors, the fatality rate, and the fatality rate if the virus is left unchecked. Therefore, an emergency is declared.