



## DALLAS COUNTY JUDGE CLAY JENKINS ISSUES MASK MANDATE

August 12, 2021

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**On Sunday, August 15, 2021, the Texas Supreme Court issued an order staying Judge Clay Jenkins's mask mandate for Dallas County. The Supreme Court has not ruled on Governor Abbott's underlying challenge to a Dallas court order, which said that Jenkins could impose a mask mandate. The stay issued Sunday afternoon will suspend the order effective immediately. This means that effective immediately, child care centers, public schools (pre-K through 12), county buildings and facilities, and certain businesses in Dallas County are no longer required to mandate masks indoors. In the same ruling on Sunday, the Supreme Court also stayed the Bexar County mask mandate, which means that—at least for now—there can be no mask mandates imposed by local governments in Dallas and Bexar Counties.**

In a social media Tweet on Sunday night, Judge Clay Jenkins stated that he does not plan to follow the Supreme Court's order unless specifically ordered to follow it, but admitted he would remove all fines and penalties associated with compliance with his mask mandate. To the extent the mask mandate is even legally in place in Dallas County, it appears that compliance with it is purely voluntary at this time. Regardless of the mask mandate, private businesses generally remain free to impose masking requirements for employees and visitors.

**Posted: August 12, 2021 at 3:40 PM**

On August 11, 2021, Dallas County Judge Clay Jenkins issued an order requiring masks be worn by all employees and visitors of certain establishments in Dallas County. The order applies to all child care

centers, public schools (pre-K through 12), Dallas County buildings and facilities, and certain businesses. While the order appears limited only to businesses providing goods and services directly to the public (like restaurants and retailers), according to the frequently asked questions ("FAQs") issued by Judge Jenkins and his statements announcing the order, the Judge intends to apply the order's requirements much more broadly to all businesses in Dallas County. A link to the FAQs can be found [HERE](#).

Under the order, businesses must develop health and safety policies to prevent the spread of COVID-19 and must mandate that all employees and visitors wear masks on their premises. Businesses must also post signage stating that masks are required and enforce the mask mandate on their premises. Beginning on Saturday, August 14, 2021, businesses can be fined up to \$1,000 for each violation. According to the County Judge, this means that a business could be fined up to \$1,000 for each person the business allows to enter its premises without a facemask. The County Judge said that businesses will not be fined if they take all reasonable steps to enforce the mask requirements.

Dallas County joins several other large Texas metro areas, including Bexar County, Travis County, and the Houston area, in implementing certain mask mandates. On the evening of August 11, 2021, Governor Greg Abbott and Attorney General Ken Paxton filed a challenge to the Dallas County order with the Dallas Court of Appeals. They also announced that they would challenge all local mask mandates that conflict with the Governor's Executive Order GA-38, which prohibits mask mandates. In Dallas County, the Governor has requested an emergency stay of the mask mandate. However, unless and until an emergency stay is granted or the Court of Appeals grants the relief sought by the Governor, the Dallas County order is likely to remain in place.

## Practice Area Contact

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Alana K. Ackels

Katie Beaird

Thomas L. Case

John D. Smart

Jay M. Wallace

Sydney A. Shimkus