

## Ohio's new Health Order addresses mask order for retailers



Karina R. Conley | Monday, November 16, 2020

As discussed by Ohio Governor Mike DeWine in his [Nov. 11, 2020 address](#), Ohio Department of Health Interim Director Lance Himes signed the Director's Order for Business and Retail Compliance for Facial Coverings throughout the State of Ohio ([Health Order](#)) on Nov. 13, 2020. As anticipated, the Health Order mandates that:

- All persons over age 10 in or on the premises of a retailer in the State of Ohio are required to wear a facial covering (mask) made of cloth or comparable material that fully covers the person's nose, mouth and chin
- All retailers must:
  - Ensure that all persons in or on their premises are wearing a facial covering (mask)
  - Designate an on-site compliance officer for each location and each shift during business hours, who is the contact person for the local health department and law enforcement
  - Post signs at all entrances to their premises requiring all persons to wear a facial covering (mask) and outlining social distancing and maximum capacity requirements
  - Limit and stagger the number of persons in or on their premises to ensure a minimum social distance of six (6) feet between persons, mark six (6) foot separation spots in all checkout lines and arrange all store aisles to be directionally one-way in order to achieve six (6) foot social distancing
  - Place hand sanitizers in high contact areas and disinfect all high touch items after each use

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- Provide online or telephone ordering and curbside/non-contact pickup to persons unable to wear a facial covering (mask) or allow persons unable to wear a facial covering (mask) to wear a full face shield that extends below the chin
- Require all employees to regularly wash their hands
- Require any employee who is symptomatic to stay home

Retailers are also required to allow access to and permit inspection of their premises by representatives of the Ohio Department of Health, local health department and law enforcement during all business hours and any citizen who observes a violation of the Health Order is encouraged to notify the Ohio Department of Health Call Center. If a representative determines a retailer violated the Health Order, the retailer will receive an initial warning and a subsequent violation will result in a notice of violation and immediate closure of the retailer's premises, for a maximum of 24 hours, "to allow dissipation of COVID-19 airborne droplets."

The Health Order does not currently apply to restaurants, bars, banquet/catering facilities, salons, spas, barbershops, tattoo parlors, tanning facilities, gyms, or dance studios. However, Governor DeWine has threatened further action, up to and including complete closure, of such facilities should Ohio's COVID-19 positivity rate continue to increase.

While the new Health Order focuses on retailers, employers should note that the more general order requiring face coverings issued on July 23, 2020 remains in effect.

As always, the McDonald Hopkins Labor and Employment Response Team will continue to monitor developments and provide updates on further employment law issues as they arise related to the COVID-19 crisis.



**Karina R. Conley**

[Team member bio](#)