

Mississippi Businesses Face County-Specific Mask Mandates And Receive Protections From Civil Suits

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In an effort to slow the rising number of positive COVID-19 cases, Mississippi governor Tate Reeves recently issued Executive Order 1507, requiring businesses in 13 counties to require masks for both their employees and customers. The mask mandate is effective Monday, July 13 through Monday, July 20, 2020, and affects the following counties: Claiborne, Desoto, Grenada, Harrison, Hinds, Jackson, Jefferson, Madison, Quitman, Rankin, Sunflower, Washington, and Wayne.

Soon before finalizing the mask requirement, Governor Reeves signed the Mississippi Back-to-Business Liability Assurance Act. Under this Act, an employer who attempts in good faith to follow applicable public health guidance shall be immune from civil liabilities for any injuries or death resulting from actual or alleged exposure to COVID-19.

In light of these two developments, what should Mississippi employers do to protect themselves, their employees, and their customers?

The Basics

All businesses in the 13 counties listed above shall impose the following additional health and safety requirements:

- All employees shall be screened at the beginning of their shift (to include temperature checks and answering questions regarding symptoms, possible exposure, etc.);

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- Face masks shall be worn by all employees while on duty and on breaks. The face masks shall be cleaned or replaced at least daily; and
- Hand sanitizer shall be provided to all employees.

Additional Requirements For Retail Businesses

- Employees shall be provided a face mask, and be required to wear that face mask while on duty, and such face masks should be cleaned or replaced at least daily;
- Customers shall wear a face mask while inside the retail business;
- Hand sanitizers shall be made available to customers at points of entry and exit, in or near bathrooms, and at cashier stations;
- Ensure that customers maintain a six-foot separation between each other at all times, including while in cashier lines;
- Carts and baskets shall/must be sanitized after each use; and
- High-touch areas (door handles) shall be sanitized once every two hours.

Social Gatherings

Under the new requirements, those in attendance at social gatherings must maintain social distancing of six feet, with a maximum of 10 individuals indoors and maximum of 20 participants outdoors. Meanwhile, face coverings must be worn indoors and outdoors when attending public events, including events in outdoor sports complexes and arenas.

What Should Employers Do?

You should consider whether current workplace rules comply with the new order's requirements. Among other things, you should post notices regarding the use of face masks at workplace entrances and conspicuously throughout the premises. You should also ensure employees keep their face covering on at all times, unless an exception applies.

Conclusion

If COVID-19 cases continue to rise, this mask mandate may be extended or become a statewide requirement. Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Stay tuned for a Fisher Phillips legal alert addressing guests who refuse to wear a mask when entering your business. Make sure you are subscribed to Fisher Phillips' Alert System to get the most up-to-date information. For more information, contact your Fisher Phillips attorney, any attorney in our Gulfport office, or any member of our Post-Pandemic Strategy Group Roster.



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