

Dear Business Owner/Manager,

On July 21, 2020, the Hillsborough County Emergency Planning Group issued the “Executive Order of the Hillsborough Policy Group Requiring the Wearing of Protective Face Coverings.”

This appointed body chose to impose criminal penalties not upon the customer, but upon the “business operator” for violating this Executive Order.

Here is what you need to know to comply with this Executive Order, ensure the safety of your customers, and avoid criminal and federal penalties.

1. This Executive Order demands business operators require customers to wear masks when social distancing is not possible.
2. If your business is able maintain social distancing you do not have to require masks for your customers. (section 6- “...shall require all persons within the location to wear a face covering when not maintaining social distancing...”)
3. 3. According to section 9(k) of the Executive Order you MUST comply with the American’s With Disability Act. (“The requirement (of masks) shall not be applied in a manner that would conflict with the Americans with Disabilities Act”)
 - a. a. Americans With Disabilities Act (ADA) prevents any business from requiring any person with a contrary medical condition to wear a mask. Violating the Americans with Disability Act by requiring persons with health conditions to wear masks carries a potential of federal fines from \$75,000, up to \$150,000.
 - b. HIPAA prevents you from asking for any medical information regarding a claim for accommodations under ADA.

If you are unable to maintain social distancing and would like to comply with both the Hillsborough County mandate for masks along with the ADA and HIPAA laws, you may post the following notice on or in your building,

DEAR CUSTOMERS:

Hillsborough County Emergency Planning Group has issued an executive order demanding businesses to require customers to wear masks while complying with the Americans with Disabilities Act.

IF YOU HAVE A MEDICAL CONDITION THAT PREVENTS YOU FROM WEARING A MASK YOU ARE EXEMPT FROM THIS ORDER.

Due to HIPAA we CANNOT legally ask you about your medical condition.

Therefore, if we see you without a mask, we will assume you have a medical condition and we will welcome you inside to support our business.

Thank you for your support and understanding

In compliance with Hillsborough County Executive Order, ADA, & HIPAA laws

Out of Respect For Your Privacy