

Guidance for COVID-19 Face Coverings Regarding Executive Order 2020-586 and Regulation 902 KAR 2:190E

This guidance has been developed to assist local health department staff with non-compliance enforcement of this order and emergency regulation. The Executive Order and subsequent Emergency KY Administrative Regulation established that each person in Kentucky must cover their nose and mouth with a face covering in specific situations, as defined in the regulation, and provided defined exemptions for individuals with medical necessity. The requirements of the administrative regulation that pertain to a business or other public-facing entity shall be enforced by the Labor Cabinet, the Kentucky Department for Public Health (KDPH), other state regulatory agencies and each local health department. As it pertains to individuals, this regulation will be enforced by state and local law enforcement authorities.

Non-Compliant Individuals

Any person who does not wear a face covering in one

of the required areas (and is not subject to any of the exemptions) shall receive a warning for the first offense, a fine of fifty dollars (\$50) for the second offense, seventy-five dollars (\$75) for the third offense, and one hundred dollars (\$100) for each subsequent offense.

Any person who violates this order by removing a face covering while on the premises of a business, public-facing entity, or mode of public transportation shall be subject to the penalties outlined by the KAR and shall be requested to leave the premises. Failure to comply with that request may result in additional criminal charges including a citation for trespassing.

State and local law enforcement agencies have been assigned enforcement authority on all individual non-compliance matters.

Non-Compliant Businesses

All businesses, public-facing entities, or modes of public transportation shall deny

access to any non-compliant individuals. If access is granted to non-compliant individuals, the business, public-facing entity, or mode of transportation shall be in non-compliance and subject to the penalties as set forth in the administrative regulation.

All businesses, public-facing entities, or modes of public transportation shall require non-compliant individual identified on the premises to vacate the premises. If this does not occur, the business, public-facing entity, or mode of transportation shall be in non-compliance and subject to the penalties as set forth in the administrative regulation. If the non-compliant individual refuses to vacate the premises state or local law enforcement shall be contacted.

The Labor Cabinet, the Kentucky Department for Public Health, other state regulatory agencies and each local health department have been assigned enforcement authority on all business non-compliance matters.

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