Thursday, April 30, 2020

On April 25, 2020, Delaware Governor John Carney issued the thirteenth modification of his “COVID-19 State of Emergency” declaration, imposing obligations on businesses regarding the use of face coverings by employees and the public. Starting at 8:00 a.m. EDT on Friday, May 1, 2020, businesses must:

- require employees to wear face coverings while working in areas open to the public and in areas where coming within six feet of other staff is likely;
- provide, at the employer’s expense, face coverings and hand sanitizer for employees;
- deny entry to individuals who do not have face coverings (unless the business is able to provide face coverings at the point of entry); and
“take steps to remind customers to wear face coverings by (a) posting the requirement at the entrance of the business, and (b) posting clearly visible signs inside the store to remind customers of the requirement to wear the face covering at all times when in the business.”

While businesses must deny entry to individuals who are not wearing face coverings, if a business provides medication, medical supplies, or food, it must provide alternate methods of pickup or delivery. Additionally, all restaurants are required to have “all employees who interact with customers,” including all delivery personnel, “wear a face covering while working.”

The order defines “face covering” as “a soft cloth or fabric covering that fully covers a person’s nose and mouth, not a medical-grade mask. The term ‘face covering’ includes, without limitation, scarves and bandanas. The face covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not have to adjust it frequently, so as to avoid touching the face.”

Governor Carney also stated in the order that failure to comply with its provisions “constitutes a criminal offense.” Delaware’s COVID-19 State of Emergency declaration, together with its modifications and additions, will “remain in effect until further notice.”


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