

AN ORDINANCE

AN ORDINANCE TO PROHIBIT PUBLIC MASK REQUIREMENTS IN GREENVILLE COUNTY.

WHEREAS, the national emergency declarations for COVID-19 expired on May 11, 2023.

WHEREAS, in the absence of a national emergency declaration or state of South Carolina emergency declaration face covering requirements may violate the right to freedom of expression to identify with a political position, masks themselves may represent forced political expression and may also violate the constitutional freedom to make health care decision.

WHEREAS, S.C. Code 16-7-110 prohibits persons over sixteen years of age from wearing masks in public.

NOW THEREFORE, BE IT ORDAINED, by Greenville County Council:

1. Definitions:

- a. **MASK**: The term “mask” means a material covering the nose and mouth of the wearer, excluding face shields.
- b. **MASK MANDATE**: The term “mask mandate” means the requirement, directive or order of any person, entity, business, school, educational facility or public entity, with the exception of any medical facility, doctor’s office, hospital or medical clinic, in the unincorporated areas of Greenville County that an individual to wear a mask to enter or remain in any place open to the public
- c. **NATIONAL PUBLIC EMERGENCY**: The term “national public emergency” means a national public health emergency declared by the President of the United States pursuant to the legal requirements of the 1976 National Emergencies Act.
- d. **STATE OF SOUTH CAROLINA EMERGENCY**: The term “State of South Carolina Emergency” means a declaration by the elected Chief Executive of the State of South Carolina pursuant to S.C., Code 25-1-440 concerning a state public health emergency.

2. **Prohibition**. It shall be unlawful for any person, entity, business, school, educational facility or public entity to require, direct or order that any individual wear a mask to enter or remain on any of their premises normally open to the public in the absence of a declared National Public Emergency concerning a national health emergency or a State of South Carolina Emergency that imposes other requirements on the persons or entities subject to the requirements of this ordinance.

3. **Exceptions**. This ordinance does not apply to any medical facility,, doctor’s office, hospital or medical clinic or any incorporated area of Greenville County.

4. Penalties. Any violation of this Ordinance shall be punished by a fine or imprisonment not to exceed the penalty jurisdiction of magistrates' court. Each day in violation of this ordinance shall constitute a separate offence.

DONE IN REGULAR MEETING THIS ____ DAY OF _____, 2023.

Dan Tripp, Chairman
Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator