



STATE OF ARIZONA

Douglas A. Ducey  
GOVERNOR

OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

Effective Friday, May 8th, 2020, under Executive Order -2020-34, *Building on COVID-19 Successes*, business operations for barbers and cosmetologists, licensed by Title 32 of Arizona Revised Statutes, were allowed to resume services under specific protocols established for the Centers for Disease Control and Prevention (CDC), the United States Department of Labor Division of Occupational Safety, and the Arizona Department of Health Services. In addition to the mandatory guidance provided by the Arizona Department of Health Services (ADHS), E02020-34 also mandated the use of face coverings for employees and customers at these establishments.

Likewise, Executive Orders 2020-36, *Stay Healthy, Return Smarter, Return Stronger* and 2020-40, *Containing the Spread of COVID-19*, directed all businesses to "develop, establish and implement [written] policies based on guidance from the CDC, Department of Labor, Occupational Safety and Health Administration (OSHA) and ADHS to limit and mitigate the spread of COVID-19." Similarly, E02020-40, provided the ability of local governments to "adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19" and directed regulatory entities to educate and enforce directives aimed at limiting the spread of COVID-19.

While employees and customers of businesses regulated by Arizona's occupational licensing boards have been required to wear based on these directives, the purpose of this letter is to make it very clear that enforcement needs to be taken seriously and applied evenly and equitably across industries.

As seen recently in a study by the Centers for Disease Control and Prevention (CDC), 139 clients of a hair salon in Springfield, Missouri were exposed to two symptomatic, and later confirmed, COVID-19 positive hair stylists in Springfield, MO. Diagnostic tests were offered to all 139 of the clients and of the 67 who decided to undergo the test, all test results were negative. Both the hair

stylists and the clients were wearing masks during the duration of the services provided.

The wearing of masks for staff and clients clearly played a role in mitigating the spread of COVID-19 and it is critical that businesses providing services continue to act safely and responsibly. As directed by the executive orders, each occupational licensing board should be educating on and enforcing these mandates to ensure that each industry knows what is expected and required of them.

In addition to penalties and enforcement provided by A.R.S. §§ 26-316 and 26-317, each board should review its own role in educating and encouraging practices that mitigate the spread of COVID-19. Penalties for failure to comply with these orders and the associated guidance issued by the Arizona Department of Health Services related to precautions to mitigate the spread of COVID-19 can include regulatory action against a license and may constitute a public nuisance dangerous to the public health pursuant to A.R.S. § 36-601(A). County health inspectors are authorized and shall be taken to abate such nuisances pursuant to A.R.S. § 36-183.06 or other law enforcement or state agencies including the immediate closure of such facility.

As the regulating entity of these establishments, your partnership in ensuring the safety of your licensees and their clients is essential to mitigating the spread of COVID-19 but will only be effective through consistent enforcement of these requirements during the public health emergency.

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