

Subject Face coverings required in certain settings

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Overview

This bill requires individuals to wear face coverings in certain settings; specifies duties of businesses to implement face covering requirements; establishes civil and criminal penalties for certain violations; and specifies when the face covering requirements in this bill expire.

Executive Order 20-81 was approved by the Executive Council on July 22, 2020, and contains requirements for face coverings in indoor businesses and indoor public settings, when riding on certain forms of transportation, in other venues that have opted to require a face covering, for outdoor workers when social distancing cannot be maintained, and when required by applicable industry guidance. The executive order describes individuals exempt from the face covering requirements, lists circumstances in which a face covering may be removed, and situations in which face coverings are encouraged but not required. It also includes provisions for face coverings in child care and school settings, specifies implementation requirements, allows businesses to adopt more protective policies, and establishes civil and criminal penalties for violations. Executive Orders 20-103, 20-104, and 21-01 modify existing requirements or establish additional requirements regarding face coverings during exercise, while swimming or showering, or during sports activities.

Summary

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| 1 | Face coverings required in certain settings.
Requires individuals to wear face coverings in certain settings, specifies settings and situations in which face coverings are not required and when face coverings may be temporarily removed, allows more protective policies and ordinances to be adopted, specifies that wearing a face covering according to this section does not violate another law that prohibits individuals from concealing their identity in public, gives |
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the commissioner of health certain authority, and establishes exemptions from this section.

Subd. 1. Definitions. Defines terms for this section and sections 2 to 4: business, commissioner, face covering, household, industry guidance, intercollegiate sports, living unit, physical distancing, professional sports, public transportation, and worker.

Subd. 2. Face coverings required. Paragraph (a) requires an individual age 6 or older to wear a face covering when the individual is indoors at a business or public setting; when waiting outdoors to enter an indoor business or indoor public setting; when riding on public transportation or certain other forms of transportation; outdoors when it is not possible to maintain physical distancing from those who are not members of the individual's household; or in common areas of a multiunit dwelling.

Paragraph (b) specifies how a face covering must be worn and specifies face coverings that are acceptable and those that are not acceptable.

Subd. 3. Face coverings not required. Provides that an individual is not required to wear a face covering if the individual:

- has a condition or disability that makes it unreasonable for the individual to wear a face covering;
- is age 5 or younger;
- works at a job setting where wearing a face covering would create a job hazard;
- is in a private living unit, except workers in a private living unit must wear a face covering; or
- is in a private vehicle being used for a private purpose.

Subd. 4. Temporary removal of face coverings permitted. Allows an individual otherwise required to wear a face covering under subdivision 2 to temporarily remove the face covering when the individual:

- is testifying, engaged in public speaking, performing, or playing a musical instrument, provided physical distancing is maintained;
- is an athlete participating in an intercollegiate or professional sport that meets minimum testing and COVID-19 mitigation requirements;
- is participating in an activity in which the face covering will get wet;
- is eating or drinking, provided the individual maintains physical distancing from others who are not members of the individual's party;

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- is asked to remove a face covering to verify the individual’s identity for a lawful purpose;
- is communicating with an individual with whom it would be difficult to communicate while wearing a face covering;
- is receiving a service that would be difficult to receive while wearing a face covering;
- is alone in an enclosed indoor work area or vehicle; or
- is a public safety worker and is in a situation where wearing a face covering would interfere with the individual’s public safety duties.

Subd. 5. More protective policies or ordinances permitted. Paragraph (a) allows a business or local unit of government to adopt an ordinance or policy that imposes more restrictive requirements regarding face coverings that are consistent with this section in order to protect the public health.

Paragraph (b) allows certain facilities, congregate settings, and programs to require individuals to wear a face covering in a private living unit.

Paragraph (c) provides that individuals living in multi-unit dwellings not listed in paragraph (b) cannot be required to wear face coverings in private living units.

Subd. 6. Relationship to other law. Paragraph (a) specifies that wearing a face covering in compliance with this section or a local ordinance or business policy does not violate section 609.735 (this section makes it a misdemeanor for a person to conceal his or her identity in a public place by wearing a robe, mask, or other disguise, unless based on religious beliefs or incidental to amusement, entertainment, protection from weather, or medical treatment).

Paragraph (b) provides that this section is preempted by federal action that imposes more protective requirements.

Subd. 7. Authority of commissioner of health. Allows the commissioner of health to establish additional exemptions to this section and issue guidance to clarify this section. Exempts guidance from the rulemaking requirements in chapter 14.

Subd. 8. Exemptions. Paragraph (a) states that this section does not limit, prohibit, or restrict the operation of the federal government or the movement of federal officials in their official capacities.

Paragraph (b) specifies that this section does not apply to the judicial branch of state government.

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Paragraph (c) specifies that this section does not apply to activities by tribal members within the boundaries of their reservations and to activities within the boundaries of federal land held in trust for one of the Tribal Nations in Minnesota.

This section is effective the day following final enactment.

2 Duties of businesses; face coverings.

Requires businesses to include face covering requirements in their COVID-19 preparedness plans and make those plans available, and to post signs of applicable face covering requirements. Establishes implementation requirements for businesses.

Subd. 1. Face covering requirements in COVID-19 preparedness plan. Requires a business otherwise required to have a COVID-19 preparedness plan to include applicable face covering requirements in its COVID-19 preparedness plan and to make this plan available to the business's workers.

Subd. 2. Notice of face covering requirements. Requires a business to inform its workers of all applicable face covering requirements and to post signs visible to individuals entering the business to inform them of applicable face covering requirements.

Subd. 3. Implementation. Paragraph (a) specifies that a business must require its workers to wear a face covering, must make reasonable efforts to require customers and visitors to wear a face covering, and must, when possible, provide reasonable accommodations or alternative service options consistent with other law for individuals who do not wear face coverings due to a health condition or disability.

Paragraph (b) prohibits a business from requiring a customer to explain the customer's health condition or disability if the customer does not wear a face covering due to that condition or disability. For all other individuals, requires a business to follow other applicable laws regarding what documentation or information the business may require an individual to provide regarding the individual's health condition or disability.

Paragraph (c) states that sections 1 to 3 do not require a business or worker to enforce section 1 when it is unsafe, and do not authorize a business or worker to restrain, assault, or physically remove a worker or individual who refuses to comply with face covering requirements.

This section is effective the day following final enactment.

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3	Enforcement.
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Establishes civil and criminal penalties for individuals and businesses who violate face covering requirements or the implementation requirements for businesses.

Subd. 1. Noncompliance by an individual. Makes it a petty misdemeanor for an individual to willfully violate the face covering requirements, punishable by a fine that does not exceed \$100. Provides that the penalty does not apply to individuals age 13 or younger or to students age 14 or older when at school.

Subd. 2. Noncompliance by a business; criminal penalty. Makes it a misdemeanor for an owner, manager, or supervisor of a business to intentionally fail to comply with the face covering requirements or the implementation requirements for businesses, punishable by a fine that does not exceed \$1,000, or imprisonment for up to 90 days.

Subd. 3. Noncompliance by a business; civil penalty; injunction. Allows the attorney general, a county attorney, or a city attorney to seek civil relief available under section 8.31 against a business that violates or threatens to violate the face covering requirements or implementation requirements. Such relief includes injunctive relief, civil penalties of up to \$25,000 per occurrence, costs and attorney's fees, and other equitable relief. Requires money recovered under this subdivision to be deposited in the general fund.

Subd. 4. Use of existing enforcement tools. Allows state and local licensing and regulatory authorities to assess business compliance with the face covering and business implementation requirements and use existing enforcement tools to ensure compliance with these provisions.

This section is effective the day following final enactment.

4	Expiration of face covering requirements.
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Provides that sections 1 to 3 expire upon the earlier of issuance of a guidance by the federal Centers for Disease Control and Prevention on measures to prevent COVID-19 transmission that does not include a recommendation to wear a face covering, or a determination by the commissioner of health that an enforceable face covering requirement is no longer necessary. Requires the commissioner of health to issue a public statement and notify the revisor of statutes when this requirement is satisfied.

This section is effective the day following final enactment.



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