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02/08/2021	281	Introduction and first reading
		Referred to Health and Human Services Finance and Policy
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- 1.1 A bill for an act
- 1.2 relating to public health; requiring face coverings in certain settings; establishing
- 1.3 implementation requirements; providing for penalties and injunctive relief;
- 1.4 providing for expiration of the face covering requirements.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. **FACE COVERINGS REQUIRED IN CERTAIN SETTINGS.**
- 1.7 Subdivision 1. **Definitions.** (a) The terms defined in this subdivision apply to this section
- 1.8 and sections 2 to 4.
- 1.9 (b) "Business" includes an entity that employs or engages workers and that is a for-profit
- 1.10 entity; nonprofit entity; public entity; entity in the legislative branch, executive branch, or
- 1.11 judicial branch of state government; or local unit of government entity.
- 1.12 (c) "Child care setting" means a family or group family day care home; child care center;
- 1.13 certified center; legal nonlicensed child care provider; program exempt from licensure under
- 1.14 Minnesota Statutes, section 245A.03, subdivision 2, paragraph (a), clause (5), (13), or (26);
- 1.15 or other Head Start, preschool, or prekindergarten program serving individuals age five or
- 1.16 younger.
- 1.17 (d) "Face covering" means an article that is worn on an individual's face to completely
- 1.18 cover the wearer's mouth and nose and that fits snugly against the sides of the wearer's face.
- 1.19 (e) "Household" means a group of individuals who share the same living unit.
- 1.20 (f) "Living unit" includes a single family home; mobile home; shelter or similar facility;
- 1.21 family foster care home; individual unit in a multi-unit dwelling; individual hotel or motel
- 1.22 room; dormitory room; residential program licensed under Minnesota Statutes, chapter

2.1 245D; or assigned unit or room in a hospital, long-term care facility, residential treatment
2.2 facility, or correctional facility.

2.3 (g) "Public transportation" means public means of transportation, including light and
2.4 commuter rail transit; bus; and taxi, van, limousine, or other for-hire vehicle.

2.5 (h) "Social distancing" means an individual being separated by at least six feet of distance
2.6 from others who are not members of the individual's household.

2.7 (i) "Worker" includes an owner, proprietor, employee, contractor, vendor, volunteer, or
2.8 intern.

2.9 Subd. 2. **Face coverings required.** (a) An individual who is age five or older must wear
2.10 a face covering when the individual is:

2.11 (1) indoors at a business or public setting;

2.12 (2) waiting outdoors to enter an indoor business or indoor public setting;

2.13 (3) riding on public transportation, in a school transportation vehicle, in a ride-sharing
2.14 vehicle, or in a vehicle being used for a business purpose;

2.15 (4) outdoors when it is not possible to maintain social distancing from others who are
2.16 not members of the individual's household; or

2.17 (5) in a common area of a multi-unit dwelling.

2.18 (b) A face covering must be worn in a manner that completely covers the wearer's mouth
2.19 and nose. An acceptable face covering includes a paper or disposable mask, cloth face mask,
2.20 scarf, bandana, neck gaiter, or religious face covering. The following items are not acceptable
2.21 face coverings: a mask that incorporates a valve to facilitate easy exhaling; mesh mask; or
2.22 mask with openings, holes, visible gaps in the design or material, or vents.

2.23 Subd. 3. **Face coverings not required.** An individual is not required to wear a face
2.24 covering if the individual:

2.25 (1) has a medical condition, mental health condition, or disability that makes it
2.26 unreasonable for the individual to wear a face covering, including an individual with a
2.27 medical condition that compromises the ability to breathe or an individual who is
2.28 unconscious, incapacitated, or unable to remove a face covering without assistance;

2.29 (2) is age four or younger;

2.30 (3) is working in a job setting where wearing a face covering would create a job hazard
2.31 for the individual or others at the setting;

3.1 (4) is in a private living unit, except that a worker must wear a face covering when the
3.2 worker is in an individual's private living unit for a business purpose;

3.3 (5) is in a private vehicle that is being used for a private purpose; or

3.4 (6) is a child care worker and is actively caring for children under age five at a child
3.5 care setting, except that a child care worker must wear a face covering when the child care
3.6 worker is in a child care setting other than a family or group family day care home or legal
3.7 nonlicensed child care provider and is in:

3.8 (i) an indoor common area, such as a hallway, lobby, or restroom; or

3.9 (ii) a break room and is not eating or drinking.

3.10 **Subd. 4. Temporary removal of face covering permitted.** An individual otherwise
3.11 required to wear a face covering under subdivision 2 may temporarily remove the individual's
3.12 face covering when the individual:

3.13 (1) is testifying, speaking, performing, or playing a musical instrument, provided the
3.14 individual maintains social distancing from others who are not part of the individual's
3.15 household;

3.16 (2) is an athlete participating in a higher education institution sport or professional sport
3.17 and where the level of exertion makes it difficult to wear a face covering;

3.18 (3) is participating in an activity, such as swimming or showering, in which the face
3.19 covering will get wet;

3.20 (4) is eating or drinking, provided the individual maintains social distancing from others
3.21 who are not members of the individual's party;

3.22 (5) is asked to remove a face covering to verify the individual's identity for a lawful
3.23 purpose;

3.24 (6) is communicating with an individual who is deaf or hard-of-hearing or who has a
3.25 medical condition, mental health condition, or disability that makes communication difficult
3.26 while wearing a face covering, provided the individual maintains social distancing to the
3.27 extent possible from others who are not part of the individual's household;

3.28 (7) is receiving a service that cannot be performed or that would be difficult to perform
3.29 if the individual receiving the service wears a face covering. Such services include dental
3.30 examinations or procedures, certain medical examinations or procedures, and certain personal
3.31 care services;

4.1 (8) is alone in an enclosed work area, including an office, room, cubicle with walls
 4.2 higher than face level when social distancing is maintained, vehicle, or cab of heavy
 4.3 equipment or machinery; or

4.4 (9) is a public safety worker, is actively engaged in the individual's public safety duties,
 4.5 and is in a situation in which wearing a face covering would seriously interfere with the
 4.6 performance of the individual's public safety duties.

4.7 **Subd. 5. More protective policies or ordinances permitted.** (a) Nothing in this section
 4.8 shall prohibit a business or local unit of government from adopting an ordinance or policy
 4.9 that imposes more protective requirements regarding face coverings in order to further
 4.10 protect the public health, provided these requirements are consistent with this section and
 4.11 other law.

4.12 (b) Notwithstanding subdivision 3, clause (4), a hospital, shelter, drop-in center, long-term
 4.13 care facility, residential treatment facility, residential program licensed under Minnesota
 4.14 Statutes, chapter 245D, or correctional facility may require visitors, patients, residents, or
 4.15 inmates, as applicable, to wear a face covering even when in a private living unit.

4.16 (c) Notwithstanding paragraph (a), an owner, landlord, or property manager of a multi-unit
 4.17 dwelling not listed in paragraph (b) shall not require a tenant or others to wear a face covering
 4.18 in a tenant's private living unit.

4.19 **Subd. 6. Relationship to other law.** Wearing a face covering in compliance with this
 4.20 section or with a local ordinance or policy that complies with subdivision 5 does not
 4.21 constitute a violation of Minnesota Statutes, section 609.735.

4.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.23 **Sec. 2. DUTIES OF BUSINESSES; FACE COVERINGS.**

4.24 **Subdivision 1. Face covering requirements in COVID-19 preparedness plan.** A
 4.25 business must:

4.26 (1) include the applicable face covering requirements in section 1, along with any face
 4.27 covering requirements in applicable industry guidance, in the business's COVID-19
 4.28 preparedness plan;

4.29 (2) make the COVID-19 preparedness plan available to the business's workers; and

4.30 (3) inform the business's workers of all applicable face covering requirements.

5.1 Subd. 2. **Notice of face covering requirements.** A business must post one or more signs
5.2 that are visible to all individuals entering the business and that inform individuals at the
5.3 business of the applicable face covering requirements.

5.4 Subd. 3. **Implementation.** (a) A business must:

5.5 (1) require its workers to wear a face covering according to section 1;

5.6 (2) make reasonable efforts to require customers and visitors entering the business to
5.7 wear a face covering according to section 1; and

5.8 (3) when possible, provide accommodations or an alternative service option for
5.9 individuals not required to wear a face covering according to section 1, subdivision 3, clause
5.10 (1).

5.11 (b) A business shall not require an individual to explain or provide proof of a medical
5.12 condition, mental health condition, or disability if the individual does not wear a face
5.13 covering due to the condition or disability. A business must follow other applicable laws
5.14 with respect to whether the business may require a worker to provide documentation of a
5.15 medical condition, mental health condition, or disability that prevents the worker from
5.16 wearing a face covering, and with respect to what the business may ask the worker regarding
5.17 the worker's condition or disability.

5.18 (c) Nothing in sections 1 to 3:

5.19 (1) requires a business or a worker at a business to enforce section 1 when it is unsafe
5.20 to do so; or

5.21 (2) authorizes a business or a worker at a business to restrain, assault, or physically
5.22 remove a worker or individual at the business who refuses to comply with section 1.

5.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.24 Sec. 3. **ENFORCEMENT.**

5.25 Subdivision 1. **Noncompliance by an individual.** (a) Any individual who willfully
5.26 violates section 1 is guilty of a petty misdemeanor and may be sentenced to a fine not to
5.27 exceed \$100.

5.28 (b) This subdivision does not apply to:

5.29 (1) an individual who is age 13 or younger; or

6.1 (2) a student who is age 14 or older, is enrolled at a school or higher education institution,
6.2 and is on the premises of the school or institution for educational purposes when the violation
6.3 occurs.

6.4 Subd. 2. **Noncompliance by a business; criminal penalty.** An owner, manager, or
6.5 supervisor of a business who intentionally fails to comply with section 1 or 2 is guilty of a
6.6 misdemeanor and may be sentenced to a fine not to exceed \$1,000 or to imprisonment for
6.7 not more than 90 days.

6.8 Subd. 3. **Noncompliance by a business; civil penalty, injunction.** (a) The courts of
6.9 this state are vested with the jurisdiction to prevent and restrain violations of section 1 or
6.10 2, to require the payment of civil penalties, and to require payment into the general fund.

6.11 (b) On becoming satisfied that section 1 or 2 has been or is being violated by a business
6.12 or is about to be violated by a business, the attorney general, a county attorney for a violation
6.13 in the county attorney's jurisdiction, or a city attorney for a violation in the city attorney's
6.14 jurisdiction, shall be entitled, on behalf of the state, to:

6.15 (1) sue for and have injunctive relief in any court of competent jurisdiction against any
6.16 violation or threatened violation by a business without abridging the penalties provided by
6.17 law; and

6.18 (2) sue for and recover for the state, from any business found to have violated section
6.19 1 or 2, a civil penalty in an amount to be determined by the court but not to exceed \$25,000
6.20 per occurrence.

6.21 (c) All money recovered under this subdivision shall be deposited in the general fund.

6.22 Subd. 4. **Use of existing enforcement tools.** State and local licensing and regulatory
6.23 authorities that assess business compliance with laws, rules, and codes to protect the public
6.24 may assess business compliance with sections 1 and 2 and use existing enforcement tools
6.25 to ensure compliance with sections 1 and 2.

6.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.27 Sec. 4. **EXPIRATION OF FACE COVERING REQUIREMENTS.**

6.28 (a) Sections 1 to 3 shall expire upon the issuance by the federal Centers for Disease
6.29 Control and Prevention of guidance on measures to prevent COVID-19 transmission that
6.30 does not include a recommendation to wear a face covering to prevent COVID-19
6.31 transmission.

- 7.1 (b) The commissioner of health shall issue a public statement and shall notify the revisor
- 7.2 of statutes when the requirement in paragraph (a) is satisfied.
- 7.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.