

Frequently Asked Questions About the Requirement to Wear Face Coverings

JULY 22, 2020

As of July 25, 2020, per the Governor's Executive Order 20-81¹, people in Minnesota are required to wear a face covering in all public indoor spaces and indoor businesses, unless you are alone. Additionally, workers are required to wear a face covering when working outdoors in situations where social distancing cannot be maintained. Research has shown that use of face coverings can greatly reduce the risk of infection when combined with other prevention efforts such as social distancing and hand hygiene.

About face coverings

How do face coverings slow the spread of COVID-19?

The virus which causes COVID-19 is thought to be mostly spread by respiratory droplets released when people talk, cough, or sneeze. Many people with COVID-19 do not show any symptoms but can still spread the virus to others, especially those who have had prolonged close contact with another person. Additionally, people can be contagious before they show symptoms of COVID-19. Wearing a face covering will help to protect the people around you if you are infected and do not know it. The Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO) recommend that people should wear a face covering in public to limit the spread of respiratory droplets, especially in situations where social distancing is hard to maintain. Face coverings along with other measures like good hand hygiene and social distancing work together to slow the spread.

How to wear a face covering

A face covering can include a paper or disposable mask, cloth mask, neck gaiter, scarf, bandanna, or a religious face covering. A face covering must cover the mouth and nose completely. The covering should not be overly tight or restrictive and should feel comfortable to wear.

Any masks that incorporate a valve that is designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow droplets to be released from the mask.

FREQUENTLY ASKED QUESTIONS ABOUT THE REQUIREMENT TO WEAR CLOTH FACE COVERINGS

Refer to the following resources for additional guidance and tips on how to wear a face covering:

- Minnesota Department of Health (MDH) Video: [Mask Do's and Don'ts](https://www.youtube.com/watch?v=w2-p4MsAqU&feature=youtu.be) (<https://www.youtube.com/watch?v=w2-p4MsAqU&feature=youtu.be>) – for other languages and a transcript, see the [MDH Videos for Coronavirus Disease 2019 \(COVID-19\) Response webpage](https://www.health.state.mn.us/diseases/coronavirus/materials/videos.html) (<https://www.health.state.mn.us/diseases/coronavirus/materials/videos.html>)
- [MDH When and how to wear a mask](https://www.health.state.mn.us/diseases/coronavirus/prevention.html#masks) (<https://www.health.state.mn.us/diseases/coronavirus/prevention.html#masks>)
- [MDH Facemasks and Personal Protective Equipment \(PPE\)](https://www.health.state.mn.us/diseases/coronavirus/guidance.html#ppe) (<https://www.health.state.mn.us/diseases/coronavirus/guidance.html#ppe>)
- CDC guidance for the [use of cloth face coverings to help slow the spread of COVID-19](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html) (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>)

How do we know face coverings are effective?

Wearing face coverings in the context of other respiratory diseases such as tuberculosis and influenza has been shown to reduce transmission.^{2,3} Model simulations using data from New York and Washington suggest that broad use of face coverings can significantly reduce community transmission of COVID-19 and decrease the number of hospitalizations and deaths.⁴ States that have mandated use of face coverings in public have seen a decline in their daily growth rate of COVID-19 cases, and these measures are estimated to have prevented between 230,000 and 450,000 cases.⁵ Case studies have shown that universal masking for source control has helped to prevent transmission, including in a hair salon where stylists positive for SARS-CoV-2 (the virus that causes COVID-19) did not transmit to their clients while wearing face coverings.⁶ The greatest community benefits are likely to be seen when as many people as possible wear face coverings in combination with other prevention measures such as social distancing and hand hygiene.

About the face covering requirement

Why is there a state mandate?

Minnesota has strongly recommended widespread use of face coverings since April. As shown in other states, COVID-19 surges can happen quickly—even in areas with previously low or decreasing case numbers—and with disastrous consequences. Because Minnesota has begun the process of reopening its economy and people are now leaving home more frequently, smart, simple infection-control measures, like wearing a face covering, are particularly important to prevent further COVID-19 spread. Previously, Minnesota and other states encouraged voluntary compliance with face covering recommendations, but compliance with such recommendations has been inconsistent and face covering requirements have been shown to increase consistent face covering use⁷. Other states are having success controlling the spread of COVID-19 by mandating face coverings in certain settings in accordance with CDC and WHO recommendations.

How long will the Executive Order be in effect?

This Executive Order is effective immediately upon approval by the Executive Council, with the requirement to wear face coverings starting July 25, 2020. It remains in effect until the peacetime emergency declared in Executive Order 20-01 ends or until cancelled by a proper authority (Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32).

Which face covering requirement do I follow if my city already has a face covering requirement?

The Executive Order establishes the minimum face covering requirements for all Minnesotans. If a local government authority (such as a city or county) establishes requirements that are more protective (in that they require face coverings in more situations), those requirements must be followed.

What's the penalty for not wearing a face covering?

The goal of the Executive Order is to advise Minnesotans that wearing a face covering will protect them, their families, their friends, and others, and the expectation is that Minnesotans will voluntarily comply with the Order's requirements. Enforcement is not the goal of this Executive Order, but because these requirements are so important for the safety of our communities, Minnesotans who fail to comply with the Executive Order may receive a petty misdemeanor citation and a fine of up to \$100.

Businesses have heightened responsibility for public safety, given the volume of people that pass through Minnesota businesses on any given day. As such, businesses (and their owners and management) may be subject to criminal charges (up to a misdemeanor, \$1,000 fine, and not more than 90 days in jail), civil enforcement and fines (of up to \$25,000), and regulatory enforcement (e.g., actions by government authorities that license or regulate the business).

Should I say something if someone near me isn't wearing a face covering?

There are people who may not be able to wear face coverings for a variety of reasons and you may not be able to tell why just by looking at a person. Unless you are a business responsible for ensuring worker and customer compliance with the Executive Order, do not confront a person about why they are not wearing a face covering but instead, if possible, ask them to maintain social distance. Face coverings protect others from you so the best option is for you to continue to wear your face covering and, where possible, physically distance yourself at least six feet from persons not wearing face coverings. Remember, we're all in this together and not everyone is able to wear a face covering.

When to wear a face covering and when you can remove it

What medical conditions or circumstances would prevent a person from wearing a face covering?

There is no defined list of recognized medical, mental health conditions or disabilities that would prevent someone from wearing a face covering. Even if there was, there can be individual variation in tolerance for wearing a face covering among people with the same condition—one person might tolerate a face covering and another might not.

Face coverings can also pose special challenges for people who are deaf or hard of hearing or have other communication needs or disabilities. The Executive Order not only provides exemptions for people who are unable to wear a face covering due to a medical or mental health condition or disability, but also allows people without such conditions to temporarily remove their face covering while communicating with someone who is deaf or hard of hearing or who has a condition or disability that makes communication with that person while wearing a face covering difficult. See [Best Practices for Masks: Considerations for People with Disabilities and Special Health Needs](https://www.health.state.mn.us/diseases/coronavirus/guidemasks.pdf) (<https://www.health.state.mn.us/diseases/coronavirus/guidemasks.pdf>).

Do I have to wear a face covering if there are not many cases in my area?

Yes. The case count reported by MDH does not account for all cases because a person with COVID-19 may not feel sick or get tested. It is important that all Minnesotans take precautions. Face coverings will help to slow the spread of COVID-19 everywhere in Minnesota, and help keep our economy open.

What if I am asked to remove my face covering to verify my identity?

The Executive Order allows a person to temporarily remove their face covering when asked to do so to verify their identity—for example, when applying for or renewing a driver's license or identification card. However, businesses and other persons or entities that are required or authorized to verify a person's identity are encouraged to use other means of identification that do not require a person to remove their face covering (for example, checking a person's height or eye color against the information on their driver's license or identification card) to the extent possible.

I have a valid permit to carry a pistol—am I prevented from carrying a pistol while wearing a face covering?

No. People wearing a face covering may possess a pistol under a legal permit to carry in the same manner as a person who is not wearing a face covering.

Am I required to wear a face covering in a polling place?

FREQUENTLY ASKED QUESTIONS ABOUT THE REQUIREMENT TO WEAR CLOTH FACE COVERINGS

Yes. The Executive Order requires that face coverings be worn in any indoor public space or indoor business—including polling places. Voters who refuse to wear a face covering within the polling place will be provided with the opportunity to vote using curbside voting procedures which will allow the voter to vote outside and without violating the Executive Order.

A voter who refuses to wear a face covering and refuses the curbside option will not be prevented from voting. However, any individual who fails to comply with the Executive Order—whether in a polling place or other indoor public space or business—may be subject to a petty misdemeanor citation and a fine of up to \$100.

For more information about Election Day voting and other ways to vote, visit the Office of Minnesota Secretary of State website at <https://sos.state.mn.us/elections-voting/> or call 1-877-600-VOTE (8683).

Businesses and workers

What are the requirements for face coverings at work?

Generally, workers are required to wear a face covering at all times when indoors, when outdoors in situations where social distancing cannot be maintained, or when specific industry guidance has stricter requirements. Please see the [Stay Safe Guidance for Businesses and Organizations](https://staysafe.mn.gov/industry-guidance/index.jsp) (<https://staysafe.mn.gov/industry-guidance/index.jsp>) to find information about specific work industries. Industry-specific requirements that differ from or impose greater requirements than the Executive Order are also summarized at [Face Covering Requirements and Recommendations under Executive Order 20-81](https://health.state.mn.us/diseases/coronavirus/facecover.html) (health.state.mn.us/diseases/coronavirus/facecover.html). Businesses are responsible for clearly communicating the applicable requirements to their workers.

The Executive Order also identifies a number of situations where a face covering may be temporarily removed, such as when a worker is working alone (for example, when in a closed office, a cubicle with walls above face height when social distancing is maintained, or other enclosed space with no other individuals present). In addition, if a worker cannot wear a face covering due to a medical condition, mental health condition, or disability, a business must provide an accommodation to the worker if possible.

Are businesses responsible for requiring that workers, customers, and visitors wear a face covering?

Yes, it is the responsibility of the business to require that its workers, customers, and visitors are wearing face coverings consistent with the provisions of Executive Order 20-81.

Businesses must update their COVID-19 Preparedness Plan to align with the requirements of Executive Order 20-81. Businesses must also communicate to workers and customers that face coverings must be worn when required by the Executive Order—meaning, when indoors, for both customers and workers, and also when outdoors for workers, when social distancing cannot be maintained—unless

FREQUENTLY ASKED QUESTIONS ABOUT THE REQUIREMENT TO WEAR CLOTH FACE COVERINGS

circumstances allow for the temporarily removal of the face covering. At a minimum, businesses must communicate face covering requirements by clearly posting signage in places that are visible to all workers, customers, and visitors. A best practice would be for businesses to notify customers about face covering requirements through communication while they are making reservations, appointments, or placing orders for pickup.

Where can business owners find masking materials for their storefront?

Digital and print materials related to the #MaskUpMN campaign are available for download on the State of Minnesota's COVID-19 website.

What should a business do when a worker, customer, or visitor claims to be exempt from the face covering mandate?

The Executive Order contains exemptions to the face covering mandate, including for certain medical and mental health conditions and disabilities. When a customer or visitor claims to be exempt due to a medical or mental health condition or disability, businesses may not require proof of the condition or disability, or require customers or visitors to explain the nature of their condition or disability. When possible, businesses must provide accommodations to customers and visitors who are unable to wear a face covering (for example, by offering curbside pick-up) and mitigate worker and customer exposure to individuals who are unable to wear a face covering.

If a worker claims to be exempt from face covering requirements, businesses must follow the requirements of applicable laws (including civil rights laws like the Americans with Disabilities Act and the Minnesota Human Rights Act) that relate to verification of a worker's condition or disability. The business should also provide any exempt worker an accommodation to the extent possible. For example, if the worker will interact with customers, visitors, or other workers, the employer could offer the worker the option of wearing a face shield as an alternative. The employer should also consider taking steps to mitigate the worker's interaction with other workers and, if the business is customer-facing, with customers as well.

What should a business do when customers or workers refuse to comply with face covering requirements?

When an employee does not claim a legitimate exemption from face covering requirements (for example, due to a disability) but still refuses to wear a face covering, businesses should take appropriate disciplinary action.

If a customer who does not claim a legitimate exemption refuses to comply with face covering requirements, businesses should assess the situation and determine how best to proceed, using normal procedures for dealing with a difficult customer. Because businesses have an obligation to protect their workers from hazards—including COVID-19 infection—businesses must take steps to mitigate or eliminate the risks posed by a person who refuses to wear a face covering.

Here are some best practices to consider:

FREQUENTLY ASKED QUESTIONS ABOUT THE REQUIREMENT TO WEAR CLOTH FACE COVERINGS

- If a customer (or visitor) enters or attempts to enter without a face covering, communicate face covering requirements to the customer, offer the customer a face covering, and request that they put it on.
- If a customer continues to refuse to wear a face covering, decline services to the customer, or request that the customer not enter the premises or leave the premises.
- The business may also offer the customer service alternatives, if available, including curbside pick-up, home delivery, or retrieving merchandise for the customer.
- Based on its assessment of the situation, the business may also determine that there is a need to engage law enforcement to assist.

Nothing in the Executive Order provides businesses with the right to physically restrain or remove a noncompliant person when it would not otherwise be legal to do so. Employees and management should avoid direct enforcement in situations that would put themselves or others at risk of harm and instead consider engaging law enforcement.

Can a worker refuse to perform job duties if a customer is not wearing a face covering?

If workers, acting in good faith, have a reasonable belief that they have been assigned to work in an unsafe and unhealthy manner, they may refuse to perform the job duties assigned if they have requested that the business correct the hazardous conditions.

It is the responsibility of businesses to provide their workers with a safe and healthy workplace. If a customer refuses to wear a face covering, a business needs to take action to mitigate workers' exposure to the customer, while making reasonable efforts to obtain the customer's compliance.

Who provides and pays for the face covering if workers have to wear them?

Businesses are encouraged to provide face coverings for all workers to ensure compliance with the Executive Order. If an employer requires that all workers wear the same uniform face covering, such as one with their business logo on it, they will likely purchase the face covering and provide it to workers. However, the law provides that an employer can deduct from a worker's wages the cost of a uniform so long as it does not reduce the worker's pay below the minimum wage for hours worked. The amount of the deduction for a face covering may not exceed the cost of the face covering to the employer. The maximum deduction for all items that are part of a uniform allowed by law is \$50. If the employer provides the face covering and deducts the cost of the face covering from the worker's wages, the employer must reimburse the worker the full amount deducted for the face covering when the worker's employment ends and the worker returns the face covering to the employer.

If an employer chooses not to provide the face covering, workers are responsible for acquiring their own face covering and wearing it while at work to comply with the Executive Order.

Does a face covering need to meet an employer’s “appropriate attire” requirements?

Appropriate attire requirements are developed and enforced by the business and, in some instances, by law. Employees should speak with their employer and review the employer’s COVID-19 Preparedness Plan as well as any employee handbook or applicable employer policy.

Can a worker be disciplined by an employer if they wear a face covering even if a wearing a face covering is not required?

No, Executive Order 20-54 provides that an employer cannot discriminate or retaliate against a worker for wearing a face covering that the worker has personally acquired as long as the face covering does not violate industry standards or existing employer policies related to health, safety, or decency.

How will authorities determine if my business is compliant with the face covering mandate?

The Executive Order states that a business is in compliance with the Executive Order if:

1. The businesses’ workers are wearing face coverings as required by the Executive Order;
2. The business has updated their COVID-19 Preparedness Plan to address the face covering requirements to align with the requirements of the Executive Order;
3. The business has posted one or more signs visible to all workers, customers, and visitors instructing them to wear face coverings as required by the Executive Order—meaning when indoors (all persons) and, outdoors (workers only) in situations where social distancing cannot be maintained; and
4. The business makes reasonable efforts to enforce the face covering requirements with respect to customers and visitors.

The previous four sections discuss the steps that businesses can take to ensure compliance with the Executive Order.

When assessing a situation involving potential violation of the Executive Order, a local law enforcement agency or state regulatory agency should consider the seriousness of any non-compliance. Factors relevant to the seriousness of the non-compliance include but are not limited to: the number of workers and customers not requiring face covering as required by the Executive Order; how long and how often workers and customers are not wearing face coverings; the consequences of workers and customers not wearing face coverings, including indications the business is associated with the transmission of COVID-19; and the actions taken by the business to prevent and respond to their workers’ and customers’ non-compliance with face covering requirements.

The objective of any enforcement action will be to achieve compliance with the Executive Order to protect the health of Minnesotans.

School and child care settings

What are the requirements for schools?

Face coverings are generally required for all students, staff, and other persons present in any kindergarten through grade 12 school buildings or district offices or riding on school transportation vehicles. To provide a consistent, safe environment for students and staff, this requirement applies equally to kindergarteners, even those aged 5 or under. Students and staff have increased flexibility to wear face shields in certain circumstances, all of which are detailed in the Executive Order found at [Executive Orders from Governor Walz \(https://mn.gov/governor/news/executiveorders.jsp\)](https://mn.gov/governor/news/executiveorders.jsp) and [MDH 2020-2021 Planning Guide for Schools \(https://www.health.state.mn.us/diseases/coronavirus/schools/k12planguide.pdf\)](https://www.health.state.mn.us/diseases/coronavirus/schools/k12planguide.pdf). As with other settings, children under 2 years or anyone with a medical, developmental, or behavioral condition that makes it unreasonable to wear a face covering must not wear face coverings.

What are the requirements for child care, preschool and pre-kindergarten?

Universal masking is challenging in child care settings—particularly those that serve young children—due to the importance of communication for child development. These settings also may be able to mitigate risks of transmission by grouping staff and children together in consistent “cohorts” that do not mix with others. Accordingly, the Executive Order grants flexibility to the following child care settings, as long as they serve children 5 years and under: family and group day care homes (licensed under Minnesota Rules 2019, chapter 9502); child care centers (licensed under Minnesota Rules 2019, chapter 9503); certified centers (certified under Minnesota Statutes 2019, chapter 245H); legal non-licensed child care providers (defined under Minnesota Statutes 2019, section 119B, subdivision 16); certain license-exempt Head Start, public and private school programs (defined under Minnesota Statutes 2019, section 245A.03, subdivision 2 (a) (5), (13), and (26)); and other Head Start, preschool and pre-kindergarten programs.

In general, either a face covering or face shield is required for all staff in child care settings when in communal areas, hallways or lobbies. When isolated in a classroom or home care environment with one group or cohort, face coverings are strongly recommended, but not required. Children 5 years and under are exempt from the face covering requirement, and a child care setting that serves children under 5 may choose to exempt older children by fulfilling specific requirements (i.e., written notice to all families and documentation in COVID-19 Preparedness Plans). For additional requirements, guidance, and information, please refer to the Executive Order at [Executive Orders from Governor Walz \(https://mn.gov/governor/news/executiveorders.jsp\)](https://mn.gov/governor/news/executiveorders.jsp) and MDH guidance on [COVID-19 Prevention Guidance for Youth, Student, and Child Care Programs \(https://www.health.state.mn.us/diseases/coronavirus/schools/socialdistance.pdf\)](https://www.health.state.mn.us/diseases/coronavirus/schools/socialdistance.pdf).

Where to get a face covering

Where can I get a face covering?

Masks or cloth coverings can be purchased or handmade. There is not a list of approved vendors. When buying or making a face covering, remember to check that it meets the following requirements:

- Completely covers the mouth and nose.
- Is not overly tight or restrictive.
- The face covering must not be made of mesh or other fabric with holes and must **not** have a valve designed to facilitate easy exhaling or other openings, holes, visible gaps in the design or material, or vents.

If making a mask, there are many resources available to assist, including:

- [How to Make Cloth Face Coverings \(https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html\)](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html)
- This CDC video also demonstrates a no-sew version: [How to Make Your Own Face Covering \(https://www.youtube.com/watch?v=tPx1yqvJgf4&feature=youtu.be\)](https://www.youtube.com/watch?v=tPx1yqvJgf4&feature=youtu.be)

Concerns, questions or complaints

Where can I send concerns about compliance or questions?

To report violations by businesses or individuals, contact local law enforcement or one of the agencies listed below, if applicable.

- To ask questions or report violations of this Executive Order that relate to worker health and safety: Contact the Department of Labor and Industry by email at osha.compliance@state.mn.us or by phone at 651-284-5050 or 1-877-470-6742.
- To ask other workplace-related questions about this Executive Order: Contact the Department of Employment and Economic Development using the form on the following webpage: [Questions about Returning to Work \(https://mn.gov/deed/newscenter/covid/safework/returning/\)](https://mn.gov/deed/newscenter/covid/safework/returning/).
- To report violations by restaurants and food service establishments, pools, or lodging services: Follow the instructions on: [MDH Online Complaint Form \(https://www.health.state.mn.us/communities/environment/food/license/complnt.html#beforefile\)](https://www.health.state.mn.us/communities/environment/food/license/complnt.html#beforefile). In some instances, you may need to contact a local public health agency to report your complaint. Refer to the “Before reporting a complaint” section on the above webpage or to the [Minnesota State and Local Food, Pools, and Lodging Contacts \(https://www.health.state.mn.us/communities/environment/food/docs/license/locals.pdf\)](https://www.health.state.mn.us/communities/environment/food/docs/license/locals.pdf) to determine whether a local public health agency is the right contact for your area.

FREQUENTLY ASKED QUESTIONS ABOUT
THE REQUIREMENT TO WEAR CLOTH FACE COVERINGS

- To report discrimination in relation to this Executive Order: Contact the Minnesota Department of Human Rights at 1-833-454-0148 or submit a report at [Report Discrimination Online \(https://mn.gov/mdhr/intake/consultationinquiryform/\)](https://mn.gov/mdhr/intake/consultationinquiryform/).
- For general questions about face covering requirements or COVID-19: Contact the Minnesota Department of Health by phone at 651-297-1304 or 1-800-657-3504, or submit an inquiry using the [Have a Question? We're here to help online form \(https://staysafe.mn.gov/contact-us/\)](https://staysafe.mn.gov/contact-us/).

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FREQUENTLY ASKED QUESTIONS ABOUT
THE REQUIREMENT TO WEAR CLOTH FACE COVERINGS

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Contact health.communications@state.mn.us to request an alternate format.

