

1 Introduced by Senate Committee on Health and Welfare

2 Referred to Committee on

3 Date:

4 Subject: Health; public health; statewide mask requirement

5 Statement of purpose of bill as introduced: This bill proposes to require all  
6 individuals five years of age and older to wear a mask or cloth face covering in  
7 public indoor spaces, subject to limited exceptions, in counties in which the  
8 Centers for Disease Control and Prevention indicate a “high” or “substantial”  
9 community transmission level.

10 An act relating to a statewide mask requirement

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. STATEWIDE MASKING REQUIREMENT

13 (a)(1) Masks or cloth facial coverings shall be worn by all individuals five  
14 years of age and older, regardless of vaccination status, who are present in a  
15 public indoor space where there are members of more than one household  
16 present.

17 (2)(A) Children who are between two and four years of age are strongly  
18 recommended to wear a mask or cloth facial covering under close adult  
19 supervision when present in a public indoor space where there are members of  
20 more than one household present.

1           (B) Children at a child care facility as defined in 33 V.S.A. § 3511  
2           shall not wear a mask or cloth face covering while napping.

3           (b) Notwithstanding subsection (a) of this section, an individual, or in the  
4           case of a minor, the individual’s parent or guardian, may choose not to wear a  
5           mask or cloth facial covering under any of the following circumstances:

6           (1) the individual has a physical or mental condition or disability that  
7           prevents the individual from wearing a mask or cloth facial covering, including  
8           individuals with a medical condition for whom wearing a mask or cloth facial  
9           covering could obstruct breathing or who are unconscious, incapacitated, or are  
10           otherwise unable to remove a mask or cloth face covering without assistance;

11           (2) the individual is receiving routine or preventative medical treatment  
12           that requires a health care provider to access the portion of the individual’s  
13           face that is otherwise covered by a mask or cloth facial covering;

14           (3) the individual is hearing impaired, or communicating with an  
15           individual who is hearing impaired, where the ability to see the mouth is  
16           essential for communication, and a transparent mask is either not available or  
17           its use is not practicable;

18           (4) for a limited time, to enable the individual to participate in a  
19           religious activity that would otherwise be restricted by the use of a mask or  
20           cloth facial covering;

1           (5) for a limited time, while the individual is eating or drinking or for  
2           identification purposes in compliance with safety and security requirements;

3           (6) when the individual is wearing a respirator; and

4           (7) where an employer has determined that an employee’s use of a mask  
5           or cloth face covering is infeasible or creates a greater hazard, such as when it  
6           is important to see the employee’s mouth for reasons related to job duties,  
7           when the work requires the use of the employee’s uncovered mouth, or when  
8           the use of a mask or cloth face covering presents a risk of serious injury or  
9           death to the employee.

10          (c) As used in this section:

11           (1) “Mask or cloth facial covering” means a medical or nonmedical face  
12           covering worn over an individual’s nose and mouth that complies with the  
13           recommendations of the Centers for Disease Control and Prevention [OR  
14           means: (A) a medical procedure- or surgical-type mask made of multiple  
15           layers of non-woven polypropylene material; (B) an N95, KN95, KF94, or  
16           similar grade mask; or (C) a more protective grade mask.] In the case of  
17           individuals with a medical condition complicated or irritated by a mask or  
18           cloth facial covering, a translucent shield or “sneeze guard” is acceptable in  
19           lieu of a mask or other cloth facial covering.

20           (2) “Public indoor space” means any enclosed indoor area that is  
21           publicly or privately owned, managed, or operated to which individuals have

1 access by right or by invitation, expressed or implied, and that is accessible to  
2 the public, serves as a place of employment, or is an entity providing services.

3 “Public indoor space” includes public transportation conveyances, such as  
4 busses, trains, and ride services, and when in a mass transportation station or  
5 terminal, including airports. “Public indoor space” does not mean:

6 (A) an individual’s residence, including:

7 (i) a room in a motel or hotel;

8 (ii) a residence provided by or through a public or independent  
9 school as defined in 16 V.S.A. § 11 or a public or private postsecondary  
10 educational institution that operates in the State; and

11 (iii) a single- or double-occupancy cell at a correctional facility;

12 and

13 (B) a temporary structure.

14 (3) “Respirator” means a type of personal protective equipment that is  
15 certified by the National Institute for Occupational Safety and Health under  
16 42 C.F.R. Part 84 or is authorized under an emergency use authorization by the  
17 U.S. Food and Drug Administration. Common types of respirators include  
18 filtering facepiece respirators, elastomeric respirators, and powered air  
19 purifying respirators.

20 (4) “Temporary structure” means a structure that is designed to be easily  
21 transported or dismantled after its function has been fulfilled and is not

1 permanently attached to the ground or connected to utilities such as water,  
2 sewer, and electricity.

3 (5) “Vaccination status” means an individual’s history as it relates to  
4 having received or not received a vaccination for COVID-19.

5 (d) An individual, or in the case of a minor, the parent or guardian of an  
6 individual who violates this section may be assessed a civil penalty not to  
7 exceed \$250.00 a day for each day in which the individual is in violation. The  
8 Judicial Bureau shall have jurisdiction over violations of this subsection  
9 relating to refusal to wear a mask or cloth face covering.

10 (e) Compliance with this section shall be required in each county indicated  
11 to have “high” or “substantial” community transmission by the Centers for  
12 Disease Control and Prevention until the county’s community transmission  
13 level is below “substantial” for two continuous weeks. On a daily basis, the  
14 Department of Health shall post on its website the masking requirements for  
15 each county based on applying the Centers for Disease Control and Prevention  
16 guidelines to Vermont data. [Alternatives: days above 100% percent capacity  
17 in ICU; death rates; hospital utilization rates; days ICU is closed; 12 of 14  
18 counties below CDC “substantial” level for community transmission; etc.]

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on passage.