

1 Introduced by Committee on Health and Welfare

2 Date:

3 Subject: Health; public health; statewide mask requirement

4 Statement of purpose of bill as introduced: This bill proposes to require all  
5 individuals two years of age and older to wear a mask or cloth face covering in  
6 public indoor spaces, subject to limited exceptions, until all counties statewide  
7 have a community transmission level below “substantial” as determined by the  
8 Centers for Disease Control and Prevention.

9 An act relating to a statewide mask requirement

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

11 Sec. 1. STATEWIDE MASKING REQUIREMENT

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

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

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

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

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

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

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

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

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

19           (7) where an employer has determined that an employee's use of a mask  
20           or cloth face covering is infeasible or creates a greater hazard, such as when it  
21           is important to see the employee's mouth for reasons related to job duties,

1 when the work requires the use of the employee’s uncovered mouth, or when  
2 the use of a mask or cloth face covering presents a risk of serious injury or  
3 death to the employee.

4 (c) As used in this section:

5 (1) “Mask or cloth facial covering” means whenever possible a medical  
6 procedure- or surgical-type mask made of multiple layers of nonwoven  
7 polypropylene material; an N95, KN95, KF94, or similar grade mask; or a  
8 more protective grade mask. A closely-fitted, non-medical cloth mask with at  
9 least two layers, worn over an individual’s nose and mouth, is acceptable when  
10 a preferred mask is not available.

11 (2) “Public indoor space” means any enclosed indoor area that is  
12 publicly or privately owned, managed, or operated to which individuals have  
13 access by right or by invitation, expressed or implied, and that is accessible to  
14 the public, serves as a place of employment, or is an entity providing services.

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

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

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

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

4                   (iii) a single- or double-occupancy cell at a correctional facility;  
5 and

6                   (B) a temporary structure.

7                   (3) “Respirator” means a type of personal protective equipment that is  
8 certified by the National Institute for Occupational Safety and Health under  
9 42 C.F.R. Part 84 or is authorized under an emergency use authorization by the  
10 U.S. Food and Drug Administration. Common types of respirators include  
11 filtering facepiece respirators, elastomeric respirators, and powered air  
12 purifying respirators.

13                   (4) “Temporary structure” means a structure that is designed to be easily  
14 transported or dismantled after its function has been fulfilled and is not  
15 permanently attached to the ground or connected to utilities such as water,  
16 sewer, and electricity.

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

19                   (d) Statewide compliance with this section shall be required until all  
20 counties’ community transmission levels are below “substantial” as determined  
21 by the Centers for Disease Control and Prevention for fourteen continuous

1 days. On a daily basis, the Department of Health shall post on its website the  
2 community transmission level for each county based on applying the Centers  
3 for Disease Control and Prevention guidelines to Vermont data.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.