

# Face Covering Requirements and Recommendations under Executive Order 20-81

JULY 22, 2020

As of July 25, 2020, per the Governor's Executive Order 20-81, people in Minnesota are required to wear a face covering in all public indoor spaces and businesses, unless 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.

For more information about face coverings and the Executive Order, please see the [Frequently Asked Questions About the Requirement to Wear Face Coverings](https://www.health.mn.us/diseases/coronavirus/facecoverfaq.html) (<https://www.health.mn.us/diseases/coronavirus/facecoverfaq.html>).

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## Types of face coverings

- Types of face coverings can include a paper or disposable mask, a cloth mask, a neck gaiter, a scarf, a bandanna, or a religious face covering.
- A face covering must cover the nose and mouth completely. The covering should not be overly tight or restrictive and should feel comfortable to wear.
- Any mask that incorporates 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.
- A face covering is not a substitute for social distancing, but is especially important in situations when maintaining at least a 6-foot distance from other individuals not who are not members of the same household is not possible.
- It is not known whether face shields (a clear plastic barrier that covers the face) provide the same source control for droplets as face masks, but they may be an option in situations where wearing a face mask is problematic. For optimal protection, the shield should extend below the chin and to the ears, and there should be no exposed gap between the forehead and the shield's headpiece.
- Although medical-grade masks (e.g., surgical face masks, N95 respirators) are sufficient face coverings, members of the public who do not work in health care or an occupation that requires

medical-grade protective equipment (e.g., certain construction professions) are discouraged from wearing them as they should be reserved for those workers.

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## Persons exempted from the face covering requirement

- Children under age 2 years must not wear face coverings. Children between the ages of 2 and 5 years old are not required to wear face coverings, but are encouraged to wear a face covering when in public if they can do so reliably in compliance with CDC guidance (i.e., without frequently touching or removing the face covering).
- Persons who have medical or other health conditions, disabilities or mental health, developmental, or behavioral needs that make it difficult to tolerate wearing a face covering.
- Any person who has trouble breathing, is unconscious, sleeping, incapacitated, or is otherwise unable to remove the face covering without assistance.
- Persons at their workplace when wearing a face covering would create a safety hazard to the person or others as determined by local, state, or federal regulators or workplace safety guidelines.
- Alternatives to masks such as clear face shields may be considered for those with health conditions or situations where wearing a mask is problematic. Face shields may also be used as an alternative to face coverings when specifically permitted in the applicable Industry Guidance available at the [Stay Safe Minnesota website \(https://staysafe.mn.gov/industry-guidance/index.jsp\)](https://staysafe.mn.gov/industry-guidance/index.jsp).

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## When it is required to wear a face covering

- In all public indoor spaces and businesses, including when waiting outside to enter the public indoor space or business.
- When riding on public transportation such as buses or trains, or in a taxi, ride-sharing vehicle, or vehicle that is being used for a business purpose.
- For workers only: When working outdoors in situations where social distancing (i.e., maintaining physical distance of at least six feet from other individuals who are not in the same household) cannot be maintained.
- When present in a business, whether indoor or outdoor, that has elected to require face coverings. Businesses are allowed to require face coverings even in situations where face coverings are not otherwise required by Executive Order 20-81.
- When applicable industry guidance, available on the [Stay Safe Minnesota website \(https://staysafe.mn.gov\)](https://staysafe.mn.gov) specifically requires face coverings (refer to the industry-specific guidance section, below).

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## When a face covering is not required

- When at home or in an assigned room or living unit in a place of temporary lodging (e.g., hotel or motel room) or other place where a person may reside short- or long-term (e.g., shelter, dormitory, residential treatment facility, long-term care facility, correctional facility).
  - However, workers who enter a person's home or assigned living unit for purposes of their job—for example, home health care aides or staff in a residential treatment, long-term care, or correctional facility—must wear face coverings when doing so. Certain facilities—including hospitals, shelters, long-term care facilities, residential programs licensed under Minnesota Statutes chapter 245D, residential treatment facilities, or correctional facilities—may also require visitors and residents, patients, or inmates to wear face coverings even when in a living unit.
- When in a private vehicle being used for private (i.e., non-business) purposes.
- When outdoors or participating in outdoor recreation (e.g., exercising, walking, gardening) for private purposes. However, workers are required to wear face coverings when working outdoors in situations where social distancing cannot be maintained.
- Even in situations where face coverings are not required, all persons should carry a face covering to prepare for close interactions with others or to enter an indoor space.

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## When a face covering can be temporarily removed

- While eating or drinking, if you can maintain 6 feet of physical distance from others who are not a member of the same party.
- When someone asks to verify an identity for lawful purposes, such as when ordering an alcoholic beverage or entering certain events.
- When participating in an activity in which the face covering will get wet. For example, when swimming.
- While communicating with someone who is deaf or hard of hearing, or who has a medical condition, disability, or mental health condition that makes communication with that individual while wearing a mask difficult, provided that social distancing is maintained to the extent possible between persons who are not members of the same household.
- While receiving a service—including a dental examination or procedure, medical examination or procedure, or personal care service—that cannot be performed or would be difficult to perform when the individual receiving the service is wearing a face covering.
- When alone, such as when working in an office or a cubicle with walls higher than face level when social distancing is maintained, in an enclosed indoor area, in a vehicle, or in the cab of heavy equipment or machinery. In such situations, persons should still carry face coverings to be prepared to wear when no longer alone.
- When participating in organized sports where the level of exertion makes wearing a face covering difficult.

- When participating in indoor physical exercise—such as in a gym or fitness center—where the level of exertion makes wearing a face covering difficult, as long as social distancing can be maintained at all times.
- When testifying, speaking, singing, or performing in an indoor business or public indoor space, in situations or settings such as theaters, news conferences, courtroom proceedings, or lectures, provided that social distancing is always maintained. Face shields should be considered as an alternative in these situations.
- During practices or performances in an indoor business or indoor public space when a face covering cannot be used while playing a musical instrument, provided that social distancing is always maintained.

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## When it is strongly recommended (but not required) to wear a face covering

- In any public outdoor space or business when it is not possible to maintain 6 feet of physical distance from others or where close person-to-person interaction is possible or likely, such as when entering or exiting a business, moving around in a space with others present, using the restroom, ordering food, or waiting in line.
- In private social gatherings—for example, when visiting in a private home with friends or relatives that do not reside in the same household—especially when it is not possible to maintain 6 feet of physical distance from others.
- At home, for individuals experiencing symptoms of COVID-19. This will help protect other members of the same household from being infected.
- During participation in organized sporting activities, if wearing a face covering is safe and practical.
- When at home or in a private vehicle when someone who is not a member of the same household is present, particularly when social distancing cannot be maintained.

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## Businesses' obligations under the Executive Order

Under Executive Order 20-81, businesses must:

- Require that all persons, including their workers, customers, and visitors, wear face coverings as required by Executive Order 20-81 and take reasonable steps to enforce the requirement.
- Mitigate or eliminate worker and customer exposure to persons who cannot wear or refuse to wear a face covering.
- Update their COVID-19 Preparedness Plans to include the face covering requirements of Executive Order 20-81, inform their workers how their plan has been updated, and make the revised plan available to their workers.
- Post one or more signs that are visible to all persons—including workers, customers, and visitors—instructing them to wear face coverings as required by Executive Order 20-81.

## FACE COVERING REQUIREMENTS

- When possible, provide accommodations to persons, including their workers and customers, who state they have a medical condition, mental health condition, or disability that makes it unreasonable for the person to maintain a face covering. Accommodations could include permitting use of an alternate form of face covering—a face shield, for example—or providing service options that do not require a customer to enter the business.

Executive Order 20-81 does **not**:

- Require businesses or their workers to enforce face covering requirements when it is unsafe to do so.
- Authorize businesses to restrain, assault, or physically remove workers or customers who refuse to comply with Executive Order 20-81 when it would not otherwise be legal to do so.
- Authorize businesses and their workers to violate other laws, including anti-discrimination laws.

For additional information about the steps businesses can take to ensure compliance with Executive Order 20-81, refer to Executive Order 20-81 which is available at [Executive Orders from Governor Walz \(https://mn.gov/governor/news/executiveorders.jsp\)](https://mn.gov/governor/news/executiveorders.jsp), and the [Frequently Asked Questions About the Requirement to Wear Face Coverings \(https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html\)](https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html).

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## Enforcement

While Minnesota expects that businesses and individuals will voluntarily comply with the requirements of this guidance and Executive Order 20-81 to keep their fellow Minnesotans safe, there are consequences for violation of these requirements. These consequences can include petty misdemeanor citations and fines for people, and criminal, civil, and regulatory sanctions for businesses (and their owners and managers). For more information, see Executive Order 20-81 available at Executive Order 20-81 which is available at [Executive Orders from Governor Walz \(https://mn.gov/governor/news/executiveorders.jsp\)](https://mn.gov/governor/news/executiveorders.jsp), and the [Frequently Asked Questions About the Requirement to Wear Face Coverings \(https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html\)](https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html).

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## Where to report concerns with compliance or ask 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](mailto: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.
- 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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## Additional guidance: Child care, K-12 schools, and higher education institutions

Executive Order 20-81 establishes different or additional requirements, exceptions, and recommendations for child care, K-12 schools, and higher education institutions. For additional information, please see Executive Order 20-81 at [Executive Orders from Governor Walz \(https://mn.gov/governor/news/executiveorders.jsp\)](https://mn.gov/governor/news/executiveorders.jsp), the Minnesota Department of Health [Frequently Asked Questions About the Requirement to Wear Face Coverings \(https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html\)](https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html) and guidance specific to these settings at the following web pages:

- Child care settings are required to comply with the face covering and face shield guidance available at [Masking Recommendations for Child Care and Schools: COVID-19 \(https://www.health.state.mn.us/diseases/coronavirus/schools/masks.html\)](https://www.health.state.mn.us/diseases/coronavirus/schools/masks.html).
- Kindergarten through grade 12 schools are required to comply with the face covering and face shield guidance available at [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).
- Higher education institutions are required to comply with the face covering and face shield guidance available at [Institutes of Higher Education \(IHE\): COVID-19 \(https://www.health.state.mn.us/diseases/coronavirus/schools/ihe.html\)](https://www.health.state.mn.us/diseases/coronavirus/schools/ihe.html).

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## Industry-specific guidance

Executive Order 20-81 requires face coverings to be worn when specifically required by the applicable industry guidance available at the [Stay Safe Minnesota website \(https://staysafe.mn.gov\)](https://staysafe.mn.gov). The following industry-specific guidance imposes additional face covering requirements that, as instructed by the Executive Order, must be followed by businesses and workers in those industries:

### Restaurants and Bars

- The applicable industry guidance requires:
  - All workers to wear a face covering in any part of the restaurant or bar, whether indoor or outdoor, unless a worker is working alone in an office or other enclosed or separated area where food is not stored, handled, or prepared.
  - Workers to wear face shields when a face covering cannot be worn, such as when working in hot kitchens.
  - Workers who have face-to-face interactions with customers must wear **both** a face covering and face shield when the customer is not wearing a face covering and it is not possible to maintain physical distance of at least 6 feet.
  - Refer to [Industry Guidance for Safely Reopening: Restaurants & Bars \(https://mn.gov/deed/assets/restaurant-bar-industry-guidance-ACC\\_tcm1045-432897.pdf\)](https://mn.gov/deed/assets/restaurant-bar-industry-guidance-ACC_tcm1045-432897.pdf) for additional guidance about the requirements applicable to bars and restaurants.

### Retail and Personal Care Services

- For both retail and personal care services settings, the applicable guidance requires that, if the service being performed requires the customer to remove their face covering, the worker must wear both a face covering and face shield. Refer to the following webpages for additional guidance about the requirements applicable to these industries: [Industry Guidance for Safely Reopening: Personal Care Services \(https://mn.gov/deed/assets/personal-care-industry-guidance-acc\\_tcm1045-432896.pdf\)](https://mn.gov/deed/assets/personal-care-industry-guidance-acc_tcm1045-432896.pdf) and [Industry Guidance for Safely Reopening: Retail \(https://mn.gov/deed/assets/reopening-minnesotas-consumer-facing-businesses\\_tcm1045-431883.pdf\)](https://mn.gov/deed/assets/reopening-minnesotas-consumer-facing-businesses_tcm1045-431883.pdf).

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## Resources

- [Executive Orders from Governor Walz \(https://mn.gov/governor/news/executiveorders.jsp\)](https://mn.gov/governor/news/executiveorders.jsp)
- [COVID-19 Mask Do's and Don'ts Video \(https://youtu.be/\\_w2-p4MsAqU\)](https://youtu.be/_w2-p4MsAqU) - Available in many translations and in ASL version on 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)
- [CDC: Sew and No Sew Instructions for How to Make A Cloth Face Covering \(https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html\)](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html)

## FACE COVERING REQUIREMENTS

- [MDH Best Practices for Masks: Considerations for People with Disabilities or Special Health Needs \(https://www.health.state.mn.us/diseases/coronavirus/guidemasks.pdf\)](https://www.health.state.mn.us/diseases/coronavirus/guidemasks.pdf)
- [Minnesota COVID-19 Response: If You Are Sick \(https://mn.gov/covid19/for-minnesotans/if-sick/\)](https://mn.gov/covid19/for-minnesotans/if-sick/)
- [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)
- [OSHA: Should Workers Wear A Cloth Face Covering At Work \(https://www.osha.gov/SLTC/covid-19/covid-19-faq.html\)](https://www.osha.gov/SLTC/covid-19/covid-19-faq.html) - Recommendations for Mitigating COVID-19 at Higher Education Institutions (<https://www.health.state.mn.us/diseases/coronavirus/schools/guideihe.pdf>)



Minnesota Department of Health | [health.mn.gov](https://health.mn.gov) | 651-201-5000  
625 Robert Street North PO Box 64975, St. Paul, MN 55164-0975

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