

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 316.000: USE OF FACE MASKS OR COVERINGS IN RESPONSE TO THE COVID-19 PANDEMIC

Section

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316.001: Purpose

The purpose of 105 CMR 316.000 is to designate safe and effective use of face masks and coverings to help prevent the spread of COVID-19.

316.005: Definitions

COVID-19 means 2019 novel Coronavirus disease, the disease caused by the SARS-CoV-2 virus.

Face Mask or Covering means anything that covers an individual's nose and mouth including but not limited to cloth face masks, dust masks, scarves and bandanas.

Social Distance means continually maintaining a distance of at least six feet from other people, excluding members of the same household.

316.010: Persons Required to Wear Face Masks or Coverings

(A) All persons over the age of five must wear a face mask or covering as provided for in 316.000 unless one or more of the exceptions listed in 316.030 apply.

(B) Use of face masks or coverings by children between the ages of two years and five years is at the discretion of the child's parent or guardian.

(C) Children under the age of two years must not wear face masks or coverings due to the potential risk of suffocation.

316.020: Locations Where Face Masks or Coverings Must be Worn

All persons are required by 316.010 to wear a face mask or covering in the following locations:

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- (A) When inside a grocery store, pharmacy or other retail store, regardless of the ability to social distance; or
- (B) When using the services of any taxi, car, livery, ride-sharing or similar service; or
- (C) When using any means of public transit, or when within an enclosed or semi-enclosed transit stop or waiting area, regardless of the ability to social distance; or
- (D) Any other time a person is in public and cannot social distance.

316.030: Exceptions

(A) No person is required to wear a face mask or covering in a situation that creates a health risk or is not safe because of any of the following conditions or circumstances:

- (1) The face mask or covering affects the person's ability to breathe safely; or
- (2) The person has a mental health or other medical diagnosis that advises against wearing a face mask or covering; or
- (3) The person has a disability that prevents them from wearing a face mask or covering; or
- (4) The person depends on supplemental oxygen to breathe; or
- (5) The person is engaged in outdoor exercise and is fully able to do so in a manner that complies with social distancing requirements.

(B) A person who is not required to wear a face mask or covering because of an exception in 316.030(A), a medical condition or disability shall not be required to verify the condition or that the exception applies.

316.040: Business Authority

- (A) If a customer refuses to wear a face mask or covering for reasons not set forth in 316.030, a business may decline entry to the individual.
- (B) A business must allow entry to any individual not wearing a face mask or covering pursuant to 316.010(C) or due to one or more of the exceptions set forth in 105 CMR 316.030.

316.050: Severability

*Emergency Regulation filed with the Secretary of the Commonwealth on July 11, 2020*

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The provisions of 105 CMR 316.000 are severable, if a court of competent jurisdiction declares any section, subsection, paragraph, or provision unconstitutional or invalid, the other provisions shall not be so affected.

REGULATORY AUTHORITY

105 CMR 316.000: M.G.L. c. 111, § 6