Note: The COVID-19 (Coronavirus) situation is developing very rapidly. Employers should continue to monitor the U.S. Centers for Disease Control and Prevention COVID-19 website, the World Health Organization COVID-19 website, and Ogletree's Coronavirus (COVID-19) Resource Center for the latest developments. This document reflects all known information as of 5 p.m. PST on August 19, 2021. Regional, country-specific, and local laws may vary, and government agencies may issue further orders and guidance that should be considered. Employers should carefully review and discuss these materials with their Ogletree counsel to tailor the materials and guidance to their particular situation.

Orders and Guidance on Face Coverings

Last Updated: August 19, 2021.

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AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL	IN	IA	KS	KY
LA	ME	MD	MA	MI	MN	MS	MO	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH
OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VI	VA	WA	WV	WI	WY		

Please note:

- *The information contained herein includes summaries and excerpts of current state guidance provided for convenience. Orders referenced herein contain additional requirements that may not be summarized in this chart. Many orders and recommendations address employee access to hand sanitizing/washing facilities, enhanced workplace sanitation, workplace social distancing, and the business's ability to refuse admission or service to individuals who do not comply with public face covering requirements (if any), as well as steps to take if employee screening results cause concern and when employees may return to work after illness, suspected illness, or exposure to illness. Refer to source documents via hyperlinked text for complete information.*
- *Information herein applies to general employment settings. This chart does not attempt to identify face covering orders that apply to individuals outside of the employment setting (i.e., individuals who are shopping or commuting to work or shop). This chart does not attempt to identify information specific to specific industries or positions, including healthcare settings (i.e., the chart is not intended to provide information that has been specifically issued for hospitals, clinics, doctor's offices, dialysis clinics, dentists, nursing homes, long-term care facilities, or other similar facilities—please refer to CDC, state, and local guidance for those types of facilities). Similarly, this chart does not attempt to identify information specific to government facilities, detention facilities, halfway houses, or congregate facilities.*
- *This chart does not attempt to identify or resolve conflicts with or enhancements to federal, state, or local public health requirements or occupational safety and health requirements.*
- *This chart does not provide medical guidance for diagnosing illness.*

Overview of Federal Agency Guidance on Employee Face Coverings

Face Coverings

The U.S. Centers for Disease Control and Prevention (CDC) issued guidance for wearing and making cloth face coverings (CFCs), which are not surgical masks or N95 respirators. The CDC has prepared a document to explain the difference between surgical masks and N95 respirators.

On July 28, 2021, the CDC updated its Interim Public Health Recommendations for Fully Vaccinated People. The updated guidance recommends that fully vaccinated people "wear a mask in public indoor settings if they are in an area of substantial or high transmission." The CDC has provided a link to determine areas of "substantial or high transmission." The guidance further states that fully vaccinated people may "[p]articipate in many of the activities that they did before the pandemic; for some of these activities, they may choose to wear a mask." Fully vaccinated people also may "[r]efrain from routine screening testing if feasible."

Thus, except where limited by applicable state or local requirements, employers may permit fully vaccinated employees to refrain from wearing masks in the workplace. The below chart identifies states that have mask requirements in place and whether any such state requirements have been updated to provide exceptions for fully vaccinated persons or mandates for all individuals regardless of vaccination status. Given the scope and diversity of diverging city, county, and other local requirements around the country, the below chart does not attempt to survey local requirements. There are mask requirements under various local orders in certain jurisdictions that may require the continued use of masks in the workplace for all individuals, regardless of vaccination status.

For information regarding any potential local requirements or restrictions, please contact your Ogletree Deakins attorney.

Survey by Jurisdiction of Employee Face Covering Requirements				
State	**Face Coverings**			
	Is a face covering required in the workplace?	**Is there an exception for fully-vaccinated people?**	**Is the employer required to provide the face covering?**	**Hyperlink to Order and Other Key Details**
Alabama	No	N/A	No	Order: Safer Apart Order expired May 31, 2021.
Alaska	No	N/A	No	Alaska COVID-19 Advisories. State provides best practices, but nearly all mandates have been rescinded or superseded.
Arizona	No	N/A	No	Order: "Businesses . . . employers are encouraged to continue to take action recommended by the CDC . . . and ADHS to limit and mitigate the spread of COVID-19. . . . These entities shall still maintain the right to institute and enforce policies to mitigate against COVID-19 spread including the use of face coverings and physical distancing, and retain the right to refuse service to those who do not comply with the policies."
Arkansas	No	N/A	No	Press Release: "Businesses still have the right to require customers to wear masks, and the Governor asked that citizens respect these requirements."
California	Yes	Yes	Yes	Cal/OSHA Emergency Standards: Cal/OSHA issued revised Emergency Standards which permits businesses to allow fully vaccinated employees to go without face coverings while indoors. Employers must document vaccination status and employer must provide unvaccinated employees with N95 respirators for when indoors and when requested. California Department of Public Health previously issued mask guidance with which the Cal/OSHA Emergency Standards now align.
Colorado	No	N/A	No	Public Health Order: Face coverings are required only in certain industries. E.O. D 2021 103: "Any individual, age eleven (11) and older, who is not fully vaccinated, is encouraged to wear a medical or non-medical cloth face covering…" Certain industries must continue to require face coverings. *Effective May 14, 2021*
Connecticut	Yes	Yes	No	Executive Order: Effective immediately, any person while indoors in a public place who does not maintain a safe social distance of

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				approximately six feet from every other person and who is not fully vaccinated for COVID-19 shall cover their mouth and nose with a mask or cloth face covering. See also Sector Rules for Reopen.
Delaware	No	N/A	No	Declaration: Individuals aged Kindergarten and up are *strongly encouraged* to wear a face covering while visiting any indoor business or space open to the public in compliance with CDC guidelines and recommendations.
District of Columbia	Yes	No	No	Effective July 31 at 5 a.m., all individuals over the age of 5 must wear a face covering indoors, regardless of vaccination status. Situational Update.
Florida	No	N/A	No	Order: Effective May 3, all local COVID-19 mandates on individuals and businesses are suspended.
Georgia	No	N/A	No	Order: "[A]ll Organizations that continue in-person operations during the effective dates of this Order shall implement measures which mitigate the exposure and spread of COVID-19 among its workforce. Such measures may include the following: . . . any measures that have been proven effective to control the spread of COVID-19." There is no explicit requirement that businesses must require workers to wear a mask.
Hawaii	Yes	No	No	Proclamation: Masks remain required indoors, however no longer required outdoors.
Idaho	No	N/A	No	Idaho Rebounds: Our Path to Prosperity; Guidelines for Opening Up Idaho; Staged Openings, Protocols for all Stages: "Identify how personal use items such as masks, face coverings, and gloves may be required by employees, vendors, and/or patrons[.]"
Illinois	Yes	Yes	Yes (certain industries)	Executive Order: Any individual who is not fully vaccinated and who is over age two and able to medically tolerate a face covering (a mask or cloth face covering) shall be required to cover their nose and mouth with a face covering when in a public place and unable to maintain a six-foot social distance. This requirement applies whether in an indoor space, such as a store, or in a public outdoor space where maintaining a six-foot social distance is not always possible. *Effective May 17, 2021.*

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Indiana	No	N/A	No	Order: "All businesses must have a plan that addresses, at a minimum, the following points: . . . encouraging compliance with social distancing requirements established by the CDC, including . . . wearing face coverings."
Iowa	No	N/A	No	Proclamation: "I strongly encourage that all businesses or other employers remaining open with in-person operations take reasonable measures under the circumstances of each establishment to ensure the health of employees, patrons, and members of the public, including social distancing practices, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health."
Kansas	No	N/A	No	Guidance: Masks are recommended unless mandated by local county requirements or business requirements.
Kentucky	No	N/A	No	Executive Order: Masks are no longer required and any Healthy at Work requirements are rescinded.
Louisiana	Yes	No	No	Proclamation: All individuals must wear a face covering when indoors outside of a private residence. Exceptions for those who "will not come into contact with any other individual (outside of their immediate household members) or who will be able to maintain strict social distancing of six feet apart from any other individual (outside of their immediate household members)." Owners of private businesses shall retain the authority to issue more restrictive measures than that imposed by the State. Employers are "entitled to rely on the representations of their customers, patrons, or employees regarding whether or not they qualify for an exception from the face covering requirements."
Maine	No	N/A	No	Face Covering FAQs: Effective May 24, 2021, Maine will adopt the CDC guidelines on mask requirements. Fully vaccinated persons do not need to wear masks indoors, and it is recommended that unvaccinated persons continue to wear masks.
Maryland	No	N/A	No	Order: Mask mandate only required when riding public transportation, obtaining healthcare services, or at school.
Massachusetts	No	N/A	No	Public Health Advisory: Effective May 29, 2021, governor expected to rescind face covering order and adopt guidelines consistent with CDC.
Michigan	No	N/A	No	Order: Effective June 22, 2021, the Michigan Department of Health and Human Services rescinded its Gatherings and Face Mask Order.
Minnesota	No	N/A	No	Order: Face covering order is rescinded. Individuals engaging in activities outside their home do not need to wear a mask, but unvaccinated persons are encouraged to do so.

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Mississippi	No	N/A	No	Order: All business are encouraged to make reasonable, good-faith efforts to comply with the CDC's and Mississippi State Department of Health's regulations and guidelines to prevent the spread of COVID-19. See also Guidelines: Masks or face coverings are strongly encouraged for employees in contact with the public.
Missouri	No	N/A	No	Show Me Strong Recovery Plan; Business Guidelines: "It is recommended to implement basic infection prevention measures informed by industry best practices, regarding . . . protective equipment[.]" Recommendation: "all individuals in the State of Missouri may choose to wear a cloth face covering when in a public setting where other social distancing measures are difficult to maintain[.]"
Montana	No	N/A	No	Directive: "Montanans are encouraged to wear masks and should follow the best industry practices adopted by any business they visit to slow the spread of the virus.
Nebraska	No	N/A	No	Guidance for Businesses: No mandate on face coverings or symptom screening. Recommended to continue face coverings, however likely to revise as the document relies on CDC guidance.
Nevada	Yes*	Yes*	Yes	Emergency Order. Nevada Governor recently issued an emergency order which requires both vaccinated and non-vaccinated individuals to wear a mask indoors in areas established by the CDC to have substantial and high COVID-19 transmission. The Order is effective at 12:01 a.m. on Friday, July 30, 2021. *Mask requirements for vaccinated individuals vary by county. NV OSHA promulgated additional guidance and requirements on July 22, 2021.
New Hampshire	No	N/A	No	Order requiring face coverings expired on May 7, 2021.
New Jersey	No	N/A	No	Order: Executive Order 244 eliminated the public health emergency declaration in New Jersey. As a result, many COVID related mandates were rescinded.
New Mexico	Yes	No	No	Health Order: As of August 20, 2021, all individuals 2 or older shall wear a face mask in all indoor public settings. Any business may impose more stringent requirements. The state requires businesses to comply with the COVID-Safe Practices Guide.

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New York	Yes	Yes	No	Announcement. State authorizes businesses to continue to require masks for all in their establishments, consistent with the CDC guidance. In most settings, vaccinated individuals will not be required to wear a mask. Unvaccinated individuals, under both CDC and state guidance must wear masks in all public settings.
North Carolina	No	N/A	No	Order. Private businesses can continue to require face coverings. Further guidance for businesses forthcoming.
North Dakota	No	N/A	No	Order. State mask mandate expired on January 18th. North Dakota Department of Health has adopted CDC guidelines and has promised forthcoming guidance for business.
Ohio	No	N/A	No	Order: Mandates expired June 2, 2021. Businesses may continue to require mitigation measures (e.g., masking and social distancing) among those vaccinated and unvaccinated.
Oklahoma	No	N/A	No	Guidance related to reopening the state under Open Up and Recover Safely (OURS): "Employers should consider: . . . implementing appropriate policies regarding . . . PPE[.]"
Oregon	Yes	No	No	Press Release: Governor announcing on August 11 a statewide indoor mask requirements regardless of vaccination status.
Pennsylvania	No	N/A	No	Order: As of June 28, 2021, face coverings are no longer required in most settings.
Rhode Island	No	N/A	No	Health Department FAQs: "Rhode Island no longer requires masks."
South Carolina	No	N/A	No	Order Governor Executive Order encourages non-vaccinated individuals to continue to wear face coverings. Employers permitted to take reasonable steps necessary to comply with South Carolina's Liability Immunity Act.
South Dakota	No	N/A	No	Workplace Guidance Existing guidance for businesses still encourages employee screening
Tennessee	No	N/A	No	Executive Order rescinded local authority to put in place face covering mandates.
Texas	No	N/A	No	Executive Order GA-34: Face coverings no longer required as of March 10, 2021 but still encouraged. Executive Order GA-36: Local governments, school districts, and public health authorities are prohibited from mandating mask wearing.
U.S. Virgin Islands	Yes	No	No	Order: "Employees of businesses are required to wear a facial covering or mask during customer interactions and whenever possible during work activities."

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				(Sixth Supplemental Executive Order and Proclamation by the Governor of the United States Virgin Islands Establishing the Safer at Home Order in Response to COVID-19 State of Emergency; April 29, 2020)
Utah	No	N/A	No	Public Health Order: On April 9, 2021, the Utah Department of Health eliminated requirement that individuals wear masks, except while attending an organized event." Latest guidance from April still recommends that employers require masks: Covid-19 Business Manual
Vermont	No	N/A	No	Order: As of June 14, 2021, all mandatory requirements related to COVID are rescinded.
Virginia	Yes	Yes	Yes	Order: Fully vaccinated people do not have to wear face coverings in most indoor and outdoor settings. Unvaccinated individuals should continue to wear face coverings. Face coverings remain mandatory for students/faculty at schools and unvaccinated employees. Virginia OSHA FAQ's (revised 05/25/2021) reflect CDC guidance. Vaccinated employees in most settings (except healthcare, K-12 education, correctional facilities, homeless shelters, and air, bus, train, and public transportation) can now take their masks off. Employers have the right to continue to require employee mask use (if they so desire), and non-vaccinated employers must still wear masks.
Washington	Yes	No	Yes	State Health Order: As of August 23, 2021, face coverings are required for all individuals in most settings, regardless of vaccination status.
West Virginia	No	N/A	No	Executive Order: Indoor face covering requirement has been rescinded. Private entities retain the authority to set own rules and require face coverings for entrance onto premises regardless of vaccination status.
Wisconsin	No	N/A	No	**Please see Ogletree's article regarding the Wisconsin Supreme Court invalidating the State's 'Safer at Home' Order.**
Wyoming	No	N/A	No	Order: Child care centers shall ensure that staff and children are screened for symptoms upon arrival. K-12 schools, colleges, universities, and trade schools required face coverings when six feet of separation cannot be maintained.