



California now mandates face coverings

By Andrea Chavez and Jeffrey Tanenbaum

With COVID-19 cases on the rise in California, the California Department of Public Health (“CDPH”) recently issued new [Guidance for the Use of Face Coverings](#), requiring the use of cloth face coverings. This guidance updates the existing [CDPH guidance](#), which recommended but did not require face coverings.

The CDPH defines cloth face coverings as a material that covers the nose and mouth, and can be secured to the head. It can be made of a variety of materials, such as cotton, silk, or linen.

A significant number of the requirements directly impact on when workers must wear face coverings and those requirements are highlighted below.

Guidance on mandatory use of face coverings

People in California *must* wear face coverings when:

- *Inside of, or in line to enter, any indoor public space, unless exempted by state guidelines for specific public settings (e.g., school or childcare center);*
- *Obtaining services from the health care sector, unless directed otherwise by an employee or health care provider (e.g., hospitals, pharmacies, medical clinics, laboratories, physician or dental offices, veterinary clinics, or blood banks);*
- *Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;*
- *Engaged in work, whether at the workplace or performing work off-site, when:*
 - *Interacting in-person with any member of the public.*
 - *Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time.*
 - *Working in any space where food is prepared or packaged for sale or distribution to others.*
 - *Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities.*
 - *In any room or enclosed area where other people (except for members of the person’s own household or residence) are present when unable to physically distance.*

- *Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.*
- *While outdoors in public spaces when maintaining a physical distance of six feet from persons who are not members of the same household or residence is not feasible.*

Exemptions

The following individuals are exempt from wearing a face covering. However, persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

- *Persons age two years or under must not wear a face covering because of the risk of suffocation.*
- *Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering (e.g., a medical condition for where wearing a face covering could obstruct breathing; persons who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance).*
- *Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.*
- *Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.*
- *Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.*
- *Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.*
- *Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.*
- *Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.*

Consequences of non-compliance

According to the CDPH, disobeying the above guidance could result in a misdemeanor and a fine, among other penalties. Employers should pay particular attention to the guidance as California's Division of Occupational Safety and Health could issue citations against employers whose employees or customers fail to comply with the face coverings requirements.

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