

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

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

Social Distance. 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 five years of age or older must wear a face mask or covering as provided for in 105 CMR 316.000, unless one or more of the exceptions listed in 105 CMR 316.030 apply.
- (B) Use of face masks or coverings by children between two years and five years of age is at the discretion of the child's parent or guardian.
- (C) Children younger than two years old 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 105 CMR 316.010 to wear a face mask or covering in the following locations:

- (A) When inside a grocery store, pharmacy or other retail store, regardless of the ability to social distance;
- (B) When using the services of any taxi, car, livery, ride-sharing or similar service;
- (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;
  - (2) The person has a mental health or other medical diagnosis that advises against wearing a face mask or covering;
  - (3) The person has a disability that prevents them from wearing a face mask or covering;

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- (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 105 CMR 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 105 CMR 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 105 CMR 316.010(C) or due to one or more of the exceptions set forth in 105 CMR 316.030.

316.050: Severability

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.