

## How long will the Executive Order be in effect?

This Executive Order is effective immediately upon approval by the Executive Council, with the requirement to wear face coverings starting July 25. It remains in effect until the peacetime emergency declared in Executive Order 20-01 ends or until cancelled by a proper authority (Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32).

## Should I say something if someone near me isn't wearing a face covering?

There are people who may not be able to wear face coverings for a variety of reasons and you may not be able to tell why just by looking at a person. Unless you are a business responsible for ensuring worker and customer compliance with the Executive Order, do not confront a person about why they are not wearing a face covering but instead, if possible, ask them to maintain social distance. Face coverings protect others from you so the best option is for you to continue to wear your face covering and, where possible, physically distance yourself at least six feet from persons not wearing face coverings. Remember, we're all in this together and not everyone is able to wear a face covering.

## Are businesses responsible for requiring that workers, customers, and visitors wear a face covering?

Yes, it is the responsibility of the business to require that its workers, customers, and visitors are wearing face coverings consistent with the provisions of Executive Order 20-81. Businesses must update their COVID-19 Preparedness Plan to align with the requirements of Executive Order 20-81. Businesses must also communicate to workers and customers that face coverings must be worn when required by the Executive Order—meaning, when indoors, for both customers and workers, and also when outdoors for workers, when social distancing cannot be maintained--unless circumstances allow for the temporarily removal of the face covering. At a minimum, businesses must communicate face covering requirements by clearly posting signage in places that are visible to all workers, customers, and visitors. A best practice would be for businesses to notify customers about face covering requirements through communication while they are making reservations, appointments, or placing orders for pickup.

## What's the penalty for not wearing a face covering?

The goal of the Executive Order is to advise Minnesotans that wearing a face covering will protect them, their families, their friends, and others, and the expectation is that Minnesotans will voluntarily comply with the Order's requirements. Enforcement is not the goal of this Executive Order, but because these requirements are so important for the safety of our communities, Minnesotans who fail to comply with the Executive Order may receive a petty misdemeanor citation and a fine of up to \$100. Businesses have heightened responsibility for public safety, given the volume of people that pass through Minnesota businesses on any given day. As such, businesses (and their owners and management) may be subject to criminal charges (up to a misdemeanor, \$1,000 fine, and not more than 90 days in jail), civil enforcement and fines (of up to \$25,000), and regulatory enforcement (e.g., actions by government authorities that license or regulate the business).

## What should a business do when customers or workers refuse to comply with face covering requirements?

When an employee does not claim a legitimate exemption from face covering requirements (for example, due to a disability) but still refuses to wear a face covering, businesses should take appropriate disciplinary action.

If a customer who does not claim a legitimate exemption refuses to comply with face covering requirements, businesses should assess the situation and determine how best to proceed, using normal procedures for dealing with a difficult customer. Because businesses have an obligation to protect their workers from hazards—including COVID-19 infection—businesses must take steps to mitigate or eliminate the risks posed by a person who refuses to wear a face covering.

Here are some best practices to consider:

- If a customer (or visitor) enters or attempts to enter without a face covering, communicate face covering requirements to the customer, offer the customer a face covering, and request that they put it on.
- If a customer continues to refuse to wear a face covering, decline services to the customer, or request that the customer not enter the premises or leave the premises.
- The business may also offer the customer service alternatives, if available, including curbside pick-up, home delivery, or retrieving merchandise for the customer.
- Based on its assessment of the situation, the business may also determine that there is a need to engage law enforcement to assist.

Nothing in the Executive Order provides businesses with the right to physically restrain or remove a noncompliant person when it would not otherwise be legal to do so. Employees and management should avoid direct enforcement in situations that would put themselves or others at risk of harm and instead consider engaging law enforcement.