

1 H.537

2 Introduced by Representatives Vyhovsky of Essex, Cordes of Lincoln, Black
3 of Essex, Bluemle of Burlington, Brady of Williston, Brown of
4 Richmond, Burrows of West Windsor, Colburn of Burlington,
5 Dolan of Essex, Elder of Starksboro, Goldman of Rockingham,
6 Houghton of Essex, Mulvaney-Stanak of Burlington, Nicoll of
7 Ludlow, Rachelson of Burlington, Sims of Craftsbury, Small of
8 Winooski, and Till of Jericho

9 Referred to Committee on

10 Date:

11 Subject: Health; public health; statewide mask mandate

12 Statement of purpose of bill as introduced: This bill proposes to require all
13 individuals five years of age and older to wear a mask or cloth face covering in
14 public indoor spaces, subject to limited exceptions, in counties in which the
15 Centers for Disease Control and Prevention indicate a “high” or “substantial”
16 community transmission level.

17 An act relating to a statewide mask mandate

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. STATEWIDE MASKING REQUIREMENT

3 (a)(1) Masks or cloth facial coverings shall be worn by all individuals five
4 years of age and older, regardless of vaccination status, who are present in a
5 public indoor space where there are members of more than one household
6 present.

7 (2)(A) Children who are between two and four years of age are strongly
8 recommended to wear a mask or cloth facial covering under close adult
9 supervision when present in a public indoor space where there are members of
10 more than one household present.

11 (B) Children at a child care facility as defined in 33 V.S.A. § 3511
12 shall not wear a mask or cloth face covering while napping.

13 (b) Notwithstanding subsection (a) of this section, an individual, or in the
14 case of a minor, the individual's parent or guardian, may choose not to wear a
15 mask or cloth facial covering under any of the following circumstances:

16 (1) the individual has a physical or mental condition or disability that
17 prevents the individual from wearing a mask or cloth facial covering, including
18 individuals with a medical condition for whom wearing a mask or cloth facial
19 covering could obstruct breathing or who are unconscious, incapacitated, or are
20 otherwise unable to remove a mask or cloth face covering without assistance;

1 (2) the individual is receiving routine or preventative medical treatment
2 that requires a health care provider to access the portion of the individual's
3 face that is otherwise covered by a mask or cloth facial covering;

4 (3) the individual is hearing impaired, or communicating with an
5 individual who is hearing impaired, where the ability to see the mouth is
6 essential for communication, and a transparent mask is either not available or
7 its use is not practicable;

8 (4) for a limited time, to enable the individual to participate in a
9 religious activity that would otherwise be restricted by the use of a mask or
10 cloth facial covering;

11 (5) for a limited time, while the individual is eating or drinking or for
12 identification purposes in compliance with safety and security requirements;

13 (6) when the individual is wearing a respirator; and

14 (7) where an employer has determined that an employee's use of a mask
15 or cloth face covering is infeasible or creates a greater hazard, such as when it
16 is important to see the employee's mouth for reasons related to job duties,
17 when the work requires the use of the employee's uncovered mouth, or when
18 the use of a mask or cloth face covering presents a risk of serious injury or
19 death to the employee.

1 (c) As used in this section:

2 (1) “Mask or cloth facial covering” means a medical or nonmedical face
3 covering worn over an individual’s nose and mouth that complies with the
4 recommendations of the Centers for Disease Control and Prevention. In the
5 case of individuals with a medical condition complicated or irritated by a mask
6 or cloth facial covering, a translucent shield or “sneeze guard” is acceptable in
7 lieu of a mask or other cloth facial covering.

8 (2) “Public indoor space” means any enclosed indoor area that is
9 publicly or privately owned, managed, or operated to which individuals have
10 access by right or by invitation, expressed or implied, and that is accessible to
11 the public, serves as a place of employment, or is an entity providing services.
12 “Public indoor space” includes public transportation conveyances, such as
13 busses, trains, and ride services, and when in a mass transportation station or
14 terminal, including airports. “Public indoor space” does not mean:

15 (A) an individual’s residence, including:

16 (i) a room in a motel or hotel;

17 (ii) a residence provided by or through a public or independent
18 school as defined in 16 V.S.A. § 11 or a public or private postsecondary
19 educational institution that operates in the State; and

20 (iii) a single- or double-occupancy cell at a correctional facility;

21 and

1 (B) a temporary structure.

2 (3) “Respirator” means a type of personal protective equipment that is
3 certified by the National Institute for Occupational Safety and Health under
4 42 C.F.R. Part 84 or is authorized under an emergency use authorization by the
5 U.S. Food and Drug Administration. Common types of respirators include
6 filtering facepiece respirators, elastomeric respirators, and powered air
7 purifying respirators.

8 (4) “Temporary structure” means a structure that is designed to be easily
9 transported or dismantled after its function has been fulfilled and is not
10 permanently attached to the ground or connected to utilities such as water,
11 sewer, and electricity.

12 (5) “Vaccination status” means an individual’s history as it relates to
13 having received or not received a vaccination for COVID-19.

14 (d) Compliance with this section shall be required in each county indicated
15 to have “high” or “substantial” community transmission by the Centers for
16 Disease Control and Prevention until the county’s community transmission
17 level is below “substantial” for two continuous weeks. On a daily basis, the
18 Department of Health shall post on its website the masking requirements for
19 each county based on applying the Centers for Disease Control and Prevention
20 guidelines to Vermont data.

- 1 Sec. 2. EFFECTIVE DATE
- 2 This act shall take effect on passage.