

# Electronic Alert

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## What Oregon Businesses Need to Know About OHA's Updated Face Mask Requirements

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The Oregon Health Authority's recent guidance details additional mask, face shield, or face covering requirements for covered Oregon businesses. Starting June 24, 2020, certain businesses must require customers and visitors (in addition to employees, contractors, and volunteers, as previously required) to wear a mask, face shield, or face covering, unless an exemption applies or an accommodation is required.

Existing guidance already mandated certain Oregon businesses to require their employees, contractors, and volunteers to wear a face mask, face shield, or face covering including:

- grocery stores,
- fitness-related organizations,
- pharmacies,
- public transit agencies and providers,
- personal services providers,
- restaurants, bars, breweries, brewpubs, wineries, tasting rooms and distilleries,
- retail stores, shopping centers and malls,
- ride sharing services,
- indoor licensed swimming pools, licensed spa pool and sports court operators,
- indoor entertainment facility operators,
- indoor recreational sports operators for specified sports, and
- indoor venue operators.

The updated guidance extended the requirement to wear a mask, face, shield, or face covering to all customers and visitors of the above businesses in select counties. This has since been extended again by additional guidance to apply to all counties in Oregon, beginning July 1, 2020.

The additional guidance, effective July 1, 2020, also expands the mask, face, shield, or face covering requirements to “indoor spaces open to the public,” in addition to the businesses listed above. This is defined as “spaces, whether publicly owned or privately owned, where the public has access by right or invitation, express or implied, whether by payment of money or not. In addition to the public areas of the businesses defined above, such spaces may include, but are not limited to, building lobbies or common spaces, elevators, bathrooms, and buildings or meeting rooms outside of private homes where people gather for social, civic, cultural or religious purposes” in addition to the select businesses listed above.

Other businesses should also review applicable sector guidance and general guidance for employers for other requirements, recommendations, and best practices.

The mask, face shield, or face covering requirements do not apply if an accommodation and exemption is required by state and federal disability law, labor laws, public accommodations laws that provide all persons with full and equal access to services, transportation, and facilities open to the public, or Oregon Health Authority public health guidance, if applicable. Specifically, masks, face shields, or face coverings are not required in the following instances:

- For employees, contractors and volunteers if/when:
  - Eating or drinking;
  - At or in a location where the employee is not interacting with the public and six or more feet of distance can be maintained between other employees; or
  - An accommodation is legally required.
- For customers and visitors if/when:
  - Eating or drinking;
  - Engaging in an activity that makes wearing a mask, face shield or face covering not feasible, such as strenuous physical exercise, singing, or playing an instrument if at least six feet of distance is maintained from others;
  - Under 12 years of age (although it is strongly recommended for children between 2 and 12 to wear a mask, face shield, or face covering in grocery stores and pharmacies or where it is likely that physical distancing cannot be maintained and vulnerable people go, with the assistance and close supervision of an adult);
  - The customer or visitor has a medical condition that makes it hard to breathe when wearing a mask, face shield, or face covering; or
  - The customer or visitor has a disability that prevents the individual from wearing a mask, face shield, or face covering.

Covered businesses must provide masks, face shields, or face coverings for employees and post clear signs about the mask, face shield, or face covering requirements. Covered businesses are encouraged, although not required, to provide disposable face coverings for customers and visitors who do not have them, which could prevent having to turn customers away. Businesses are also encouraged to post signs about the requirements in languages commonly spoken by customers and visitors, and educate employees on safely working and communicating with individuals who cannot wear masks, making sure they know that they may need to remove a mask or face covering for individuals to read lips or see facial expressions to communicate.

Last, the Oregon Health Authority strongly recommends that everyone wear a mask, face shield, or face covering in any setting where at least six feet of physical distance from others outside of an individual's household cannot be maintained.

*If you have questions about implementing this new guidance or how this impacts your business, please contact Heather Fossity or Amy Angel at 503-228-0500, or at [hfossity@barran.com](mailto:hfossity@barran.com) or [aangel@barran.com](mailto:aangel@barran.com). For additional information about navigating coronavirus in the workplace, visit Barran Liebman's [COVID-19 resource page](#).*