

LEGAL UPDATES

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CDC Announces Mask Mandate for Public Transportation and Transportation Hubs

On January 30, 2021, the Centers for Disease Control and Prevention (CDC) announced a mandate requiring individuals to wear face masks while on public transportation and at transportation hubs. The mandate, which went into effect February 1, 2021, at 11:59 p.m., is the latest step in what the CDC believes are necessary measures to prevent the further production, transmission or spread of COVID-19 in the United States. The order applies to any state, locality, territory or tribal territory that does not currently have a similar or more stringent policy in place. Further, the order allows transportation entities to require stricter policies than what is contained in this order.

The CDC order mandates the following:

- i. Anyone traveling into, within, or departing the United States by bus, ship, aircraft, train, ferry, subway, taxi, or ride-share, must wear a mask over his or her nose and mouth. The CDC has clarified that a proper mask is made of solid material, secured to the head, and does not contain slits, exhalation valves or punctures. Additionally, the CDC has recommended that while medical masks and N-95 respirators fulfill the requirements of this order, face shields do not. The requirement to wear a mask extends to travelers in U.S. transportation hubs. This includes airports and seaports, as well as train, subway and bus terminals.
- ii. The transportation operators of any of the aforementioned modes of transportation must require that all persons wear a mask when boarding, disembarking and for the duration of travel. For example, a bus driver is expected to require that all passengers wear a mask when entering, leaving or traveling on the bus.

- iii. Transportation operators must use their best efforts to ensure that individuals who are traveling adhere to the guidelines. In facilitating compliance, transportation operators are to board only those who wear masks; monitor all persons onboard or in the hub for anyone who is not wearing a mask; inform violators that failure to wear a mask is a violation of Federal law; and, if necessary, disembark or remove from the premises any individual who refuses to comply.
- iv. Transportation entities must provide travelers with adequate notice of the mask policy to facilitate adherence and compliance with the policy. This can be done by giving advance notice to travelers on digital platforms such as on apps, websites or by email; posting signage in multiple languages with illustrations on best mask practices; as well as printing mask requirements on transit tickets.

There are some instances however, when the CDC will not require a mask. They include: (1) briefly eating, drinking or taking medication; (2) when necessary to verify one's identity through Transportation Security Administration (TSA) screening, a gate agent or any law enforcement official; and (3) when communicating with an individual who is hearing impaired and the ability to see the mouth is essential for communication.

Additionally, some traveling methods and categories of people are exempt from the mandate. They include: (1) using a private vehicle, or bus, ship, aircraft, train etc., for personal use; (2) commercial vehicles and trucks in which the driver is the sole occupant of the vehicle; (3) children under the age of 2 years old; (4) a person who cannot safely wear a mask because of the disability, such as when it interferes with supplemental oxygen administered via an oxygen mask; and (5) when wearing a mask would create a risk to workplace health, safety or job duty as determined by workplace safety guidelines or federal regulations.

The order, which is consistent with President Biden's Executive Order of January 21, 2021 (Promoting COVID-19 Safety in Domestic and International Travel), went into effect beginning February 1, 2021, 11:59 p.m., and will remain in place until further notice.

Contact us

For more information on how mask mandates may impact your business, contact Lowell Pearson, Bola Adeniran or your Husch Blackwell attorney.

CARES Act, COVID-19 & Return-to-Work Guidance

Husch Blackwell provides guidance regarding COVID-19 updates, the CARES Act, and rapidly changing state-by-state orders, including those that impact stay-at-home and return-to-work protocols. Contact these legal teams or your Husch Blackwell attorney to plan a way through and beyond the pandemic.