

Department Name

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Date: 6/22/20
To: Scott Neal, City Manager
From: Risi Karim, City Management Fellow
Subject: Research on Community Wide Mask Policy

Overview:

Due to the rapid spread of Covid-19 and an effort to decrease the spread of the virus; communities within the State of Minnesota and across the county have turned to implementing mandatory mask wearing policy in an effort to keep the virus at bay and protect citizens.

Minnesota

In Minnesota only two cities thus far have implemented a city-wide mask policy, those cities being Minneapolis and St. Paul. Both cities were able to do this by way of an executive order. The city of Duluth and Rochester have publicly announced their consideration of implementing a community wide mask policy in their respective cities but have since announced against the measure for now.

The City of Minneapolis

- On May 26th, 2020, the city's mask policy went into effect and will stay in place until further notice. The order specifically states and outlines two key things which are:

“any individual who is over the age of two and able to medically tolerate a face covering shall be required to cover their nose and mouth with a mask or cloth face covering shall be required to cover their nose and mouth with a mask or cloth face covering in accordance with CDC guidance when indoor spaces of public accommodation”

“All employers of business that are space of public accommodation as defined by this order shall require their employees to wear a cloth face covering whenever employees have face to face contact with the public.”

The City of St. Paul

- Effective May 27th, 2020 the city began enforcing a similar policy to that of Minneapolis with its own regulations including:
 1. Individuals at city-controlled property must wear face covering at all times when social distancing of at least 6ft is not maintained”
 2. Businesses licensed by the city of Saint Paul must require all individuals to wear a face covering at all times when social distancing of at least 6ft is not maintained



3. All businesses are strongly encouraged to implement in their Covid-19 preparedness plan a requirement that all individuals wear a face covering at all times when social distancing of at least 6ft is not maintained.

The City of Duluth

After being faced with community push back about the implementation of a city-wide mask requirement the city of Duluth will not be mandating face mask be worn during the Covid-19 pandemic. The decision was announced June 18th, 2020 after community outcry began due to concern about medical issues brought up by disability advocates citing that mandatory mask policies put ableism, ageism and racism in play have led the city the city.

Mayor of Duluth Emily Larson confirmed this decision to news outlets stating that she did not believe requiring them in public would actually get people to wear mask in public. She is also quoted as saying "We *don't* have an enforcement mechanism besides basic human connection to motivate people to be good to one another. They have to choose it. They have to mean it. And they have to believe it".

Source: <https://www.duluthnewstribune.com/newsmd/policy/6540263-Duluth-mayor-tells-disability-rights-advocate-No-citywide-mask-requirement-coming>

The City of Rochester

Rochester being the 3rd largest city in Minnesota has decided not to follow the lead of Minneapolis and St. Paul. The city has not abandoned all efforts to implement a city-wide mask policy but is instead choosing to wait to make that decision if and when cases start to spike in the city. The city is taking the approach of basing their policy actions based on spikes of Covid-19 cases to depoliticize any pandemic responses.

Mayor of Rochester Kim Norton suggested to media outlets that she would only reconsider a mask policy if a spike in cases became worrisome, she stated "It is my hope that the community continues to understand the virulence of this virus and, therefore, the necessity to wear masks in public, I am hopeful that this medically savvy community will voluntarily wear masks to protect those we care about and care for".

Source: <https://www.medcitybeat.com/news-blog/2020/no-citywide-mask-mandate-for-now>

Across the U.S.

A growing number of U.S. states have mandated the use of masks and face coverings while in public. With many states starting to lift coronavirus restrictions, more people are venturing out in public. The following 16 states have adopted a state wide mask policy by way of an executive order issued by their respective governors:

California, Connecticut, Delaware, District of

Columbia, Hawaii, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, Pennsylvania, and Rhode Island.

California

As of June 18th, 2020 California became the most recent U.S. state to issue a statewide order requiring the use of face coverings in public indoor spaces, including while shopping, riding on public transportation or seeking medical care.



Governor Newsom's order also mandated the use of masks or face coverings in public outdoor spaces when social distancing is not an option. There was no guidance on how the order will be enforced or if violators will face any penalties or citations.

Source: https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings_06-18-2020.pdf

Local Governments

Some Localities that are left without a statewide mandate for the mandatory use of mask in public have taken it upon themselves to issue a public masking policy for their communities. Over this past weekend two additional communities have issued mandatory masking policy, one being in Phoenix and the other being Dallas County.

State governments such as Arizona have given leeway to cities to decide on their own whether a mandatory mask policy is needed for their communities. Several cities in Arizona have already taken up the opportunity to implement mandatory mask policy for their communities, the most recent being the city of Phoenix. By way of a city council declaration the City of Phoenix issued a mandatory face masking policy for residents when in public spaces.

The declaration clearly states that “ All persons six years old or older who are present in the city of Phoenix shall have possession of a face covering when they leave their home or place of residence and shall wear the face covering whenever they are within 6ft of another person who is not a member of their family or household”.

It is important to note that Phoenix’s declaration also considers a handful of expectations to their masking policy, some of the exceptions include:

- for children under 6 years old; or
- for people whose religious beliefs prevent them from wearing a face covering; or
- for restaurant patrons while they are dining; or
- for individuals exercising outdoors or while walking or exercising with other people from the same household, if social distancing from others who are not your family or household members can be maintained; or
- for engaging in organized group or team sports, exercise or other physical activities where it is not practicable or feasible to wear a mask or socially distance.

Source: https://www.phoenix.gov/newssite/Documents/Mayor%27s%20Declaration_06-19-20.pdf

Source: <https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/061920-Amended-SupplementalOrderonContinuingRequirements.pdf>



Mandatory Mask Policy Brings Lawsuit to City

Effective June 20th, 2020 Orange County, FL has put into effect a mandatory face covering policy through an emergency executive order issued by the Mayor. The order states that “every person working, living, visiting, or doing business in Orange County is required to wear a Face Covering consistent with the current CDC guideline while in any public place”.

The order itself is in line with many of the other mandates that have been issued by local governments across the U.S. however, Orange County has found itself in the midst of lawsuit due their masking policy. On June 21st a Florida state lawmaker filled suit against the county alleging that “the order violates a person's right to privacy without government infringement and questions the exemption of government employees from the order”. The suit requests that the county order be declared unconstitutional and seeks temporarily relief from enforcement of the order.

Source: <https://www.bizjournals.com/orlando/news/2020/06/22/face-off-florida-lawmaker-files-lawsuit-against.html>

Source: <https://www.orangecountyfl.net/Portals/0/Library/Emergency-Safety/docs/coronavirus/2020-23%20EEO.pdf>