

Governor Mandates Wearing of Face Masks in Public and Delegates Enforcement Authority to Local Boards of Health

On May 1, Governor Baker issued an order mandating that people wear face coverings in public. The order, available [here](#), is the governor's latest measure responding to the COVID-19 Pandemic. The governor is acting pursuant to his authority under the public health statute (G.L. c. 17) and the Massachusetts Civil Defense Act (Chapter 639 of the Acts of 1950).

Starting May 6, the order requires anyone in a public place who cannot "maintain a distance of approximately six feet" from other people to cover their mouth and nose. People under age 2 or who have medical conditions incompatible with wearing a face covering are exempt. The order applies to all indoor and outdoor spaces open to the public. In addition, the order focuses on retail businesses, including pharmacies and grocery stores, and transportation, including mass transit, taxis, and ride-shares, where individuals *must* wear face coverings, regardless whether they can maintain a six-foot distance from other individuals. The order encourages individuals *not* to use medical grade masks, which should be reserved for medical personnel and first responders.

The order permits local boards of health to enforce the order (with the assistance of municipal police, if necessary). The boards may levy fines of up to \$300 for non-compliance, pursuant to the non-criminal disposition statute, G.L. c. 40, § 21D. In addition, businesses may refuse entry to individuals who refuse to wear face coverings.

Anderson Kreiger's Public Law Group is available to consult regarding questions about the scope of this order.