

THIS DOCUMENT REFERS TO PHASE 2 OF MONTANA'S REOPENING, BEGINNING JUNE 1. THE GOVERNOR'S OFFICE IS WAITING TO SEE THE IMPACT OF PHASE 2 BEFORE CONSIDERING A DATE FOR PHASE 3.

Masks/Face Coverings

WHO IS REQUIRED TO WEAR A MASK

Are masks mandated in all Montana counties?

The provisions of this Directive apply only to counties in which there are four or more confirmed and active COVID-19 cases, and only during the time in which there are four or more active cases. However, Montanans in counties with three or fewer active cases are strongly encouraged to wear face coverings.

The Mask FAQ [on our website](#) lists the Montana counties that currently have a mask mandate in effect.

Alternatively, we will also post the counties with the mask mandate on the Montana Department of Emergency Services [Facebook page](#) and other social media accounts.

You can see how many active cases your community has on the [Montana COVID-19 map](#).

Who is not required to wear a mask?

- Children under the age of five.
- All children between the ages of two and four, however, are strongly encouraged to wear a face covering in accordance with the provisions of this Directive.
- Children under the age of two should not wear a face covering;
- persons consuming food or drinks in an establishment that offers food or drinks for sale;
- persons engaged in an activity that makes wearing a face covering impractical or unsafe, such as strenuous physical exercise or swimming; or persons seeking to communicate with someone who is hearing impaired;
- persons giving a speech or engaging in an artistic, cultural, musical, or theatrical performance for an audience, provided the audience is separated by at least six feet of distance;
- persons temporarily removing their face covering for identification purposes;
- persons required to remove face coverings for the purpose of receiving medical evaluation, diagnosis, or treatment; or
- persons who have a medical condition precluding the safe wearing of a face covering.

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OBTAINING A MASK

What requirements must a mask meet?

"Face covering" means a fabric, paper, or disposable face covering that covers the nose and mouth and which does not have an exhalation valve. The term "face covering" includes face shields.

Who is responsible for providing masks for the public to wear?

Businesses are responsible for providing face coverings for their employees and volunteers. A member of the public when entering a business will need to provide their own face covering.

REQUIREMENTS FOR MASKS IN INDOOR SPACES

What indoor locations are face masks required to be worn?

"Indoor space open to the public" means any indoor space, whether publicly or privately owned, where the public has access by right or invitation, express or implied, whether by payment of money or not. In addition, "indoor spaces open to the public" include, but are not limited to lobbies, common areas, elevators, bathrooms, meeting rooms, or other spaces where people gather. The term includes all modes of public or commercial transportation. The term does not include private residences not open to the public.

Employees, volunteers, and contractors in public-facing work spaces are required to wear face coverings.

Who is responsible for making sure people wear masks in indoor public places?

All businesses, government offices, or other persons responsible for indoor spaces open to the public shall require and take reasonable measures to ensure that all employees, contractors, volunteers, customers, or other members of the public wear a face covering that covers their mouth and nose at all times while entering or remaining in any indoor spaces open to the public

Is signage required to tell the public entering indoor public places that masking is required?

All points of entry open to the public shall have a clearly visible sign posted stating: "Mask or face covering use required for ages five and older."

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MASKS REQUIRED IN OUTDOOR SPACES

Are face coverings required outdoors?

For any organized outdoor activity where social distancing is not possible or is not observed, sponsors shall require and take reasonable measures to ensure that all persons attending an organized outdoor activity wear a face covering that covers their mouth and nose at all times.

What constitutes an organized outdoor activity?

"Organized outdoor activity" means any gathering of 50 or more people for an activity or event organized or sponsored by a business or person, or that takes place on the property of a business or person. This includes, but is not limited to, outdoor theatrical or music performances, fairs, markets, festivals, parades, carnivals, rodeos, sporting or athletic events, beer gardens, weddings and receptions, or parties.

This section applies only where the nature of the organized outdoor activity makes it impracticable for all attendees to maintain at least six feet of physical distance from each other, or any organized outdoor activity where attendees are not observing at least six feet of physical distance from others.

Are masks required at large gatherings that aren't "organized outdoor activities"?

At all outdoor gatherings of 50 or more people, whether or not it constitutes an organized outdoor activities, all individuals except those covered by section 4 of this Directive are required to wear face coverings while in attendance where it is impracticable to maintain six feet of physical distance at all times, or whether attendees are not observing at least six feet of physical distance from others.

What is an outdoor event "sponsor"?

"Sponsor" means any business or person who organizes or sponsors an organized outdoor activity, or who allows the activity to take place on their property.

ENFORCEMENT

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What do I do if someone refuses to wear a mask who comes into a public space I am responsible for?

Businesses, other persons responsible for indoor spaces open to the public, and sponsors of organized outdoor activities are entitled to reasonably rely in good faith on the representations of employees, volunteers, contractors, customers, visitors, or members of the public regarding the applicability of the exceptions in section 4 of the Governor's Directive. Reasonable, good faith reliance on such representations is an affirmative and complete defense to any enforcement proceedings brought pursuant to this Directive.

Does the governor have the legal right to mandate masks?

The legislature has delegated to the Governor authority to respond to emergencies. During a declared state of emergency, the Governor may "control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area." Section 10-3-104(2)(c), MCA.

In responding to the emergency, the Governor "shall use the services and facilities of the existing officers and agencies of the state, and all officers and agencies shall cooperate with and extend their services and facilities to the governor as the governor may request in the carrying out of the purposes of" the emergency response statutes. Section 10-3-305(2).