

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1267 (Delegate Chisholm, *et al.*)
Health and Government Operations

State or Local Elected Officials and Governmental Entities - Face Covering
Requirements - Prohibition

This bill prohibits a State or local elected official or governmental entity from requiring that an individual wear a face covering, including requiring the use of a face covering as a condition for entry into a public building, an educational facility, a place of worship, a place of employment, or a commercial or retail establishment. For purposes of the bill, “face covering” includes face masks, face shields, and other face coverings, and “governmental entity” means the State, a county, or a municipal corporation. If a State or local elected official or governmental entity issues an official recommendation that individuals wear face coverings, the State or local elected official or governmental entity must provide notice that the recommendation is not mandatory. The bill’s provisions do not apply to a requirement to wear a face covering (1) intended to protect an individual’s eyes, face, or lungs from occupational safety hazards or (2) used by medical personnel or a first responder while treating patients.

Fiscal Summary

State Effect: State finances are not directly affected. State operations are potentially affected to the extent that the bill precludes the issuance of mask requirements for public health purposes.

Local Effect: Local government finances are not directly affected. Operations of local health departments and other local agencies are potentially affected to the extent that the bill precludes the issuance of mask requirements for public health purposes.

Small Business Effect: Minimal.

Analysis

Current Law: The COVID-19 public health emergency resulted in various federal, State, and local orders requiring the wearing of face coverings in public spaces in order to control the spread of COVID-19.

The statewide mask mandate, issued during the COVID-19 state of emergency and catastrophic health emergency, terminated on July 1, 2021. However, masks continue to be required in some settings. In January 2022, in response to a surge in COVID-19, the Governor announced that face coverings would be required for employees and visitors in State buildings and leased space in all public or shared spaces, effective January 3, 2022; the policy ended on February 22, 2022.

Also in February 2022, the State Board of Education requested that the Joint Committee on Administrative, Executive, and Legislative Review (AELR) rescind emergency regulations adopted on January 5, 2021, mandating the wearing of face coverings in schools under certain circumstances. In response, the AELR Committee held a public hearing on February 25, 2022, and voted to rescind approval of Code of Maryland Regulations 13A.01.07. Therefore, the emergency regulations are no longer in effect, effective February 25, 2022.

Under the *Fifth Amended Administrative Order Expanding Statewide Judiciary Operations in Light of the COVID-19 Emergency*, effective March 7, 2022, pending further order of the Chief Judge of the Court of Appeals, the wearing of face masks in courthouses and Judiciary facilities is voluntary, unless otherwise ordered by the administrative judges of the circuit court and District Court located in each county or Baltimore city.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Commission on Civil Rights; Harford and Montgomery counties; Maryland Department of Emergency Management; Maryland Municipal League; Governor's Office; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Baltimore City Community College; Morgan State University; Department of Budget and Management; Department of General Services; Maryland Department of Health; Department of Housing and Community Development; Department of Juvenile Services; Department of Public Safety and Correctional Services; Maryland Department of

Transportation; Montgomery County Public Schools; Prince George's County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2022
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