

I HAVE A DISABILITY

How Does the Mask Policy Affect Me?





In Montana, when am I required to wear a mask?



Masks or face covering use required for ages 5 and older. Required by the Governor's July 15 directive.

If you are in a county where there are four or more confirmed and active COVID-19 cases.

-AND-

When in an indoor place which is open to the public.

-OR-

At all outdoor gatherings of 50 or more people where social distancing is not possible.



Here are the exceptions to the Governor's mask directive

- 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;
- 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 facecoverings 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.

Examples of persons with a disability who can request a reasonable accommodation to the mask policy

- Individuals with respiratory disabilities .
- People with post-traumatic stress disorder (PTSD), severe anxiety, or claustrophobia.
- Some people with autism who have Sensory Processing Disorders.
- A person who has limited mobility of their hands, and may not be able to put on or remove a face mask without assistance.
- A person who uses mouth control devices such as a sip and puff to operate a wheelchair or assistive technology, or uses their mouth or tongue to use assistive ventilators will be unable to wear a mask.

Examples of reasonable accommodations to the face mask policy

- Allow a person to wear a scarf, loose face covering, or full face shield instead of a face mask;
- Allow customers to order online with curbside pick-up or no contact delivery in a timely manner;
- Allow customers to order by phone with curbside pick-up or no contact delivery in a timely manner;
- Allow a person to wait in a car for an appointment and enter the building when called or texted; or
- Offer appointments by telephone or video calls.



Can I be denied entry if I refuse to wear a mask? Yes.

There are three reasons under the ADA that a state or local government agency or private business may not have to provide a reasonable modification.

Fundamental Alteration

Change that is so significant that it alters the essential nature of the services.

Undue Burden

Significant difficulty or expense.

Direct Threat

Significant risk to the health or safety of others that cannot be eliminated.

Citations and Resources

- Disability Issues Brief Developed by the Southeast ADA Center and Burton Blatt Institute (BBI) at Syracuse University
 - <https://www.adasoutheast.org/ada/publications/legal/ada-and-face-mask-policies.php#examplesRM>
- State of Montana
 - <https://covid19.mt.gov/Masks-and-Face-Coverings>
- Center for Disease Control and Prevention
 - [https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html?](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html?CDC_AA_refVal=https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html)
CDC_AA_refVal=<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>

For more information and resources contact Disability Rights Montana at 1-800-245-4743 or visit covid19.mt.gov