



STATE OF WASHINGTON

## DEPARTMENT OF HEALTH

*PO Box 47890 • Olympia, Washington 98504-7890  
Tel: 360-236-4030 • 711 Washington Relay Service*

### **ORDER OF THE SECRETARY OF HEALTH AMENDING ORDER 20-03**

#### **20-03.5**

#### **Face Coverings - Statewide**

**WHEREAS**, Washington State Governor Jay Inslee has issued Proclamation 20-05, subsequently amended and extended, proclaiming a statewide State of Emergency due to an outbreak of coronavirus disease 2019 (COVID-19) in the United States and community spread of COVID-19 in Washington State; and

**WHEREAS**, COVID-19 spreads mainly from person to person through respiratory droplets when infected people, many of whom do not exhibit COVID-19 symptoms, cough, sneeze, or talk, and evidence shows that wearing a cloth face covering reduces an infected person's chance of spreading the infection to others and may protect uninfected persons from larger droplets from infected people around them; and

**WHEREAS**, the Washington State Department of Health (DOH), the United States Centers for Disease Control and Prevention (CDC), and the World Health Organization (WHO) recommend that people wear cloth face coverings when they are gathered with non-household members or in public settings, given the substantial number of cases of COVID-19 infection, these precautions must be mandatory; and

**WHEREAS**, although many Washingtonians wear face coverings voluntarily when in public, requiring all Washingtonians to wear cloth face coverings in public, subject to certain exceptions, helps control and prevent the spread of COVID-19 in Washington State; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continue to constitute an emergency threatening the safety of the public health, demanding action by the Secretary of Health, and only a small number of Washington's local health officers have issued orders requiring the general public in their jurisdictions to wear cloth face coverings in public; and

**WHEREAS**, on June 24, 2020, Order of the Secretary of Health 20-03 was issued, directing every person in Washington State to wear a face covering when in any indoor or outdoor public setting, subject to certain exceptions; and

**WHEREAS**, on July 24, 2020, Order of the Secretary of Health 20-03.1 was issued, directing every person in Washington State to wear a face covering when outside of their dwelling unit, subject to certain exception; and

**WHEREAS**, on May 17, 2021, Order of the Secretary of Health 20-03.2 was issued, exempting fully vaccinated people in Washington state from the requirement to wear face coverings in public, except in certain limited settings; and

**WHEREAS**, on June 29, 2021, Order of the Secretary of Health 20-03.3 was issued, permitting people to be outdoors without face coverings and without maintaining physical distancing, while encouraging masks for the unvaccinated in crowded outdoor settings, such as at sporting events, fairs, parades, concerts, and similar settings where it's harder to maintain physical distance; and

**WHEREAS**, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the Delta variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals; and

**WHEREAS**, the CDC modified its guidance to recommend that people in areas of substantial or high transmission, which currently include every county in Washington State, wear a mask indoors in public regardless of their vaccination status to maximize protection from the Delta variant and prevent possibly spreading it to others; and

**WHEREAS**, all 35 local health officers in the state of Washington recently recommended all residents wear facial coverings when in indoor public settings where the vaccination status of those around you is unknown; and

**WHEREAS**, the same 35 local health officers urged decisive and effective action to implement a statewide mandate consistent with the CDC and state recommendations on August 15, 2021, for all residents to wear facial coverings when in indoor public settings or outdoor settings when physical distancing is not possible; and

**WHEREAS**, for the reasons stated above, requiring people, to wear face coverings when in a place where non-household members are present or generally accessible to non-household members will help control and prevent the spread of COVID-19 in Washington State; and

**WHEREAS**, on August 19, 2021, Order of the Secretary of Health 20-03.4 was issued, reinstating a requirement for people to wear face coverings, regardless of their vaccination status, when in a place where any person from outside their household is present or in a public place, with limited exceptions; and

**WHEREAS**, given that hospitalization and infection rates remain at concerning levels, the CDC recommends that people wear face coverings, regardless of their vaccination status, in crowded outdoor settings, and multiple local jurisdictions have issued orders implementing the CDC's guidance, it is appropriate to amend the face covering order to require statewide that people wear face coverings, regardless of their vaccination status, when attending large outdoor gatherings.

**NOW, THEREFORE**, I, Umair A. Shah, MD, MPH, Washington State Secretary of Health, as a result of the above-noted situation, and under RCW 43.70.130, RCW 70.05.070, WAC 246-100-036, and any other applicable authority, do hereby amend Orders 20-03, 20-03.1, 20-03.2, 20-03.3, and 20-03.4 and order as follows:

### **General Face Covering Requirement**

**Every person in Washington State must wear a face covering that covers their nose and mouth when they are in a place where any person from outside their household is present or in a place that is generally accessible to any person from outside their household, subject to the exceptions and exemptions below.**

- If a person lives in a congregate living setting where they share living facilities with other residents, their household includes only the people who regularly reside in their bedroom. They must wear a face covering when they are outside their bedroom in any common area inside the building, subject to the exceptions and exemptions below.

### **Exceptions to General Face Covering Requirement**

**People are not required to wear face coverings in any of the following situations:**

- When outdoors, except that face coverings are required at outdoor events or gatherings attended by 500 or more people. DOH strongly recommends that all people, regardless of vaccination status, wear face coverings in any crowded outdoor setting when it is not feasible to keep adequate distance from others outside of one's household;
- While working indoors in areas not generally accessible to the public and when no customers, volunteers, visitors, or non-employees are present, but only if the worker is fully vaccinated against COVID-19;
- While working alone indoors. A person is working alone if they are isolated from interactions with others and have little or no expectation of in-person interruptions. Examples include a sole occupant in an office with a closed door who is unlikely to be visited, a crane operator isolated in an enclosed cab, delivery drivers with no face-to-face interaction with others when picking up or dropping off packages, or a lone janitor in a building;
- At a small indoor gathering in a private residence;
- While actively playing or training for, coaching, or officiating indoor sports in a K-12, recreational, major junior hockey, part-time professional, collegiate, or professional sports setting. This exception does not apply while the athlete, coach, or official is not actively engaged in the sporting, coaching, or officiating activity or to indoor gyms and other fitness facilities, such as dance, yoga, and martial arts facilities;
- While swimming or engaged in other water sports or recreation;
- While actively engaged in a performing arts performance, leading religious services, or engaged in other similar activities, subject to the authorization and requirements of the Department of Health, including any vaccination requirements;
- While engaged in the act of eating or drinking;
- While showering, bathing, or engaging in other personal hygiene or grooming activities that require the removal of the face covering;

- When any party to a communication is deaf or hard of hearing and not wearing a face covering is essential to communication;
- While obtaining a service or engaged in a transient activity that requires temporary and very brief removal of the face covering;
- While sleeping;
- When necessary to confirm the person's identity;
- When federal or state law prohibits wearing a face covering or requires the removal of a face covering; or
- When unable to put on a face covering due to an emergency.

### **People Exempt from General Face Covering Requirement**

**The following people are exempt from the requirement to wear a face covering:**

- Children younger than five years old;
  - Children who are younger than two years old should never wear face coverings due to the risk of suffocation.
  - Children who are two, three, or four years old, with the assistance and close supervision of an adult, are strongly recommended to wear a face covering at all times in public settings when around non-household members; and
- People with a medical condition, mental health condition, developmental or cognitive condition, or disability that prevents wearing a face covering. This includes, but is not limited to, people with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.

### **Additional Provisions**

- Any frequently asked questions or other guidance explaining or interpreting this order issued by DOH is automatically incorporated herein.
- Types of face coverings permitted.
  - For purposes of this order, a face covering must:
    - Fit snugly against the sides of the face;
    - Completely cover the nose and mouth;
    - Be secured with ties, ear loops, elastic bands, or other equally effective method; and
    - Include at least one layer of tightly woven fabric without visible holes, although multiple layers are strongly recommended.
  - A face covering may also be a mask or face covering that provides a higher level of protection than a cloth face covering, such as a medical procedure/surgical mask, a KN95 mask, or an N95 mask.
  - Clear masks or cloth masks with a clear plastic panel may be used when interacting with people who are deaf or hard of hearing, young children or students learning to read, students learning a new language, people with disabilities, and people who need to see the proper shape of the mouth for making appropriate vowel sounds.
- A person is fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series (Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose vaccine (Johnson and Johnson (J&J)/Janssen).

- Face covering requirements imposed by other public agencies or officials.
  - Face covering requirements lawfully imposed by another public agency or official are to be followed if they are more protective than the requirements in this order. If they are less protective, then this order must be followed.
  - Notwithstanding the foregoing, any face covering requirements imposed pursuant to an order of the Governor take precedence over this order.

This order shall take effect on September 13, 2021, and remain in effect until rescinded or superseded by a subsequent order of the Secretary of Health or until the Governor issues a proclamation declaring the termination of the State of Emergency declared by Proclamation 20-05, as amended and extended by subsequent amendatory proclamations, whichever is earlier.

Members of the public are required by law to comply with this order, and violators may be subject to enforcement action pursuant to RCW 43.70.130(7), RCW 70.05.120(4), and WAC 246-100-070(3).

Signed this 13<sup>th</sup> day of September, 2021.



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Umair A. Shah, MD, MPH  
Secretary of Health