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# A BILL FOR AN ACT

RELATING TO FACE COVERINGS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. (a) Except as provided in subsection (b),  
2 every person shall wear a face covering that covers their nose  
3 and mouth when in a public setting. Any person not exempted  
4 under subsection (b) and who is found to be in violation of this  
5 Act shall be subject to a civil fine of \$           .

6           (b) The requirements of subsection (a) shall not apply to:

- 7           (1) Individuals with medical conditions or disabilities  
8                 where the wearing of a face covering may pose a health  
9                 or safety risk to the individual;
- 10          (2) Children under the age of five;
- 11          (3) Individuals who are working at a desk or work station  
12                 and are not actively engaged with other employees,  
13                 customers, or visitors; provided that the individual's  
14                 desk or workstation is not located in a common or  
15                 shared area and physical distancing of at least six  
16                 feet is maintained;



- 1           (4) Individuals who are engaged in eating, drinking, or  
2           smoking as permitted by applicable law;
- 3           (5) Individuals inside private automobiles; provided that  
4           the only occupants in the automobile are members of  
5           the same household, living unit, or residence;
- 6           (6) Individuals receiving services allowed under a state  
7           or county order, rule, or proclamation that requires  
8           access to the individual's nose or mouth;
- 9           (7) Instances where federal or state health or safety  
10          regulations prohibit the wearing of face coverings;
- 11          (8) Instances where a financial institution's policy,  
12          based on security concerns, prohibit the wearing of  
13          face coverings;
- 14          (9) Individuals who are communicating with the hearing  
15          impaired while actively communicating, such as through  
16          signing or lip reading;
- 17          (10) First responders, to the extent that wearing face  
18          coverings may impair or impede the safety of the first  
19          responder in the performance of their duty;
- 20          (11) Individuals who are outdoors and can maintain a  
21          physical distance of six feet from other individuals



1 not of the same household, living unit, or residence  
2 at all times; and

3 (12) Any provision of a state or county COVID-19 related  
4 order, rule, or proclamation that specifically exempts  
5 an individual from the requirement to wear a face  
6 covering.

7 (c) Any owner or operator of any business or operation  
8 shall refuse admission or service to any individual who fails to  
9 wear a face covering unless an exemption under subsection (b)  
10 applies. Businesses and operations may adopt stricter protocols  
11 or requirements related to face coverings and face shields.  
12 Businesses and operations not enforcing the wearing of face  
13 coverings as required by this Act may be subject to penalties  
14 under this Act, including fines and mandatory closure.

15 (d) The wearing of face coverings shall serve as a  
16 complement to, and not a substitute for, physical distancing and  
17 cleanliness.

18 (e) Any seller of face coverings, or materials or supplies  
19 to make or manufacture face coverings, shall abide by section  
20 127A-30, Hawaii Revised Statutes.



1 (f) For the purposes of this Act:  
2 "Face covering" means a tightly woven piece of fabric,  
3 without holes, vents, or valves, that is secured around the head  
4 with either ties or straps, or simply wrapped and tied around  
5 the wearer's nose and mouth. Face coverings shall comply with  
6 the recommendations of the Center for Disease Control and  
7 Prevention, which may change from time to time. Face covering  
8 does not include a face shield and a face shield shall not be  
9 used as a substitute for a face covering for purposes of this  
10 Act except where an individual is wearing a face shield in lieu  
11 of a face covering because the individual's medical condition or  
12 disability means the wearing of a face covering poses a health  
13 or safety risk to the individual.

14 "Face shield" means a plexiglass or clear plastic shield  
15 that is secured to the head at the forehead.

16 SECTION 2. This Act shall not preempt any State or county  
17 COVID-19 related order, rule, or proclamation that limits the  
18 number or size of a social gathering.

19 SECTION 3. This Act shall not be subject to section  
20 127A-13, Hawaii Revised Statutes, and shall not be amended or  
21 suspended except by legislative approval.



1 SECTION 4. This Act shall take effect on July 1, 2050, and  
2 shall be repealed on December 31, 2021, or on the date that the  
3 last emergency proclamation related to the COVID-19 emergency  
4 issued by the governor expires, whichever is sooner.



**Report Title:**

Face Coverings; Mandate; Civil Fine

**Description:**

Requires every person to wear a face covering when in a public setting, subject to certain exceptions. Establishes a civil fine for failure to wear a face covering. Sunsets December 31, 2021, or when the last emergency proclamation related to the COVID-19 emergency issued by the governor expires, whichever is sooner. Effective 7/1/2050. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

