

Insights, News & Events

MASK MANDATE LIFTED ACROSS THE GOLDEN STATE: WHAT BUSINESSES NEED TO KNOW

Insights
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California will lift its statewide mask mandate for vaccinated individuals in most indoor public spaces on February 15. This update signals the expiration of the January 5 California Department of Public Health (CDPH) Order. Given this expiration, employers will revert back to the Cal/OSHA Emergency Temporary Standard (ETS) General Rule. What does this abrupt but welcome development mean for the state's workplaces?

Overview

With this new guidance, masks will be required for individuals in the following settings:

- Public transit;
- Indoors in K-12 schools and childcare;
- Emergency shelters;
- Healthcare settings;
- State and local correctional facilities;
- Homeless shelters;
- Long term care settings;
- Adult and senior care facilities.

As noted above, employers still need to follow California's ETS. Under the ETS, employees do not need to wear a mask

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if they are fully vaccinated. Employers are required to provide unvaccinated employees with face coverings and ensure that they are worn indoors. Unvaccinated employees are permitted to remove their mask when they are alone in a room or while eating or drinking so long as they maintain six feet from others.

What Should You Do?

New CDPH guidance specifically states that masks are required for all unvaccinated individuals in public settings and businesses. What should you do to ensure you are complying with the new guidance?

1. Provide information regarding vaccination requirements and allow vaccinated guests and visitors to self-attest that they are in compliance prior to entry;
2. Implement vaccine verification to determine whether individuals are required to wear a mask; or
3. Require all patrons to wear masks.

Keep in mind that some cities require businesses to verify proof of vaccination in some sectors. Additionally, local mask mandates may remain in effect, which means that even under the ETS some people will need to continue wearing masks. While counties like San Francisco and Sacramento plan to lift their mask mandates, others like Los Angeles and Santa Clara will continue to require masking for both vaccinated and unvaccinated individuals.

Conclusion

We will monitor developments related to this issue and provide updates as warranted, so make sure that you are subscribed to [Fisher Phillips' Insights](#) to get the most up-to-date information direct to your inbox. If you have further questions, contact your Fisher Phillips attorney, the author of this Insight, or any attorney in any one of [our six California offices](#).

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