

HOUSE BILL 1338

P1, J1, L6

2lr2568

By: **Delegates Arikan, Boteler, Grammer, Hornberger, Krebs, Morgan, Rose, Shoemaker, Szeliga, and Wivell**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Face Mask Requirements – Prohibition**

3 FOR the purpose of prohibiting a State or local elected official, governmental entity, or
4 other person from requiring an individual to wear a certain face mask as a condition
5 of entry into certain places or receiving certain goods, services, or education, except
6 under certain circumstances; and generally relating to requirements to wear face
7 masks.

8 BY adding to

9 Article – Health – General

10 Section 24–1801 and 24–1802 to be under the new subtitle “Subtitle 18. Face Masks”

11 Annotated Code of Maryland

12 (2019 Replacement Volume and 2021 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Health – General**

16 **SUBTITLE 18. FACE MASKS.**

17 **24–1801.**

18 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

20 **(B) (1) “FACE MASK” MEANS A PARTICULATE FILTERING FACEPIECE**
21 **RESPIRATOR OR FACE MASK THAT MEETS U.S. NATIONAL INSTITUTE OF**
22 **OCCUPATIONAL SAFETY AND HEALTH OR EQUIVALENT INTERNATIONAL**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 STANDARDS FOR FILTERING AT LEAST 94% OR 95% OF AIRBORNE PARTICULATES,
2 INCLUDING N95, KN95, AND KF94 MASKS.

3 (2) "FACE MASK" DOES NOT INCLUDE A SURGICAL FACE MASK OR
4 OTHER CLOTH FACE COVERING.

5 (C) "GOVERNMENTAL ENTITY" MEANS:

6 (I) THE STATE;

7 (II) A COUNTY; OR

8 (III) A MUNICIPAL CORPORATION.

9 24-1802.

10 (A) THIS SUBTITLE DOES NOT APPLY TO A REQUIREMENT TO WEAR A FACE
11 MASK:

12 (1) INTENDED TO PROTECT AN INDIVIDUAL'S LUNGS FROM
13 OCCUPATIONAL SAFETY HAZARDS; OR

14 (2) WHEN USED BY MEDICAL PERSONNEL OR A FIRST RESPONDER
15 WHILE TREATING PATIENTS.

16 (B) NOTWITHSTANDING ANY OTHER LAW, A STATE OR LOCAL ELECTED
17 OFFICIAL, GOVERNMENTAL ENTITY, OR ANY OTHER PERSON MAY NOT REQUIRE
18 THAT AN INDIVIDUAL WEAR A FACE MASK AS A CONDITION OF:

19 (1) ENTRY INTO A PUBLIC BUILDING, EDUCATIONAL FACILITY, PLACE
20 OF WORSHIP, PLACE OF EMPLOYMENT, OR COMMERCIAL OR RETAIL
21 ESTABLISHMENT; OR

22 (2) RECEIVING GOODS, SERVICES, OR EDUCATION.

23 (C) (1) A PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL
24 PENALTY NOT EXCEEDING \$2,500 PER VIOLATION.

25 (2) EACH DAY A VIOLATION OCCURS OR CONTINUES IS A SEPARATE
26 VIOLATION UNDER THIS SUBSECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2022.