

## Must Businesses Become Face Mask Police?

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With continued, disturbing examples of some members of the public belligerently refusing to wear face masks inside businesses that are mandated to require them from customers, employees and owners find themselves at a crossroads when it comes to mask enforcement.

Should they risk a potentially volatile confrontation by telling a customer they must wear a mask to help stop the spread of COVID-19?

Or should they let the customer go without a mask, compromising health and safety, alienating other customers and risking possible legal punishment?

The short answer is while the state's orders require business to require mask wearing, nothing in these orders requires businesses and their employees to become mask police. The state's guidance on mask-wearing makes it clear that a business can turn away a customer who refuses to wear a mask. The guidance states that "if a customer is belligerent or aggressive, employees need not force a customer to comply and should not put themselves in a dangerous situation." Dealing with hostile clients should be the job of store security personnel, not waiters, cashiers and clerks. Police should be called to handle potential dangerous encounters.

There are several measures businesses can implement to minimize the potential for hostile interactions with customers. Businesses should prominently post signs stating that mask wearing is required for entry. In addition, mask wearing requirements should be uniformly applied to all customers and staff. Businesses can also supply masks to customers.

How should businesses, however, enforce the mask requirements while avoiding confrontations with uncooperative customers? Businesses should view this mandate no differently than their "no shirt/no shoes/no entry" requirements. Business owners also should keep in mind that allowing customers to go without a mask could be bad for business. Many consumers do not want to shop or eat in location where they face greater risks of infection because of those who refuse to wear a mask.

The bottom legal line is that while businesses are not required by the state to become mask police, businesses must be careful not to encourage noncompliance with mask requirements. If they do, they face potential enforcement actions from the state, including warnings, fines, license revocations and closure. In addition, failure to comply with state orders could subject a business to lawsuits from customers who believe they were exposed to the coronavirus while at the business.

If you have any questions on mask requirements, please [contact me](#) or any member of the [Barley Snyder COVID-19 Response Service Team](#).

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