

# Breaking . . . Governor Lamont’s New Executive Order # 13A Permits Municipal Leaders to Issue Emergency Orders Requiring Masking in Indoor Settings Regardless of Vaccination Status

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## Working Together

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On August 5, 2021, Connecticut Governor Ned Lamont issued a new executive order – **Executive Order # 13A** – expressly permitting chief executive officers of Connecticut municipalities to issue local emergency orders requiring masking by all persons, regardless of their COVID-19 vaccination status, in all indoor public settings within the municipality. The new executive order was issued by Governor Lamont in response to July 27, 2021 federal Centers for Disease Control guidance on the emergence of the COVID-19 Delta variant. The guidance recommended that all people, regardless of vaccination status, wear masks

in indoor public settings in areas of substantial or high COVID-19 transmission, based on research suggesting that vaccinated and unvaccinated individuals alike can transmit the highly contagious Delta variant.

Executive Order # 13A supersedes an earlier May 18, 2021 executive order from Governor Lamont (Executive Order #12A) that had, with certain exceptions for public transportation and other settings, relaxed indoor masking requirements for vaccinated individuals in places where social distancing protocols cannot be met and eliminated outdoor masking requirements for all individuals regardless of vaccination status. The new Executive Order #13A maintains these statewide rules but allows individual municipalities to require masking for all individuals regardless of vaccination status, at the discretion of the municipality’s chief elected official pursuant to Connecticut General Statutes § 28-8a which allows a municipal chief elected official to “take such action as [he or she] deems necessary to mitigate [a] major disaster or emergency . . .”

As a result of Executive Order #13A the following general rules now apply to mask wearing in Connecticut:

- Unvaccinated people must wear masks while in indoor public places;

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- Everyone must wear masks at all times regardless of vaccination status while inside certain settings, as determined by the Department of Public Health ["DPH"]. Such settings include healthcare facilities, facilities housing vulnerable populations, public and private transit, correctional facilities, schools, and childcare facilities;
- Masks are not required outdoors;
- Masks do not have to be worn while eating or drinking, and;
- Individuals, regardless of their vaccination status, must wear masks indoors if required to do so by order of the chief executive officer of the municipality in which the building is located.

In addition to the foregoing, it is important to note that businesses, private property owners, and state and local government offices may impose masking and/or other COVID-19 safety restrictions that go further than Executive Order #13A or any other governmental mandate, subject to contract, collective bargaining and other legal requirements.

Executive Order #13A also includes an unrelated provision that gives the DPH the immediate authority to require the infectious disease testing of nursing home staff and residents.

A press release explaining the rationale for the Executive Order was issued by the Governor's office and is available [here](#). Notably, the press release states that the DPH plans to require the weekly COVID-19 testing of all unvaccinated Connecticut nursing home staff.

In addition, and of particular note to educational institutions, the Governor's press release also indicates that the State Department of Education and the DPH are in the process of reviewing statewide policies on masking in schools, and that an updated school masking policy will be issued before the start of the 2021-22 school year. Stay tuned for further updates from our firm and its education law attorneys.

Please contact one of Pullman & Comley's labor and employment attorneys if you have any questions or concerns regarding Executive Order #13A or any other COVID-19 compliance issue.

**Posted in** Centers for Disease Control (CDC), COVID-19, Executive Order, Vaccine

**Tags:** CT Department of Public Health (DPH)