

7/14/2020

## **FACE MASKS FOR PEOPLE WITH DISABILITIES**

The Ability Center recognizes Department of Justice and CDC guidance on mask wearing for individuals with disabilities. As a service organization for people with disabilities, we understand our population is one of the at-risk groups for contracting this virus. Our agency is committed to continuing to serve people with disabilities throughout our service area.

*Department of Justice  
Office of Public Affairs*

*FOR IMMEDIATE RELEASE*

**Tuesday, June 30, 2020**

The Department of Justice Warns of Inaccurate Flyers and Postings Regarding the Use of Face Masks and the Americans with Disabilities Act

Assistant Attorney General for the Civil Rights Division Eric Dreiband reiterated today that cards and other documents bearing the Department of Justice seal and claiming that individuals are exempt from face mask requirements are fraudulent.

Inaccurate flyers or other postings have been circulating on the web and via social media channels regarding the use of face masks and the Americans with Disabilities Act (ADA) due to the COVID-19 pandemic. Many of these notices included use of the Department of Justice seal and ADA phone number.

As the Department has stated in a previous alert, the Department did not issue and does not endorse them in any way. The public should not rely on the information contained in these postings.

The ADA does not provide a blanket exemption to people with disabilities from complying with legitimate safety requirements necessary for safe operations.

## FACE MASK EXEMPT CARD

### I AM EXEMPT FROM ANY ORDINANCE REQUIRING FACE MASK USAGE IN PUBLIC.

Wearing a face mask poses a mental and/or physical risk to me. Under the Americans with Disability Act (ADA), I am not required to disclose my condition to you.



**Department of Justice ADA Violation reporting number: (800) 514-0301**

If found in violation of the ADA you could face steep penalties. Organizations and businesses can be fined up to **\$75,000** for your first violation and **\$150,000** for any subsequent violations.

**DENYING ACCESS TO YOUR BUSINESS/ORGANIZATION WILL BE ALSO REPORTED TO FTBA FOR FURTHER ACTIONS**

Cards like this and others like it are not legal and have **not** been approved by the Department of Justice. They cannot be used to excuse individuals from wearing masks.

## Doctor Approval

In some cases, individuals may seek a doctor's written note to be exempt from any mask mandate. If this occurs, the person can show a business owner they have medical clearance from the mandate. A business owner must offer an individual who cannot wear a face mask for medical reasons a reasonable modification that allows them access to the businesses' goods and services.

It is suggested that any individual with a disability that can safely wear a mask should continue to do so. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.

### Examples of reasonable modifications to a face mask policy

- Allow a person to wear a scarf, loose face covering, or full-face shield instead of a face mask
- Allow customers to order online with curbside pick-up or no contact delivery in a timely manner
- Allow customers to order by phone with curb-side pick-up or no contact delivery in a timely manner
- Allow a person to wait in a car for an appointment and enter the building when called or texted or
- Offer appointments by telephone or video calls.

For further explanation on the following topics, please view [Disability Issues Brief](#)

(A project of the Southeast ADA Center and Burton Blatt Institute (BBI) at Syracuse University)

- May a state or local government agency or business require customers to wear a face mask?
- Is there a reason a person might not be able to wear a face mask?
- Examples of a person with a disability who might not be able to wear a face mask
- If a person with a disability is unable to wear a face mask, do I still have to allow them in my business or government agency?
- Are there any situations when an agency or business does not have to provide a reasonable modification to the face mask policy?
- How should I respond to a request for a reasonable modification to the face mask policy?