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Masking Confusion: CDC and States Do About-Face on Masks

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On May 13, 2021 President Biden announced the CDC was revising its guidance, saying that fully vaccinated people no longer need to wear a mask, either indoors or outdoors. Specifically, the new CDC guidance states that fully vaccinated individuals may resume activities as normal prior to the pandemic. A person is considered fully vaccinated if it has been at least 14 days since the person had the second dose of the Pfizer or Moderna vaccines or the only dose of the Johnson & Johnson vaccine. The CDC also announced that fully vaccinated individuals do not need to wear a mask or practice social distancing in public unless required to by federal, state, or local guidelines. For example, masks are still required in healthcare settings and on public transportation.

Ohio Governor Mike DeWine announced the next day that Ohio would also be following the CDC's guidance effective immediately. This caused some confusion because just two days earlier, Governor DeWine announced that all of Ohio's public health orders would end on June 2, 2021. On May 17, 2021 an amended public health order was issued indicating that all fully vaccinated individuals "can resume activities without wearing a mask;" however, masks must be worn on all public transportation. Unvaccinated individuals must continue to wear face masks and practice social distancing. The amended public health order is effective until June 2, 2021 when most COVID-19 related health orders will be rescinded.

Michigan Governor Gretchen Whitmer also responded to the CDC guidance and eliminated the outdoor mask mandate for all individuals and all other mask mandates for fully vaccinated individuals effective May 15, 2021 at 9:00 a.m. Unvaccinated individuals will continue to need to wear masks indoors until July 1, 2021.

Finally, OSHA also has indicated that employers should follow CDC guidance with regard to masking and announced that it is in the process of updating its website to reflect the CDC's guidance. The CDC, individual states, and OSHA have all confirmed that employers and businesses may maintain their own requirements with regard to wearing facial coverings. Therefore, if a business chooses to continue a mask mandate, it may do so and individuals may choose to continue to wear masks.

As with most things related to COVID-19, information and guidance changes rapidly. The information in this article is believed to be accurate as of 10:00 a.m. May 18, 2021. Additional updates will be provided as necessary. In the meantime, it will be nice to see smiling faces again!

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