

**Please know that nothing that I say is to be construed as legal advice, as there is no attorney client relationship established between myself and any one person or business in a panel or event setting. Additionally, every scenario has its own set of facts, and those facts should be taken into consideration when assessing how the regulations and ever changing legal and medical climate, affect a person or business. If any person or business has specific questions, they are encouraged to reach out to myself or another attorney, to address their scenario.**

**From an educational standpoint, here are some thoughts on the following specific questions:**

**Can you make wearing a mask a condition when purchasing a ticket?**

The short answer is yes. You can see Delta making its announcement [HERE](#)

Now, of course there are some (few) exceptions, which gets into our next question....

**How do you enforce mask wearing, whether individually or to a large group?**

There are few exceptions that exempt someone from wearing a mask - these include being a very young child (many places are saying under 2) - having Autism or PTSD, and other reasons outlined in the executive order.

*Please note that when it says you don't need to wear a mask when eating or drinking... I've been told by governing authorities that this does not mean that simply holding a drink or having some food on a plate in front of you exempts you. Additionally, talking with someone at an event is not the same as giving a speech, the later of which may exempt you for the duration of the speech. And I've also been told that while dancing may be physical exertion, it also may not be, and that would be a legal argument one would need to make to prove that they are in fact dancing to a degree that rises to the exemption allowed under the order.*

We all know that currently masks are required at indoor venues.

So, if someone is at an event and is not wearing a mask, you can ask them to put one on.

Here are a few articles that touch on the myths going around out there about the assertion of constitutional rights and HIPAA - Click [HERE](#)

If they don't answer and you want to request they leave, here is an article explaining why this is OK - Click [HERE](#)

Ok, yes I hear it all day that a few people here and there can be handled, but what about when we get an event where all of the sudden half the crowd is asserting a medical need to not wear a mask. *We've seen what has happened with the rodeo, so we know how the state feels about it, but what do you do in the moment?*

Whatever your personal beliefs may be, no one wants their business license pulled or their business tied up in litigation, which may very well land you in hot water with your other clients, whose events would then be affected. So... what to do...

This is where your pre-established COVID policies come into place that your client signs. This is a document that is DIFFERENT than your plan that is posted on your website or at the venue. On your policies document, which also may include language to allow you to enforce, to assert a safe space, to indemnify you, etc., you could have a strike policy. This could include language about how non-mask wearers will be handled, as well as a number or percentage of non-mask wearers, if reached, results in a closure of the event in the interest of “public safety”.

#### Example

.... if 10 or more people are not wearing a mask, we will make a public announcement reminding the group of the obligation.

.... If 10 or more people remain not wearing a mask for the next 15 minutes, we will halt the music / bar service / turn up the nights and make another announcement.

.... If 10 or more people still remain not wearing a mask, the event is closed, in the interest of public safety, and you are released of all liability and are still entitled to your pay.

Moreover, it was suggested that you may require those who claim they have a medical reason to not wear a mask to provide an ID. (This is no different than Delta, for example, gathering your personal information for your ticket, and having that information if you claim an exemption.) That way, if there is a lawsuit, you have the names of all those who constituted the percentage or threshold number and they have to prove they were indeed entitled to disregard the mandate.

Now, what could go wrong?

Someone could claim discrimination, in which they would need to file a lawsuit against your business, assert discrimination, prove that you are treating them differently than everyone else, and prove the damages that they endured.

More likely?

Someone gets upset on social media, and posts about it.

I hope this offers some insight. Again, **this is not legal advice and should not be relied upon without individualized consultation with an attorney.**