

METROPOLITAN AIRPORTS COMMISSION

RESOLUTION NO. 2391

A REGULATION REQUIRING THE USE OF FACE COVERINGS AT THE MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT

WHEREAS, a novel coronavirus, SARS-CoV-2, causes a serious respiratory disease known as COVID-19 that can result in serious illness or death, and is highly infectious among humans;

WHEREAS, the National Center for Disease Control and Prevention (“CDC”) has identified the public health threat posed by COVID-19, and has advised that community spread of COVID-19 will continue to occur;

WHEREAS, the World Health Organization (“WHO”) has declared a global pandemic;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Acting Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency related to COVID-19;

WHEREAS, on March 13, 2020, Minnesota Governor Tim Walz declared a peacetime state of emergency under Minnesota Statutes Chapter 12 to authorize any and all necessary resources to be used in support of the COVID-19 response;

WHEREAS, on March 16, 2020, the Metropolitan Airports Commission (the “Commission”) declared a special emergency related to COVID-19;

WHEREAS, the CDC and the Minnesota Department of Health (“MDH”), along with many other health organizations, have issued numerous recommendations for social distancing and the use of face coverings to reduce the spread of COVID-19;

WHEREAS, on April 30, 2020, Governor Walz issued Executive Order 20-48, strongly encouraging Minnesotans “to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain... and to follow face covering guidelines issued by the Minnesota Department of Health and the Centers for Disease Control. Such face coverings are for source control (to help limit the person wearing the covering from infecting others)”;

WHEREAS, public health experts have determined that the use of face coverings may reduce the risk of transmission by an infected person as a force multiplier for physical distancing, hand washing, and other prevention measures, understanding that face coverings are not recommended as a replacement for these activities;

WHEREAS, the rate of growth in new cases of COVID-19 across the United States has rapidly accelerated in recent days;

WHEREAS, many states, counties and cities around the United States have adopted requirements imposing the use of face coverings in various situations;

WHEREAS, many airlines require the use of face coverings at check-in boarding and while onboard aircraft;

WHEREAS, many airlines and the TSA require employees to wear face coverings;

WHEREAS, many airports throughout the nation require the use of face coverings and there is a need for consistency for the traveling public;

WHEREAS, on May 11, 2020, the U.S. Policy Council of Airport Council International – North America, an aviation industry trade organization, adopted a position supporting the adoption of “state and local guidelines that all individuals in passenger airport terminals wear facial coverings over their nose and mouth during the COVID-19 pandemic;”

WHEREAS, the U.S Departments of Transportation, Homeland Security, and Health and Human Services have published joint guidance that “Airlines and airports are strongly encouraged to require that everyone correctly wear a mask or cloth face coverings in shared spaces;”

WHEREAS the Commission strongly encourages governmental and regulatory bodies to adopt uniform guidance and requirements regarding the use of face coverings and other safety measures to control the spread of COVID-19;

WHEREAS, the Commission is committed to assisting the general public and the State through this peacetime emergency by ensuring that its airports are open and accessible to the national airspace system in a safe and responsible manner;

WHEREAS, there is currently no law, regulation, rule or order that requires face coverings to be worn at the Minneapolis-St. Paul International Airport (the “Airport”);

WHEREAS, Minnesota Statute 473.608, subd. 17(1) grants the Commission the authority to “adopt and enforce rules, regulations, and ordinances it deems necessary for the purposes of sections 473.601 to 473.679, including those related to... the management and operation of airports owned or operated by it;” and

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WHEREAS, for the reasons stated herein, the Commission finds that it is immediately necessary to adopt and enforce this regulation prior to a public hearing as provided in Minnesota Statute 473.608, subd. 17(4).

NOW, THEREFORE, BE IT RESOLVED by the Commission, effective 12:01 a.m. July 27, 2020, that:

1. A “face covering” is a cloth or other covering that fully covers a person’s nose and mouth, secured to the head with ties or straps or similarly wrapped around the lower face.
2. All individuals shall wear a face covering in the following locations and circumstances at the Minneapolis-St. Paul International Airport:
 - a. In any indoor setting that is open to the public, including without limitation terminals, parking ramps, shuttle buses, trams, rental car facilities and other similar facilities; and
 - b. In any outdoor location open to the public where an individual cannot reliably maintain distancing of approximately six feet from any other individual who does not share their household.
3. Individuals who cannot medically tolerate the wearing of a face covering in compliance with this regulation, or who fall into any of the following categories are not required to comply with the face covering requirement:
 - a. Any child two years of age or younger;
 - b. Any child 12 years of age or younger unless accompanied by a parent or caregiver who is available to supervise the use of the face coverings to avoid misuse;
 - c. Any individual who has a physical or mental disability or other medical or health condition that materially inhibits the individual’s proper use or removal of a face covering;
 - d. Any individual who has been advised by a medical professional that wearing a face covering may pose a health risk to the individual;
 - e. Any individual who is deaf and relies upon the use of facial and/or mouth movements to communicate and those individuals who rely upon the same to communicate with such an individual;

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- f. Any individual who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance; and
 - g. Any individual speaking to an audience, in person or remotely, live or via recording, provided that the speaker maintains distancing of approximately six feet from any other individual who does not share their household.
4. All employers of employees working in areas of the Minneapolis-St. Paul International Airport not covered by Paragraph 2 but who have face-to-face contact with members of the public or with others who have face-to-face contact with members of the public, or who prepare food for the consumption of others shall develop and implement appropriate safety precautions for such employees, such as face coverings, face shields, or other physical barriers or distancing measures.
5. Face coverings may be temporarily removed, if done so in good faith, in the following circumstances:
- a. As a part of security measures, including airlines check-in, TSA screening, Customs and Border Protection processes, security badge identification checks; and
 - b. To take medication, consume food or beverages, or otherwise engage in personal hygiene activities such as nose-blowing or brushing teeth, provided that six-foot distancing from individuals not a part of their household can be maintained.

In such cases, face coverings shall be promptly replaced at the conclusion of the listed activity.

6. Nothing in this regulation shall relieve any individual from a more stringent requirement imposed by law, rule, regulation, order or employer policy. To the extent this regulation is inconsistent with any applicable federal, state or county law, rule or regulation, the language of the applicable federal, state or county law, rule or regulation shall take precedence.

If any part of this regulation shall be found unconstitutional or otherwise invalid, it is the Commission's intent that the remainder of the regulation shall remain valid and in full force and effect.

7. Any individual or corporate entity violating any of the provisions of this regulation shall upon conviction be punished by sentence within the parameters of the maximum penalty for misdemeanors under Minnesota law.

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Furthermore, individuals in violation of the provisions of this regulation are subject to ejection and removal from the Airport.

8. This regulation, upon filing of the same with proof of due publication with the Secretary of State for the State of Minnesota, shall thereafter be in full force and effect.
9. This regulation shall automatically and immediately expire upon the occurrence of any of the following:
 - a. The expiration or termination of the special emergency declared by the Commission related to COVID-19; and
 - b. Repeal by the Commission.

Adopted by the Commission on the 20th day of July 2020.

Chair of the Commission:

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Secretary of the Commission:

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