



CDC UPDATES COVID-19 MASK GUIDANCE FOR FULLY VACCINATED INDIVIDUALS

On Tuesday, July 27, 2021, the Centers for Disease Control and Prevention ("CDC") issued new guidance regarding masks for fully vaccinated individuals given the recent surge of COVID-19 and the Delta variant. The CDC's updated guidelines can be found <u>here</u>.

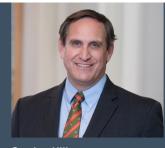
The CDC now recommends that even fully vaccinated individuals wear masks indoors in public if the individual is in an area/region of "substantial or high transmission." The CDC provides a map detailing those areas that are considered regions of high, substantial, moderate, and low transmission, which can be found <u>here</u>. As of the issuance of this advisory, all of Florida and most of the Southeast is **currently** considered an area of "high" transmission, so the new mask guidance applies here. This of course is subject to change as COVID numbers will hopefully go back down soon.

The new guidance does not mention social distancing or other mitigating measures (e.g., Plexiglas) and whether masks should be worn indoors when social distancing and other mitigating measures are in place.

The CDC's new guidance could implicate employers' general duty to provide a safe work environment for employees under the Occupational Safety and Health Act ("OSHA") and litigation defenses under Florida's liability protections for businesses passed as Senate Bill 72, which provides broad liability protections to businesses making "good faith efforts to substantially comply with authoritative or controlling government issued health standards or guidance." More information concerning Senate Bill 72 may be found <u>here</u>. Therefore, businesses should review their COVID-related safety plans, rules, and signs and notices to employees and the public. Most notably, businesses in areas of high transmission should immediately consider a policy while the transmission rate remains high that employees who work in an area of "substantial or high transmission", like Florida, should wear masks indoors in public spaces, regardless of vaccination status.

Businesses should continue to closely monitor the CDC and the OSHA websites for any additional changes in policies and guidance on maps relating to transmission.

If you have any questions about this updated guidance and how it may impact your business, please contact a member of our <u>COVID-19 Attorney Response Team</u> below:



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