



State of Wisconsin  
2021 - 2022 LEGISLATURE

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**ASSEMBLY AMENDMENT 1,  
TO SENATE AMENDMENT 1,  
TO ASSEMBLY AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1**

February 4, 2021 - Offered by Representatives ANDERSON, ANDRACA, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HINTZ, HONG, MCGUIRE, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 1, line 2: before that line insert:

3 “1g. Page 8, line 12: after that line insert:

4 “13m. Page 38, line 24: after that line insert:

5 “(4m) REQUIRED FACE COVERINGS IN CERTAIN SITUATIONS.

6 (a) *Definitions.* In this subsection:

7 1. “Enclosed space” means a confined space open to the public where  
8 individuals congregate, including outdoor bars, outdoor restaurants, taxis, public  
9 transit, ride-share vehicles, and outdoor park structures.

1           2. “Face covering” means a piece of cloth or other material that is worn to cover  
2 the nose and mouth completely. “Face covering” includes a bandana, a cloth face  
3 mask, a disposable or paper mask, a neck gaiter, or a religious face covering. “Face  
4 covering” does not include face shields, mesh masks, masks with holes or openings,  
5 or masks with vents.

6           3. “Physical distancing” means maintaining at least 6 feet of distance from  
7 individuals who are not members of an individual’s household or living unit.

8           (b) *Face covering required.* Every individual age 5 and older in this state shall  
9 wear a face covering if both of the following apply:

10           1. The individual is indoors or in an enclosed space, other than at a private  
11 residence.

12           2. Another person or persons who are not members of the individual’s  
13 household or living unit are present in the same room or enclosed space.

14           (c) *Exceptions.*

15           1. An individual who is otherwise required to wear a face covering may remove  
16 the face covering in any of the following situations:

17           a. While eating or drinking.

18           b. When communicating with an individual who is deaf or hard of hearing and  
19 communication cannot be achieved through other means.

20           c. While obtaining a service that requires the temporary removal of the face  
21 covering, such as dental services.

22           d. While sleeping.

23           e. While swimming or on duty as a lifeguard.

24           f. While a single individual is giving a religious, political, media, educational,  
25 artistic, cultural, musical, or theatrical presentation for an audience, the individual

1 may remove the face covering when actively speaking. While the face covering is  
2 removed, the individual must remain at least 6 feet away from all other individuals  
3 at all times.

4 g. When engaging in work where wearing a face covering would create a risk  
5 to the individual, as determined by government safety guidelines.

6 h. When necessary to confirm the individual's identity, including when  
7 entering a bank, credit union, or other financial institution.

8 i. When federal or state law or regulations prohibit wearing a face covering.

9 2. In accordance with guidelines published by the federal centers for disease  
10 control and prevention, all of the following individuals are exempt from the face  
11 covering requirement in par. (b):

12 a. Children under the age of 5. Children between the ages of 2 and 5 are  
13 encouraged to wear a mask when physical distancing is not possible. The federal  
14 centers for disease control and prevention does not recommend masks for children  
15 under the age of 2.

16 b. Individuals who have trouble breathing.

17 c. Individuals who are unconscious, incapacitated, or otherwise unable to  
18 remove the face covering without assistance.

19 d. Individuals with medical conditions, intellectual or developmental  
20 disabilities, mental health conditions, or other sensory sensitivities that prevent the  
21 individual from wearing a face covering.

22 e. Incarcerated individuals. The department of corrections shall continue to  
23 comply with COVID-19 protocols to ensure the health and safety of its staff and  
24 individuals in its care. Local governments are strongly encouraged to continue or

1 create COVID-19 protocols to ensure the health and safety of their staff and  
2 individuals in their care.

3 (d) *Legislature and judiciary.* State facilities or offices under the control of the  
4 legislature or the supreme court are exempt from this subsection.

5 (e) *Preservation of medical supplies.* To conserve limited supplies of N95 masks  
6 and other medical-grade supplies, individuals are discouraged from using such  
7 supplies as face coverings.

8 (f) *Local orders.* Local governments may issue orders that are more restrictive  
9 than this subsection.

10 (g) *Enforcement.* This subsection is enforceable by civil forfeiture of not more  
11 than \$200.

12 (h) *Duration.* This subsection shall remain in effect until the conclusion of a  
13 national emergency declared by the U.S. president under 50 USC 1621 in response  
14 to the 2019 novel coronavirus.”.”.”.

15 (END)