



# Wearing Masks in Alaska

- The city of Anchorage currently has an indoor mask mandate in place. Other cities or individual businesses across the state may have also decided to make wearing a mask mandatory as the COVID-19 pandemic progresses.
- A mask mandate means that you must always wear a facial covering over your nose and mouth while indoor or using a particular business.
- What if I have a disability that prevents me from wearing a mask?
  - There are several instances where a person experiencing a disability may be unable to wear a mask. These may include: people experiencing a respiratory disability that may impede breathing; people experiencing PTSD, anxiety, or claustrophobia; people living with autism who may have a sensitivity to touch and texture; people whose disabilities prevent them from having the manual dexterity to put on and take off masks; and people who use mouth control devices.
- Title III of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in places of public accommodations. Under the ADA, a business is required to make reasonable accommodations or modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities.
- This means that if you can't wear a mask, a business should still work with you to find an alternative way for you to use their facility. This alternative is called a "reasonable accommodation."
- Reasonable accommodations may include:
  - Allow a person to wear a scarf, loose face covering, or full-face shield instead of a face mask.
  - Allow customers to order online with curbside pick-up or no contact delivery in a timely manner.
  - Allow customers to order by phone with curb-side pick-up or no contact delivery in a timely manner.
  - Allow a person to wait in a car for an appointment and enter the building when called or texted.
  - Offer appointments by telephone or video calls.

- A business does not necessarily have to offer the reasonable accommodation method that you most prefer, as long as an accommodation is made that takes into account your disability and allows you to safely use the business.
- Unfortunately, there is a lot of misinformation out there about disability protections and mask requirements – for example having a disability that prevents you from wearing a mask does not mean that the mask rule does not apply to you (like being able to grocery shop or go to the doctor without a mask while everyone else around you is required to wear one) it instead means that your inability to wear a mask must be accommodated.
- You can request a reasonable accommodation when using a business by either calling ahead or asking an employee when you arrive who you can speak to regarding a reasonable accommodation request. Requesting an accommodation can be difficult or intimidating for some people. It may help to create a plan for how you will make the request. Some tips about how to make this plan include:
  - Identify Possible Solutions:  
Along with clearly identifying the problem or issue, it is important to identify possible solutions. What would you like to see happen in order to fix the problem? Consider many possible solutions and the advantages and disadvantages of each. Then, decide which solution(s) you would like to pursue. Keep your goal in sight but be flexible about how to get there. Understand the difference between what you want and what you need.
  - Find Out Who to Talk With:  
Start with the person closest to the problem. If you don't get the outcome you're seeking, ask how and with whom you would appeal that person's decision. Climb the agency's chain of command to make sure a supervisor or someone else with authority has a chance to work with you on the problem and your proposed resolution.
  - Be Assertive:  
Show assertiveness but speak respectfully to others and avoid negative comments. Be prepared to explain your concerns in a clear, specific manner. Check to make sure the person you are speaking with has understood what you have said. It is OK to ask people to repeat back to you what you have told them.

If you have further questions about requesting a reasonable accommodation or a business denies your reasonable accommodation request, please contact the Disability Law Center of Alaska.



Provided by the **Disability Law Center of Alaska**

[www.dlcak.org](http://www.dlcak.org) Toll Free, Statewide (800) 478-1234

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