

HOUSE BILL NO. 1204

Introduced by

Representative Hoverson

1 A BILL for an Act to create and enact a new section to chapter 34-01 of the North Dakota
2 Century Code, relating to limitations on requirements to wear a mask at work; to provide an
3 expiration date; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 34-01 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Limitations on requirements to wear a mask.**

- 8 1. If an employer mandates an employee use a face mask, face shield, or other face
9 covering, the employee may opt-out of the requirement by submitting to the employer
10 a certificate:
- 11 a. From a licensed physician stating that the physical condition of the employee is
12 such that the face covering would endanger the life or health of the employee; or
13 b. Signed by the employee stating the employee's religious, philosophical, or moral
14 beliefs are opposed to wearing of a face covering.
- 15 2. This opt-out provision does not apply to an employee whose employer determines due
16 to the nature of the employment setting, the wearing of a face covering is essential. If
17 an employee opts out of the requirement based on a religious belief, the employer
18 shall provide an accommodation as provided under subsection 2 of section
19 14-02.4-03. In determining whether the wearing of a face covering is essential due to
20 the nature of an employment setting, the reason must be a reason that would have
21 been applicable before January 1, 2020.
- 22 3. This section applies notwithstanding authority granted under other provisions of law,
23 including section 23-01-05, section 23-07-06, and chapter 37-17.1.

- 1 | **SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2023, and after that
- 2 | date is ineffective.
- 3 | **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.