

REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020

ONTARIO REGULATION 364/20

FORMERLY UNDER EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT

Consolidation Period: From February 16, 2021

Note: *Below is the excerpt dealing with provincial masking exemptions.*

(4) The person responsible for a business or organization that is open shall ensure that any person in the indoor area of the premises of the business or organization, or in a vehicle that is operating as part of the business or organization, wears a mask or face covering in a manner that covers their mouth, nose and chin during any period when they are in the indoor area **unless the person in the indoor area,**

(a) **is a child who is younger than two years of age;**

(b) **is attending a school or private school within the meaning of the *Education Act* that is operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;**

(c) **is attending a child care program at a place that is in compliance with the child care re-opening guidance issued by the Ministry of Education;**

(d) **is receiving residential services and supports in a residence listed in the definition of “residential services and supports” in subsection 4 (2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;**

(e) **is in a correctional institution or in a custody and detention program for young persons in conflict with the law;**

(f) **is performing or rehearsing in a film or television production or in a concert, artistic event, theatrical performance or other performance;**

(g) **has a medical condition that inhibits their ability to wear a mask or face covering;**

(h) **is unable to put on or remove their mask or face covering without the assistance of another person;**

(i) **needs to temporarily remove their mask or face covering while in the indoor area,**

(i) **to receive services that require the removal of their mask or face covering,**

(ii) **to engage in an athletic or fitness activity,**

(iii) **to consume food or drink, or**

(iv) **as may be necessary for the purposes of health and safety;**

(j) **is being accommodated in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*;**

(k) **is being reasonably accommodated in accordance with the *Human Rights Code*; or**

(l) **performs work for the business or organization, is in an area that is not accessible to members of the public and is able to maintain a physical distance of at least two metres from every other person while in the indoor area.**

(5) Subsection (4) does not apply with respect to premises that are used as a dwelling if the person responsible for the business or organization ensures that persons in the premises who are not entitled to an exception set out in subsection (4) wear a mask or face covering in a manner that covers their mouth, nose and chin in any common areas of the premises in which persons are unable to maintain a physical distance of at least two metres from other persons.

(6) **For greater certainty, it is not necessary for a person to present evidence to the person responsible for a business or place that they are entitled to any of the exceptions set out in subsection (4).**