



Assembly Bill 1326: Right to Wear a Mask

SUMMARY

Assembly Bill (AB) 1326 aims to establish a legal right for individuals to wear a mask to protect their health or the health of others. This bill ensures that individuals cannot be excluded, penalized, or discriminated against for choosing to wear a mask for health reasons.

BACKGROUND

In recent years, there has been a notable increase in efforts across the country to restrict or ban the wearing of face masks, even when these masks are used for health-related reasons, such as preventing the spread of diseases or protecting against hazards like poor air quality.

Some jurisdictions have introduced or passed legislation limiting mask use in schools, government buildings, or protests, often without sufficient exemptions for health-related needs. For instance, Texas lawmakers are considering Senate Bill 2876, which would criminalize wearing masks.¹ These efforts often stem from outdated anti-mask laws that are now being reinterpreted post-COVID.

Since the beginning of the COVID-19, wearing face masks have become a crucial public health measure. As scientific research has demonstrated, masks can significantly reduce the transmission of respiratory viruses. However, mask-wearing has sparked debate around personal freedom, public safety, and bodily autonomy.

PROBLEM

Currently, there is no explicit legal right to wear masks, despite their proven effectiveness in reducing airborne illness and protecting against poor air quality. As pandemic-era mandates have ended, some employers,

institutions, and governments now discourage or restrict mask use, either formally or through social pressure.

Without statutory protections, corporate policies and local ordinances can ban masks, leaving mask-wearers vulnerable to discrimination and harassment. The lack of clear legal protection leaves individuals vulnerable to discrimination in personal health choices, raising questions about bodily autonomy.

SOLUTION

AB 1326 protects an individual's right to wear a health mask for health reasons. This law broadly applies to public spaces, including businesses, schools, workplaces, and healthcare settings. There are limited exceptions, such as temporarily removing a mask for identification purposes or in cases of emergency medical care. Additionally, the bill maintains existing laws prohibiting using masks for unlawful purposes.

AB 1326 affirms the right to wear a mask in public for health protection. By clearly defining the types of masks covered and the settings in which this right applies, the bill ensures that individuals can take precautionary health measures without fear of discrimination. It balances public safety and individual rights by providing necessary protection and access while allowing for reasonable exceptions in specific circumstances.

SUPPORT

Disability Rights California

Health Officers Association of California

Oakland Privacy

¹ <https://legiscan.com/TX/text/SB2876/id/3175454>