

Public Libraries and PPE Requirements

What gives a public library the right to enforce a PPE requirement as part of a Code of Conduct?

Regardless of whether it is affiliated with a town, school district, city, or other public entity, a "public library" is a not-for-profit education corporation **governed by an independent board of trustees**.

The board of trustees is responsible for **setting the policies** that govern the library, including a Code of Conduct.

A public library's Code of Conduct sets the **behavioral requirements** for using or being in the library. This can include the requirement to maintain silence, a requirement to wear shoes, and, if the board has determined it will aid the functioning of the public library, **a requirement to follow safety rules**.

A library that requires the use of PPE, **such as a mask**, to access certain services (such as attending a lecture, or using the copier, or being in the building) is enforcing a safety rule.

Many public libraries are requiring the use of PPE like face coverings because the Occupational Safety and Health Administration (OSHA) and the Centers for Disease Control (CDC), authorities for occupational and general health, advise that **such a requirement can reduce the transmission of COVID-19**.

The sole exception to a public library's ability to flatly enforce the use of PPE to access certain services is if the patron is making a request **on the basis of a disability**. If a request for an accommodation related to a face covering is made on the basis of disability, the library may assess the request, and offer a reasonable accommodation (such as curbside delivery to a patron who needs to pick up books).

What is the takeaway? **To promote a safe environment, a public library has the right to require patrons and visitors to use face masks in the library.**

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This is not legal advice to any individual or group. Individual libraries should check their charters, bylaws, local laws, policies, leases, and (if applicable) union contracts for factors that could impact library codes of conduct. This guidance is confined to libraries in the state of New York. If you have questions about this guidance, the team at the Law Office of Stephanie Adams can be reached at (716) 434-3386.