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# The Fight Over Masks in Stores Is Back—This Time With a Twist

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Masks are creating controversy for businesses again, but this time for a different reason.

Early in the pandemic, retailers faced backlash for mandating face coverings. Now some store owners are demanding customers drop their masks.

Police and some small-business owners say people are exploiting the cultural acceptance of masks established by Covid-19 to [commit robberies](#) while hiding their faces. In response, some stores and business organizations are calling for bans of face coverings or imposing them on their own.

The moves come as state and local governments take steps to enforce mask restrictions. North Carolina last month passed a law increasing penalties for wearing a mask while committing a crime, largely in response to pro-Palestinian protesters who covered their faces during demonstrations. Also last month, New York Gov. Kathy Hochul said she supported a mask ban in the New York City subway, a policy pushed for by Jewish leaders in the city.

Diamond Collect, an independent jewelry store in Flushing, N.Y.,

instituted a mask ban last year after it was robbed by two men, both of whom were masked upon entering. Owner Eva Chen, whose mother was attacked during the robbery, said she now won't allow anyone with a mask into the store.

"That is a must," Chen said. "We don't want that to happen again."

Critics say the bans jeopardize the health of immunocompromised people, violate civil liberties and foster discriminatory enforcement.

"People wear masks for such a broad variety of purposes that criminalizing masks threatens to either stop people from wearing masks for various legitimate reasons or creates the possibility of selective enforcement," said Jay Stanley, a senior policy analyst at the American Civil Liberties Union.

Philadelphia last year imposed a restriction on ski masks, or balaclavas, saying they were being used to commit crimes anonymously. Jabari Jones said the ban didn't go far enough.

Jones, president of the West Philadelphia Corridor Collaborative, a business association, said the ban applies only in public spaces, doesn't encompass other types of masks and isn't being effectively enforced. As a result, some stores are locking their doors and denying entry to people wearing any type of covering.

"It's unfortunate because I'm sure there's some people who bring a surgical mask who might have had a legitimate reason to wear it, but this is the anxiety behind the unchecked retail theft," Jones said. "It causes people to be afraid to the point that they don't want to take the risk."

Jovanne Bernal, owner of the novelty shop Into the Retroverse, in Colton, Calif., said he supports a legal ban on all face masks. The

shop has been robbed three times since November. He said that he and his partner have considered instituting a no-mask policy themselves, but concluded it wouldn't be effective because people could claim to be wearing masks for health reasons.

"I would very much love it," Bernal said. "But...we're opening ourselves up to someone claiming we're discriminating [against] them."

Violent crime has largely declined following spikes during the pandemic. Still, retailers across the country say [theft has risen](#), fueled by both [in-store robberies](#) and a jump in [organized retail crime](#) in parts of the country. Store owners have responded by adding security guards and cameras and [locking up more goods](#).

After the Diamond Collect robbery, the New York Police Department told businesses to ask customers to lower their masks temporarily and show their faces before entering the store.

In January, the police of Scotland Neck, a small town in North Carolina, told businesses to not let anyone in wearing hoodies and face coverings. "If you don't know who is who...we probably won't," the guidance read.

Kitson, a retail chain in the Los Angeles area that claims a long list of celebrities as customers, became one of the first stores to restrict masks in the pandemic era when it imposed a ban in 2022 at its flagship store. Owner Fraser Ross said the policy has been enormously effective at reducing shoplifting. "It's like night and day," he said.

Some of the businesses that impose or support mask bans don't allow for any health exemptions for immunocompromised people, who account for around 6.5% of U.S. adults, according to a recent

study published by the American Medical Association.

Fernando Mateo, co-founder of the United Bodegas of America, said the organization tells its members not to let anyone wearing a mask into their stores. He said he supported an exemption for elderly people but not for anyone else. “Criminals will take advantage of any loopholes,” he said.

Kitson allows immunocompromised people to enter the store with a mask for a period before or after regular hours but not during. “The rules are for everyone,” Ross said. “You never know who the shoplifters are.”

Some say not allowing immunocompromised people to enter stores with a mask could violate the Americans with Disabilities Act.

Steve Miller, who frequently represents businesses in ADA lawsuits as a partner at the law firm Fisher Phillips, said businesses have to provide equal access. To enforce a mask ban without offering exemptions to immunocompromised people, businesses would have to prove that such exemptions would cause undue burden, Miller said.

Disability advocates say antimask policies that include health exemptions could still contribute to mistreatment of mask wearers.

The day after the North Carolina bill passed, Shari Stuart, who has stage-four breast cancer and is immunocompromised, was confronted by another customer in an oil-change center near Raleigh for wearing a mask. The man told her that masks were illegal, repeatedly coughed on her and said he hoped the cancer would kill her. The North Carolina bill has a health exemption.

Stuart told The Wall Street Journal she has been encountering more hostility for wearing a mask since the mask bill was introduced. “We’re just in the middle of this political battle when it’s just a health issue,” Stuart said.

Susan Scarbro, another immunocompromised person in North Carolina, said she has also frequently been confronted for wearing a mask. “Trust me, I don’t want to wear my mask.... I have no other choice,” she said.

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