

# ALLEGAN COUNTY HEALTH DEPARTMENT

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## Communicable Disease

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## NEWS RELEASE

### FOR IMMEDIATE RELEASE

**DATE: SEPTEMBER 30, 2021**

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### **Allegan County Health Department Rescinds K-6 Mask Order**

**(Allegan)** – The Allegan County Health Department (ACHD) regretfully rescinds the public health order requiring the use of masks for individuals in kindergarten through grade 6 educational settings – or face a loss of over \$1 million in our total budget. The rescission of ACHD’s K-6 Mask Order is effective at 5:00pm today.

While public health knows this is the an effective evidenced-based mitigation strategy to reduce risk of transmission for vulnerable populations in school settings, the language in the fiscal year 2022 state budget (Senate Bill 82) signed by Governor Whitmer on September 29, 2021, jeopardizes future health department funding if a mask order remains in effect as of October 1, 2021.

According to Senate Bill 82, section 1222 part 4, any health department that has issued an emergency order under MCL 333.2453 in attempt to combat COVID-19 will lose funding for essential local public health services. Additionally, section 250 of the bill states a local health officer shall not issue or enforce any orders or other directives that require an individual in this state who is under the age of 18 to wear a face mask or face covering. Although Gov. Whitmer has stated that this language in Senate Bill 82 is “unconstitutional”, legal counsel for Allegan County has advised that it is presumed constitutional until proven otherwise in a court of law. Therefore funds appropriated for essential local public health services may be withheld. Essential local public health services include: immunizations, infectious disease control, sexually transmitted disease control and prevention, hearing screening, vision services, food protection, public water supply, private groundwater supply, and on-site sewage management.

ACHD sent a communication to the Board of Commissioners recommending resolution to support the current order be added to the September 30 agenda. The communication included data on masking as an effective mitigation strategy and statistics demonstrating less COVID-19 cases in school settings with masking in comparison to settings with no masking. The Board of Commissioners unanimously voted to acknowledge

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receipt of Health Officer's communication and to include it in the official record. However, the topic was not added to the agenda. Therefore, ACHD has not received the necessary Board support pursuant to Senate Bill 82, section 1222 part 4 for its mask order.

"The decision to rescind the K-6 Mask Requirement was not made lightly and has challenged us ethically, professionally, and personally," states Health Officer, Angelique Joynes, MPH, RN. "However, we cannot risk our essential local public health services funding, which is around \$1 million of our total budget and provides the ability for us to continue to offer those services."

It is still possible for a mask requirement to exist for school-aged children, however, the decision is currently left to local school districts.

"Our children are a vulnerable population where it is incredibly important to layer all effective mitigation strategies – which includes universal masking in the school setting – to protect them," explains ACHD Medical Director Dr. Richard Tooker. "We strongly recommend all local boards of education and school leaders to adopt evidence-based public health practices and put a universal masking requirement in place within their school settings to continue protecting their students and staff from the ongoing risk of COVID-19."

Wearing face masks continues to be an effective way at reducing spread of COVID-19. ACHD also encourages layering mitigation strategies, including social distancing, frequent hand washing, screening/testing, vaccination, and improving building ventilation, especially in-door settings such as schools.

ACHD will continue to provide COVID-19 vaccinations, testing, and health education/recommendations to our community and stakeholders.

For more information, please visit [www.allegancounty.org/covid](http://www.allegancounty.org/covid).

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