

# ALLEGAN COUNTY HEALTH DEPARTMENT

3255 – 122nd Ave., Suite 200, Allegan, MI 49010

## Office Administration

(269) 673-5411 Fax (269) 673-4172

## Bioterrorism Preparedness

(269) 673-5411

## Personal Health

(269) 673-5411



## Communicable Disease

(269) 673-5411

## Environmental Health

(269) 673-5415

## Resource Recovery

(269) 673-5415

## NEWS RELEASE

### FOR IMMEDIATE RELEASE

**DATE: SEPTEMBER 30, 2021**

#### **FOR MORE INFORMATION, CONTACT:**

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Public Information Officer

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

**(Allegan)** – The Allegan County Health Department (ACHD) regrettably 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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## ALLEGAN COUNTY HEALTH DEPARTMENT

September 30, 2021

### Orders Regarding Control and Prevention of COVID-19 Transmission in Educational Settings within Allegan County, Michigan

The Health Officer of Allegan County Health Department on August 18, 2021 and August 31, 2021 issued the following order:

THEREFORE, IT IS HEREBY ORDERED that all Educational Institutions and all Persons in Educational Settings must adhere to the following rules:

1. The Educational Institutions shall ensure that children in kindergarten through grade six consistently and properly wear a facial mask covering both nose and mouth while inside any enclosed building or structure of the institution.
2. The Educational Institutions shall ensure that all persons, regardless of vaccination status, providing service to any child in kindergarten through grade six, and all persons providing service to students identified as medically fragile regardless of age, properly and consistently wear a facial mask while inside any enclosed building or structure of the institution.

Senate Bill 82, Section 250 states the director or 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. Section 1222 Part 4 of Senate Bill 82 states if a local health officer has an emergency order under section 2453 of the public health code, 1978 PA 368, MCL 333.2453, in effect as of October 1, 2021, the funds appropriated in part 1 for essential local public health services are unappropriated. This would not apply if a county board of commissioners passed a nonbinding resolution by a record roll call vote to support any emergency orders the local health officer has in effect on October 1.

The Allegan County Board of Commissioners did not provide a resolution to support this order. The Health Department will not be able to continue to provide mandated services without this funding. The Health Officer regrettably rescinds the mask order, however if Senate Bill 82, Section 1222 Part 4 and Section 250 are deemed unconstitutional by a court of competent jurisdiction or State Budget Director under the advice of the Attorney General declines to enforce these sections, the mask order may be reissued.

THIS ORDER is rescinded, effective at 5:00pm on September 30, 2021.

Angelique Joynes, MPH, RN  
Health Officer  
Allegan County Health Department

Dated: September 30, 2021