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## PERSONAL HEALTH DIVISION

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### BENZIE-LEELANAU DISTRICT HEALTH DEPARTMENT

Friday, October 1, 2021

Statement Regarding [Public Health Order](#) Issued August 27, 2021, Regarding the Prevention of COVID-19 Transmission in Educational Settings within Benzie and Leelanau Counties

The Benzie-Leelanau District Health Department has been receiving inquiries regarding the Fiscal Year 2022 budget bill signed by Gov. Gretchen Whitmer this week, specifically pertaining to the legality of the [Public Health Order](#) issued August 27, 2021, requiring universal masking by children and adults indoors in K-12 educational settings.

Officials from the Benzie-Leelanau District Health Department are sharing the following statement:

The Health Department remains committed to protecting the public's health. The Michigan Public Health Code, MCL 333.2451 and MCL 333.2453, as well as State Administrative Rule R325.175(4), promulgated by the Michigan Department of Health and Human Services pursuant to MCL 333.2226(d), authorize local health departments to issue orders in response to the COVID-19 pandemic.

The Health Department issued the [Public Health Order for K-12 educational settings](#) within Benzie and Leelanau Counties (issued 8/27/2021) pursuant to this statutory and regulatory authority. The recently enacted state budget for Fiscal Year 2021-2022 contains language addressing the effect that an emergency order may have on appropriated funds. Based on multiple legal opinions including statements from the Governor's legal team regarding the unconstitutionality and unenforceability of the budget language, the Health Department has been informed that it retains the authority to issue and enforce its emergency orders and for the purpose of continuing to protect the public health has made the decision to keep the mask order in place.

- [Benzie-Leelanau District Health Department's COVID-19 Case Data Dashboard](#)
- [CDC Science Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2](#)
- [CDC MMWR \(Released October 1<sup>st</sup>\)- Association Between K-12 School Mask Policies and School-Associated COVID-19 Outbreaks — Maricopa and Pima Counties, Arizona, July–August 2021](#)

The [Public Health Order](#) issued August 27, 2021, remains in effect until it has been determined by the Health Department that the risk trends have consistently improved using such indicators as transmission levels, vaccination coverage, hospital capacity, and public health capacity AND/OR until further notice from the Health Officer.