

MEMO

To: Members of the Vermont Legislature
From: Karen Horn, Director, Public Policy & Advocacy
Date: November 18, 2021
Re: Mask Requirement in Public Places Legislation

Thank you for taking up legislation to authorize local governments to adopt a masking requirement in public places through April 30, 2022.

As the holiday season approaches, many Vermont cities and towns face alarmingly high case counts and strong transmission rates due to the [Delta variant](#) of the coronavirus. In light of Centers for Disease Control and Prevention (CDC) guidance on masking in public places, we urge you to approve legislation that will provide local officials the authority to establish masking requirements within their jurisdictions.

According to the CDC website, “To maximize protection from the Delta variant and prevent possibly spreading it to others, get vaccinated as soon as you can and wear a mask indoors in public if you are in an [area of substantial or high transmission](#).”

Vermont, unfortunately, continues to be an area of high transmission. On Wednesday, the positivity rate for COVID-19 testing stood at 4.4 percent and the rate of transmission statewide was the fifth highest in the nation.

Local officials are strong partners in protecting public health and have longtime experience in addressing public health matters. Every city and town has a health officer and a board of health (which is the local legislative body and the local health officer) which if approved by the commissioner of the Department of Health, may issue health orders. Title 18 section 602a states, “(a) A local health officer, within his or her jurisdiction, shall:... (3) prevent, remove, or destroy any public health hazard, or mitigate any significant public health risk in accordance with the provisions of this title”. On August 24, Governor Scott denied Brattleboro’s request to establish a health order requiring masks. With that decision, towns lost the opportunity to raise the issue of mask requirements even as cases rose.

Most recently, Addenda 14 (May 15, 2020), 15 (May 22, 2020) and 17 (June 5, 2020) to Executive Order 01-20 authorized local governments to enact requirements that would mitigate the spread of COVID-19, should the circumstances in their communities warrant action.

Thank you for supporting legislation that would grant local governments the discretion to discuss and potentially adopt a mask requirement in public places.