

Masking Mandate Information

18 VSA section 613

Cite as: 18 V.S.A. § 613)

- § 613. Powers of local board

(a) A local board of health may make and enforce rules in such town or city relating to the prevention, removal, or destruction of public health hazards and the mitigation of public health risks, provided that such rules have been approved by the Commissioner. Such rules shall be posted and published in the same manner that ordinances of the municipality are required to be posted and published.

Executive Order 01-20

Addendum 17 (June 5, 2020)

8. Municipal Ordinances and Regulations for the Restart of Bars, Catering Facilities and Restaurants. The legislative body of each municipality may enact local requirements which are more strict than the guidance issued by ACCD regarding the operation of bars, catering facilities and restaurants, to address an outbreak of COVID-19 in the municipality

Addendum 15 (May 22, 2020)

3. Local Ordinance and Regulation. Enforcement of all municipal ordinances and regulations requiring an applicant to receive an approval or permit for outdoor food and beverage service is hereby suspended until such time as the local jurisdiction has acted to disapprove an Outdoor Consumption Permit issued by DLL hereunder. All applications may be subject to review and approval by the local jurisdiction and reasonable conditions may be imposed, provided that nothing in this Order shall require a municipality to approve an Outdoor Consumption Permit.

Addendum 14 (May 15 2020)

3. General Public Mask Use. All Vermonters are encouraged to wear face coverings over their nose and mouth any time they are interacting with others from outside their households, including in congregate outdoor settings where it is not possible to maintain physical distancing. Masks are not recommended for strenuous outdoor activity, anyone under the age of 2, anyone with a medical condition that is complicated or irritated by a facial covering, or anyone with difficulty breathing. Masks are not required when eating in outdoor settings. Businesses and non-profit and government entities may require customers or clients to wear masks. The legislative body of each municipality may enact more strict local requirements regarding mask use than those set forth herein.

Brattleboro Denial of Request to Establish Health Order

From: Wilson, Brittney <Brittney.Wilson@vermont.gov>

Sent: Thursday, August 26, 2021 4:15 PM

To: Peter Elwell <pelwell@brattleboro.org>

Subject: RE: Brattleboro Selectboard Request

Hi Mr. Elwell,

Thank you for the follow up email. It sounds as though the Selectboard has taken the appropriate steps within the Town's authority to impose conditions inside all town facilities, as well as adopting a resolution encouraging all residents of Brattleboro to wear facial coverings and to get vaccinated. Those are reasonable and defensible initiatives. Many other employers have adopted these recommendations as well.

I should have been more clear, and apologize for any confusion I may have caused, but in accordance with Executive Order No. 06-21 (COVID-19 Post-Emergency Recovery Activities), issued June 15, 2021, all policy adoptions or changes related to the COVID-19 response or recovery, require approval of the Governor. You have asked the Commissioner of Health to approve Brattleboro's proposal to exercise an extraordinary regulatory power while there is no state of emergency. Mandatory masking has only been exercised or permitted by the Governor during a declared state of emergency. That said, your request is not being granted at this time. However, should the data and hospitalization data change for Brattleboro, we could revisit this issue.

Current data shows Brattleboro had 11-20 Covid-19 cases per 10,000 people in the last 2 weeks. This is a rate of 0.2%. Most importantly Brattleboro has one of the highest vaccination rates in the state, at more than 90% of the eligible population. As a result, over the last several months your community has consistently had a low and manageable number of Covid-19-related hospitalizations. There are currently no COVID-19 patients admitted to the two hospitals in your community. New case growth rates are stable in Vermont and continue to trend down, nationally; and vaccine boosters will be available very soon.

It's important to recognize that CDC's national guidance is developed with a view of COVID-19 circumstances in all 50 states, with an eye on the state(s) with the lowest vaccination rates and what's required to mitigate spread there. Thankfully, Vermont is positioned much better with 85.7% of our eligible population with at least one dose and 76.5% of the total eligible population fully vaccinated. Even as we approach the peak of the Delta variant surge, Vermont has had an average of just 19.3 cases and 4.8 hospitalizations per 100,000. Louisiana has about 47.8% of its eligible population fully vaccinated, an average of 107 cases and about 57 hospitalizations per 100,000. A stark contrast between the two states, yet the CDC guidance lumps them together.

Though variants have required continued monitoring and management, at this time the data does not justify a state of emergency. We know how difficult the stresses of the pandemic are on some Vermonters, and they should know we will continue to monitor the data very closely. As we have demonstrated throughout the pandemic, as Vermont continues to move forward, the Governor will adjust our strategies and policies as necessary.

Thank you for allowing me to clarify our decision and rationale. And again, we thank you and the selectboard for the hard and difficult work you are doing on behalf of your town.

New Hampshire towns may adopt mask mandates – Link to Lebanon’s put in place Nov. 4:

<https://lebanonnh.gov/DocumentCenter/View/14742/Ordinance-2021-09-Face-Masks-Reinstatement?bidId=>

Nevada Mask Mandate on County by County Basis

<https://nvhealthresponse.nv.gov/current-status-mitigation-measures/>

States with Mask Mandates In Place

Hawaii, Illinois, Nevada, New Mexico, Oregon, Washington. Also Puerto Rico and Washington DC

AARP State List of Masking Requirements

<https://www.aarp.org/health/healthy-living/info-2020/states-mask-mandates-coronavirus.html>