



DATE: January 5, 2021
TO: The Assembly Committee on Health
FROM: The Wisconsin Association of Local Health Departments and Boards (WALHDAB)
The Wisconsin Public Health Association (WPHA)
RE: Restrictions on Public Health Orders in Assembly Bill 1

WALHDAB is the statewide organization of city, county and tribal local board of health members and health department administrators. WALHDAB members provide a unified forum for public health leadership development, advocacy, education, and forging of community partnerships for the improvement of public health at the local level.

WPHA is the largest statewide association of public health professionals in Wisconsin. WPHA was established in 1948 and serves as the collective voice for public health in Wisconsin and is committed to building a healthier, safer state through policy, partnership and professional development of our members.

Together, WPHA and WALHDAB represent over 1,200 public health professionals in communities across Wisconsin, striving to prevent, promote, and protect the health of Wisconsin citizens.

WALHDAB and WPHA are deeply concerned about provisions in LRB-2232/1 or Assembly Bill 1 which will unnecessarily make it more difficult for local health departments to effectively manage their statutory responsibility to prevent and suppress disease during this pandemic. Most notable are the changes listed on page 8 of the Legislative Reference Bureau Analysis which:

- modifies long-standing statutes which grant authority to issue orders,
- prohibits closures in designated facilities, and
- prohibits the authority to require vaccination with designated exemptions.

The changes in the bill are based on an assumption that local response throughout the state has been unilateral and exceeded the statutory expectation that actions are “reasonable and necessary”. The bill further assumes actions are made without the required investigation and reporting to locally elected governing bodies. The reality is our local health officers have worked closely within their local units of government and with their locally elected officials to determine the best course of action necessary to protect their communities. While some of the decisions and actions may be unpopular among some, these decisions are evidence-based and made in real-time. In addition, there has been an extraordinary emphasis on community outreach and education to help support voluntary compliance with recommended best practices. As a result, the number of orders that have been issued by local health officers have been limited in quantity, supported by locally elected officials and supported by the majority of the public.

Wisconsin Chapter 252.03 was approved with overwhelming bi-partisan support and has functioned for over 4 decades. These legislators established a mechanism in statute that would provide the authority necessary to combat unprecedented and unimaginable threats to our public health. In recent months, public opinion has affirmed this same position. On Election Day 2020, a Brown County advisory referendum asked voters whether there should be county board approval of orders issued by local health officers. Over fifty-five percent said no, confirming support of current practice and current law.

Simply stated, Chapter 252.03 is a necessary and essential tool, not a hinderance, in protecting public health. Local health officers follow science to protect health and safety. They rely on their education, training, and all available data to make objective, evidence-based decisions. And they are accountable to their local board of health, the elected official(s) who appointed them, and their communities.

In addition, we request legislators to consider previous requests to include language to protect local health department staff. We ask the legislature to follow the lead of 35 other states by establishing penalties against those who harass and interfere with the work of our local health department staff. Failure to include this protection further complicates the local health department response and suggests a lack of consideration for these public employees work on our behalf.

The middle of a pandemic is no time to limit the work of local health officers. We need to support of local health officers and remain committed to the local decision-making as the keys to governance in Wisconsin. State leaders from both parties and all branches of state government have described the importance of local response to this unprecedented pandemic. We ask your support to provide the same tools our local health officers need to continue their work.