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## **Wisconsin Supreme Court Declares State's Mask Mandate is Unlawful**

Today, March 31, 2021, the Wisconsin Supreme Court in a 4-3 decision held that Governor Evers exceeded the emergency powers provided to him under Wis. Stat. § 323.10 in issuing a state-wide mask mandate. The Court ruled, "...Executive Orders #82 and #90 – both of which declare a public health emergency in response to COVID-19 – were unlawful under Wis. Stat. § 323.10."

Both Order #82 and #90 previously set the stage for additional emergency measures necessitated by the spread of COVID-19. Specifically, pursuant to Orders #82 and #90, Governor Evers then issued several emergency orders mandating the wearing of masks as a means of stemming the spread of COVID-19. The ruling today by the Supreme Court means the statewide mandate of mask wearing was unlawful.

Of note, the decision by the Supreme Court does not affect local mask orders by counties, municipalities, or mandatory mask policies authorized by employers.

If you have any questions or concerns regarding how this Court decision may affect your current order or policies, or need assistance in developing policies related to the same, please contact Saveon D. Grenell at [sgrenell@buelowvetter.com](mailto:sgrenell@buelowvetter.com) or (262) 364-0313 or Joel S. Aziere at [jaziere@buelowvetter.com](mailto:jaziere@buelowvetter.com) or (262) 364-0250 or your Buelow Vetter attorney.