

**Masks: Uncovering  
the Future of Local  
Government's Role  
in a Public Health  
Crisis**

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OUR NAME IS EASY TO REMEMBER. OUR WORK IS HARD TO FORGET.

# Masks: Uncovering the Future of Local Government's Role in a Public Health Crisis



# Exercise of Police Power



## Exercise of Police Power

“Our Constitution principally entrusts ‘[t]he safety and the health of the people’ to the politically accountable officials of the States ‘to guard and protect’”

# Local Government Emergency Responses – Legal Framework

- Rational Basis
- Intermediate Scrutiny
- Strict Scrutiny
- Preemption



# Applied to COVID-19



# Applied to COVID-19



PHOTO BY ALEXANDER NGUYEN

# Applied to COVID-19 - Masks

- Fundamental rights
- Right to privacy
- Due process
- Vagueness
- Equal protection
- Freedom of religion issues
- ADA/Discrimination



## KEY TAKEAWAYS

- Base on objective criteria and epidemiological recommendations
- Use localized data
- Clearly outline government interest in findings

# QUESTIONS?