At A Glance: Preemption and the Pandemic  
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In This Edition:  
• 16 Governors have not issued statewide masking orders – increasing friction with local governments  
• Several Governors reverse course and order statewide mandatory masking  
• 2021 will be different  

The head of Missouri’s Hospital Association this week pleaded with Governor Mike Parsons to issue a statewide masking mandate: “We are now under uniform threat [and] like war, it requires a coordinated response. We each give to protect others; we buy time for the vaccine. The wolf is at the door.”  

So far, Parson has refused. He is one of 16 governors who have refused to issue statewide masking orders. In many of these states, the friction between local and state governments continues to escalate.  

Arizona  
On Tuesday, November 17, Phoenix Mayor Kate Gallego asked Governor Doug Ducey for a statewide mandate. "I have asked Doug Ducey to issue a statewide mask mandate and keep that order in place until we have wide distribution of a vaccine, more effective treatments, or both," Gallego said in a series of tweets. While she has issued a city-wide mask mandate in Phoenix, she said she's bound from enforcing more. “The Governor’s executive order reserves those steps for him. So, he has preempted from cities moving forward,” Gallego said.  

Gallego said in her State of the City that she believes that science has proven that masks work but needs to be statewide, not just city by city. "Until we have a vaccine, masks are the single best defense against the virus. While Phoenix has had a mask requirement in place since June, there is still no statewide mandate. We can stick to this piecemeal approach or we can do it right.”  

Florida  
The mayors of five Florida cities and municipalities this week asked Gov. Ron DeSantis to impose a statewide mask mandate, ramp up the state’s testing effort and reinstate the authority of local governments to impose coronavirus restrictions as needed. The
bipartisan coalition of mayors, who largely represent cities in hard-hit South Florida, did not explicitly call for business closures but outlined four demands for the governor: mandating a statewide mask requirement, allowing local governments to impose COVID restrictions, improving contact tracing and increasing the state’s funding of COVID testing.

On Sept. 25, DeSantis signed a “right to work” executive order, ending state and some local COVID restrictions. That led Miami-Dade County to stop collecting face-mask fines and to reopen its bars and nightclubs. The county successfully fought in court to keep its midnight curfew in effect.

**Mississippi**

In Mississippi, where Gov. Tate Reeves lifted a statewide mandate in September, has extended a mandatory mask mandate to seven more counties meaning that it was now in effect in 22 counties out of 82. Jackson, Mississippi Mayor Chokwe Lumumba said, “there doesn’t appear to be a rhyme or reason to some of the decisions to reverse the statewide mask mandates” as coronavirus hospitalization rates reach the highest level in the state in 2.5 months. Lumumba characterized his communication with Governor Reeves as “touch and go” and highlighted the need for a uniform strategy on the state and national level.

**South Dakota**

South Dakota which has the country’s second-worst rates of new daily cases and deaths per person has no statewide mandatory masking order. Its governor, Kristi Noem, said at a rally for President Trump last month that her refusal to issue restrictions made South Dakotans “happy because they are free.” She has yet to issue any restrictions and says she believes in people’s personal responsibility to make decisions for themselves and their family. “I don’t want to approach a policy or a mandate, looking to make people feel good.”

**Texas**

Texas does have a masking mandate mask mandate in effect for all Texas counties with 20 or more positive COVID-19 cases. But as Texas continues to see a surge in new coronavirus cases, hospitalizations and deaths, Gov. Greg Abbott has ruled out “any more lockdowns,” and tensions are again rising with local officials who want more authority to impose safety restrictions. “We need the state to step in and lead or get out of the way and let us lead,” Harris County Judge Lina Hidalgo told reporters this week.

A prime example in the state-local tensions is hard-hit El Paso County which issued its own local shutdown order and was sued by Attorney General Ken Paxton who argued the order overstepped Abbott’s statewide rules. A state appeals court blocked the order for a second time on Friday November 13 again stopping El Paso County from taking more aggressive action to protect its residents.
Wyoming

In Wyoming, Gov. Mark Gordon scolded residents who were not adhering to public health guidelines for “being knuckleheads” during his daily press briefing on Friday. He said hospitals in the state were overwhelmed and they were being forced to bring in untrained staff to help meet demand. “It’s time that Wyoming woke up and got serious about what it’s doing,” he said. “We’ve relied on people to be responsible and they’re being irresponsible.” Gov. Gordon has left the decision to impose mask mandates up to local jurisdictions, despite pressure from numerous local public health officials in the state asking for a statewide one. Twelve counties in Wyoming now have mandatory masking orders.

But in recent days, some governors who have been preaching the gospel of “personal responsibility” instead of issuing mandatory masking measures are reversing course:

In Iowa, Gov. Kim Reynolds who once dismissed coronavirus restrictions as 'feel-good' measures, issued the state’s first mask mandate on Monday November 16 requiring Iowans over the age of 2 to wear masks in indoor public spaces starting Tuesday. According to Gov. Reynolds, “Now is the time to come together for the greater good,” she continued, urging Iowans to “buy into this.” “Not because you’re told to, but because it’s the right thing to do.”

After months of resisting ordering the people of North Dakota to wear masks and limit the size of gatherings, Gov. Doug Burgum relented in an effort to stem a coronavirus surge that is among the worst in the U.S. Throughout the pandemic, the Governor had been leaving it to individuals to take personal responsibility for slowing the spread of the virus, beseeching the public during his weekly press briefings to wear masks but emphasizing a “light touch” by government. But on Friday November 13, Burgum issued a statewide the month-long mandate, saying, “Our situation has changed, and we must change with it,” he said.

Gov. Mike DeWine has added enforcement measures to his statewide mask order and said Ohio may soon have to close bars and restaurants. Public gatherings are limited to 10 people, and Mr. DeWine issued a curfew from 10 p.m. to 5 a.m. for three weeks starting Nov. 19

West Virginia Gov. Jim Justice announced Friday that facial coverings will be required at all times in businesses and other indoor spaces. “It's just silly to be in a public building with strangers walking around without a mask on,” Justice said at his coronavirus news conference. “Even if you have this macho belief or whatever it may be, it's silly.” Justice first issued an indoor mask order in July, but it did not require masks if social distancing was possible.

In Utah, Gov. Gary Herbert also mandated masks for the first time. The state now requires all Utahns to wear masks in public and within six feet of anyone outside their
household, according to the news release issued by the governor’s office and the state Department of Health. Businesses’ employees and patrons must also wear face coverings, the governor said in the almost nine-minute video posted to Twitter. Businesses that fail to follow the indefinite mask mandate will be subject to fines issued by the Utah Labor Commission, he added. “We cannot afford to debate this issue any longer,” he continued in the clip. “Individual freedom is certainly important, and it is our rule of law that protects that freedom.”

2021 will be different

Finally, President-elect Joe Biden has said he will ask governors to institute a mask mandate in their states; if they refuse, he will work with local officials to get mandates in place.