



April 21, 2021

The Honorable Kim Koppelman  
Speaker of the House  
North Dakota House of Representatives  
State Capitol  
Bismarck, ND

Re: House Bill 1323

Dear Speaker Koppelman:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed House Bill 1323 and return it to the House.

North Dakota law assigns the governor the responsibility “to minimize or avert the adverse effects of a disaster or emergency.” Likewise, the state health officer is responsible for issuing “any orders relating to disease control measures deemed necessary to prevent the spread of communicable disease.”

House Bill 1323 would prohibit a statewide elected official or the state health officer from mandating the use of a face mask, face shield or other face covering.

To strip future governors and their state health officers of any low-cost tool that might be used to save lives and livelihoods in a future pandemic or other emergency would be both irresponsible and an unnecessary risk to the future public health and well-being of North Dakota citizens.

North Dakota implemented the shortest statewide mask requirement in the country, lasting 65 days. This tool was used briefly and judiciously, in combination with other protocols, at a time when North Dakota’s health care facilities and staff were overwhelmed with patients and pandemic-related deaths of North Dakota citizens were peaking. These measures were followed by dramatic reductions in COVID-19 cases and hospitalizations.

The current pandemic has painfully demonstrated that viruses do not respect borders and localized protocols may, at peak times, not be adequate to mitigate infection rates and protect our most vulnerable citizens of all ages.

The statewide mask requirement was implemented in November only after officials in North Dakota’s largest cities had already enacted local mask measures and they, along with an overwhelming majority of our health care leaders, doctors and medical professionals, were requesting a statewide mask requirement to help relieve the immense pressure on our overtaxed

hospitals, long-term care facilities and exhausted frontline health care workers, and to slow the spread of COVID-19 and save lives. The statewide mask requirement was lifted on Jan. 18.

This bill removes a tool from the emergency toolkit that may be needed to help our state save lives and nimbly navigate future pandemics and their unknowable challenges.

For the reasons stated above, House Bill 1323 is vetoed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Burgum". The signature is stylized with large loops and a long horizontal stroke at the end.

Doug Burgum  
Governor