



STATE OF NEBRASKA
Office of the Attorney General

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DOUGLAS J. PETERSON
ATTORNEY GENERAL

January 11, 2022

Via email and first-class U.S. mail

Dr. Lindsay Huse, Health Director
Douglas County Health Department
1111 South 41st Street, Ste 205
Omaha, NE 68105
Lindsay.Huse@douglascounty-ne.gov

RE: Proposed Douglas County Board of Health Directed Health Measure
for City of Omaha mask mandate

Dear Dr. Huse:

The Nebraska Attorney General has learned of your intention to issue a Directed Health Measure (DHM) implementing a city-wide mask mandate for the City of Omaha effective at midnight on Wednesday, January 12, 2022. You have not been granted approval by the Nebraska Department of Health and Human Services (DHHS) to issue such a mask mandate DHM.

As you are aware, pursuant to Neb. Rev. Stat. § 71-1631(10), you do not have authority to unilaterally issue such a mandate without first obtaining the approval of DHHS. You previously requested DHHS approval for a similar mask mandate DHM on August 24, 2021, which DHHS denied. At that time, you were informed that should the Douglas County Board of Health attempt to enforce a DHM without state approval, the Attorney General may challenge that action.

If the Douglas County Board of Health proceeds with its intention to issue a mask mandate DHM for the City of Omaha, the Attorney General currently plans to file suit seeking to have the DHM declared invalid and to enjoin the mask mandate from being enforced.

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Please contact any of the undersigned attorneys immediately to advise of your intentions and to discuss any questions you may have about your authority.

Regards,



DOUGLAS J. PETERSON
Nebraska Attorney General

Jim Campbell
Solicitor General

Jennifer A. Huxoll
Civil Litigation Bureau Chief