



Federal court strikes down religious challenge to mask requirement

September 14, 2021

On August 23, 2021, the United States Sixth Circuit Court of Appeals, which has jurisdiction over Ohio, ruled that a Michigan mask requirement does not violate an individual's religious freedom.

In October 2020, the Michigan Department of Health and Human Services (MDHHS) issued several orders that required, among other things, all students from kindergarten through fifth grade to wear a mask at school. The orders were amended as the pandemic progressed, and included a number of exemptions. In June 2021, MDHHS rescinded most of its pandemic orders, including the mask requirement. However, a handful of parents from a Catholic school in Lansing had already initiated a lawsuit, and because the court found that MDHHS could reasonably reinstate the mask requirement, it allowed the suit to continue.

The court ultimately held that this mask requirement was not a violation of religious freedom under the Constitution. When a law is challenged on religious grounds and that law is of "general applicability," the government simply needs to have a legitimate interest that is rationally related to the law. In this case, the court found that the mask requirement was of general applicability because even though it had certain exemptions, those exemptions did not unfairly privilege secular activity over religious activity. Additionally, the court held that MDHHS and other state authorities had a legitimate interest in controlling the spread of COVID-19. Because there is ample evidence showing that masks are an effective mitigation strategy, MDHHS' order was rationally related to that legitimate interest.

While this decision does not answer all questions related to mask requirements in schools, religious exemptions and related topics, it gives public entities some assurance of their ability to institute certain requirements and protect their students, staff and communities as the pandemic continues.

PLEASE NOTE: A petition has been filed in this case which may cause it to be reheard. If that petition is granted, the August 23, 2021, decision will have no legal force and cannot be relied on.

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