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Florida Attorney General's Office News Release

Multistate Effort Against Unlawful Mask Mandate



TALLAHASSEE, Fla.—Attorney General Ashley Moody is leading a 23-state coalition in filing a brief in support of the plaintiff in *Health Freedom Defense Fund Inc. vs. Joseph R. Biden, Jr., President of the United States*. Attorney General Moody argues that the district court correctly vacated the Centers for Disease Control and Prevention's interstate travel mask mandate in this case. President Joe Biden's CDC order exceeds its authority and infringes on each state's ability to enact its own public health rules.

Attorney General Ashley Moody said, "The American people and our courts have rejected the federal government's unlawful mask mandate for air travel. It's astonishing that Biden continues to fight to force passengers to wear masks on airplanes. We are once again pushing back, in court, against his unlawful federal overreach."

In a brief filed in the U.S. Court of Appeals for the 11th Circuit, the attorneys general argue that the CDC's unlawful mandate exceeds the agency's authority in several ways. First, the CDC grounds its authority to issue a mask mandate in its power to require "sanitation" measures under 42 U.S.C. § 264(a). That authority cannot support the mandate. Additionally, according to the statute, CDC cannot demand that domestic travelers be examined without evidence that they are carrying disease—but that is what this mandate requires, a visual inspection of every traveler without any individualized suspicion.

The brief also argues that the mandate is invalid because it failed to go through notice and comment procedures. The CDC rule is arbitrary and capricious, with numerous exceptions that the agency did not explain or justify. Beyond that, the rule violates the agency's own regulations. The brief states: "CDC regulations say that it cannot act unless it finds local measures inadequate. But here, CDC never even studied local measures, much less developed a method

to determine whether those measures are adequate.”

Attorney General Moody is joined by the attorneys general of the following states in filing the brief: Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Utah, Virginia and West Virginia.

To read the full brief, click here.

In March, Attorney General Moody led 21 other states in an action against the same unlawful CDC mask mandate on public transportation. The attorneys general argued that the mandate exceeded the CDC’s authority and was based on a failed interpretation of a quarantine statute that has been rejected in court. A U.S. district judge vacated the federal mandate in April.

To learn more, click here.