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## NEWS FOR IMMEDIATE RELEASE

May 15, 2020

### **AG Kaul Issues Interim AG Opinion on Local Health Officers' Ability to Issue Health Orders**

MADISON, Wis. – Attorney General Josh Kaul today issued an interim attorney general opinion on the applicability of *Wisconsin Legislature v. Palm* to local health officers' ability to issue local orders responding to the COVID-19 pandemic, in response to a [request for an opinion from the Outagamie County Executive](#) on Friday, May 15, 2020.

Due to the considerable confusion regarding the impact that the Wisconsin Supreme Court decision in *Palm* has on the authority of local health officers, Attorney General Kaul has issued an immediate, interim opinion in response to the Outagamie County Executive's request.

The interim opinion is available here:  
<https://www.doj.state.wi.us/sites/default/files/OAG-03-20.pdf>

As the Wisconsin Department of Justice (DOJ) continues to review the request, the public can submit expertise, legal analysis, or comment on the opinion request. Please Note: submissions, including attachments, are generally subject to disclosure pursuant to the public records law. Submit comment here:  
<https://www.doj.state.wi.us/opinionrequests>

By statute, the attorney general shall, when asked, provide the legislature and designated Wisconsin state government officials with an opinion on legal questions. The attorney general may also give formal legal opinions to district attorneys and county corporation counsel under certain circumstances. Wis. Stat. § 165.25(3) and

59.42(1)(c). Please see 77 Op. Att’y Gen. Preface (1988) for a more detailed explanation of the criteria for requesting a formal opinion.

Opinions of the attorney general typically provide guidance when confusion exists about the meaning of a statute and Wisconsin appellate courts have not yet definitively answered the question. Wisconsin courts do not have any obligation to follow an interpretation provided by an opinion of the attorney general, but they often do. As the Wisconsin Court of Appeals has written, "Well-reasoned attorney general's opinions have persuasive value when a court later addresses the meaning of the same statute."