

# WILL: Dane County health department relaxes sports restrictions after lawsuit

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The News: Public Health Madison and Dane County, the local health department, issued a new health order on Monday that relaxes a number of sports-related restrictions WILL had challenged in a [lawsuit](#) filed in January. [Order #13](#) allows for indoor team sports for up to 25, and outdoors for up to 100. Masks are required while playing indoors, and outdoors if maintaining 6 feet of separation is not possible.

The Quote: WILL Deputy Counsel, Luke Berg, said, “The Dane County Health Department’s restrictions on sports were unreasonable and unnecessary. WILL’s lawsuit challenged these provisions, and we are pleased to see them relaxed. The lawsuit continues, however, because the Health Department continues to issue and enforce orders without any County Board oversight, contrary to state law and the Wisconsin Constitution.”

Background: WILL filed a [lawsuit](#) in January in Dane County Circuit Court, on behalf of two Dane County residents, challenging the Dane County Health Department’s legal authority to issue sweeping restrictions on all aspects of life in Dane County. The lawsuit is substantially similar to an [original action](#) WILL filed with the Wisconsin Supreme Court in November 2020. The Court voted not to grant WILL’s original action, 4-3, without addressing the merits of the case, but four Justices indicated the claims had substantial merit.

Public Health Madison and Dane County issued [Order #13](#) on February 8, less than three weeks after WILL filed the suit. [Order #13](#) relaxes many of the sports-related restrictions that WILL challenged. The new order allows for indoor team sports for up to 25, and outdoors for up to 100. Masks are required while playing indoors, and outdoors if maintaining 6 feet of separation is not possible.

WILL’s lawsuit in Dane County Circuit Court will continue, however, to ensure a

court addresses the merits of WILL's challenge to the legal authority of Dane County's health department. Orders from Dane County's health department constitute an unlawful delegation of authority from local elected bodies. In particular, WILL argues the various restrictions ought to have been voted on by the Dane County Board.