



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

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Subject: **SOA Health Mandate Enforcement Guidance**

Health mandates are put in place for the protection of all Alaskans, and with the expectation that citizens and visitors to our state will comply with state health mandates without the need for law enforcement action to be taken against them. Arresting powers, in regard to the mandates, against citizens should not be utilized unless they are absolutely necessary.

This communication is to serve as general enforcement guidance for the [COVID-19 health mandates](#) issued by the *State of Alaska*. Please note, this communication is not advice for the enforcement of municipal mandates and advisories.

The Governor's authority to declare a state emergency stems from AS 26.23, which triggers the Commissioner of DHSS' ability to issue public health mandates pursuant to Title 18. Until provisions under AS 18.05.061 become enforceable through emergency regulations for our current situation, there are two existing provisions under criminal law that can be applied:

§ 11.61.110. Disorderly conduct

(6) the person recklessly creates a hazardous condition for others by an act which has no legal justification or excuse. Disorderly conduct is a B misdemeanor.

§ 11.41.250. Reckless endangerment

(a) A person commits the crime of reckless endangerment if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

Reckless endangerment is a class A misdemeanor, punishable by up to one year imprisonment and a \$25,000 fine.

This guidance includes a strong caution to **NOT** arrest and / or charge unless it is absolutely necessary.

Finally, if the necessary emergency regulations are passed for the enforcement of the specific Title 18 provision, I will update and provide further guidance.

Please let me know if you have any questions concerning this communication.

Very respectfully,

Handwritten signature of Amanda Price in blue ink.

Amanda Price,
Commissioner