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Executive Order No. 2020-59 Issued with Changes to the Michigan “Stay Home, Stay Safe” Requirements

4.24.2020

Today, Governor Whitmer Issued Executive Order 2020-59 (the “Order”), which includes several changes to the Michigan “Stay Home, Stay Safe” requirements. The initial stay home requirements were issued on March 23, 2020, through Executive Order 2020-21, and those requirements were later revised and extended through Executive Order 2020-42. Importantly, **the Order extends stay home restrictions until May 15, 2020.**

Like the first two orders, this Order limits certain gatherings and travel in Michigan. Some restrictions, however, have been lifted. Now, under the Order, residents of Michigan may leave their homes to do the following:

- Engage in outdoor **recreational activity, which now includes boating and golf.**
- **Perform necessary veterinary services**, in accordance with a duly implemented non-essential procedure or veterinary services postponement plan, have not been postponed. (See Executive Order 2020-32 for additional information.)
- **Pick up or drop off a motor vehicle**, or to have a motor vehicle or bicycle repaired or maintained.
- **Pick up “non-necessary” supplies at the curbside** from a store that must otherwise remain closed.
- **Visit a child in out-of-home care, or to facilitate a visit between a parent and a child in out-of-home care**, when there is an agreement between the child-placing agency, the parent, and the caregiver about a safe visitation plan, or when, failing such agreement, the individual secures an exception from the executive director of the Children’s Services Agency.
- **Attend a meeting of an addiction recovery mutual aid society** if no more than 10 people attend.

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- **Travel between two residences in the state, including moving** to a new residence.

The Order also defines workers who are able to leave their homes, identified as “workers who perform resumed activities”, as the following:

- Workers who **process or fulfill remote orders for goods** for delivery or curbside pick-up.
- Workers who **perform bicycle maintenance or repair**.
- Workers for **garden stores, nurseries, and lawn care, pest control, and landscaping operations**, subject to the enhanced social-distancing rules described in the Order.
- **Maintenance workers and groundskeepers who are necessary to maintain the safety and sanitation of places of outdoor recreation**, provided that the places and their workers do not provide goods, equipment, supplies, or services to individuals, and subject to the enhanced social-distancing rules in the Order.
- **Workers for moving or storage operations**, subject to the enhanced social distancing rules in the Order.

The Order also references “enhanced social distancing rules”, requiring that businesses and operations whose in-person work is permitted in the Order to follow the rules listed below:

- **Bar gatherings of any size in which people cannot maintain six feet of distance** from one another.
- **Limit in-person interaction with clients and patrons to the maximum extent possible**, and bar any such interaction in which people cannot maintain six feet of distance from one another.
- **Provide personal protective equipment** such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed.
- Adopt protocols to **limit the sharing of tools and equipment to the maximum extent possible and ensure frequent and thorough cleaning** of tools, equipment, and frequently touched surfaces.

Restrictions were also lifted on stores. While there is still a distinction between stores above and below 50,000 square feet of customer floor-space with regard to their capacity limits, the Order no longer requires areas of stores to be closed. Likewise, the Order no longer places limitations on advertising and promotion of goods that are not groceries, medical supplies, or items to maintain the safety, sanitation, and basic operation of residences. That is, stores that remain open to sell goods such as groceries, medical supplies, and items to maintain the safety, sanitation, and basic operation of residences may continue to sell goods other than these “necessary supplies” so long as they normally sell these goods. Additionally, the Order requires stores to consider curbside pick-up to reduce in-store traffic and to mitigate outdoor lines. Under the Order, stores may sell “non-necessary” goods via delivery or at curbside, so long as it otherwise remains closed to the public.

The Order also now requires that any individual able to medically tolerate a face covering must wear a covering over his or her nose and mouth—such as a homemade mask, scarf, bandana, or handkerchief—when in any enclosed public space. In addition, all businesses and operations whose

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workers perform in-person work must, at a minimum, provide non-medical grade face coverings to their workers. The Order also notes that supplies of N95 masks and surgical masks should generally be reserved, for now, for health care professionals, first responders (e.g., police officers, firefighters, paramedics), and other critical workers who interact with the public. **Notably, in her press conference, the governor noted that there will be no fine or criminal penalty for people not wearing face coverings in public.**

As shown by this summary, some restrictions on Michigan residents were lifted by the Order. The governor characterized the relaxation of the rules to be based on the identified activities being lower risk. In addition, she identified the relaxing of some rules as an initial stage of economic re-engagement for Michigan. Because there will undoubtedly be the need for interpretation and guidance under the Order, your Butzel Long attorneys remain on top of these developments, and are available to assist our clients through these difficult times.

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