

# New Restrictions Under Michigan Epidemic Order to Take Effect Nov. 18

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On November 15, Michigan Department of Health and Human Services Director Robert Gordon and Michigan Gov. Gretchen Whitmer announced a new Epidemic Order (the "Order"), which implements heightened restrictions on Michigan residents resulting from recent increases in COVID-19 cases across the state. Specifically, the Order requires certain places of public gathering and businesses to shut their doors, while others are permitted to continue accepting patrons and guests, subject to strict limitations.

Where gatherings are permitted, all individuals are required to wear a face mask, including at permitted residential gatherings except when eating or drinking, and maintain social distancing. The Order does not change the requirements applicable to workplace gatherings set forth in the Emergency Rules issued by MIOSHA on October 14, which we summarized in a [prior advisory](#). The Order takes effect on November 18, 2020 and remains in effect until December 9, 2020. Here are the top ten things you need to know about the new Order:

## Gatherings

1. Indoor gatherings are (i) prohibited at non-residential venues, except as permitted by other sections of the Order, and (ii) permitted at residential venues only where no more than 10 persons from no more than two households are gathered.
2. Outdoor gatherings at non-residential venues are permitted, where (i) 25 or fewer persons are gathered at a venue without fixed seating, and attendance is limited to 20 persons per 1,000 square feet, or (ii) 25 or fewer persons are gathered at a venue with fixed seating, and attendance is limited to 20 percent of seating capacity at the venue.
3. Outdoor gatherings at residential venues are permitted where 25 or fewer persons are gathered, comprised of no more than three households.

## Businesses

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4. Gatherings are prohibited at entertainment venues and recreational facilities, including auditoriums, arenas, cinemas, conference centers, concert halls, performance venues, sporting venues, stadiums, theatres, amusement parks, arcades, casinos, skating rinks, etc.
  5. Restaurants may remain open to serve guests seated in outdoor spaces (6-foot social distancing required), and for take-out services. Indoor service is prohibited.
  6. Retail stores, libraries, and museums may permit guests to enter their premises, so long as occupancy does not exceed 30 percent of total limits set by the fire marshal. Retail stores must establish lines to regulate entry and checkout, with markings for patrons to maintain 6-foot social distancing requirements.
  7. Exercise facilities may remain open, so long as (i) occupancy does not exceed 25 percent of the limits established by the fire marshal, (ii) 12 feet of distance exists between each occupied workout station, and (iii) gatherings for group fitness activities or classes are prohibited.
  8. Facilities offering non-essential personal care services such as hair, nail, massage, tattoo, and similar personal care services are permitted to accept guests by appointment only, and face masks are to be worn at all times. Previously, face masks could be removed to the extent necessary to receive such services.

## **Schools and Sports**

9. All Michigan high schools must transition to virtual learning, while K-8 schools are permitted to conduct in-person learning subject to local health department and school district rules. This restriction does not apply to students who are English Language Learners or participants in special education services. Local school districts may choose to implement stricter requirements. Colleges and universities must transition to virtual learning only.
10. Gatherings for the purpose of organized sports are prohibited, unless participants, teams and venues comply with enhanced testing regimens specified in the Michigan Department of Health and Human Services' Additional Mitigation Measures for Safer Athletic Practice and Play guidance. Generally, this means that professional and collegiate sports may continue subject to compliance with these enhanced restrictions and without spectators. The Michigan High School Athletic Association (MHSAA) announced on November 15, 2020 that all fall and winter sports are suspended, effective immediately.

Violation of the Order is a misdemeanor punishable by not more than six months imprisonment, or a fine of \$200, or both. Additionally, civil fines of up to \$1,000 for each violation or day that a violation continues may be assessed.

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