MICHIGAN – COVID-19 –BACK TO BUSINESS Executive Orders Phases 4 and 5 (Issued 06/01/20 through 7/17/20)

BACK TO BUSINESS RELATED ORDERS (PHASES 4 and 5)

EO 2020-115 (Phase 5)
https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-531127--,00.html
EO 2020-143 (Rollback re Bars)
http://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-533435--,00.html
EO 2020-145 (New Workplace Rules)
EO 2020-153 (Masks)
EO 2020-149 (Food Business Rules)

Also see EO 2020-110 [Phase 4 provisions remaining in place for most regions]
https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-530620--,00.html

SAFE START PLAN AND WORKPLACE RULES
https://www.michigan.gov/coronavirus/0,9753,7-406-100467---,00.html

EO 2020-153

<table>
<thead>
<tr>
<th>GENERAL TOPIC</th>
<th>SUMMARY</th>
<th>SECTION # of 2020-115</th>
</tr>
</thead>
</table>
| Effective Period    | EO 2020-115 (opens Phase 5 for certain counties): issued 6/5/20. Different provisions have different effective dates  
EO 2020-143 (rollback order re bars): issued and effective 7/1/20  
EO 2020-145 (new workplace rules): issued and effective 7/9/20. [Superseding EO 2020-114]  
EO 2020-153 (facemasks): issued and effective 7/17/20 [replaces 2020-147]  
EO 149 (food businesses): issued and effective 7/13/20  
[Also see EO 2020-110 (move to Phase 4): issued 6/1/20. Different provisions have different effective dates.] |                      |
| General and Rollback| A series of executive orders implemented the Safe Start Plan to open up businesses in phases, by various Regions. [Although the |                      |
| Safe Start Plan describes 6 discrete phases, the restrictions have been lifted incrementally, in steps within phases. | All 8 Regions have been in Phase 4 as of 6/1/20. EO 2020-115 allows Regions 6 and 8 to move to Phase 5 on 6/5/20, and it also opens up personal care businesses statewide on 6/15/20. EO 2020-143 is a rollback order, closing bars to indoor service. EO 2020-145 updates the workplace rules, EO 2020-147 provides facemask requirements, and EO 2020-149 provides additional requirements for food service businesses. |

| Shelter in Place | The stay at home order was previously terminated on 6/1/20, and not reinstated. When individuals leave their residences, each individual must at all times reasonably possible maintain social distancing of at least 6’ and wear masks in enclosed spaces. |

| Businesses that are Open | Under prior orders, a number of businesses were reopened subject to compliance with general and sector-specific workplace rules. See New Workplace Rules and the Safe Start Website for the updated workplace rules. The following opened under prior orders or can open under EO 2020-115: |

| Restaurants; Bars | Restaurants and bars opened 5/22 (for Regions 6&8), subject to workplace rules and capacity limits. They opened 6/8 for the rest of the state, subject to workplace rules and capacity limits. See general and sector-specific workplace rules in New Workplace Rules. See additional requirements in EO 2020-149. Rollback Order: Effective 7/1/20, bars are closed again to inside service. |
| **Business Reopening and Workplace Rules** | All business that require employees to leave their home for work (regardless of when the business was allowed to open) must comply with the general and sector-specific workplace rules in [New Workplace Rules](#), which include requirements for a reopening plan, trainings, employee screening, capacity limits, and other protocols. Operational businesses must adopt social distancing practices and have the right to refuse customers who do not comply with such practices or the use of a face mask. | §5 |
| **Public and Private Gatherings** | Effective June 5, [for Regions 6&8*], indoor social gatherings and organized events of up to 50 people will be allowed, as will outdoor social gatherings and organized events of up to 250 people. [Note: While not clear from the orders, it appears the above increased limits are intended to apply to Regions 6 & 8, and that the lower limits of 10 persons indoor, and 100 persons outdoor, remain in place for other regions under EO 2020-110.] | §7 |
| **Travel** | Employers are to suspend non-essential business travel and non-essential visitors. | New Workplace Rules |
| **Public Accommodations** | Effective June 5, [for Regions 6&8]*, the following public accommodations are now allowed to open, provided they follow social distancing guidelines and capacity limits pursuant to EO 2020-115:  
- Arcade  
- Bowling alley  
- Cinema  
- Climbing facility  
- Convention center  
- Performance space  
- Meeting hall  
- Night club  
- Sports arena  
- Theater  
- Concert space  
- Race track  
[Note: While not clear from the wording of the order, it appears the above provisions limits are intended to apply to Regions 6 & 8 only, and that restrictions remain in place for other regions under EO 2020-110.] | §7, 8, 9 |
| **Face Coverings** | Effective 7/17/20, any individual who leaves their home or place of residence must wear a face covering over their nose and mouth (a) when in any indoor public space; (b) when outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household; and (c) When waiting for [EO 2020-153](#). | EO 2020-153 |
or riding on public transportation, while in a taxi or ridesharing vehicle, or when using a private car service as a means of hired transportation. Certain exceptions are contained in the order.

No business that is open to the public may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering as required by this order. No individual is subject to penalty for removing a mask while engaging in religious worship at a house of religious worship. A business may not assume that someone who enters the business without a face covering falls in one of the exceptions specified in section 2 of this order, including the exception for individuals who cannot medically tolerate a face covering. A business may, however, accept a customer’s verbal representation that they are not wearing a face covering because they fall within a specified exception.

Prior Orders

All executive orders may be found at: https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705---,00.html

Prior orders of interest, now expired or superseded, include EO 2020-21 (stay at home order), EO 2020-42 (closure of noncritical businesses), EO 2020-59, EO 2020-70, EO 2020-77 (follow on orders), EO 2020-92 and EO 2020-96 (reopening orders). EO 2020-110 opened Phase 4.

Prior orders with workplace standards include EO 2020-91 and EO 2020-97 and EO 2020-114. The updated workplace standards are at New Workplace Rules.

DISCLAIMER: This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction’s Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight’s COVID-19 Response Team – State and Local Orders and Regulations.