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IMPORTANT CLIENT UPDATE

EXECUTIVE ORDER 2020-147

On July 10, 2020, Governor Whitmer issued **EO 2020-147**, which **now mandates** that individuals wear a face mask covering over their nose and mouth in most public spaces subject to the terms provided:

Executive Order No. 2020-147 Overview:

Executive Order No. 2020-147 orders that any individual who leaves their home or place of residence must wear a face covering over their nose and mouth:

- (1) When in any indoor public space.
- (2) When outdoors and unable to consistently maintain a distance of 6 feet or more from individuals who are not members of their household.
- (3) When waiting for or riding on public transportation, while in a taxi or ride-sharing vehicle, or when using a private car service as a means of hired transportation.

Exceptions to this rule mandating face coverings include:

- (1) Individuals younger than 5 years old. Children older than 2 years old are encouraged to wear a face covering pursuant to guidance from the Centers for Disease Control and Prevention ("CDC").
- (2) Individuals who cannot medically tolerate a face covering.
- (3) Individuals who are eating and drinking while seated at a food service establishment.
- (4) Individuals who are exercising when wearing masks would interfere with the activity.
- (5) Individuals who are receiving a service for which temporary removal is necessary to perform said service.
- (6) Individuals who are entering a place of business or are receiving service and are asked to temporarily remove a face covering for identification purposes.
- (7) Individuals who are communicating with a hearing-impaired person or otherwise disabled, and where the ability to see the mouth is essential for communication.
- (8) Individuals who are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel.
- (9) Individuals who are officiating at a religious service.
- (10) Individuals who are giving a speech for broadcast or an audience.

Similarly, Executive Order No. 2020-147 also mandates that businesses open to the public may not 1) provide services to a customer, or 2) allow a customer to enter its premises, unless the customer is wearing a face covering as provided by the Order. Businesses that are open must post signs at the entrance(s) instructing customers of their legal obligation to wear a face covering inside. A department or agency that learns of a licensee not in compliance will consider whether the public health, safety and welfare requires summary, temporary suspension of the business's license to operate under section 92 of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24. 292(2).

The Executive Order takes effect immediately as to individuals. As to businesses, which we interpret to include governmental entities, the Order shall take effect at 12:01 a.m. on Monday, July 13. Consistent with MCL 10.33 and MCL 30.45(3), a willful violation of this Executive Order is a misdemeanor subject to a \$500 criminal penalty, but no term of confinement may be imposed for a violation of Section 1 of the Executive Order.

Should you have questions, please do not hesitate to contact our Office.

Link to EO 2020-147:

https://content.govdelivery.com/attachments/MIEOG/2020/07/10/file_attachments/1492866/EO%202020-147%20Emerg%20order%20-%20Masks.pdf

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