

No. 31
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Tuesday, April 7, 2020.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Garlin D. Gilchrist II.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Alexander—excused
Ananich—present
Barrett—present
Bayer—excused
Bizon—present
Brinks—excused
Bullock—excused
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present
Hollier—excused

Horn—present
Irwin—present
Johnson—excused
LaSata—present
Lauwers—present
Lucido—excused
MacDonald—excused
MacGregor—present
McBroom—excused
McCann—excused
McMorrow—excused
Moss—present
Nesbitt—present

Outman—present
Polehanki—present
Runestad—excused
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—excused
Zorn—excused

Senator Mike Shirkey of the 16th District offered the following invocation:

“When peace like a river, attendeth my way. When sorrows like sea billows roll. Whatever my lot, thou has taught me to say it is well, it is well, with my soul.”

In Timothy 1:6, Jesus tells us to not be timid, but to bathe ourselves in the power, strength, wisdom, and self-control of the Holy Spirit that God himself gave us. It is in these times that we need to lean heavily into that spirit, Lord, and we thank You for providing that gift for us. I think the operating principles for us are well-deserved and well-outlined by the fruit of the spirit that You lay out for us: love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control. May those words ring soundly through us today and from this point forward, as we wrestle with very important life-threatening, incredibly challenging decisions on an hour-by-hour and day-by-day basis. I bless this body, I bless the members, I bless the entirety of the state of Michigan. Lord, we just ask that You continue to show Your presence to us in still, many inspiring ways. It is in the powerful name of Jesus Christ we pray. Amen.

The President, Lieutenant Governor Gilchrist, led the members of the Senate in recital of the *Pledge of Allegiance*.

Senator MacGregor moved that rule 1.102 be suspended to direct the Secretary of the Senate to call the roll orally and record and announce the results.

The motion prevailed, a majority of the members serving voting therefor.

Motions and Communications

Senator MacGregor moved that Senators Johnson, Lucido, MacDonald, McBroom, Runestad and Zorn be excused from today’s session.

The motion prevailed.

Senator Chang moved that Senators Alexander, Bayer, Brinks, Bullock, Hollier, McCann, McMorrow and Wojno be excused from today’s session.

The motion prevailed.

The following communication was received and read:
Office of the Senate Majority Leader

March 31, 2020

Senate session is canceled for Wednesday, April 1, 2020 out of an abundance of caution being taken for the safety of all Senators and staff due to the increasing threat of COVID-19. According to the Centers for Disease Control and Prevention, COVID-19 is spread easily from person-to-person and poses a serious public health risk. The United States is currently in the acceleration phase of the pandemic, and the Governor has issued Executive Order 2020-21 urging non-essential business cease. Keeping the health and safety of all Senators and staff in mind, in coordination with the Governor’s office and the House of Representatives, the Senate has closed. The Senate continues to work with the House of Representatives and Governor’s Office to hold future legislative session dates in a manner that minimizes health risks to the extent possible.

The Senate also sends its deepest condolences to the family and friends of Representative Isaac Robinson, who passed away on March 29. We are grateful for Representative Robinson’s contributions to his constituents and to the state of Michigan as a whole. He will be forever remembered and missed by many.

If you have any questions regarding this manner, please do not hesitate to contact me.

Sincerely,
Mike Shirkey
Senate Majority Leader
16th District

The communication was referred to the Secretary for record.

The Secretary announced that pursuant to rule 2.110 of the Standing Rules of the Senate, the following expense reports have been filed with the Senate Business Office for the quarter from July 1, 2019 through September 30, 2019, and are available in the Senate Business Office during business hours for public inspection:

Committee
Advice and Consent
Agriculture
Appropriations
Economic and Small Business Development

Chairperson
Senator Peter Lucido
Senator Kevin Daley
Senator Jim Stamas
Senator Ken Horn

Education and Career Readiness
 Elections
 Energy and Technology
 Environmental Quality
 Families, Seniors, and Veterans
 Finance
 Government Operations
 Health Policy and Human Services
 Insurance and Banking
 Judiciary and Public Safety
 Local Government
 Natural Resources
 Oversight
 Regulatory Reform
 Transportation and Infrastructure

Senator Lana Theis
 Senator Ruth Johnson
 Senator Dan Lauwers
 Senator Rick Outman
 Senator John Bizon
 Senator Jim Runestad
 Senator Mike Shirkey
 Senator Curt VanderWall
 Senator Lana Theis
 Senator Peter Lucido
 Senator Dale Zorn
 Senator Ed McBroom
 Senator Ed McBroom
 Senator Aric Nesbitt
 Senator Tom Barrett

Messages from the Governor

Senators Polehanki and Theis entered the Senate Chamber.

The following messages from the Governor were received:

Date: March 30, 2020
Time: 8:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 151 (Public Act No. 66), being

An act to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay purposes for the fiscal year ending September 30, 2020; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(Filed with the Secretary of State on March 30, 2020, at 9:30 a.m.)

Date: April 2, 2020
Time: 8:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 415 (Public Act No. 76), being

An act to amend 1984 PA 379, entitled “An act to define and regulate certain credit card transactions, agreements, charges, and disclosures; to prescribe the powers and duties of the financial institutions bureau and certain state agencies; to provide for the promulgation of rules; and to provide for fines and penalties,” by amending the title and section 1 (MCL 493.101).

(Filed with the Secretary of State on April 2, 2020, at 10:02 a.m.)

Date: April 2, 2020
Time: 8:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 269 (Public Act No. 77), being

An act to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 4a.

(Filed with the Secretary of State on April 2, 2020, at 10:04 a.m.)

Date: April 2, 2020
Time: 8:54 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 543 (Public Act No. 78), being

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 701 (MCL 436.1701), as amended by 2019 PA 131.

(Filed with the Secretary of State on April 2, 2020, at 10:06 a.m.)

Date: April 2, 2020
Time: 8:56 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 125 (Public Act No. 79), being

An act to amend 1995 PA 29, entitled “An act concerning unclaimed property; to provide for the reporting and disposition of unclaimed property; to make uniform the law concerning unclaimed property; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 18 (MCL 567.238), as amended by 2010 PA 197.

(Filed with the Secretary of State on April 2, 2020, at 10:08 a.m.)

Date: April 2, 2020
Time: 8:58 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 711 (Public Act No. 80), being

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 109 (MCL 436.1109), as amended by 2018 PA 409, and by adding section 504.

(Filed with the Secretary of State on April 2, 2020, at 10:10 a.m.)

Date: April 2, 2020
Time: 9:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 712 (Public Act No. 81), being

An act to amend 1895 PA 3, entitled “An act to provide for the government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local officers and entities; to define the application of this act and provide for its

amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies,” by amending section 10 of chapter II and section 5 of chapter V (MCL 62.10 and 65.5), section 5 of chapter V as amended by 1998 PA 255.

(Filed with the Secretary of State on April 2, 2020, at 10:12 a.m.)

Date: April 2, 2020

Time: 9:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 754 (Public Act No. 82), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 8144 (MCL 600.8144), as amended by 2012 PA 18.

(Filed with the Secretary of State on April 2, 2020, at 10:14 a.m.)

Date: April 2, 2020

Time: 9:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 812 (Public Act No. 83), being

An act to amend 1936 (Ex Sess) PA 1, entitled “An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to levy and provide for obligation assessments; to provide for the collection of those contributions and assessments; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of this act; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 28 (MCL 421.28), as amended by 2017 PA 228.

(Filed with the Secretary of State on April 2, 2020, at 10:16 a.m.)

Date: April 2, 2020

Time: 9:06 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 268 (Public Act No. 84), being

An act to establish certain financial aid programs for certain residents of this state seeking associate degrees or industry-recognized certificates or credentials from certain educational and jobs training programs; to provide for the administration of the financial aid programs; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

(Filed with the Secretary of State on April 2, 2020, at 10:18 a.m.)

Respectfully,
Gretchen Whitmer
Governor

The following message from the Governor was received on March 25, 2020, and read:

EXECUTIVE ORDER
No. 2020-22

**Extension of county canvass deadlines for the
March 10, 2020 Presidential Primary Election**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to extend the post-election county canvass deadlines related to the March 10, 2020 Presidential Primary Election. This will ensure that the canvass is carried out in a manner that is both orderly and compatible with the demands presented by the current state of emergency, including the need to practice social distancing and to limit gatherings, travel, and in-person work as much as possible.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with rules and procedures under section 822(1) of the Michigan Election Law, 1954 PA 116, as amended, MCL 168.822(1), is temporarily suspended to extend the deadline to April 24, 2020 for a board of county canvassers to complete the canvass of the election held on March 10, 2020.

2. Strict compliance with rules and procedures under section 822(2) of the Michigan Election Law, MCL 168.822(2), is temporarily suspended to extend the deadline to April 24, 2020 for a board of county canvassers, if it has not yet certified the results of the March 10, 2020 election, to immediately deliver to the secretary of the board of state canvassers all records and other information pertaining to that election.

3. Strict compliance with rules and procedures under section 842(1) of the Michigan Election Law, MCL 168.842(1), is temporarily suspended to extend the deadline to April 30, 2020 for the board of state canvassers to ascertain and determine the results of the March 10, 2020 election.

4. To prevent the spread of COVID-19, boards of county canvassers and the board of state canvassers are strongly encouraged to meet electronically, as feasible and otherwise authorized. If meeting in-person is necessary, boards of county canvassers and the board of state canvassers must follow the mitigation measures set forth in section 5(c) of Executive Order 2020-21.

5. This order does not affect the status of an election already completed by a board of county canvassers before the issuance of this order.

6. This order is effective retroactive to March 24, 2020.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 25, 2020

Time: 10:22 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on March 26, 2020, and read:

EXECUTIVE ORDER
No. 2020-23

**Enhanced authorization of remote means for carrying out
state administrative procedures**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the impact of efforts to reduce the spread of COVID-19, protect the public health, limit the number of people interacting at public gatherings, encourage social distancing, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to temporarily suspend rules and procedures relating to service of process and provision of notice relating to certain administrative proceedings and the use of electronic signatures. State administrative entities must continue to conduct public business during this emergency, including actions to respond to the COVID-19 pandemic, without unduly compromising public health, safety, and welfare.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Hearing officers or arbitrators may conduct Michigan Employment Relations Commission (“MERC”) hearings by electronic means, including video conferencing. To the extent necessary, strict compliance with the procedural requirements of 1939 PA 176, as amended, MCL 423.1 *et seq.* (employment relations commission), 1947 PA 336, as amended, MCL 423.201 *et seq.* (public employment relations), and 1969 PA 312, as amended, MCL 423.231 *et seq.* (compulsory arbitration of labor disputes in police and fire departments), is temporarily suspended.

2. Notice to MERC, as well as personal service of notice, service of process, or written notice of a dispute relating to an impending strike or an impending lockout, may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under sections 9, 9a, 9d(3), 11, 23(2), and 27 of 1939 PA 176, as amended, MCL 423.9, 423.9a, 423.9d(3), 423.11, 423.23(2), and 423.27, and any other procedural statutes governing MERC, is temporarily suspended.

3. The Unemployment Insurance Agency may permit hearings to be held by telephone or electronic means, including video conferencing. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 *et seq.*, is temporarily suspended.

4. Notice to the Unemployment Insurance Agency and written notice by the Unemployment Insurance Agency may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 *et seq.*, is temporarily suspended.

5. Hearings held under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, as well as under the MAHS Administrative Hearing Rules, R 792.10101 *et seq.*, and any informal hearings required by statute, rule, or regulation, may proceed by telephone or by electronic means, including video conferencing. To the extent necessary, strict compliance with the rules and procedures of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, and the MAHS Administrative Hearing Rules, R 792.10101 *et seq.*, is temporarily suspended. This does not apply to hearings by the Joint Committee on Administrative Rules.

6. Notice and service of process required by the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, and the MAHS Administrative Hearing Rules, R 792.10101 *et seq.*, may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, and the MAHS Administrative Hearing Rules, R 792.10101 *et seq.*, is temporarily suspended.

7. Administrative rules or emergency rules may be filed with the secretary of state electronically, including by email. To the extent necessary, strict compliance with rules and procedures under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, is temporarily suspended.

8. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required by sections 11(b)(4), 32b(3), and 54f of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.11(b)(4), 421.32b(3), and 421.54f. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.

9. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, including any requirement of a signature for filing administrative rules or emergency rules with the secretary of state. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.

10. This order is effective immediately and remains in effect through April 13, 2020 at 11:59 p.m.

11. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor. Given under my hand and the Great Seal of the State of Michigan.

Date: March 25, 2020
Time: 4:14 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on March 26, 2020, and read:

EXECUTIVE ORDER
No. 2020-24

Temporary expansions in unemployment eligibility and cost-sharing

Rescission of Executive Order 2020-10

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as

he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to temporarily suspend rules and procedures to expand eligibility for unemployment benefits and cost-sharing with employers.

Executive Order 2020-10 took such action. This order reaffirms that action and clarifies and strengthens its expansion of eligibility for unemployment benefits and cost-sharing with employers. With this order, Executive Order 2020-10 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with subdivision (a) of subsection (1) of section 29 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended (“Employment Security Act”), MCL 421.29(1)(a), is temporarily suspended, as follows:

(a) An individual must be considered to have left work involuntarily for medical reasons if they leave work because of self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised, displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19, or a family care responsibility as a result of a government directive.

(b) An individual may be deemed laid off if they became unemployed because of self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised, displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19, or a family care responsibility as a result of a government directive.

2. Strict compliance with subsection (3) of section 48 of the Employment Security Act, MCL 421.48(3), is temporarily suspended. An individual on a leave of absence because of self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised, displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19, or a family care responsibility as a result of a government directive, must be considered to be unemployed unless the individual is already on sick leave or receives a disability benefit.

3. Strict compliance with subsections (4) through (7) of Rule 421.210 of the Michigan Administrative Code is temporarily suspended. An individual who becomes unemployed and files a claim for unemployment benefits within 28 days of the last day worked must be considered to have filed on time.

4. Strict compliance with subsection (d) of section 27 of the Employment Security Act, MCL 421.27(d), is temporarily suspended. Each eligible individual who files a claim or has an active claim as of the effective date of this order will receive not more than 26 weeks of benefits payable in a benefit year.

5. Strict compliance with subsection (1) of section 28c of the Employment Security Act, MCL 421.28c(1), is temporarily suspended. The Unemployment Insurance Agency may approve an employer’s participation in a shared-work plan upon application by the employer, regardless of whether the employer has met the requirements of MCL 421.28c(1).

6. Any benefit paid to a claimant that is laid off or placed on a leave of absence must not be charged to the account of the employer(s) who otherwise would have been charged but instead must be charged to the Unemployment Insurance Agency’s non-chargeable account. Effective March 25, 2020 at 11:59 p.m., the benefits conferred on employers by this section are not available to employers determined to have misclassified workers.

7. Strict compliance with subdivision (a) of subsection (1) of section 28 of the Employment Security Act, MCL 421.28(1)(a), is temporarily suspended. For purposes of the able, available and seeking work requirements in section 28, MCL 421.28, suitable work is unavailable because of COVID-19, which satisfies the requirements of section 28 for all claimants.

8. Unless otherwise specified in this order, this order is effective retroactive to March 16, 2020. This order expires on April 22, 2020 at 11:59 p.m.

9. Executive Order 2020-10 is rescinded.

10. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor. Given under my hand and the Great Seal of the State of Michigan.

Date: March 25, 2020

Time: 7:36 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on March 26, 2020, and read:

EXECUTIVE ORDER
No. 2020-25

**Temporary enhancements to operational capacity,
flexibility, and efficiency of pharmacies**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To respond effectively to the urgent and steep demands created by this emergency, the public requires increased access to therapeutic pharmaceuticals. Meeting this critical need requires swiftly but safely expanding access to pharmacy services. To that end, it is reasonable and necessary to provide temporary and limited relief from certain regulatory restrictions regarding pharmacies in order to enhance their operational capacity, flexibility, and efficiency.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Pharmacists located in any county in this state may dispense emergency refills of up to a sixty (60) day supply of any non-controlled maintenance medication for residents of any county in this state if, in the pharmacist’s professional judgment, failure to refill the prescription might interrupt the patient’s ongoing care and have a significant adverse effect on the patient’s well-being.

2. The following shall apply to all emergency refills dispensed under section 1 of this order:

(a) The pharmacist must inform the patient that the prescription was refilled under section 1 of this order.

(b) The pharmacist must inform the prescriber in writing within a reasonable period of time of any refills the pharmacist dispensed under section 1 of this order.

(c) Prior to refilling a prescription under section 1 of this order, the pharmacist, clinic, or mobile pharmacy must make every reasonable effort to communicate with the prescriber regarding the refilling of the prescription. The pharmacist must make an appropriate record of that effort, including the basis for proceeding under section 1 of this order.

(d) A prescriber must not incur any criminal or civil liability or licensing disciplinary action as the result of a pharmacist refilling a prescription under section 1 of this order.

3. Pharmacists may temporarily operate a pharmacy in an area not designated on the pharmacy license, but they may not prepare sterile drug products beyond low-risk preparations, as defined by USP standards, for immediate inpatient administration in such temporary facilities.

4. Pharmacists may dispense and/or administer drugs as needed to treat COVID-19 pursuant to protocols established by the Centers for Disease Control and Prevention or the National Institute of Health, or as determined appropriate by the chief medical executive of the Department of Health and Human Services or her designee.

5. Pharmacists may substitute a therapeutically equivalent medication for a medication subject to critical shortages without the authorization of a prescriber. The pharmacist must inform the patient of any such substitution. The pharmacist must inform the prescriber within a reasonable period of time of any prescriptions or refills dispensed under this section. A prescriber must not incur any criminal or civil liability or licensing disciplinary action as the result of a pharmacist filling or refilling a prescription under this section.

6. To increase the number of pharmacists who can serve patients during this time of need, preceptors may supervise student pharmacists remotely to fulfill eligibility for licensure and avoid delaying graduation.

7. Insurers and health maintenance organizations issuing health insurance or disability insurance policies that provide prescription drug benefits must cover any emergency refills of covered prescription drugs dispensed by a pharmacist under section 1 of this order. Insurers and health maintenance organizations must also allow for early refills of all 30-day or 60-day covered prescription maintenance medications to allow for up to a 90-day supply to be dispensed by a pharmacy, without regard to whether the pharmacy is mail-order or in-person. Insurers and health maintenance organizations may still apply policy or contract provisions governing out-of-network benefits and cost-sharing.

8. Pharmacists may supervise pharmacy technicians and other pharmacy staff remotely. Supervision must be conducted through a real-time, continuous audiovisual camera system, capable of allowing the pharmacist to visually identify the markings on tablets and capsules. The pharmacist must have access to all relevant patient information to accomplish the remote supervision and must be available at all times during the supervision to provide real-time patient consultation. A pharmacy technician may not perform sterile or nonsterile compounding without a pharmacist on the premises.

9. Pharmacies holding a license, certificate, or other permit in good standing issued by another state must be deemed licensed to do business in this state. These out-of-state licensed pharmacies must not deliver controlled substances into this state; must abide by all Michigan regulations applicable to the practice of pharmacy, but need not have a pharmacist-in-charge with a license to practice in Michigan; and must hold a current accreditation from a national organization approved by the Michigan Board of Pharmacy before providing sterile compounding services to patients in this state.

10. Wholesale distributors holding a license, certificate, or other permit in good standing issued by another state must be deemed licensed to do business in this state. These out-of-state wholesale distributors must not deliver controlled substances into this state and must abide by all Michigan regulations applicable to a Michigan-licensed wholesale distributor.

11. To the extent any statutes, rules, or regulations may be inconsistent with this order, strict compliance with them is temporarily suspended. This includes, but is not limited to: sections 17707(5), 17739(2)(c), 17739a(3), 17741(1)-(2), 17743, 17748, 17748a, 17748b, 17751, 17755(3), and 17763(b) of the Public Health Code, 1978 PA 368, as amended, MCL 333.17707(5), 333.17739(2)(c), 333.17739a(3), 333.17741(1)-(2), 333.17743, 333.17748, 333.17748a, 333.17748b, 333.17751, 333.17755(3), and 333.17763(b); and Rules 338.473(2), 338.473a(5)(a), 338.477(1)-(2), 338.482(2)-(3); 338.486(1)(b), 338.486(3), 338.489(3), 338.490(3), 338.490(4)(a), 338.490(5), 338.3041(4), and 338.3162(1) of the Michigan Administrative Code.

12. This order is effective immediately and continues through April 22, 2020 at 11:59 p.m.

13. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor. Given under my hand and the Great Seal of the State of Michigan.

Date: March 25, 2020

Time: 9:14 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on March 30, 2020, and read:

EXECUTIVE ORDER
No. 2020-26

Extension of April 2020 Michigan income tax filing deadlines

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL

30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

The COVID-19 pandemic has caused extreme disruption to the lives and livelihoods of all Michiganders. To protect the public health of this state and to provide essential relief to Michigan taxpayers during this unprecedented state of emergency, it is reasonable and necessary to temporarily suspend certain rules and procedures so as to automatically extend to July 2020 certain deadlines for filing and paying state and city income taxes in Michigan. This temporary relief comports with the filing and payment extensions the Internal Revenue Service has provided to federal taxpayers, and it will help Michiganders, as well as their state and local governments, focus their resources and efforts as fully as possible on the immediate and steep demands created by this pandemic.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with rules and procedures under sections 315, 681, and 685 of the Income Tax Act of 1967 (“Income Tax Act”), 1967 PA 281, as amended, MCL 206.315, 206.681, and 206.685, is temporarily suspended so as to extend the deadline for all taxpayers required to file an annual state income tax return in April 2020, as follows:

(a) An annual state income tax return otherwise due on April 15, 2020 will instead be due on July 15, 2020.

(b) An annual state income tax return otherwise due on April 30, 2020 will instead be due on July 31, 2020.

2. Strict compliance with rules and procedures under sections 311 and 685 of the Income Tax Act, MCL 206.311 and 206.685, is temporarily suspended so as to extend the deadline for all taxpayers to pay state income taxes in connection with an annual state income tax return in April 2020, as follows:

(a) A state income tax payment otherwise due on April 15, 2020 will instead be due on July 15, 2020.

(b) A state income tax payment otherwise due on April 30, 2020 will instead be due on July 31, 2020.

3. Strict compliance with rules and procedures under sections 301(1) and 681(2) of the Income Tax Act, MCL 206.301(1) and 206.681(2), is temporarily suspended so as to extend until July 15, 2020 the deadline for all taxpayers required to pay estimated state income taxes that would otherwise be due on April 15, 2020.

4. Strict compliance with rules and procedures under sections 24 and 27 of 1941 PA 122, as amended, MCL 205.24 and 205.27, is temporarily suspended so as to ensure that penalties and interest for failure to file a state income tax return or failure to pay state income taxes are aligned with the extensions set forth in sections 1 to 3 of this order. Any applicable penalties and interest will not begin to accrue until July 16, 2020 for any remaining unpaid balances due on July 15, 2020, and will not begin to accrue until August 1, 2020 for any remaining unpaid balances due on July 31, 2020.

5. Strict compliance with rules and procedures under section 30 of 1941 PA 122, MCL 205.30, is temporarily suspended so as to clarify that interest at the rate provided in MCL 205.30(3) will be added to a refund for amounts paid for tax year 2019 beginning 45 days after the claim for the refund is filed or 45 days after the date by which a return must be filed under section 1 of this order, whichever is later. Additional interest under MCL 205.30(4) or (5) shall not apply to a 2019 income tax return for which the filing deadline was extended under section 1 of this order.

6. Strict compliance with rules and procedures under sections 41, 43, and 64(1) of the City Income Tax Act, 1964 PA 284, as amended, MCL 141.641, 141.643, and 141.664(1), is temporarily suspended so as to extend the deadline for all taxpayers required to file an annual city income tax return in April 2020, as follows:

(a) An annual city income tax return otherwise due on April 15, 2020, and any accompanying city income tax payment due with the return, will instead be due on July 15, 2020.

(b) An annual city income tax return otherwise due on April 30, 2020, and any accompanying city income tax payment due with the return, will instead be due on July 31, 2020.

7. Strict compliance with rules and procedures under section 64(2) of the City Income Tax Act, MCL 141.664(2), is temporarily suspended so as to extend the deadline for all taxpayers required to pay estimated city income tax extension payments in April 2020, as follows:

(a) An estimated city income tax extension payment otherwise due on April 15, 2020 will instead be due on July 15, 2020.

(b) An estimated city income tax extension payment otherwise due on April 30, 2020 will instead be due on July 31, 2020.

8. Strict compliance with rules and procedures under sections 62 and 63 of the City Income Tax Act, MCL 141.662 and 141.663, is temporarily suspended so as to extend the deadline for all taxpayers required to pay estimated city income taxes in April 2020, as follows:

(a) An estimated city income tax payment otherwise due on April 15, 2020 will instead be due on July 15, 2020.

(b) An estimated city income tax payment otherwise due on April 30, 2020 will instead be due on July 31, 2020.

9. Strict compliance with rules and procedures under sections 64 and 82 of the City Income Tax Act, MCL 141.664 and 141.682, is temporarily suspended so as to ensure that penalties and interest for failure to file a city income tax return or failure to pay city income taxes are aligned with the extensions set forth in sections 6 to 8 of this order. Any applicable penalties and interest will not begin to accrue until July 16, 2020 for any remaining unpaid balances due on July 15, 2020, and will not begin to accrue until August 1, 2020 for any remaining unpaid balances due on July 31, 2020.

10. Strict compliance with rules and procedures under section 43 of the City Income Tax Act, MCL 141.643, is temporarily suspended so as to clarify that, except for a refund under MCL 141.661, interest at the rate established in MCL 205.30 will be added to a refund for an overpayment of taxes for tax year 2019 beginning 45 days after the claim for the refund is filed or 45 days after the date by which a return must be filed under section 6 of this order, whichever is later.

11. The extensions in this order are automatic. Taxpayers do not need to file any additional forms or call the Michigan Department of Treasury to qualify.

12. This order is effective immediately.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 27, 2020

Time: 4:51 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on March 30, 2020, and read:

EXECUTIVE ORDER
No. 2020-27

Conducting elections on May 5, 2020 using absent voter ballots

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders take steps to limit in-person contact. These critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings. To that end, it is reasonable and necessary to temporarily suspend rules and procedures relating

to the May 5, 2020 elections so that these elections may be conducted by absent voter ballot to the greatest extent possible. It also reasonable and necessary to suspend rules and procedures relating to the withdrawal of ballot proposals from the May 5, 2020 elections to better enable jurisdictions to move those elections to the August 4, 2020 election date.

From history and experience, when elections are held at polling locations, a large number of people often gather, increasing the risk of transmission of COVID-19. Section 641 of the Michigan Election Law, 1954 PA 116, as amended, MCL 168.641, provides for the May regular election to be held on May 5, 2020. Numerous school districts, counties, and other local governments have scheduled elections on May 5, 2020 with in-person voting at polling locations. At this time, conducting an in-person election would force voters and poll workers to be exposed to an unacceptably high risk of contracting or spreading COVID-19.

Because all registered electors in Michigan have the right to vote by absent voter ballot under section 4 of article 2 of the Michigan Constitution of 1963, conducting the May 5, 2020 elections by absent voter ballot provides a viable alternative to in-person voting at polling locations. Doing so permits Michigan voters to exercise their democratic rights while minimizing their exposure to the imminent and severe threat posed by COVID-19. And enabling jurisdictions to delay elections currently scheduled for May 5, 2020 where possible will further limit the disruption and harm caused by this pandemic.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. To protect the public health, safety, and welfare of this state and its residents, strict compliance with rules and procedures under chapter 28 of the Michigan Election Law (“Election Law”), 1954 PA 116, as amended, MCL 168.641 to 168.799a (conducting an election at a polling place) and under chapter 29 of the Election Law, MCL 168.801 to 168.813 (canvassing of the vote by inspectors of an election at a polling place) is temporarily suspended for elections on May 5, 2020, so that those elections may be conducted as specified in this order.

2. Elections on May 5, 2020 must be conducted to the greatest extent possible by absent voter ballots issued and submitted without in-person interaction. Each jurisdiction must maintain at least one (1) location on election day where any voter can appear in-person to receive and submit a ballot, including an individual with a disability that inhibits the individual from voting an absent voter ballot remotely. A local clerk, county clerk, or election administrator with an election on May 5, 2020 must immediately begin preparations to conduct that election primarily by mail, including the preparation of postage-prepaid absent voter ballot return envelopes for the return of voted ballots.

3. An individual possessing the qualifications of an elector under section 492 of the Election Law, MCL 168.492, who is not registered to vote but wants to register and vote in the May 5, 2020 election, is strongly encouraged to register online or by mail not later than Monday, April 20, 2020, and is strongly discouraged from going in-person to the office of the clerk of the township or city in which the individual resides to apply to register to vote. An individual can register to vote either online (by visiting mvc.sos.state.mi.us/registervoter) or by mail (using the form available at michigan.gov/documents/MIVoterRegistration_97046_7.pdf).

4. Notwithstanding section 3 of this order, an individual possessing the qualifications of an elector under section 492 of the Election Law, MCL 168.492, who is not registered to vote but wants to register and vote in the May 5, 2020 election after April 20, 2020, may apply to register to vote at the office of the clerk of the city or township in which the individual resides during any hours in which the clerk’s office is open, as provided in chapter 23 of the Election Law, MCL 168.491 to 168.530, and as provided in sections 5 and 6 of this order.

5. An individual seeking to register to vote in-person at the office of the clerk of the city or township in which the individual resides is strongly encouraged to contact the clerk’s office before doing so. To facilitate the timely processing of applications to register to vote and to minimize social interaction, beginning on April 21, 2020 and continuing through May 5, 2020, a township or city clerk may accept copies of applications to register to vote and residency verifications by mail, email, or facsimile for purposes of registration and verification by the clerk.

6. A clerk processing an in-person application to register to vote, any in-person voting in the clerk’s office, and any individuals in the clerk’s office must use best practices to mitigate the spread of COVID-19 and must comply with any applicable restrictions or requirements to that effect.

7. Any application to register to vote that is properly submitted beginning on the effective date of this order and continuing through May 5, 2020 by a voter residing in a jurisdiction holding an election on May 5, 2020 must also be considered a request for an absent voter ballot for the May 5, 2020 election.

8. Strict compliance with rules and procedures under section 646a of the Election Law, MCL 168.646a, is temporarily suspended for the limited purpose of permitting a political subdivision of this state that has certified a ballot question for placement on the ballot on May 5, 2020 to withdraw the ballot question. Removal of the question must be by the same method used by the local legislative body to certify the question to the ballot (such as by the adoption or rescission of a resolution or ordinance). If the county clerk is notified of the withdrawal by March 27, 2020, the ballot question must not be canvassed for the May 5, 2020 election. Ballot questions removed from a May 5, 2020 election may be submitted to voters at the August 4, 2020 or a later election date.

9. The Department of State may assist local clerks, county clerks, and election administrators with: the mailing of absent voter ballot applications with a postage-prepaid, pre-addressed return envelope to each registered voter within any jurisdiction conducting a May 5, 2020 election; the preparation of postage-prepaid absent voter ballot return envelopes; the coordination of county and state assistance in processing ballots; changes to election dates; and other local clerk functions to the extent local jurisdictions are unable to perform them.

10. This order is effective immediately.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 27, 2020

Time: 7:03 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on March 30, 2020, and read:

EXECUTIVE ORDER
No. 2020-28

Restoring water service to occupied residences during the COVID-19 pandemic

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and avoid needless deaths, it is crucial that all Michiganders remain in their homes or residences to the greatest extent possible and wash their hands thoroughly and regularly. Now more than ever, the provision of clean water to residences is essential to human health and hygiene, and to the public health and safety of this state. Correspondingly, many water utilities have already suspended water shutoffs during this difficult time. Due to the vital need to ensure that Michigan residents have access to clean water at home during the COVID-19 pandemic, it is reasonable and necessary to require the restoration of clean water to residences across the State of Michigan throughout this state of emergency. And because it is also vitally important for state government to have up-to-date and accurate information regarding access to clean water, it is reasonable and necessary to require public water supplies to report on the status of water service within their respective service areas.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. A public water supply must restore water service to any occupied residence where water service has been shut off due to non-payment, so long as the public water supply does not have reason to believe that reconnection would create a risk to public health (e.g., due to cross-contamination). To facilitate the restoration of water service, a public water supply must immediately make best efforts to determine which occupied residences within their service areas do not have water service. For purposes of this order, a public water supply’s “service area” means the area for which the public water supply collects payment for water service.

2. If a public water supply determines that any occupied residences within its service area have had water service shut off for any reason other than non-payment or that reconnection would create a risk to public health, it must make best efforts to remedy such conditions and restore water service to such occupied residences as soon as possible.

3. As soon as possible and no later than April 12, 2020, all public water supplies that have used water shutoffs as a remedy for non-payment within the last year must report to the State Emergency Operations Center regarding access to water in their service areas. The report must include:

(a) An account of what efforts have been made to determine which occupied residences within the public water supply’s service area do not have water service.

(b) The number of occupied residences within the public water supply’s service area that do not have water service as a result of a shutoff due to non-payment.

(c) The number of occupied residences within the public water supply’s service area that do not have water service as a result of any reason other than non-payment.

(d) A certification, if true, that best efforts have been exercised to determine which occupied residences within the service area do not have water service; that, to the best of the public water supply’s knowledge, no occupied residences have their water service shut off due to non-payment; that the public water supply has reconnected water service for all occupied residences that can be reconnected without creating a risk to public health; and that the public water supply has exercised best efforts to remedy the conditions that prevent reconnection due to a risk to public health.

4. If a public water supply submits a report under section 3 of this order that does not meet all of the requirements described in section 3, then the public water supply must submit a supplemental report every 30 days until it submits a report that meets all of section 3’s requirements.

5. Nothing in this order abrogates the obligation of a resident to pay for water, prevents a public water supply from charging any customer for water service, or reduces the amount a resident may owe to a public water supply.

6. This order is effective immediately and continues until the termination of the state of emergency under section 3 of Executive Order 2020-4.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 28, 2020

Time: 7:09 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on March 30, 2020, and read:

EXECUTIVE ORDER
No. 2020-29

Temporary COVID-19 protocols for entry into Michigan Department of Corrections facilities and transfers to and from Department custody; temporary recommended COVID-19 protocols and enhanced early-release authorization for county jails, local lockups, and juvenile detention centers

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders who work at or are incarcerated in prisons, county jails, local lockups, and juvenile detention centers across the state, it is reasonable and necessary to implement limited and temporary COVID-19-related protocols and procedures regarding entry into facilities operated by the Michigan Department of Corrections and transfers to and from the Department’s custody; to recommend limited and temporary COVID-19-related protocols and measures for county jails, local lockups, and juvenile detention centers; and to temporarily suspend certain rules and procedures to facilitate the implementation of those recommendations.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The Michigan Department of Corrections (the “Department”) must continue to implement risk reduction protocols to address COVID-19 (“risk reduction protocols”), which the Department has already developed and implemented at the facilities it operates and which include the following:

(a) Screening all persons arriving at or departing from a facility, including staff, incarcerated persons, vendors, and any other person entering the facility, in a manner consistent with guidelines issued by the Centers for Disease Control and Prevention (“CDC”). Such screening includes a temperature reading and obtaining information about travel and any contact with persons under investigation for COVID-19 infection.

(b) Restricting all visits, except for attorney-related visits, and conducting those visits without physical contact to the extent feasible.

(c) Limiting off-site appointments for incarcerated persons to only appointments for urgent or emergency medical treatment.

(d) Developing and implementing protocols for incarcerated persons who display symptoms of COVID-19, including methods for evaluation and processes for testing, notification of the Department of Health and Human Services (“DHHS”), and isolation during testing, while awaiting test results, and in the event of positive test results. These protocols should be developed in consultation with local public health departments.

(e) Notifying DHHS of any suspected case that meets the criteria for COVID-19 through communication with the applicable local public health department.

(f) Providing, to the fullest extent possible, appropriate personal protective equipment to all staff as recommended by the CDC.

(g) Conducting stringent cleaning of all areas and surfaces, including frequently touched surfaces (such as doorknobs, handles, light switches, keyboards, etc.), on a regular and ongoing basis.

(h) Ensuring access to personal hygiene products for incarcerated persons and correctional staff, including soap and water sufficient for regular handwashing.

(i) Ensuring that protective laundering protocols are in place.

(j) Posting signage and continually educating on the importance of social distancing, handwashing, and personal hygiene.

(k) Practicing social distancing in all programs and classrooms—meaning a distance of at least six feet between people in any meeting, classroom, or other group.

(l) Minimizing crowding, including interactions of groups of 10 or more people, which may include scheduling more times for meal and recreation to reduce person-to-person contact.

2. To mitigate the risk of COVID-19 spreading in county jails, strict compliance with the capacity and procedural requirements regarding county jail overcrowding states of emergency in the County Jail Overcrowding Act (“CJOA”), 1982 PA 325, MCL 801.51 *et seq.*, is temporarily suspended. While this order is in effect, all actions that would be authorized under the CJOA in the event of a declaration of a county jail overcrowding state of emergency are authorized and shall remain authorized without regard to any reduction in jail population or any other such limitations on the duration of authorization imposed by the CJOA.

3. Anyone authorized to act under section 2 of this order is strongly encouraged to consider early release for all of the following, so long as they do not pose a public safety risk:

(a) Older people, people who have chronic conditions or are otherwise medically frail, people who are pregnant, and people nearing their release date.

(b) Anyone who is incarcerated for a traffic violation.

(c) Anyone who is incarcerated for failure to appear or failure to pay.

(d) Anyone with behavioral health problems who can safely be diverted for treatment.

4. Effective immediately, all transfers into the Department’s custody are temporarily suspended. Beginning seven (7) days from the effective date of this order, and no more than once every seven (7) days, a county jail or local lockup may request that the director of the Department determine that the jail or lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order. Upon inspection, if the director of the Department determines that a county jail or local lockup has satisfactorily implemented risk reduction protocols, transfers from that jail or lockup will resume in accordance with the Department’s risk reduction protocols. The director of the Department may reject transfers that do not pass the screening protocol for entry into a facility operated by the Department.

5. Parole violators in the Department’s custody must not be transported to or lodged in a county jail or local lockup unless the director of the Department has determined that such county jail or local lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order.

6. The State Budget Office must immediately seek a legislative transfer so that counties may be reimbursed for lodging incarcerated persons that would have been transferred into the Department’s custody if not for the suspension of transfers described in section 4 of this order.

7. Juvenile detention centers are strongly encouraged to reduce the risk that those at their facilities will be exposed to COVID-19 by implementing as feasible the following measures:

(a) Removing from the general population any juveniles who have COVID-19 symptoms.

(b) Eliminating any form of juvenile detention or residential facility placement for juveniles unless a determination is made that a juvenile is a substantial and immediate safety risk to others.

(c) Providing written and verbal communications to all juveniles at such facilities regarding COVID-19, access to medical care, and community-based support.

(d) To the extent feasible, facilitating access to family, education, and legal counsel through electronic means (such as telephone calls or video conferencing) at no cost, rather than through in-person meetings.

8. Unless otherwise directed by court order, for juveniles on court-ordered probation, the use of out-of-home confinement for technical violations of probation and any requirements for in-person meetings with probation officers are temporarily suspended.

9. This order is effective immediately and continues through April 26, 2020 at 11:59 p.m.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 29, 2020

Time: 7:23 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on March 30, 2020, and read:

EXECUTIVE ORDER
No. 2020-30

Temporary relief from certain restrictions and requirements governing the provision of medical services

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may

implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

Responding effectively to the urgent and steep demands created by the COVID-19 pandemic will require the help of as many health care professionals as possible, working in whatever capacities are appropriate to their respective education, training, and experience. To ensure health care professionals and facilities are fully enabled to provide the critical assistance and care needed by this state and its residents during this unprecedented emergency, it is reasonable and necessary to provide limited and temporary relief from certain restrictions and requirements governing the provision of medical services.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Any and all provisions in Article 15 of the Public Health Code, 1978 PA 368, as amended, MCL 333.16101 *et seq.*, relating to scope of practice, supervision, and delegation, are temporarily suspended, in whole or part, to the extent necessary to allow licensed, registered, or certified health care professionals to provide, within a designated health care facility at which the professional is employed or contracted to work, medical services that are necessary to support the facility’s response to the COVID-19 pandemic and are appropriate to the professional’s education, training, and experience, as determined by the facility in consultation with the facility’s medical leadership.

(a) Medical services may be provided under this section without supervision from a licensed physician, without regard to a written practice agreement with a physician, and without criminal, civil, or administrative penalty related to a lack of supervision or to the lack of such agreement.

(b) The suspensions of Article 15 under this section include, but are not limited to, the following:

(1) Parts 170, 175, and 180, and related provisions of the Public Health Code, as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit physician assistants to provide medical services appropriate to the professional’s education, training, and experience, without a written practice agreement with a physician and without criminal, civil, or administrative penalty related to a lack of such agreement.

(2) Parts 170, 172, and 175, and related provisions of the Public Health Code, as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit advanced practice registered nurses, as defined in MCL 333.17201 and including nurse anesthetists, to provide medical services appropriate to the professional’s education, training, and experience, without physician supervision and without criminal, civil, or administrative penalty related to a lack of such supervision.

(3) Parts 170, 172, and 175, and related provisions of the Public Health Code, as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit registered nurses and licensed practical nurses to order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing.

(4) Part 172 and related provisions of the Public Health Code, as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit licensed practical nurses to provide medical services appropriate to the professional’s education, training, and experience, without registered nurse supervision and without criminal, civil, or administrative penalty related to a lack of such supervision.

(5) Part 177 and related provisions of the Public Health Code, as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit licensed pharmacists to provide care for routine health maintenance, chronic disease states, or similar conditions, as appropriate to the professional’s education, training, and experience, without physician supervision and without criminal, civil, or administrative penalty related to a lack of such supervision.

(c) Nothing in this section diminishes the ability of unlicensed health care professionals to practice in Michigan under MCL 333.16171, which provides certain exceptions to licensure and which remains in full force and effect.

2. Notwithstanding any law, regulation, or executive order to the contrary, and without the need for a clinical affiliation agreement, a designated health care facility is temporarily authorized:

(a) To allow students who are enrolled in programs to become licensed, registered, or certified health care professionals to volunteer or work within the facility in whatever roles that are necessary to support the facility’s response to the COVID-19 pandemic and are appropriate to the student’s education, training, and experience, as determined by the facility in consultation with the facility’s medical leadership.

(b) To allow medical students, physical therapists, and emergency medical technicians to volunteer or work within the facility as “respiratory therapist extenders” under the supervision of physicians, respiratory therapists, or advanced practice registered nurses. Such extenders may assist respiratory therapists and other health care professionals in the operation of ventilators or related devices. Nothing in this section shall be

taken to preclude such extenders from providing any other services that are necessary to support the facility's response to the COVID-19 pandemic and are appropriate to their education, training, and experience, as determined by the facility in consultation with the facility's medical leadership.

3. Any and all provisions in Article 15 of the Public Health Code are temporarily suspended, in whole or part, to the extent necessary to allow health care professionals licensed and in good standing in any state or territory in the United States to practice in Michigan without criminal, civil, or administrative penalty related to lack of licensure. A license that has been suspended or revoked is not considered a license in good standing, and a licensee with pending disciplinary action is not considered to have a license in good standing. Any license that is subject to a limitation in another state is subject to the same limitation in this state.

4. Notwithstanding any law, regulation, or executive order to the contrary, any drug manufacturer or wholesale distributor of prescription drugs licensed in another state whose license is in good standing is temporarily authorized to distribute and ship controlled substances into Michigan to a hospital or to a licensed manufacturer or wholesale distributor under MCL 333.17748. A license that has been suspended or revoked is not considered a license in good standing, and a licensee with pending disciplinary action is not considered to have a license in good standing. Any license that is subject to a limitation in another state is subject to the same limitation in this state.

5. Notwithstanding any law or regulation to the contrary, a designated health care facility is temporarily authorized to use qualified volunteers or qualified personnel affiliated with other designated health care facilities, and to adjust the scope of practice of these volunteers or personnel under section 1 or 2 of this order as if the volunteers or personnel were affiliated with the facility. This section is subject to any terms and conditions that may be established by the director of the Department of Health and Human Services.

6. Any unlicensed volunteers or students at a designated health care facility who perform activities in support of this state's response to the COVID-19 pandemic constitute personnel of a disaster relief force under section 11 of the Emergency Management Act, MCL 30.411, and, with respect to such activities, are entitled to the same rights and immunities as provided by law for the employees of this state, as provided under MCL 30.411(1)(c).

7. Consistent with MCL 30.411(4), any licensed health care professional or designated health care facility that provides medical services in support of this state's response to the COVID-19 pandemic is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained, unless it is established that such injury or death was caused by the gross negligence, as defined in MCL 30.411(9), of such health care professional or designated health care facility.

8. Any law or regulation is temporarily suspended to the extent that it requires for any health care professional, as a condition of licensure, certification, registration, or the renewal of a license, certification, or registration:

(a) An exam, to the extent that the exam's administration has been canceled while the emergency declaration is in effect.

(b) Fingerprinting, to the extent that, in the judgment of the director of the Department of Licensing and Regulatory Affairs, locations to have fingerprints taken are substantially unavailable on account of closures arising from the COVID-19 pandemic.

(c) Continuing education while the emergency declaration is in effect.

9. For individuals who hold professional certifications in basic life support, advanced cardiac life support, or first aid, such certifications shall continue to remain in effect while the emergency declaration is in effect, even if they are otherwise due to expire during the emergency.

10. For telecommunicators and trainee telecommunicators who are employed by primary public safety answering points, any deadlines for completing training modules or continuing education under Rules 484.803, 484.804, and 484.805 of the Michigan Administrative Code are suspended for 60 days.

11. Any law or regulation is temporarily suspended to the extent that it requires employee fingerprinting as a condition of licensure and certification for hospitals, nursing homes, county medical care facilities, or psychiatric hospitals.

12. For purposes of this order, "designated health care facility" means the following facilities, including those which may operate under shared or joint ownership:

(a) The entities listed in section 20106(1) of the Public Health Code, MCL 333.20106(1).

(b) State-owned surgical centers.

(c) State-operated outpatient facilities.

(d) State-operated veterans facilities.

(e) Entities used as surge capacity by any of the entities listed in subsections (a)-(d) of this section.

13. This order is effective immediately and continues until the end of the declared emergency. Given under my hand and the Great Seal of the State of Michigan.

Date: March 29, 2020

Time: 7:29 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 2, 2020, and read:

EXECUTIVE ORDER
No. 2020-31

Temporary relief from standard vapor pressure restrictions on gasoline sales

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the impact of the COVID-19 pandemic on the health and safety of this state and its residents, it is crucial that all travel and in-person work in Michigan be limited to as great an extent as possible. It is also crucial that the supplies necessary to support the critical functions of this state that must carry on during this crisis, including gasoline, remain adequately available. To that end, it is reasonable and necessary to provide limited and temporary relief from certain vapor pressure requirements applicable to the sale of gasoline in Michigan. As result of changed behavior in response to COVID-19, there is currently an unexpected oversupply of higher volatility winter-blend gasoline, which cannot be sold as of April 1, 2020 under standard vapor pressure requirements. Temporarily extending the period of time during which the winter-blend gasoline can be sold will enable distributors to safely shift to a lower volatility gasoline supply with as little in-person work and travel as possible, while also ensuring that this state maintains a reliable supply of gasoline adequate to meet its critical needs during this emergency.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Rule 4(g) of Regulation No. 564, promulgated by the Laboratory Division of the Department of Agriculture and Rural Development, 1987 AACRS, as amended, R 285.564.4(g) of the Michigan Administrative Code, is temporarily suspended.
2. The Department of Agriculture and Rural Development shall coordinate state compliance with this order.
3. This order is effective immediately and continues through May 31, 2020.

Date: March 30, 2020

Time: 2:38 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 2, 2020, and read:

EXECUTIVE ORDER
No. 2020-32

Temporary restrictions on non-essential veterinary services

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To suppress the transmission of COVID-19, it is crucial to limit in-person contact to the greatest extent possible. While there is currently no evidence that common pets can transmit COVID-19, the provision of veterinary services in-person nonetheless presents the risk of that the virus will be spread from person to person. Furthermore, the provision of veterinary services entails the use of health care resources, such as personal protective equipment, that are in immediate and critically high demand as a result of this pandemic. Accordingly, to mitigate the spread of COVID-19, protect the public health, provide essential protections to vulnerable Michiganders, and ensure the availability of critical health care resources, it is reasonable and necessary to impose temporary restrictions on the in-person provision of non-essential veterinary services.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Beginning as soon as possible but no later than March 31, 2020 at 5:00 p.m., and continuing while the declared emergency is in effect, all veterinary facilities must implement a plan to temporarily postpone all in-person non-essential veterinary services until the declared emergency has ended (“plan”).
2. A plan must provide that all veterinary services, essential and non-essential, must be performed by telemedicine to the fullest extent possible while the declared emergency is in effect. If a non-essential service cannot be performed by telemedicine, a plan must require that it be postponed. If an essential service cannot be performed by telemedicine, a plan need not postpone it and may allow it to be performed in person.
3. A veterinary facility must comply with the restrictions contained in its plan.
4. For purposes of this order:
 - (a) “Non-essential veterinary services” means all veterinary services other than those that are:
 - (1) necessary to preserve the life of a pet, as determined by a licensed veterinarian;
 - (2) necessary to treat serious pain that threatens the health and safety of a pet, as determined by a licensed veterinarian;
 - (3) necessary to euthanize a pet, as determined by a licensed veterinarian; or
 - (4) necessary to treat or prevent the transmission of any infectious disease that can be transmitted between animals and human beings, as determined by a licensed veterinarian.
 - (b) “Pet” means any domestic animal not raised for food or fiber.
5. Nothing in this order shall be construed to prohibit any medically indicated vaccination of any animal. Nothing in this order alters any obligation of an owner of an animal to vaccinate their animal as required by law or regulation.
6. This order does not alter any of the obligations under law of a veterinary facility to its employees or to the employees of another employer.
7. The director of the Department of Licensing and Regulatory Affairs shall issue orders or directives pursuant to law as necessary to enforce this order.

8. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor. Given under my hand and the Great Seal of the State of Michigan.

Date: March 30, 2020

Time: 2:41 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 1, 2020, and read:

EXECUTIVE ORDER
No. 2020-33

Expanded emergency and disaster declaration

On March 10, 2020, I issued Executive Order 2020-4, which declared a state of emergency in Michigan to address the COVID-19 pandemic. This new disease, caused by a novel coronavirus not previously identified in humans, can easily spread from person to person and can result in serious illness or death. There is currently no approved vaccine or antiviral treatment.

Scarcely three weeks later, the virus has spread across Michigan. To date, the state has 9,334 confirmed cases of COVID-19 and 337 people have died of the disease. Many thousands more are infected but have not been tested. Hospitals in Oakland, Macomb, Wayne, and Washtenaw counties are reporting that they are full or nearly full to capacity. Ventilators and personal protective equipment are in short supply and high demand. Michigan needs more medical personnel than are currently available to care for COVID-19 patients. Dormitories and a convention center are being converted to temporary field hospitals.

The best way to slow the spread of COVID-19 is for people to stay home and keep their distance from others. To that end, and pursuant to the recommendations of public health experts, I have restricted access to places of public accommodation and school buildings in Executive Orders 2020-20 and 2020-11, respectively. And in Executive Order 2020-21, I have limited gatherings and travel, and have required all workers who are not necessary to sustain or protect life to remain at home.

Social distancing, though necessary to combat COVID-19, has harsh economic consequences. Almost overnight, businesses and government agencies have had to dramatically adjust how they work. Where working from home is not possible, businesses have closed or significantly restricted their normal operations. Michiganders are losing their jobs in record numbers: over the past two weeks alone, nearly a half-million of them submitted claims for unemployment insurance. That is more claims than were filed in the entirety of the prior calendar year.

The economic damage—already severe—will compound with time. On March 19, 2020, economists at the University of Michigan forecasted that as many as 1 in 10 Michiganders could be unemployed by the fall and that economic sectors that feature substantial social interaction could contract by as much as 50%. As a result, many families in Michigan will struggle to pay their bills or even put food on the table.

My administration has already taken aggressive measures to mitigate the economic harms of this pandemic. In Executive Order 2020-18, we placed strict rules on businesses to prevent price gouging. In Executive Order 2020-19, we put a temporary hold on evictions for families that cannot make their rent. And in Executive Order 2020-24, we expanded eligibility for unemployment benefits.

Nonetheless, the COVID-19 pandemic has disrupted and will continue to disrupt our economy, our homes, and our educational, civic, social, and religious institutions. School closures have made it harder to educate our children and have increased strain on parents, many of whom continue to work from home. The closure of museums and theaters will limit people's ability to enrich themselves through the arts. And curtailing gatherings has left many seeking new ways to connect with their community during these challenging times.

The health, economic, and social harms of the COVID-19 pandemic are widespread and severe, and they demand we do more.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

The Emergency Management Act, 1976 PA 390, as amended, MCL 30.403(3)-(4), provides that “[t]he governor shall, by executive order or proclamation, declare a state of emergency” and/or a “state of disaster” upon finding that an emergency and/or disaster has occurred or is threatening to occur.

The Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31(1), provides that “[d]uring times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the state . . . the governor may proclaim a state of emergency and designate the area involved.”

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. A state of emergency and a state of disaster are both declared across the State of Michigan.
2. The Emergency Management and Homeland Security Division of the Department of State Police must coordinate and maximize all state efforts that may be activated to state service to assist local governments and officials and may call upon all state departments to utilize available resources to assist.
3. The state of emergency and the state of disaster will terminate when emergency and disaster conditions no longer exist and appropriate programs have been implemented to recover from any effects of the statewide emergency and disaster, consistent with the legal authorities upon which this declaration is based and any limits imposed by those authorities, including section 3 of the Emergency Management Act, 1976 PA 390, as amended, MCL 30.403.

4. Executive Order 2020-4 is rescinded and replaced. All previous orders that rested on Executive Order 2020-4 now rest on this order.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 1, 2020
Time: 3:30 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 2, 2020, and read:

EXECUTIVE ORDER
No. 2020-34

Temporary restrictions on veterinary services

Rescission of Executive Order 2020-32

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To suppress the transmission of COVID-19, it is crucial to limit in-person contact and services to the greatest extent possible. Veterinary services are no exception; while their focus is the care of animals, the provision of these services in-person nonetheless risks spreading the virus from person to person. Furthermore, the provision of veterinary services entails the use of health care resources, such as personal protective equipment, that are in immediate and critically high demand as a result of this pandemic. Accordingly, to mitigate the spread of COVID-19, protect the public health, provide essential protections to vulnerable Michiganders, and ensure the availability of critical health care resources, it is reasonable and necessary to impose temporary restrictions on the in-person provision of veterinary services.

Executive Order 2020-32 imposed such restrictions. This order adjusts and clarifies their scope. With this order, Executive Order 2020-32 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Beginning as soon as possible but no later than April 2, 2020 at 5:00 p.m., and continuing while the declared emergency is in effect, all veterinary facilities must implement a plan to temporarily postpone all in-person non-essential veterinary services until the declared emergency has ended (“plan”).

2. A plan must provide that all veterinary services, essential and non-essential, must be performed by telemedicine to the fullest extent possible while the declared emergency is in effect. If a non-essential service cannot be performed by telemedicine, a plan must require that it be postponed. If an essential service cannot be performed by telemedicine, a plan need not postpone it and may allow it to be performed in person.

3. A plan must require that, in performing veterinary services, the use of personal protective equipment that could be used for the care of humans must be minimized to the fullest extent possible while the declared emergency is in effect.

4. A veterinary facility must comply with the restrictions contained in its plan.

5. For purposes of this order, “non-essential veterinary services” means all nonagricultural veterinary services other than those that are:

(1) necessary to preserve the life of an animal, as determined by a licensed veterinarian;

(2) necessary to treat serious pain that threatens the health and safety of an animal, as determined by a licensed veterinarian;

(3) necessary to euthanize an animal, as determined by a licensed veterinarian; or

(4) necessary to treat or prevent the transmission of any infectious disease that can be transmitted between animals and human beings, as determined by a licensed veterinarian.

6. Nothing in this order shall be construed to prohibit any medically indicated vaccination of any animal. Nothing in this order alters any obligation of an owner of an animal to vaccinate their animal as required by law or regulation.

7. This order does not alter any of the obligations under law of a veterinary facility to its employees or to the employees of another employer.

8. The director of the Department of Licensing and Regulatory Affairs shall issue orders or directives pursuant to law as necessary to enforce this order.

9. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

10. Executive Order 2020-32 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 2, 2020

Time: 7:09 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 2, 2020, and read:

EXECUTIVE ORDER
No. 2020-35

Provision of K-12 education during the remainder of the 2019-2020 school year

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

The COVID-19 pandemic has already required, among other things, the closure of elementary and secondary schools throughout the state. Given virus's aggressively persistent spread and potentially fatal consequences, in-person instruction in our schools is too dangerous to resume in the near future, and very likely for the remainder of the 2019-2020 school year. Nonetheless, as section 1 of article 8 of the Michigan Constitution provides, "schools and the means of education shall forever be encouraged." In the face of this pandemic, the education of K-12 students must continue as fully and effectively as possible. While there is no substitute for a highly trained and experienced teacher interacting with students in a classroom, schools must continue to provide, and students must continue to receive, the highest level of educational opportunities possible under the difficult circumstances now before us. To do so, schools and students alike must be enabled to innovate and adapt, and those efforts must not be unduly inhibited by requirements or restrictions that are misplaced in this time of unprecedented crisis.

Accordingly, to mitigate the spread of COVID-19, protect the health and safety of this state and its residents, and ensure the ongoing encouragement of education enshrined in this state's constitution, it is reasonable and necessary to temporarily suspend in-person instruction of K-12 students and provide limited and temporary relief from certain restrictions and requirements so that K-12 education may continue by the best alternative means possible.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

I. Suspension of in-person K-12 instruction for the remainder of 2019-2020 school year

A. Except as provided in section III of this order, in-person instruction for pupils in kindergarten through grade 12 ("K-12") is suspended for the remainder of the 2019-2020 school year and school buildings used for the provision of K-12 education must remain closed for the purpose of providing K-12 education in person for the remainder of the 2019-2020 school year, unless restrictions on public gatherings and use of school buildings are lifted before the end of the 2019-2020 school year. K-12 school sports activities and other in-person extracurricular school activities are suspended while any state of emergency or state of disaster prompted by COVID-19 is in effect. This section I.A applies to all public, nonpublic, and boarding schools in the state.

B. For a district implementing a Continuity of Learning and COVID-19 Response Plan ("Plan") pursuant to section II of this order, all of the following apply:

1. Strict compliance with rules and procedures under subdivisions (d) to (f) of subsection (3) of section 101 of the State School Aid Act of 1979 ("School Aid Act"), 1979 PA 94, as amended, MCL 388.1701(3)(d) to (f), is temporarily suspended for the period beginning on March 11, 2020 and ending on

the last day of the 2019-2020 school year, so as to waive any requirement that a district have a minimum number of the district's membership in attendance on any day of pupil instruction and waive any requirement that a district report the percentage of the district's membership in attendance to the Department of Education ("Department").

2. Strict compliance with rules and procedures under sections 101(3)(a), 101(3)(b), 101(4), 101(6), and 101(10) of the School Aid Act, MCL 388.1701(3)(a), 388.1701(3)(b), 388.1701(4), 388.1701(6), and 388.1701(10), requiring a district to provide at least 1,098 hours and 180 days of pupil instruction, is temporarily suspended so as to provide for the following additional exceptions to the requirement to provide at least 1,098 hours and 180 days of pupil instruction that must be counted as hours and days of pupil instruction:

(a) In addition to counting as hours and days of pupil instruction under section 101(4) of the School Aid Act, MCL 388.1701(4), the first six days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, the Department shall count up to 13 additional days or the equivalent number of hours for which pupil instruction is not provided due to a closure of schools pursuant to an executive order issued by the governor in response to the COVID-19 state of emergency and/or state of disaster.

(b) Under section 101(10) of the School Aid Act, MCL 388.1701(10), a district also may count an additional five days or the equivalent number of hours used for the purpose of preparing to provide and providing instruction by alternative modes of instruction pursuant to a Plan as days or an equivalent number of hours of pupil instruction.

3. Strict compliance with rules and procedures under section 101(9) of the School Aid Act, MCL 388.1701(9), is temporarily suspended so as to permit a district that has a Department-approved alternative education program or another innovative program approved by the Department under MCL 388.1701(9) and that does not use a 100% online model of delivery approved before the effective date of this order to use the additional exceptions provided for in section I.B.2 of this order in satisfying the number of days and hours of instruction required under a waiver granted by the Department under section 101(9).

4. Strict compliance with rules and procedures under section 101(9) of the School Aid Act, MCL 388.1701(9), is temporarily suspended so as to waive the minimum number of hours and days of pupil instruction required under section 101(3) of the School Aid Act, MCL 388.1701(3), for any district with a Plan approved under section II of this order. A district with a Plan approved under section II of this order will be considered to be operating a Department-approved alternative education program or another innovative program approved by the Department for the remainder of the 2019-2020 school year only. A district with a Plan approved under section II of this order is not subject to forfeiture of money under section 101 of the School Aid Act, MCL 388.1701. If the district does not comply substantially with the terms of the Plan, the amount of any forfeiture under MCL 388.1701 will be calculated based upon a comparison of the number of hours and days of pupil instruction provided to the minimum number of hours and days of pupil instruction required under MCL 388.1701(3), as affected by this order. A district with a Plan approved under section II of this order is not required to report to the Center the pupils enrolled in a Department-approved alternative education program under MCL 388.1701(9).

C. A school of excellence that is a cyber school, as defined in section 551 of the Revised School Code ("School Code"), 1976 PA 451, as amended, MCL 380.551, and is in compliance with section 553a of the School Code, MCL 380.553a, may continue to educate pupils in a manner consistent with section I.A of this order, and continues to be exempt from the requirements of subsections (3) and (8) of section 101 of the School Aid Act, MCL 388.1701(3) and (8).

D. If before March 11, 2020, a district was providing nonessential elective courses to nonpublic school and/or homeschool pupils at either a district, intermediate district, or nonpublic school site pursuant to section 166b of the School Aid Act, MCL 388.1766b, and is able to continue to offer the nonessential elective courses through alternative modes of instruction, then the district may, to the extent feasible, provide for such courses in its Plan and continue to offer the nonessential elective courses to nonpublic school and/or homeschool pupils through alternative modes of instruction for the remainder of the 2019-2020 school year.

E. Nothing in this order alters the inapplicability of subsections (3) and (8) of section 101 of the School Aid Act, MCL 380.1701(3) and (8), to eligible pupils enrolled in a dropout recovery program that meets the requirements of section 23a of the School Aid Act, MCL 388.1623a. As used in this section I.E, "eligible pupil" means that term as defined in MCL 388.1623a.

F. The approval of the Superintendent of Public Instruction ("Superintendent") or the Department is not required for a district to make use of a waiver provided for under section I.B of this order.

G. Strict compliance with rules and procedures under section 6(7)(b) of the School Aid Act, MCL 388.1606(7)(b), is temporarily suspended to eliminate the requirement during the 2019-2020 school year for a district or intermediate district maintaining school during the entire school year to use the fourth Wednesday in April as a pupil membership count day.

H. Strict compliance with rules and procedures under sections 1284 and 1284a of the School Code, MCL 380.1284 and 380.1284a, is temporarily suspended as necessary to facilitate implementation of this section I.

I. Strict compliance with rules and procedures under 104b(4)(b) of the School Aid Act, MCL 388.1704b(4)(b), is temporarily suspended as necessary to permit a district to include each day that a pupil is deemed in attendance under this section I or pursuant to a Plan under section II of this order as a day the pupil was in attendance at school during the 2019-2020 school year for purposes of MCL 388.1704b(4)(b).

II. Continuity of Learning and COVID-19 Response Plans

A. By April 3, 2020, the Department, in collaboration with the Michigan Association of Intermediate School Administrators and the Michigan Council of Charter School Authorizers, shall develop and distribute a model template for a Plan provided for in this section II.

B. A Plan must include all of the following elements and be consistent with the requirements of this order:

1. A description of the methods a district will use to provide alternative modes of instruction other than in-person instruction and a summary of materials each pupil and the pupil's parents or guardians will need to meaningfully access the alternative modes of instruction included in the Plan. If the Plan relies on electronic instruction, the Plan must ensure to the extent feasible that pupils have access to a connected device capable of accessing the electronic instruction and must not penalize a pupil for the pupil's inability to fully participate.

2. A description of the methods a district will use to keep pupils at the center of educational activities, including outreach to continue building relationships and maintain connections, and to help pupils feel safe and valued.

3. A description of plans to deliver content in multiple ways so that all pupils can access learning.

4. A description of plans to manage and monitor learning by pupils.

5. A budget outline estimating additional expenditures associated with the Plan and sources of revenue to pay for those expenditures.

6. A description of the manner in which district administrators, board members, teachers, and any representatives of teachers collaborated in development of the Plan.

7. A description of methods the district will use to notify pupils and parents or guardians of the Plan.

8. A best estimate of the date on which the district will begin implementation of the Plan, which must be no later than April 28, 2020.

9. Provide for assistance, to the extent feasible, to pupils enrolled in any postsecondary dual enrollment courses under the Postsecondary Enrollment Options Act, 1996 PA 160, as amended, MCL 388.511 to 388.524, and the Career and Technical Preparation Act, 2000 PA 258, as amended, MCL 388.1901 to 388.1913, in completing the courses during the 2019-2020 school year.

10. Provide or arrange for continuation of food distribution to eligible pupils.

11. Continue to pay school employees while redeploying staff to provide meaningful work in the context of the Plan, subject to any applicable requirements of a collective bargaining agreement.

12. Provide for evaluation of participation in the Plan by pupils.

13. Provide mental health supports to pupils affected by a state of emergency or state of disaster prompted by COVID-19.

14. Provide for the district to support the efforts of the intermediate district in which the district is located to mobilize disaster relief child care centers as described in Executive Order 2020-16 or any executive order that may follow it.

C. A Plan may provide for the adoption of a balanced calendar instructional program for the remainder of the 2019-2020 school year and planning for the adoption of a balanced calendar instructional program for the 2020-2021 school year.

D. A district may contract with one or more providers for implementation of a Plan.

E. If a district lacks the capacity to implement a Plan on its own, a district may partner with one or more other districts or intermediate districts. A district may enter into one or more cooperative agreements under section 11a(4) of the School Code, MCL 380.11a(4), to provide for implementation of a Plan.

F. For a district that is not a public school academy, the district's Plan must be approved by the intermediate superintendent of the intermediate district in which the district is located. For a district that is a public school academy, the district's Plan must be approved by the authorizing body of the public school academy or the authorizing body's designee for the purpose of administering contracts with public school academies. For a public school academy that by agreement provides public educational services for the residents of a district that does not directly provide public educational services to the residents on its own, the public school academy's Plan must be approved by the intermediate superintendent of the intermediate district in which the public school academy is located. If an intermediate district educates K-12 students, the intermediate district may adopt a Plan for those activities and implement the Plan once adopted. A school of excellence that is a cyber school, as defined in section 551 of the School Code, MCL 380.551, and is in compliance with section 553a of the School Code, MCL 380.553a, may continue to educate pupils under its charter contract which will be that school's Plan.

G. An intermediate district or an authorizing body shall approve a Plan submitted by a district if the Plan complies with the requirements of this section II and if the intermediate district or authorizing body believes the Plan represents a good-faith effort to provide adequate alternative modes of instruction given the limitations resulting from the COVID-19 pandemic and accompanying response efforts. Intermediate districts and authorizing bodies must allow for flexibility and presume that a Plan submitted by a district will be implemented to the best of the district's ability.

H. Intermediate districts and authorizing bodies shall transmit copies of approved Plans to the Superintendent and to the State Treasurer. If a district or intermediate district maintains a public internet site, the district or intermediate district shall post its approved Plan on the internet site.

I. An intermediate district may enter into a cooperate agreement with one or more other intermediate districts for the purpose of reviewing and approving Plans under this order.

J. An intermediate district or authorizing body that reviews and approves or disapproves Plans on its own or with others pursuant to this section II will be eligible for any additional funding appropriated to support these activities. An intermediate district or authorizing body that does not review and approve or disapprove Plans will not be eligible for any additional funding appropriated.

K. Intermediate districts and authorizing bodies must be prepared to review and approve or reject Plans beginning on April 8, 2020.

L. A district with an approved Plan is eligible to receive continued payments from the State School Aid Fund for the 2019-2020 school year.

M. A district that is not a public school academy may amend its Plan with the approval of the intermediate superintendent of the intermediate district in which the school district is located. A district that is a public school academy may amend its Plan with the approval of its authorizing body or its designee. For a public school academy that by agreement provides public educational services for the residents of a district that does not directly provide public educational services to the residents on its own, the public school academy's Plan may be amended with the approval of the intermediate superintendent of the intermediate district in which the public school academy is located.

N. Decisions regarding the awarding of credit, the issuance of grades, and the use of pass or fail designations will be made at the district level by districts with due recognition of the impact of the COVID-19 pandemic.

O. State-approved nonpublic schools and parents and guardians homeschooling students are encouraged to do all of the following:

1. Offer all students electronic, other remote, or home-based instruction, to the extent feasible, for the remainder of the 2019-2020 school year, including course offerings provided by the Michigan Virtual School.

2. Coordinate with districts providing nonessential elective courses under section 166b of the School Aid Act, MCL 388.1766b, to any of their students for the remainder of the 2019-2020 school year.

3. Assist eligible nonpublic school students to complete postsecondary dual enrollment courses, to the extent feasible, under the Postsecondary Enrollment Options Act, 1996 PA 160, as amended, MCL 388.511 to 388.524, and the Career and Technical Preparation Act, 2000 PA 258, as amended, MCL 388.1901 to 388.1913.

4. Take actions necessary to continue to receive any federal funding previously allocated in a manner consistent with applicable federal law.

III. District employees permitted in district buildings

A. Notwithstanding the closure of school buildings under Executive Order 2020-11 or any executive order that may follow it, district employees or contractors necessary to conduct minimum basic school operations consistent with a Plan, including those employers or contractors necessary to facilitate alternative modes of instruction, such as distributing materials and equipment, or performing other necessary in-person functions, are permitted to be physically present in district buildings, as determined by district administrators. District employees and contractors performing these functions are considered to be performing necessary government activities for purposes of Executive Order 2020-21 or any executive order that may follow it. Districts must adopt social distancing practices and other mitigation measures to protect district employees and contractors, including all of the following:

1. Restricting the number of employees and contractors present in a district building to no more than is strictly necessary to perform the activities authorized by this section III.

2. Promoting remote work to the fullest extent possible.

3. Keeping employees and contractors in a district building at least six feet from one another to the maximum extent possible.

4. Increasing standards of district building cleaning and disinfection to limit employee and contractor exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in a district building.

5. Adopting policies to prevent employees and contractors from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have contracted COVID-19.

6. Any other social distancing practices and mitigation measures relating to COVID-19 recommended by the Centers for Disease Control and Prevention.

B. A district may permit parents and guardians of pupils to visit school property for the purpose of obtaining materials and equipment pursuant to a Plan and using the same social distancing and other mitigation measures required for district employees and contractors under section III.A. Parents or guardians leaving their homes or residences for this purpose are considered to be obtaining necessary services or supplies for purposes of Executive Order 2020-21 or any executive order that may follow it.

C. Any child care workers at a child care located within a district building (including workers at disaster relief child care centers), are permitted to be physically present in district buildings, as determined by district administrators and to the extent permitted by Executive Order 2020-21 or any executive order that may follow it.

IV. Assessments

A. Plans are not required to address the following provisions of the Elementary and Secondary Education Act of 1965 (“ESEA”) that have been waived by the United States Department of Education for the 2019-2020 school year pursuant to section 8401(b) of the ESEA, 20 USC 7861(b):

1. Assessment requirements under section 1111(b)(2) of the ESEA, 20 USC 6311(b)(2).
2. Report card provisions related to certain assessments and accountability in section 1111(h) of the ESEA, 20 USC 6311(h) based on data from the 2019-2020 school year, including all of the following:
 - (a) Section 1111(h)(1)(C)(i) of the ESEA, 20 USC 6311(h)(1)(C)(i) (accountability system description).
 - (b) Section 1111(h)(1)(C)(ii) of the ESEA, 20 USC 6311(h)(1)(C)(ii) (assessment results).
 - (c) Section 1111(h)(1)(C)(iii)(1) of the ESEA, 20 USC 6311(h)(1)(C)(iii)(1) (other academic indicator results).
 - (d) Section 1111(h)(1)(C)(iv) of the ESEA, 20 USC 6311(h)(1)(C)(iv) (English language proficiency assessment results).
 - (e) Section 1111(h)(1)(C)(v) of the ESEA, 20 USC 6311(h)(1)(C)(v) (school quality or student success indicator results).
 - (f) Section 1111(h)(1)(C)(vi) of the ESEA, 20 USC 6311(h)(1)(C)(vi) (progress toward meeting long-term goals and measurements of interim progress).
 - (g) Section 1111(h)(1)(C)(vii) of the ESEA, 20 USC 6311(h)(1)(C)(vii) (percentage of students assessed and not assessed).
 - (h) Section 1111(h)(1)(C)(xi) of the ESEA, 20 USC 6311(h)(1)(C)(xi), (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment).
 - (i) Section 1111(h)(2) of the ESEA, 20 USC 6311(h)(2), with respect to all waived requirements in section 1111(h)(1)(C) of ESEA, 20 USC 6311(h)(1)(C).
 - (j) Section 1111(h)(2)(C)(i) to (ii) of the ESEA, 20 USC 6311(h)(2)(C)(i) to (ii) (information showing how students in a local educational agency (“LEA”) and each school, respectively, achieved on the academic assessments compared to students in Michigan and the LEA).

B. Strict compliance with rules and procedures under section 1279g of the School Code, MCL 380.1279g, and section 104b of the School Aid Act, MCL 388.1704b, requiring a district to administer during the 2019-2020 school year the Michigan Merit Examination to pupils in grade 11 and to pupils in grade 12 who did not take the complete Michigan Merit Examination in grade 11, is temporarily suspended for the remainder of the 2019-2020 school year. Pupils currently in grade 11 will be administered the Scholastic Aptitude Test portion of the Michigan Merit Examination during the school day in the fall of the 2020-2021 school year as permitted by the College Board, with results from this test being used for college entrance purposes but not for school accountability purposes.

C. Strict compliance with rules and procedures under sections 503(6)(a), 523(2)(a), 553(5)(a), and 1311e(5)(a) of the School Code, MCL 380.503(6)(a), 380.523(2)(a), 380.553(5)(a), and 380.1311e(5)(a), and under section 104c of the School Aid Act, MCL 388.1704c, is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the obligation of a district to administer the state assessments described in those sections, including the Michigan Student Test of Educational Progress (“M-STEP”), or an alternative to M-STEP such as the MI-ACCESS assessment, or other assessment taken in conjunction with the M-STEP, including the Preliminary Scholastic Aptitude Test (“PSAT”) developed by the College Board. Pupils otherwise scheduled to be administered the PSAT during the school day in the 2019-2020 school year will be administered the PSAT during the school day in the fall of the 2020-2021 school year as permitted by the College Board.

D. Strict compliance with rules and procedures under section 41 of the School Aid Act, MCL 388.1641, is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the obligation of a district to administer to English language learners the English language proficiency assessment known as the “WIDA ACCESS for English language learners” or the “WIDA Alternative ACCESS.”

E. Strict compliance with rules and procedures under section 1279g of the School Code, MCL 380.1279g, is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the obligation of a district, imposed by the Department or otherwise, to administer an assessment that assesses a pupil’s ability to apply reading and mathematics skills in a manner that is intended to allow employers to use the results in making employment decisions, including the WorkKeys assessment.

F. Strict compliance with rules and procedures under section 104 of the School Aid Act, MCL 388.1704, is temporarily suspended so as to suspend any requirement for a district to administer the Maryland-Ohio observational tool, which is also referred to as the Kindergarten Readiness Assessment.

G. Pupils enrolled in advanced placement courses and eligible to take examinations for advanced placement courses administered by the College Board must be permitted to take the examinations using the at-home testing option provided by the College Board. Districts shall facilitate, to the extent feasible, access to information relating to advanced placement courses and course schedules provided online by the College Board. For pupils without access to the internet or a device necessary to access the internet, districts shall facilitate, to the extent feasible, access to information regarding assistance provided by the College Board in completing examination requirements. Information relating to advanced placement courses and examinations is available at: apstudents.collegeboard.org/coronavirus-updates.

H. Strict compliance with rules and procedures under section 1249, 1249a, 1249b, and 1250(1) of the School Code, MCL 380.1249, 380.1249a, 380.1249b, and 380.1250(1), and under section 104 of the School Aid Act, MCL 388.1704, is temporarily suspended so as to waive any requirement for assessments or other performance evaluations of teachers and district administrators during the 2019-2020 school year.

I. Strict compliance with rules and procedures under subsections (3) and (4) of section 1250 of the School Code, MCL 380.1250(3) and (4), is temporarily suspended for the remainder of the 2019-2020 school year.

V. Pupils in grade 12

A. A district shall implement a process to issue grades to pupils in grade 12, award credits needed for graduation, provide for completion of the Michigan Merit Curriculum, issue diplomas to pupils in grade 12, and reflect continued learning by pupils in grade 12 pursuant to this order. When implementing this section V.A, a district may, without limitation, use one or more of the following options:

1. Award credits and grades for courses taken based on coursework through March 11, 2020.
2. Provide an optional final exam or other culminating activity to test pupil understanding of the subject matter of a course to the extent practicable.
3. Implement a process for pupils in grade 12 to be certified as eligible to graduate using a prior learning assessment, a portfolio, or a resume approach.
4. Offer an interdisciplinary culminating activity that encompasses essential standards missed by pupils due to the closure of schools.

B. Districts must provide a pupil in grade 12 who was failing a course as of March 11, 2020 an opportunity to the extent feasible to demonstrate learning in the subject matter of the course and receive credit for the course, as determined by the district.

C. Strict compliance with rules and procedures under section 1166(2) of the School Code, MCL 380.1166(2), is temporarily suspended for the remainder of the 2019-2020 school year so as to suspend the restriction on a high school from issuing a diploma to a pupil who has not completed a one-semester course of study of five periods per week in civics.

D. If before March 11, 2020, a district was providing a nonessential elective course to a nonpublic school pupil or homeschool pupil in grade 12 at either a district, intermediate district, or nonpublic school site pursuant to section 166b of the School Aid Act, MCL 388.1766b, and that course is required for the pupil to graduate and receive a diploma, the district must, to the extent feasible, continue to offer the nonessential elective course to the pupil through alternative modes of instruction for the remainder of the 2019-2020 school year.

VI. Special education

A. Districts shall strive in good faith and to the extent practicable, based upon existing resources, technology, training, and curriculum, as well as the circumstances presented by any state of emergency or state of disaster, to provide equal access to alternative modes of instruction to students with disabilities for the remainder of the 2019-2020 school year. This includes the provision of auxiliary services under section 1296 of the School Code, MCL 380.1296.

B. While the COVID-19 state of emergency and/or state of disaster continues, districts shall comply with guidance from the United States Department of Education (“USDOE”), including its Office of Civil Rights and Office of Special Education and Rehabilitative Services, and the Department concerning the delivery of alternative modes of instruction to students with disabilities in light of the impact of COVID-19.

C. Districts shall, to the extent practicable and necessary, make individualized determinations whether and to what extent compensatory services may be needed for pupils after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends.

D. A district or a nonpublic school that has been allocated federal funds for the 2019-2020 school year for the purpose of providing special education services shall not be penalized or required to repay the funds by this state due to the inability to provide those services in person during the 2019-2020 school year after March 11, 2020.

E. Within five days of the effective date of this order, the Department and the Department of Civil Rights are strongly encouraged to submit requests for interpretation, guidance on implementation, flexibility, or waivers to USDOE that would permit districts and nonpublic schools to do one or more of the following during the remainder of the 2019-2020 school year:

1. Deliver instruction to all pupils, including students with disabilities, without having to reconvene or amend individualized education plans (“IEPs”) or Section 504 plans.

2. Deliver direct and consultative related services such as therapies, including occupational therapy, physical therapy, speech language pathologist, social service worker, teacher consultant, and other special education services and supports, without having to reconvene or amend IEPs or Section 504 plans.

3. Complete IEPs and Section 504 plans online, either by telephone conference or video conference, if the parents or guardians involved have access to the technology and agree to the alternative means of participation. If a parent or guardian elects not to participate in an otherwise due IEP online, a district should be permitted to extend the deadline for completion of the IEP for up to 30 school days after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends.

4. Complete annual or otherwise due IEPs online, either by telephone conference or video conference, with those IEPs being considered timely if they are completed by the end of the 2019-2020 school year.

5. Consider whether a pupil should be provided compensatory education for pupils after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends, based on applicable law and guidance, no later than the first annual IEP meeting of the 2020-2021 school year.

6. Consider compensatory education for pupils who are more likely to qualify for compensatory education through IEP amendments, with the authority to complete those IEP amendments online, either by telephone conference, virtual meetings, or other existing technology.

7. Other requests the Department deems necessary to facilitate the delivery of alternative modes of instruction with equal access.

F. This order does not require that an IEP be amended.

VII. Temporary suspension of certain requirements relating to the suspension of administrative rules by the Superintendent

A. Strict compliance with rules and procedures under section 1281(3) of the School Code, MCL 380.1281(3), is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the requirement that a district, university school, or intermediate district apply for a limited time waiver from a Department rule interpreting or implementing a provision of the School Code and so as permit the Superintendent to temporarily suspend a Department rule interpreting or implementing a provision of the Code to facilitate the implementation of this order or other orders or response efforts prompted by the COVID-19 state of emergency and/or state of disaster.

B. The Superintendent may not grant a waiver from the duty to comply with a provision of the School Code and may not grant a waiver from the duty to comply with another state statute unless and to the extent that a waiver is specifically allowed by that other state statute.

VIII. Temporary suspension of certain certification and continuing learning requirements

A. Strict compliance with rules and procedures under section 1531(2) of the School Code, MCL 380.1531(2), is temporarily suspended so as to permit the Superintendent to issue a temporary one-year teaching certificate to an otherwise qualified individual who is unable to take an appropriate subject area examination required by MCL 380.1531(2) due to COVID-19 or accompanying response efforts.

B. Strict compliance with rules and procedures under section 1531(3) of the School Code, MCL 380.1531(3), is temporarily suspended so as to permit the Superintendent to issue a temporary one-year teaching certificate to an individual holding a teaching certificate from another state or a teaching degree from an out-of-state teacher preparation institution who applies for a Michigan teaching certificate, is otherwise qualified, but is unable to take an appropriate subject area examination required by MCL 380.1531(3) because the examination is not offered due to COVID-19 or accompanying response efforts.

C. Strict compliance with rules and procedures under section 1531d of the School Code, MCL 380.1531d, is temporarily suspended so as to permit the Superintendent to temporarily waive the requirement that a person seeking a teaching certificate successfully complete a course approved by the Department in first aid and cardiopulmonary resuscitation and instruction approved by the Department in foreign body airway obstruction management when the person is unable to complete the course and/or the instruction because the course and/or the instruction is not offered due to COVID-19 or accompanying response efforts.

D. Strict compliance with rules and procedures under section 1531i(2)(c) of the School Code, MCL 380.1531i(2)(c), is temporarily suspended so as to permit the Superintendent to issue an interim teaching certificate to an otherwise qualified individual who is unable to take an appropriate subject area examination required by MCL 380.1531i(2)(c) because the examination is not offered due to COVID-19 or accompanying response efforts.

E. Strict compliance with rules and procedures under Rule 390.1130(6) and (7) of the Michigan Administrative Code is temporarily suspended so as to permit the Superintendent to extend the duration of a 1-year temporary teacher employment authorization by an additional year if the holder of the 1-year temporary teacher employment authorization is unable to complete the requirements to obtain a Michigan teaching certificate because the requirements cannot be satisfied due to COVID-19 or accompanying response efforts.

F. Strict compliance with rules and procedures under section 1526 of the School Code, MCL 380.1526, is temporarily suspended so as to waive for any teacher within his or her third year of employment the requirement that the teacher receive at least 15 days of professional development within the teacher's first three years of employment if the requirement could not be completed due to COVID-19 or accompanying response efforts.

G. Strict compliance with rules and procedures under section 1527(1) of the School Code, MCL 380.1527(1), is temporarily suspended so as to waive the requirement for the 2019-2020 school year that a district or intermediate district provide at least five days of teacher professional development each year.

H. Strict compliance with rules and procedures under section 1233(6) of the School Code, MCL 380.1233(6), is temporarily suspended so as to permit the Department to renew an individual's school counselor credential regardless of whether the individual has completed at least 25 hours of professional development approved by the Department under MCL 380.1233(8) covering counseling about the college preparation and selection process and at least 25 hours of professional development approved by the Department under MCL 380.1233(8) covering career counseling.

IX. Implementation

A. Strict compliance with rules and procedures under section 21f of the School Aid Act, MCL 388.1621f, is temporarily suspended so as to permit a district pursuant to an approved Plan to enroll a pupil in more than 2 virtual courses, regardless of whether the virtual course is published in a catalog of courses or a parent or guardian approves, and so as to suspend any requirement to comply with minimum requirements to count a pupil in membership established by the pupil accounting manual.

B. Strict compliance with rules and procedures under section 1278a(4) of the School Code, MCL 380.1278a(4), is temporarily suspended so as to permit a district to determine a pupil has completed a credit without using subject area content expectations or guidelines developed by the Department.

C. Strict compliance with rules and procedures under section 1280f(5) of the School Code, MCL 380.1280f(5), is temporarily suspended so as to relieve a district of the obligations imposed by that provision for the remainder of the 2019-2020 school year, including the obligation to retain a pupil in grade 3.

D. Strict compliance with rules and procedures under sections 162 and 163 of the School Aid Act, MCL 388.1762 and 388.1763, is temporarily suspended so as to prevent the forfeiture of funds resulting from the implementation of this order.

E. To mitigate the impact of COVID-19 on educational outcomes, a district may adopt year-round school or a year-round program for the 2020-2021 school year or start the 2020-2021 school year before the first Monday in September. Strict compliance with rules and procedures under sections 1284a and 1284b of the School Code, MCL 380.1284a and 380.1284b, is temporarily suspended so as to permit a district to adopt year-round school, a year-round program, or an early start for the 2020-2021 school year. Adoption of measures provided in this section IX.E may be included by a district as part of the district's Plan.

F. Mandatory closure of schools relating to COVID-19 shall not affect an employer contribution, employee contribution, or the accrual of service credit under the Public School Employees Retirement Act of 1979, 1980 PA 300, as amended, MCL 38.1301 to 38.1467.

G. For a district with a collective bargaining agreement, this order must be implemented by the district in a manner consistent with the collective bargaining agreement.

H. Before the Department, the Superintendent, or the Department of Civil Rights seeks any guidance, issues a waiver, seeks a waiver relating to this order, or suspends an administrative rule pursuant to this order, the Superintendent or the director of the Department of Civil Rights, as applicable, shall provide the governor in writing with a copy of the request or waiver and information relating to the request, waiver, or suspension, as required by section 8 of article 5 of the Michigan Constitution of 1963.

I. To ensure management of district and intermediate district affairs and property in ways that will assist the response to the COVID-19 state of emergency and/or state of disaster, districts and intermediate districts are authorized and encouraged to donate medical personal protective equipment and supplies to healthcare providers and other necessary personnel engaged in response efforts to COVID-19.

J. This order is effective immediately and continues through the end of the states of emergency and disaster declared in Executive Order 2020-33 or any other state of emergency or disaster declared in response to COVID-19 during the remainder of the 2019-2020 school year, with the exception of the provisions of this order relating to scheduling for the 2020-2021 school year, which will continue into the 2020-2021 school year for that purpose.

X. Definitions

As used in this order:

A. "Alternative modes of instruction" means modes of pupil instruction, other than in-person instruction, that may include, without limitation, partnerships with other districts or intermediate districts or community colleges or institutions of higher education, use of vendors, use of online learning, telephone communications, email, virtual instruction, videos, slideshows, project-based learning, use of instructional packets, or a hybrid of multiple modes of learning that still promote recommended practices for social distancing to mitigate the spread of COVID-19.

B. "Center" means the Center for Educational Performance and Information referenced in section 94a of the School Aid Act, MCL 388.1694a.

C. "District" means a school district established under the School Code or a public school academy. District does not include an intermediate district, except for an intermediate district that educates K-12 students.

D. "Intermediate district" means an intermediate school district established under part 7 of the School Code, MCL 380.601 to 380.705b.

E. "Intermediate superintendent" means the superintendent of an intermediate district.

F. "Membership" means that term as defined in section 6(4) of the School Aid Act, MCL 388.1606(4).

G. "Michigan Virtual School" means the Michigan Virtual School referenced in section 98 of the School Aid Act, MCL 388.1698.

H. "Public school academy" means that term as defined in section 5 of the School Code, MCL 380.5.

I. "Pupil" means that term as defined in section 6(6) of the School Aid Act, MCL 388.1606(6).

J. "Superintendent of Public Instruction" or "Superintendent" means the superintendent of public instruction described in section 3 of article 8 of the Michigan Constitution of 1963.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 2, 2020

Time: 9:16 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 3, 2020, and read:

EXECUTIVE ORDER
No. 2020-36

**Protecting workers who stay home, stay safe
when they or their close contacts are sick**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To suppress the spread of COVID-19, protect this state's critical health care resources from rapid depletion, and prevent needless deaths, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. This order limited gatherings and travel, and required all workers who are not necessary to sustain or protect life to stay home. Slowing the aggressively persistent spread of this destructive virus, however, requires more. Individuals permitted to go to work under Executive Order 2020-21 must stay home when they or their close contacts are sick—and they must not be punished for doing so. Accordingly, it is reasonable and necessary to provide certain protections against workplace discrimination to such individuals, to ensure they can do what is now most needed from them to protect the health and safety of this state and its residents.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. It is the public policy of this state that an employer shall not discharge, discipline, or otherwise retaliate against an employee for staying home when he or she is at particular risk of infecting others with COVID-19. To effectuate that policy:

(a) Employers are prohibited from discharging, disciplining, or otherwise retaliating against an employee described in sections 2 or 3 of this order for staying home from work for the periods described in those sections.

(b) Employers must treat such an employee as if he or she were taking medical leave under the Paid Medical Leave Act, 2018 PA 338, as amended, MCL 408.961 *et seq.*

(1) To the extent that the employee has no paid leave, the leave may be unpaid. Employers are permitted, but not required, to debit any hours that an employee described in sections 2 or 3 of this order stays home from work from the employee's accrued leave.

(2) The length of such leave is not limited by the amount of leave that an employee has accrued under MCL 408.963 and must extend, whether paid or unpaid, as long as the employee remains away from work within the time periods described in sections 2 or 3 of this order.

(c) Employers are prohibited from discharging, disciplining, or retaliating against an employee described in sections 2 or 3 of this order for failing to comply with a requirement to document that the employee or the individual with whom the employee has had close contact has one or more of the principal symptoms of COVID-19.

(d) Nothing in this section shall be taken to prevent an employer from discharging or disciplining an employee:

(1) Who is allowed to return to work under sections 2 or 3 of this order but declines to do so;

(2) With the employee's consent; or

(3) For any other reason that is not unlawful.

(e) The director of the Department of Labor and Economic Opportunity shall have authority to enforce this order in the same manner and to the same extent as the director enforces the Paid Medical Leave Act under section 7 of that act, MCL 408.967. In addition, the director shall refer all credible complaints of violations to the relevant licensing authority.

2. Subject to the exceptions in section 5 of this order, it is the public policy of this state that any and all individuals who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should remain in their home or place of residence, even if they are otherwise permitted to leave under Executive Order 2020-21 or any executive order that may follow it, until:

(a) three days have passed since their symptoms have resolved, and

(b) seven days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result.

This section will cease to apply to anyone who, after showing symptoms, receives a negative COVID-19 test.

3. Subject to the exceptions in section 5 of this order, it is the public policy of this state that any and all people who have had close contact with an individual who tests positive for COVID-19 or with an individual who displays one or more of the principal symptoms of COVID-19 should remain in their home or place of residence, even if they are otherwise permitted to leave under Executive Order 2020-21 or any executive order that may follow it, until either 14 days have passed since the last close contact with the sick or symptomatic individual, or the symptomatic individual receives a negative COVID-19 test.

This section does not apply to the following classes of workers, provided that their employers' rules governing occupational health allow them to go to work:

- (a) Health care professionals.
- (b) Workers at a health care facility, as defined in section 7(d) of this order.
- (c) First responders (e.g., police officers, fire fighters, paramedics).
- (d) Child protective service employees.
- (e) Workers at child caring institutions, as defined in section 1 of Public Act 116 of 1973, MCL 722.111.
- (f) Workers at correctional facilities.

4. An individual described in sections 2 or 3 of this order who returns to work prior to the periods specified in sections 2 or 3, respectively, shall not be entitled to the protections against discharge, discipline, or retaliation provided under section 1 of this order.

5. It is the public policy of this state that individuals described in sections 2 and 3 of this order should leave the home or place of residence only:

(a) To the extent absolutely necessary to obtain food, medicine, medical care, or supplies that are needed to sustain or protect life, where such food, medicine, medical care, or supplies cannot be obtained via delivery. All food, medicine, and supplies should be picked up at the curbside to the fullest extent possible.

(b) To engage in outdoor activity, including walking, hiking, running, cycling, or any other recreational activity consistent with remaining at least six feet from people from outside their household.

6. It is the public policy of this state that if an individual described in sections 2 and 3 of this order leaves the home, he or she should wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief, but that supplies of N95 masks and surgical masks should generally be reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers.

7. For purposes of this order:

(a) "The principal symptoms of COVID-19" are fever, atypical cough, or atypical shortness of breath.

(b) "Employer" means the same as it does in section 2(f) of the Paid Medical Leave Act, MCL 408.962(f), except that it shall also include employers with fewer than 50 employees.

(c) "Close contact" means being within approximately six feet of an individual for a prolonged period of time. Close contact can occur, for example, while caring for, living with, visiting, or sharing a health care waiting room with an individual.

(d) "Health care facility" means the following facilities, including those which may operate under shared or joint ownership:

- (1) The entities listed in section 20106(1) of the Public Health Code, 1978 PA 368, as amended MCL 333.20106(1).
- (2) State-owned hospitals and surgical centers.
- (3) State-operated outpatient facilities.
- (4) State-operated veterans facilities.
- (5) Entities used as surge capacity by any of the entities listed in subdivisions (1)-(4) of this subsection.

8. Nothing in this order shall be taken to diminish or relax the restrictions on leaving the home established in Executive Order 2020-21 or any executive order that may follow it.

9. Nothing in this order shall be taken to create a private right of action against an employer for failing to comply with section 1 of this order or against an individual for acting contrary to the public policies of sections 2, 3, 5, or 6 of this order.

10. This order is effective immediately and continues until the end of the declared states of emergency and disaster.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 3, 2020
Time: 9:43 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 6, 2020, and read:

EXECUTIVE ORDER
No. 2020-37

**Temporary restrictions on entry into health care facilities,
residential care facilities, congregate care facilities, and juvenile justice facilities**

Rescission of Executive Order 2020-7

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. The risk of severe illness and death from COVID-19 is higher in older adults and those with chronic health conditions. And there is an increased risk of rapid spread of COVID-19 among persons who are living in congregate settings, such as care facilities. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19 and to provide essential protections to vulnerable Michiganders and to this state's health care system and other critical infrastructure, it is reasonable and necessary to impose limited and temporary restrictions on the entry of individuals into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.

Executive Order 2020-7 imposed such restrictions. This order clarifies those restrictions and extends their duration, as they remain reasonable and necessary to protect the health and safety of this state and its residents from the COVID-19 pandemic. With this order, Executive Order 2020-7 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Effective immediately and continuing through May 3, 2020 at 11:59 p.m., all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must prohibit from entering their facilities any visitors that: are not necessary for the provision of medical care, the support of activities of daily living, or the exercise of power of attorney or court-appointed guardianship for an individual under the facility's care; are not a parent, foster parent, or guardian of an individual who is 21 years of age or under and who is under the facility's care; are not visiting an individual under the facility's care that is in serious or critical condition or in hospice care; and are not visiting under exigent circumstances or for the purpose of performing official governmental functions.

2. Effective immediately and continuing through May 3, 2020 at 11:59 p.m., all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must perform a health evaluation of all individuals that are not under the care of the facility each time the individual seeks to enter the facility, and must deny entry to those individuals who do not meet the evaluation criteria. The evaluation criteria must include: symptoms of a respiratory infection, such as fever, cough, or shortness of breath; and contact in the last 14 days with someone with a confirmed diagnosis of COVID-19.

3. While the restrictions of this order are in place, all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must make best efforts to facilitate visitations with

individuals under their care by phone or other electronic communication platforms to the fullest extent possible, consistent with normal visitation policies.

4. For purposes of this order, “residential care facilities” includes, but is not limited to, homes for the aged, nursing homes, adult foster care facilities, hospice facilities, substance abuse disorder residential facilities, independent living facilities, and assisted living facilities.

5. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order shall constitute a misdemeanor.

6. Executive Order 2020-7 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 5, 2020

Time: 5:36 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 6, 2020, and read:

EXECUTIVE ORDER
No. 2020-38

**Temporary extensions of certain FOIA deadlines to facilitate
COVID-19 emergency response efforts**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders limit in-person contact to the fullest extent possible. This includes practicing social distancing and restricting in-person work and interaction to only that which is strictly necessary. At the same time, and as memorialized by Michigan’s Freedom of Information Act (“FOIA”), 1976 PA 442, as amended, MCL 15.231 *et seq.*, it remains the public policy of this state—and a priority of my administration—that Michiganders have access to “full and complete information regarding the affairs of government and the official acts of those who represent them as public

officials and public employees,” so that they “may fully participate in the democratic process.” MCL 15.231(2). To balance this core priority with the steep and urgent demands posed by the COVID-19 pandemic, it is reasonable and necessary to provide limited and temporary extensions of certain FOIA deadlines, so that Michiganders may remain informed and involved in their government during this unprecedented crisis without unduly compromising the health and safety of this state and its residents.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with the required response periods set forth under sections 5(2), 10(2), and 10a(2) of the Freedom of Information Act (“FOIA”), 1976 PA 442, as amended, MCL 15.235(2), 15.240(2), and 15.240a(2), is temporarily suspended, as follows:

(a) A public body must respond in writing to a request or an appeal received at its physical office via mail, hand delivery, or facsimile within 10 business days after actual receipt of the request or appeal. For purposes of this order, actual receipt of a request or appeal occurs when an employee of the public body physically opens the envelope containing the request or physically takes the faxed request from the fax machine. Nothing in this order requires an employee to report to the office to open mail or check the fax machine if the employee would not otherwise be permitted to report to the office in person and required to perform those tasks.

(b) If COVID-19 or any accompanying response efforts, including but not limited to compliance with any emergency order or mitigation recommendations related to COVID-19, interferes with the timely grant or denial of a request or the timely reversal or upholding of a denial on appeal, a public body may issue a notice under section 5(2)(d), 10(2)(d), or 10a(2)(d) of the FOIA, MCL 15.235(2)(d), 15.240(2)(d), or 15.240a(2)(d), as applicable, extending the period of time in which to respond for as long as the public body deems necessary but no longer than until the expiration of this order or any order that follows from it.

2. Strict compliance with the requirements relating to in-person efforts in connection with a public records request set forth under sections 3 and 4 of the FOIA, MCL 15.233 and 15.234, is temporarily suspended, as follows:

(a) If a public records request requires in-person efforts, such as an in-person search, inspection, examination, preparation, or production of public records, by the requestor or the public body, a public body may defer that portion of the request until the expiration of this order or any order that follows from it.

(b) If a public body defers a portion of a public records request pursuant to section 2(a) of this order, it must explain this deferral and its reason in the public body’s response to the requestor under section 5(2) or 10(2) of the FOIA, MCL 15.235(2) and 15.240(2), as applicable.

(c) If a public body defers a portion of a public records request pursuant to section 2(a) of this order, the requestor may inform the public body in writing that the requestor is amending its request to exclude the deferred portion of the request so that the public body may more promptly process the request. The public body must notify the requestor of its ability to amend its request in the response required under section 2(b) of this order.

3. It is the public policy of this state that, during the COVID-19 states of emergency and disaster, public bodies continue to respond to requests for public records as expeditiously as possible and, to the extent practicable, by using electronic means.

4. The provisions of this order apply notwithstanding any contrary policy adopted by a public body.

5. For purposes of this order, the terms “public body” and “public record” mean those terms as defined under section 2 of the FOIA, MCL 15.232.

6. This order is effective immediately and continues through June 4, 2020 at 11:59 p.m.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 5, 2020

Time: 8:47 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 1, 2020, and read:

April 1, 2020

On March 10, 2020, I issued Executive Order 2020-4, which declared a state of emergency in Michigan to address the COVID-19 pandemic. This new disease, caused by a novel coronavirus not previously identified in humans, can easily spread from person to person and can result in serious illness or death. There is currently no approved vaccine or antiviral treatment.

Scarcely three weeks later, the virus has spread across Michigan. To date, our state has 9,334 confirmed cases of COVID-19 and 337 people have died of the disease. Many thousands more are infected but have not been tested. Hospitals in Oakland, Macomb, Wayne, and Washtenaw counties are reporting that they are full or nearly full to capacity. Ventilators and personal protective equipment are in short supply and high demand. Michigan needs more medical personnel than are currently available to care for COVID-19 patients. Dormitories and a convention center are being converted to temporary field hospitals.

Since I declared this emergency, my administration has taken aggressive measures to fight the spread of the virus and mitigate its impacts, including temporarily closing schools, restricting the operation of places of public accommodation, allowing medical professionals to practice to the full extent of their training regardless of licensure, limiting gatherings and travel, and requiring workers who are not necessary to sustain or protect life to stay home. But this pandemic is still in its infancy, and there remains much more to be done to stave off the sweeping and severe health, economic, and social harms it poses to all Michiganders throughout our state.

For that reason, I have issued today Executive Order 2020-33, an expanded declaration of emergency and disaster across the State of Michigan, to reflect the current conditions and needs of our state. To meet the steep, varied, and ongoing demands created by the COVID-19 pandemic, my administration must continue to use the full range of tools available to protect the health, safety, and welfare of our state and its residents. I welcome your and your colleagues’ continued partnership in fighting this pandemic. In that vein, and in shared recognition of what this fight will require from us, I request a concurrent resolution extending the state of emergency and disaster declared in EO 2020-33 by 70 days from the date of the resolution.

While I have multiple independent powers to address the challenges we now face, the powers invoked by Executive Order 2020-33 under the Emergency Management Act, 1976 PA 390, as amended, MCL 30.403 *et seq.*, provide important protections to the people of Michigan, and they should remain a part our state’s ongoing efforts to combat this pandemic throughout the full course of that fight. As to the individual emergency orders I have issued, including Executive Order 2020-21 (Stay Home, Stay Safe), these measures expire at the time stated in each order, unless otherwise continued.

Thank you for your leadership during this unprecedented and harrowing moment in our state’s history.

Sincerely,
Gretchen Whitmer
Governor

The message was referred to the Committee on Government Operations.

The following message from the Governor was received and read:

April 3, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 154 of 1974, MCL 408.1046:

Board of Health and Safety Compliance and Appeals

Mr. D. Lynn Coleman of 8562 S. McClelland Road, Ashley, Michigan 48806, county of Gratiot, reappointed to represent labor in the construction industry, for a term commencing April 3, 2020 and expiring March 18, 2024.

Ms. Kristin Domanski of 5880 Cowell Road, Brighton, Michigan 48116, county of Livingston, succeeding Craig Chunchick whose term has expired, appointed to represent management in the health field, for a term commencing April 3, 2020 and expiring March 18, 2024.

Respectfully,
Gretchen Whitmer
Governor

The appointments were referred to the Committee on Advice and Consent.

Senator LaSata entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Bizon entered the Senate Chamber.

Senator Shirkey offered the following concurrent resolution:
Senate Concurrent Resolution No. 24.

A concurrent resolution to approve an extension to the state of emergency and state of disaster declared across the State of Michigan to address the COVID-19 pandemic.

Whereas, Under the Emergency Management Act, PA 390 of 1976, the Governor may declare a state of disaster and a state of emergency for the reasons specified therein; and

Whereas, A state of disaster or state of emergency declared under the Emergency Management Act continues until the governor finds that the threat or danger has passed, the disaster or emergency has been dealt with to the extent that disaster or emergency conditions no longer exist, or until the declared state of disaster or emergency has been in effect for 28 days; and

Whereas, After 28 days, the governor shall issue an executive order or proclamation declaring the state of disaster or emergency terminated, unless a request by the governor for an extension of the state of disaster or emergency for a specific number of days is approved by resolution of both houses of the legislature; and

Whereas, On March 10, 2020, Governor Whitmer issued Executive Order 2020-4 declaring a state of emergency across the State of Michigan to address the COVID-19 pandemic; and

Whereas, On April 1, 2020, Governor Whitmer issued Executive Order 2020-33 to replace Executive Order 2020-4 and expand that initial March 10, 2020 declaration to include a state of disaster related to the COVID-19 pandemic; and

Whereas, The same day, Governor Whitmer requested that the Legislature pass a concurrent resolution extending the state of emergency and state of disaster in Michigan; and

Whereas, On March 29, 2020, the federal government extended nationwide social distancing guidelines through April 30, 2020 to combat the spread of the COVID-19 pandemic; and

Whereas, Due to the ongoing COVID-19 pandemic, the state of emergency and state of disaster must be extended to protect the health and safety of Michigan's citizens; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we approve an extension of the state of emergency and state of disaster declared by Governor Whitmer in Executive Order 2020-4 and Executive Order 2020-33 through April 30, 2020, which is 23 days from the date of this concurrent resolution; and be it further

Resolved, That copies of this resolution be transmitted to the Governor.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator MacGregor moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the concurrent resolution,

Senator Ananich offered the following amendments:

1. Amend page 2, line 26, after "through" by striking "April 30" and inserting "June 16".
2. Amend page 2, line 27 after "is" by striking "23" and inserting "70".

The amendments were not adopted.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senator MacGregor moved that when the Senate adjourns today, it stand adjourned until Thursday, April 16, 2020 at 10:00 a.m.; and when it adjourns Thursday, April 16, 2020, it stand adjourned until Thursday, April 30, 2020 at 10:00 a.m.

The motion prevailed.

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 10:13 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, April 16, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

