

No. 62  
STATE OF MICHIGAN  
**Journal of the Senate**  
100th Legislature  
**REGULAR SESSION OF 2020**

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Senate Chamber, Lansing, Thursday, August 6, 2020.

10:00 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

**Messages from the Governor**

The following messages from the Governor were received:

Date: July 31, 2020

Time: 2:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 145 (Public Act No. 145), being**

An act to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2020; to provide for expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

(Filed with the Secretary of State on July 31, 2020, at 3:38 p.m.)

Date: July 31, 2020

Time: 2:47 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 373 (Public Act No. 146), being**

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 6, 11, 11m, 20, 22a, 22b, 26c, 31j, 32d, 51a, 51c, 61a, 94a, 95b, 99h, 104, 147c, 147e, 201, 236, and 256 (MCL 388.1606, 388.1611, 388.1611m, 388.1620, 388.1622a, 388.1622b, 388.1626c, 388.1631j, 388.1632d, 388.1651a, 388.1651c, 388.1661a, 388.1694a, 388.1695b, 388.1699h, 388.1704, 388.1747c, 388.1747e, 388.1801, 388.1836, and 388.1856), sections 6, 11m, 22a, 26c, 32d, 51a, 51c, 61a, 94a, 99h, 104, 147c, and 147e as amended by 2019 PA 58, sections 11, 20, 22b, and 236 as amended by 2019 PA 162, section 31j as amended by 2018 PA 586, section 95b as amended by 2018 PA 265, section 201 as amended by 2019 PA 52, and section 256 as amended by 2020 PA 69, and by adding sections 11d, 11p, 11q, 201c, and 236g; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 31, 2020, at 3:40 p.m.)

Respectfully,  
Gretchen Whitmer  
Governor

The following message from the Governor was received on July 29, 2020, and read:

EXECUTIVE ORDER  
No. 2020-159

**Amending the fire code to accommodate new instruction spaces**

To enable students to remain physically separate from one another while attending class, many colleges and universities wish to convert large spaces previously used for other purposes into classrooms. Under current rules, however, each conversion requires inspection and approval by the Bureau of Fire Services. To facilitate swift conversions, this order relieves colleges and universities of the need to secure approval before using an existing space for instruction.

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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 for this disease.

On March 10, 2020, the 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 (EMA), MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 *et seq.*

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. 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. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the EPA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On June 18, 2020, I issued Executive Order 2020-127, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it 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).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA 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). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

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

1. Notwithstanding Rule 29.1932 of the Michigan Administrative Code (adding section 38.1.1.1.1 to the Life Safety Code), a change of use from business occupancy to a college or university instructional facility need not be reviewed and inspected.

2. The Department of Licensing and Regulatory Affairs will issue guidance governing temporary approval of the use of a space as an instructional facility.

3. This order takes effect immediately. It will remain in effect until the end of the states of emergency and disaster declared in Executive Order 2020-151 or the end of any subsequently declared states of disaster or emergency arising out of the COVID-19 pandemic, whichever comes later.

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

Date: July 29, 2020

Time: 12:37 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 July 30, 2020, and read:

EXECUTIVE ORDER  
No. 2020-160

**Amended Safe Start Order**

**Rescission of Executive Orders 2020-110, 2020-115,  
2020-120, 2020-133, and 2020-143**

Where Michigan was once among the states most heavily hit by COVID-19, our per-capita rate of new daily cases is now roughly one-third of the national average. Our progress in suppressing the disease, however, appears to have stalled. Cases have risen over the past month—from a rolling seven-day average of 354 cases per day on June 30 to 692 cases on July 28, a two-fold increase.

The virus's resurgence is closely associated with super-spreading events at large social gatherings, often attended by young people. More than 50 cases have been linked to a single house party in Saline; an outbreak at a Lansing bar has resulted in 187 infections; and a sandbar party at Torch Lake over the July 4 weekend led to at least 43 confirmed cases.

We cannot afford to relax our vigilance if we hope to restart our economy, open our schools, and avoid a second wave. This executive order therefore prohibits any indoor social gatherings of more than 10 people statewide. At the same time, the order also closes bars across the state, including in the Traverse City region and the Upper Peninsula. For the time being, Michiganders must curtail their social gatherings for the good of the community.

As a matter of housekeeping, I am also rescinding a series of prior orders and incorporating them into this comprehensive order governing the activities in Michigan that remain restricted on account of the pandemic. I am taking the occasion, too, to allow for the reopening of the Detroit casinos, subject to a 15% capacity limit and strict workplace safeguards. Casinos have been operating safely across most of the country and in tribal areas in Michigan and should be able to do so in the Detroit region as well.

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 for this disease.

On March 10, 2020, the 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 (EMA), MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 *et seq.*

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. 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. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the EPA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On June 18, 2020, I issued Executive Order 2020-127, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it 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).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA 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). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, 2020-96, 2020-110, and 2020-115, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

Acting under the Michigan Constitution of 1963 and Michigan law, I find it reasonable and necessary, for the reasons outlined above, to order:

1. **Remote work.** Any work that is capable of being performed remotely (i.e., without the worker leaving his or her home or place of residence) must be performed remotely.

2. **Workplace safety.** Any business or operation that requires its employees to leave their home or place of residence for work is subject to the rules on workplace safeguards in Executive Order 2020-161 or any order that may follow from it.

3. **Individual responsibility.** Any individual who leaves his or her home or place of residence must:

(a) Follow social distancing measures recommended by the Centers for Disease Control and Prevention ("CDC"), including remaining at least six feet from people from outside the individual's household to the extent feasible under the circumstances; and

(b) Follow the rules described in Executive Order 2020-153 or any order that may follow from it governing masks.

4. **Public accommodations restrictions.** Subject to the exceptions in sections 8 and 9, the following places are closed to entry, use, and occupancy by members of the public:

(a) Indoor theaters, cinemas, and performance venues;

(b) Indoor gymnasiums, fitness centers, recreation centers, sports facilities, exercise facilities, exercise studios, and the like;

(c) Millionaire Parties licensed by the Michigan Gaming Control Board;

(d) Until August 5, 2020 at 10 a.m., casinos licensed by the Michigan Gaming Control Board and racetracks licensed by the Michigan Gaming Control Board. After such time, such establishments may operate, subject to the rules on workplace safeguards described in Executive Order 2020-161 or any order that may follow from it; and

(e) Indoor services or facilities, or outdoor services or facilities involving close contact of persons, for amusement or other recreational or entertainment purposes, such as amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, indoor dance areas, skating rinks, trampoline parks, carnival or amusement rides as defined by MCL 408.652(2), water parks, and other similar recreational or entertainment facilities.

5. **Bars.** Food service establishments, as defined in section 1107(t) of the Michigan Food Law, 2000 PA 92, as amended, MCL 289.1107(t), that hold on-premises retailer licenses to sell alcoholic beverages must close for indoor service if they earn more than 70% of their gross receipts from sales of alcoholic beverages.

(a) Food service establishments that are closed for indoor service but open for outdoor service must prohibit patrons from entering the establishment, except to walk through in order to access the outdoor area, to leave the establishment, or to use the restroom.

(b) For purposes of calculating its percentage of gross receipts from sales of alcoholic beverages under section 1, a food service establishment must use:

(1) Gross receipts from 2019; or

(2) If the establishment was not in operation in 2019, gross receipts from the date the establishment opened in 2020.

6. **Liquor license restrictions.** Dance and topless activity permits issued under subsections 2 or 3 of section 916 of the Michigan Liquor Control Code, 1998 PA 58, as amended, MCL 436.1916(2) and (3), are temporarily suspended. Combination dance–entertainment permits and topless activity–entertainment permits issued under subsection 4 of section 916 of the Michigan Liquor Control Code, MCL 436.1916(4), are suspended to the extent they allow dancing and topless activity, but remain valid to the extent they allow other entertainment.

(a) In enforcing the Michigan Liquor Control Code, the Michigan Liquor Control Commission will consider whether the public health, safety or welfare requires summary, temporary suspension of a license under section 92 of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.292(2).

(b) Nothing in this order or in Executive Order 2020-161 prevents food service establishments from selling alcoholic beverages for off-premises consumption to patrons who are not seated at a table, or to require such patrons to remain seated when ordering such beverages.

(c) Nothing in this order or in Executive Order 2020-161 prevents the holder of a social district license under section 551 of the Michigan Liquor Control Code, 1998 PA 58, as amended, MCL 436.1551:

(1) From selling alcoholic beverages for consumption in a commons area within a designated social district to patrons who are not seated at a table; or

(2) To require such patrons to remain seated when ordering such beverages.

7. **Rules on gatherings, events, and large venues.**

(a) A social gathering or organized event among persons not part of the same household is permitted, but only to the extent that:

(1) The gathering or event is designed to ensure that persons not part of the same household maintain six feet of distance from one another;

(2) Persons not part of the same household maintain six feet of distance from one another;

(3) If it is indoors, the gathering or event does not exceed 10 people; and

(4) If it is outdoors, the gathering or event does not exceed 100 people.

(b) Subsection (a) does not apply to the incidental gathering of persons in a shared space, including an airport, bus station, factory floor, restaurant, shopping mall, public pool, or workplace.

(c) Notwithstanding the restrictions in subsection (a) or in subsections 8(c) or 8(d), professional sports leagues and teams, including professional athletes engaged in individual sports, may resume operations, provided that:

(1) No live audiences are allowed, except for staff of the facility at which a sporting event is held and media personnel reporting on, filming, or otherwise documenting the sporting event;

(2) The activities are conducted pursuant to a COVID-19 safety plan that is consistent with any guidance from the Centers for Disease Control and Prevention and the Michigan Department of Health and Human Services; and

(3) Participants maintain six feet of distance from one another to the extent compatible with the sporting activity.

(d) The restrictions described in subsection (a)(3) do not apply to polling places.

#### **8. Regions 6 and 8.**

(a) The restrictions described in section 4 of this order do not apply in Regions 6 and 8.

(b) Notwithstanding section 7(a)(4) of this order, an outdoor social gathering or outdoor organized event among persons not part of the same household is permitted in Regions 6 and 8, but only to the extent that the gathering or event does not exceed 250 people and complies with subsection 7(a)(1) and 7(a)(2) of this order.

(c) In Regions 6 and 8, and notwithstanding the restrictions in section 7(a), an indoor arcade, bowling alley, cinema, climbing facility, convention center, performance space, meeting hall, sports arena, theater, or similar indoor venue may be open to spectators or patrons, but only to the extent that it:

(1) Arranges the venue such that persons not part of the same household may maintain six feet of distance from one another at all times while in the venue; and

(2) Limits the number of people in the venue to 25% of its maximum capacity or to 250, whichever is smaller. For purposes of this order, each separate auditorium or screening room is a separate venue.

(d) In Regions 6 and 8, and notwithstanding the restrictions in section 8(b), an outdoor concert space, race track, sports arena, stadium, or similar outdoor venue may, be open to spectators or patrons, but only to the extent that it:

(1) Arranges the venue such that persons not part of the same household may maintain six feet of distance from one another at all times while in the venue; and

(2) Limits the number of people in the venue to 25% of its maximum capacity or to 500, whichever is smaller.

9. **Exceptions.** The restrictions imposed by sections 4 of this order do not apply to any of the following:

(a) If they are outdoors, fitness classes, athletic practices, training sessions, or games, provided that coaches, spectators, and participants not from the same household maintain six feet of distance from one another at all times during such activities, and that equipment and supplies are shared to the minimum extent possible and are subject to frequent and thorough disinfection and cleaning;

(b) Services necessary for medical treatment as determined by a licensed medical provider;

(c) Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;

(d) Crisis shelters or similar institutions;

(e) Food courts inside the secured zones of airports; and

(f) Employees, contractors, vendors, or suppliers who enter, use, or occupy the places described in section 4 of this order in their professional capacity.

10. **Parks.** Unless otherwise prohibited by local regulation, outdoor parks and recreational facilities may be open, provided that they make any reasonable modifications necessary to enable employees and patrons not part of the same household to maintain six feet of distance from one another, and provided that areas in which social distancing cannot be maintained be closed, subject to guidance issued by the Michigan Department of Health and Human Services.

11. **Pools.** Unless otherwise prohibited by local regulation, public swimming pools, as defined by MCL 333.12521(d), may be open, subject to guidance issued by the Department of Health and Human Services, provided that:

(a) If they are outdoors, they limit capacity to 50% of the bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code;

(b) If they are indoors and located in Regions 6 or 8, they limit capacity to 25% of the bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code;

(c) If they are indoors and located outside of Regions 6 or 8, they open only for infant and child drowning prevention classes and limit capacity to 25% of the bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code; and

(d) They limit capacity on the pool deck to ensure that persons not part of the same household maintain six feet of distance from one another.

12. **Region definitions.** For purposes of this order, Michigan comprises eight separate regions.

(a) Region 1 includes the following counties: Monroe, Washtenaw, Livingston, Genesee, Lapeer, Saint Clair, Oakland, Macomb, and Wayne.

(b) Region 2 includes the following counties: Mason, Lake, Osceola, Clare, Oceana, Newaygo, Mecosta, Isabella, Muskegon, Montcalm, Ottawa, Kent, and Ionia.

(c) Region 3 includes the following counties: Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, Saint Joseph, and Branch.

(d) Region 4 includes the following counties: Oscoda, Alcona, Ogemaw, Iosco, Gladwin, Arenac, Midland, Bay, Saginaw, Tuscola, Sanilac, and Huron.

(e) Region 5 includes the following counties: Gratiot, Clinton, Shiawassee, Eaton, and Ingham.

(f) Region 6 includes the following counties: Manistee, Wexford, Missaukee, Roscommon, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Montmorency, Alpena, Charlevoix, Cheboygan, Presque Isle, and Emmet.

(g) Region 7 includes the following counties: Hillsdale, Lenawee, and Jackson.

(h) Region 8 includes the following counties: Gogebic, Ontonagon, Houghton, Keweenaw, Iron, Baraga, Dickinson, Marquette, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac, and Chippewa.

13. **Separation of powers.** Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority. Similarly, nothing in this order shall be taken to abridge protections guaranteed by the state or federal constitution under these emergency circumstances.

14. **Religious worship.** Consistent with prior guidance, neither a place of religious worship nor its owner is subject to penalty under section 17 of this order for allowing religious worship at such place. No individual is subject to penalty under section 17 of this order for engaging in religious worship at a place of religious worship.

15. **Effective date.** Except as otherwise specified, this order takes effect at 12:01 a.m. on July 31, 2020. At that time, Executive Orders 2020-110, 2020-115, 2020-120, 2020-133, and 2020-143 are rescinded. Except as otherwise specified, nothing in this order supersedes any other executive order.

16. **Future orders.** In determining whether to maintain, intensify, or relax the restrictions in this order, I will consider, among other factors, (1) data on COVID-19 infections and the disease's rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health care workforce; (4) the state's capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.

17. **Penalty.** 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: July 29, 2020

Time: 5:31 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 July 30, 2020, and read:

EXECUTIVE ORDER  
No. 2020-161

**Safeguards to protect Michigan's workers from COVID-19**

**Rescission of Executive Order 2020-145**

Businesses must continue to do their part to protect their employees, their patrons, and their communities. Many businesses have already done so by implementing robust safeguards to prevent viral transmission. But we can and must do more: no one should feel unsafe at work. With Executive Orders 2020-91, 2020-97, 2020-114, and 2020-145, I created workplace standards that apply to all businesses across the state. I am now rescinding and reissuing an amended version of those standards to add a new section on casinos.

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On March 10, 2020, the 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 (EMA), MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 *et seq.*

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. 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. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the EPA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

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The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it 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).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA 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). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, 2020-96, and 2020-110, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective. Although the virus remains aggressive and persistent—on July 28, Michigan reported a total of 79,176 confirmed cases and 6,170 deaths—the strain on our health care system has relented, even as our testing capacity has increased. Where Michigan was once among the states most heavily hit, our per-capita case rate is now roughly one third to the national average.

Acting under the Michigan Constitution of 1963 and Michigan law, I find it reasonable and necessary, for the reasons outlined above, to order:

1. All businesses or operations that require their employees to leave the homes or residences for work must, at a minimum:

(a) Develop a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration ("OSHA") and available here [<https://www.osha.gov/Publications/OSHA3990.pdf>]. Within two weeks of



resuming in-person activities, a business's or operation's plan must be made readily available to employees, labor unions, and customers, whether via website, internal network, or by hard copy.

(b) Designate one or more worksite supervisors to implement, monitor, and report on the COVID-19 control strategies developed under subsection (a). The supervisor must remain on-site at all times when employees are present on site. An on-site employee may be designated to perform the supervisory role.

(c) Provide COVID-19 training to employees that covers, at a minimum:

(1) Workplace infection-control practices.

(2) The proper use of personal protective equipment.

(3) Steps the employee must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.

(4) How to report unsafe working conditions.

(d) Provide any communication and training on COVID-19 infection control practices in the primary languages common in the employee population.

(e) Place posters in the languages common in the employee population that encourage staying home when sick, cough and sneeze etiquette, and proper hand hygiene practices.

(f) Conduct a daily entry self-screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19.

(g) Keep everyone on the worksite premises at least six feet from one another to the maximum extent possible, including through the use of ground markings, signs, and physical barriers, as appropriate to the worksite.

(h) Provide non-medical grade face coverings to their employees, with supplies of N95 masks and surgical masks reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers.

(i) Require face coverings to be worn when employees cannot consistently maintain six feet of separation from other individuals in the workplace, and consider face shields when employees cannot consistently maintain three feet of separation from other individuals in the workplace.

(j) Require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.

(k) Increase facility cleaning and disinfection to limit exposure to COVID-19, especially on high-touch surfaces (e.g., door handles), paying special attention to parts, products, and shared equipment (e.g., tools, machinery, vehicles).

(l) Adopt protocols to clean and disinfect the facility in the event of a positive COVID-19 case in the workplace.

(m) Make cleaning supplies available to employees upon entry and at the worksite and provide time for employees to wash hands frequently or to use hand sanitizer.

(n) When an employee is identified with a confirmed case of COVID-19:

(1) Immediately notify the local public health department, and

(2) Within 24 hours, notify any co-workers, contractors, or suppliers who may have come into contact with the person with a confirmed case of COVID-19.

(o) An employer will allow employees with a confirmed or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the Centers for Disease Control and Prevention ("CDC") and they are released from any quarantine or isolation by the local public health department.

(p) Follow Executive Order 2020-36, and any executive orders that follow it, that prohibit discharging, disciplining, or otherwise retaliating against employees who stay home or who leave work when they are at particular risk of infecting others with COVID-19.

(q) Establish a response plan for dealing with a confirmed infection in the workplace, including protocols for sending employees home and for temporary closures of all or part of the workplace to allow for deep cleaning.

(r) Restrict business-related travel for employees to essential travel only.

(s) Encourage employees to use personal protective equipment and hand sanitizer on public transportation.

(t) Promote remote work to the fullest extent possible.

(u) Adopt any additional infection-control measures that are reasonable in light of the work performed at the worksite and the rate of infection in the surrounding community.

2. Businesses or operations whose work is primarily and traditionally performed outdoors must:

(a) Prohibit gatherings of any size in which people cannot maintain six feet of distance from one another.

(b) Limit in-person interaction with clients and patrons to the maximum extent possible, and bar any such interaction in which people cannot maintain six feet of distance from one another.

(c) Provide and require the use of personal protective equipment such as gloves, goggles, face shields, and face coverings, as appropriate for the activity being performed.

(d) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning and disinfection of tools, equipment, and frequently touched surfaces.

3. Businesses or operations in the construction industry must:

(a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.

(b) Create dedicated entry point(s) at every worksite, if possible, for daily screening as provided in sub-provision (b) of this section, or in the alternative issue stickers or other indicators to employees to show that they received a screening before entering the worksite that day.

(c) Provide instructions for the distribution of personal protective equipment and designate on-site locations for soiled face coverings.

(d) Require the use of work gloves where appropriate to prevent skin contact with contaminated surfaces.

(e) Identify choke points and high-risk areas where employees must stand near one another (such as hallways, hoists and elevators, break areas, water stations, and buses) and control their access and use (including through physical barriers) so that social distancing is maintained.

(f) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees.

(g) Notify contractors (if a subcontractor) or owners (if a contractor) of any confirmed COVID-19 cases among employees at the worksite.

(h) Restrict unnecessary movement between project sites.

(i) Create protocols for minimizing personal contact upon delivery of materials to the worksite.

4. Manufacturing facilities must:

(a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening.

(b) Create dedicated entry point(s) at every facility for daily screening as provided in sub-provision (a) of this section, and ensure physical barriers are in place to prevent anyone from bypassing the screening.

(c) Suspend all non-essential in-person visits, including tours.

(d) Train employees on, at a minimum:

(1) Routes by which the virus causing COVID-19 is transmitted from person to person.

(2) Distance that the virus can travel in the air, as well as the time it remains viable in the air and on environmental surfaces.

(3) The use of personal protective equipment, including the proper steps for putting it on and taking it off.

(e) Reduce congestion in common spaces wherever practicable by, for example, closing salad bars and buffets within cafeterias and kitchens, requiring individuals to sit at least six feet from one another, placing markings on the floor to allow social distancing while standing in line, offering boxed food via delivery or pick-up points, and reducing cash payments.

(f) Implement rotational shift schedules where possible (e.g., increasing the number of shifts, alternating days or weeks) to reduce the number of employees in the facility at the same time.

(g) Stagger meal and break times, as well as start times at each entrance, where possible.

(h) Install temporary physical barriers, where practicable, between work stations and cafeteria tables.

(i) Create protocols for minimizing personal contact upon delivery of materials to the facility.

(j) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible.

(k) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees, and discontinue use of hand dryers.

(l) Notify plant leaders and potentially exposed individuals upon identification of a positive case of COVID-19 in the facility, as well as maintain a central log for symptomatic employees or employees who received a positive test for COVID-19.

(m) Send potentially exposed individuals home upon identification of a positive case of COVID-19 in the facility.

(n) Require employees to self-report to plant leaders as soon as possible after developing symptoms of COVID-19.

(o) Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if an employee goes home because he or she is displaying symptoms of COVID-19.

5. Research laboratories, other than laboratories that perform diagnostic testing, must:

(a) Assign dedicated entry point(s) or times into lab buildings.

(b) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.

(c) Create protocols or checklists as necessary to conform to the facility's COVID-19 preparedness and response plan.

(d) Suspend all non-essential visitors.

(e) Establish and implement a plan for distributing face coverings.

(f) Limit the number of people per square feet of floor space permitted in a particular laboratory at one time.

(g) Close open workspaces, cafeterias, and conference rooms.

(h) As necessary, use tape on the floor to demarcate socially distanced workspaces and to create one-way traffic flow.

(i) Require all office and dry lab work to be conducted remotely.

(j) Minimize the use of shared lab equipment and shared lab tools and create protocols for disinfecting lab equipment and lab tools.

(k) Provide disinfecting supplies and require employees to wipe down their work stations at least twice daily.

(l) Implement an audit and compliance procedure to ensure that cleaning criteria are followed.

(m) Establish a clear reporting process for any symptomatic individual or any individual with a confirmed case of COVID-19, including the notification of lab leaders and the maintenance of a central log.

(n) Clean and disinfect the work site when an employee is sent home with symptoms or with a confirmed case of COVID-19.

(o) Send any potentially exposed co-workers home if there is a positive case in the facility.

(p) Restrict all non-essential work travel, including in-person conference events.

6. Retail stores that are open for in-store sales, as well as libraries and museums, must:

(a) Create communications material for customers (e.g., signs or pamphlets) to inform them of changes to store practices and to explain the precautions the store is taking to prevent infection.

(b) Establish lines to regulate entry in accordance with subsection (c) of this section, with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also explore alternatives to lines, including by allowing customers to wait in their cars for a text message or phone call, to enable social distancing and to accommodate seniors and those with disabilities.

(c) Except in Regions 6 and 8, adhere to the following restrictions:

(1) Stores of less than 50,000 square feet of customer floor space must limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal.

(2) Stores of more than 50,000 square feet must:

(A) Limit the number of customers in the store at one time (excluding employees) to 4 people per 1,000 square feet of customer floor space.

(B) Create at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant women, and those with chronic conditions such as heart disease, diabetes, and lung disease.

(3) The director of the Department of Health and Human Services is authorized to issue an emergency order varying the capacity limits described in this subsection as necessary to protect the public health.

(d) Post signs at store entrances instructing customers of their legal obligation to wear a face covering when inside the store.

(e) Post signs at store entrances informing customers not to enter if they are or have recently been sick.

(f) Design spaces and store activities in a manner that encourages employees and customers to maintain six feet of distance from one another.

(g) Install physical barriers at checkout or other service points that require interaction, including plexiglass barriers, tape markers, or tables, as appropriate.

(h) Establish an enhanced cleaning and sanitizing protocol for high-touch areas like restrooms, credit-card machines, keypads, counters, shopping carts, and other surfaces.

(i) Train employees on:

(1) Appropriate cleaning procedures, including training for cashiers on cleaning between customers.

(2) How to manage symptomatic customers upon entry or in the store.

(j) Notify employees if the employer learns that an individual (including a customer or supplier) with a confirmed case of COVID-19 has visited the store.

(k) Limit staffing to the minimum number necessary to operate.

7. Offices must:

(a) Assign dedicated entry point(s) for all employees to reduce congestion at the main entrance.

(b) Provide visual indicators of appropriate spacing for employees outside the building in case of congestion.

(c) Take steps to reduce entry congestion and to ensure the effectiveness of screening (e.g., by staggering start times, adopting a rotational schedule in only half of employees are in the office at a particular time).

(d) Increase distancing between employees by spreading out workspaces, staggering workspace usage, restricting non-essential common space (e.g., cafeterias), providing visual cues to guide movement and activity (e.g., restricting elevator capacity with markings).

(e) Prohibit social gatherings and meetings that do not allow for social distancing or that create unnecessary movement through the office. Use virtual meetings whenever possible.

(f) Provide disinfecting supplies and require employees wipe down their work stations at least twice daily.

(g) Post signs about the importance of personal hygiene.

(h) Disinfect high-touch surfaces in offices (e.g., whiteboard markers, restrooms, handles) and minimize shared items when possible (e.g., pens, remotes, whiteboards).

(i) Institute cleaning and communications protocols when employees are sent home with symptoms.

(j) Notify employees if the employer learns that an individual (including a customer, supplier, or visitor) with a confirmed case of COVID-19 has visited the office.

(k) Suspend all non-essential visitors.

(l) Restrict all non-essential travel, including in-person conference events.

8. Restaurants and bars must:

(a) Limit capacity to 50% of normal seating.

(b) Require six feet of separation between parties or groups at different tables or bar tops (e.g., spread tables out, use every other table, remove or put up chairs or barstools that are not in use).

(c) Require patrons to wear a face covering except when seated at their table or bar top (unless the patron is unable medically to tolerate a face covering).

(d) Require patrons to remain seated at their tables or bar tops, except to enter or exit the premises, to order food, or to use the restroom.

(e) Sell alcoholic beverages only via table service, not via orders at the bar except to patrons seated at the bar.

(f) Prohibit access to common areas in which people can congregate, dance, or otherwise mingle.

(g) Create communications material for customers (e.g., signs, pamphlets) to inform them of changes to restaurant or bar practices and to explain the precautions that are being taken to prevent infection.

(h) Close waiting areas and ask customers to wait in cars whenever possible, or else outside the restaurant or bar, for a notification when their table is ready. Restaurants and bars should take measures to encourage social distancing among those customers waiting for tables who are not waiting in their cars.

(i) Close self-serve food or drink options, such as buffets, salad bars, and drink stations.

(j) Provide physical guides, such as tape on floors or sidewalks and signage on walls to ensure that customers remain at least six feet apart in any lines.

(k) Post signs at store entrances informing customers not to enter if they are or have recently been sick.

(l) Post signs instructing customers to wear face coverings until they are seated at their table.

(m) Require hosts, servers, and staff to wear face coverings in the dining area.

(n) Require employees to wear face coverings and gloves in the kitchen area when handling food, consistent with guidelines from the Food and Drug Administration ("FDA").

(o) Limit shared items for customers (e.g., condiments, menus) and clean high-contact areas after each customer (e.g., tables, chairs, menus, payment tools).

(p) Train employees on:

(1) Appropriate use of personal protective equipment in conjunction with food safety guidelines.

(2) Food safety health protocols (e.g., cleaning between customers, especially shared condiments).

(3) How to manage symptomatic customers upon entry or in the restaurant.

(q) Notify employees if the employer learns that an individual (including an employee, customer, or supplier) with a confirmed case of COVID-19 has visited the store.

(r) Close restaurant immediately if an employee shows symptoms of COVID-19, defined as either the new onset of cough or new onset of chest tightness or two of the following: fever (measured or subjective), chills, myalgia, headache, sore throat, or disorders of taste or smell, and perform a deep clean, consistent with guidance from the FDA and the CDC. Such cleaning may occur overnight.

(s) Install physical barriers, such as sneeze guards and partitions at cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult.

(t) To the maximum extent possible, limit the number of employees in shared spaces, including kitchens, host stands, break rooms, and offices, to maintain at least a six-foot distance between employees.

9. Outpatient health-care facilities, including clinics, primary care physician offices, or dental offices, and also including veterinary clinics, must:

(a) Post signs at entrance(s) instructing patients to wear a face covering when inside.

(b) Limit waiting-area occupancy to the number of individuals who can be present while staying six feet away from one another and ask patients, if possible, to wait in cars for their appointment to be called.

(c) Mark waiting rooms to enable six feet of social distancing (e.g., by placing X's on the ground and/or removing seats in the waiting room).

(d) Enable contactless sign-in (e.g., sign in on phone app) as soon as practicable.

(e) Add special hours for highly vulnerable patients, including the elderly and those with chronic conditions.

(f) Conduct a common screening protocol for all patients, including a temperature check and questions about COVID-19 symptoms.

(g) Place hand sanitizer and face coverings at patient entrances.

(h) Require employees to make proper use of personal protective equipment in accordance with guidance from the CDC and OSHA.

(i) Require patients to wear a face covering when in the facility, except as necessary for identification or to facilitate an examination or procedure.

(j) Install physical barriers at sign-in, temperature screening, or other service points that normally require personal interaction (e.g., plexiglass, cardboard, tables).

(k) Employ telehealth and telemedicine to the greatest extent possible.

(l) Limit the number of appointments to maintain social distancing and allow adequate time between appointments for cleaning.

(m) Employ specialized procedures for patients with high temperatures or respiratory symptoms (e.g., special entrances, having them wait in their car) to avoid exposing other patients in the waiting room.

(n) Deep clean examination rooms after patients with respiratory symptoms and clean rooms between all patients.

(o) Establish procedures for building disinfection in accordance with CDC guidance if it is suspected that an employee or patient has COVID-19 or if there is a confirmed case.

10. All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like, must:

(a) Require their employees (or, if a sole-owned business, the business owner) to perform a daily health screening prior to going to the job site.

(b) Maintain accurate appointment record, including date and time of service, name of client, and contact information, to aid with contact tracing.

(c) Limit direct interaction with customers by using electronic means of communication whenever possible.

(d) Prior to entering the home, inquire with the customer whether anyone in the household has been diagnosed with COVID-19, is experiencing symptoms of COVID-19, or has had close contact with someone who has been diagnosed with COVID-19. If so, the business or operation must reschedule for a different time.

(e) Limit the number of employees inside a home to the minimum number necessary to perform the work in a timely fashion.

(f) Gloves should be worn when practical and disposed of in accordance with guidance from the CDC.

11. All businesses or operations that provide barbering, cosmetology services, body art services (including tattooing and body piercing), tanning services, massage services, or similar personal-care services must:

(a) Maintain accurate appointment and walk-in records, including date and time of service, name of client, and contact information, to aid with contact tracing.

(b) Post signs at store entrances informing customers not to enter if they are or have recently been sick.

(c) Restrict entry to customers, to a caregiver of those customers, or to the minor dependents of those customers.

(d) Require in-use workstations to be separated by at least six feet from one another and, if feasible, separate workstations with physical barriers (e.g., plexiglass, strip curtains).

(e) Limit waiting-area occupancy to the number of individuals who can be present while staying six feet away from one another and ask customers, if possible, to wait in cars for their appointment to be called.

(f) Discontinue all self-service refreshments.

(g) Discard magazines in waiting areas and other non-essential, shared items that cannot be disinfected.

(h) Mark waiting areas to enable six feet of social distancing (e.g., by placing X's on the ground and/or removing seats in the waiting room).

(i) Require employees to make proper use of personal protective equipment in accordance with guidance from the CDC and OSHA.

(j) Require employees and customers to wear a face covering at all times, except that customers may temporarily remove a face covering when receiving a service that requires its removal. During services that require a customer to remove their face covering, an employee must wear a face shield or goggles in addition to the face covering.

(k) Install physical barriers, such as sneeze guards and partitions at cash registers, where maintaining physical distance of six feet is difficult.

(l) Cooperate with the local public health department if a confirmed case of COVID-19 is identified in the facility.

12. Sports and entertainment facilities, including arenas, cinemas, concert halls, performance venues, sporting venues, stadiums and theaters, as well as places of public amusement, such as amusement parks, arcades, bingo halls, bowling alleys, night clubs, skating rinks, and trampoline parks, must:

(a) Post signs outside of entrances informing customers not to enter if they are or have recently been sick.

(b) Encourage or require patrons to wear face coverings.

(c) Establish crowd-limiting measures to meter the flow of patrons (e.g., digital queuing, delineated waiting areas, parking instructions, social distance markings on ground or cones to designate social distancing, etc.).

(d) Use physical dividers, marked floors, signs, and other physical and visual cues to maintain six feet of distance between persons.

(e) Limit seating occupancy to the extent necessary to enable patrons not of the same household to maintain six feet of distance from others (e.g., stagger group seating upon reservation, close off every other row, etc.).

(f) For sports and entertainment facilities, establish safe exit procedures for patrons (e.g., dismiss groups based on ticket number, row, etc.).

(g) For sports and entertainment facilities, to the extent feasible, adopt specified entry and exit times for vulnerable populations, as well as specified entrances and exits.

(h) Train employees who interact with patrons (e.g., ushers) on how to:

(1) Monitor and enforce compliance with the facility's COVID-19 protocols.

(2) Help patrons who become symptomatic.

(i) Frequently disinfect high-touch surfaces during events or, as necessary, throughout the day.

(j) Disinfect and deep clean the facility after each event or, as necessary, throughout the day.

(k) Close self-serve food or drink options, such as buffets, salad bars, and drink stations.

13. Gymnasiums, fitness centers, recreation centers, exercise facilities, exercise studios, and like facilities must:

(a) Post signs outside of entrances instructing individuals not to enter if they are or have recently been sick.

(b) Maintain accurate records, including date and time of event, names of attendees, and contact information, to aid with contact tracing.

(c) To the extent feasible, configure workout stations or implement protocols to enable ten feet of distance between individuals during exercise sessions (or six feet of distance with barriers).

(d) Reduce class sizes, as necessary, to enable at least six feet of separation between individuals.

(e) Provide equipment-cleaning products throughout the gym or exercise facility for use on equipment.

(f) Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available.

(g) Regularly disinfect exercise equipment, including immediately after use. If patrons are expected to disinfect, post signs encouraging patrons to disinfect equipment.

(h) Ensure that ventilation systems operate properly.

(i) Increase introduction and circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods.

(j) Regularly clean and disinfect public areas, locker rooms, and restrooms.

(k) Close steam rooms and saunas.

14. Meat and poultry processing plants must:

(a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening.

(b) Create at least one dedicated entry point at every facility for daily screening as provided in subsection (a) of this section, and ensure physical barriers are in place to prevent anyone from bypassing the screening.

(c) Configure communal work environments so that employees are spaced at least six feet apart in all directions (e.g., side-to-side and when facing one another).

(d) Require employees to wear a face covering whenever present at the facility, except when removal is necessary to eat or drink.

(e) Provide clean cloth face coverings or disposable mask options for employees to use when the coverings become wet, soiled, or otherwise visibly contaminated over the course of a workday.

(f) Use face shields in addition to face coverings as necessary when engineering and administrative controls are difficult to maintain and there may be exposure to other workplace hazards, such as splashes or sprays of liquids on processing lines

(g) Install physical barriers, such as strip curtains, plexiglass, or other impermeable dividers or partitions, to separate meat and poultry processing employees from each other.



(h) Take measures to ensure adequate ventilation in work areas to help minimize employees' potential exposures.

(i) Encourage single-file movement with a six-foot distance between each employee through the facility.

(j) Stagger employees' arrival, departure, break, and lunch times to avoid congregations of employees in parking areas, locker rooms, lunch areas, and near time clocks.

(k) Provide visual cues (e.g., floor markings, signs) as a reminder to employees to maintain social distancing.

(l) Designate employees to monitor and facilitate social distancing on the processing floor.

(m) Reduce processing capacity or modify the processing or production lines or stagger workers across shifts to minimize the number of employees in the facility at any one time.

(n) Adopt sick leave policies that discourage employees from entering the workplace while sick and modify any incentive programs that penalize employees for taking sick leave.

(o) Group employees together in cohorts, if feasible, in a manner that allows a group of employees to be assigned to the same shifts with the same coworkers, so as to minimize contacts between employees in each cohort.

(p) If an employee becomes or reports being sick, disinfect the workstation used and any tools handled by the employee.

(q) Provide personal protective equipment that is disposable if possible or else, if reusable equipment is provided, ensure proper disinfection and storage in a clean location when not in use.

15. Casinos must:

(a) Conduct a daily entry screening protocol for customers, employees, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening.

(b) Limit and enforce patron occupancy of 15% of total occupancy limits established by the State Fire Marshal or a local fire marshal.

(c) Designate entry points and exit points with extensive signage of the directional flow of patrons.

(d) Place signs at each entrance point, cage, and throughout the casino reminding patrons of CDC guidelines for social distancing practices, proper washing of hands, wearing face coverings, and to stay at home if feeling ill or sick.

(e) Require patrons to wear a face covering, except while eating or drinking or for identification purposes.

(f) Prohibit smoking indoors.

(g) Designate a Liaison Officer (or Officers), identify such Officer (or Officers) to all casino employees, and require any employee who believes they may have contracted COVID-19 or been exposed to COVID-19 to report this to an Officer.

(h) Stagger break schedules and employee starting and ending times to the extent possible to avoid congregation of individuals in back-of-house areas.

(i) Provide frequent opportunities for employees to wash and/or sanitize their hands to reduce the risk of surface transmission.

(j) In addition to the cleaning required under subsection 1(k), clean and disinfect all high-touch objects that are accessible to the public (e.g., ATMs, counters, door handles, elevator panels and buttons, restrooms, dining tables, employee break rooms, carts, chairs, table rails, trash bins, light switches, phones, kiosks, time clocks, etc.).

(k) Provide disinfecting wipes (to the extent they are available) throughout the casino to enable patrons to disinfect frequently touched surfaces.

(l) Place hand sanitizer stations in high traffic areas, including throughout the casino floor and employee break rooms.

(m) Regularly maintain their HVAC systems and maximize the delivery of fresh air into the facility.

(n) Frequently disinfect slot machines, provide wipe dispensaries for slot machines, and post signs encouraging patrons to wipe down slot machines before and after use.

(o) Enable social distancing between slot machines by either:

(1) Installing a plexiglass barrier between slot machines.

(2) Disabling machines or removing chairs from machines as necessary to maintain six feet of distance between machines in operation.

(p) Require dealers and customers to wear face coverings.

(q) Require casino employees who provide food and drink service on the casino floor to follow the rules described in section 8, which governs servers at restaurants, including but not limited to, the wearing of face coverings.

(r) Close the following services or offerings:

(1) Concerts, nightclubs, live events, and shows.



(2) Valet service.

(3) Coat check.

(4) Self-serve buffets and self-serve soda and coffee stations.

(s) Follow any infection-control guidance provided by the Michigan Gaming Control Board, including, but not limited to, any guidance on the conduct of table games.

16. Racetracks licensed by the Executive Director of the Michigan Gaming Control Board must follow all orders issued by the Executive Director for reopening and operation consistent with this order or any order that follows from it.

17. Employers must maintain a record of the requirements set forth in subsections 1(c) (training), (d) (screening protocol), and (k) (required notifications).

18. This order is effective immediately upon issuance. Executive Order 2020-145 is rescinded.

19. Nothing in this order shall be taken to limit or affect any rights or remedies otherwise available under law.

20. 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: July 29, 2020

Time: 5:33 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 July 31, 2020, and read:

EXECUTIVE ORDER  
No. 2020-162

**Amendment to Executive Order 2020-160**

Executive Order 2020-115, which previously applied in Regions 6 and 8, provided that any work that could be performed remotely should be performed remotely. Businesses in other regions were subject to a tighter standard under Executive Order 2020-110: any work that could be performed remotely must be performed remotely. Executive Order 2020-160 collapsed the two orders but inadvertently subjected all regions to the tighter standard. This amendment clarifies that businesses in Regions 6 and 8 remain subject to the prior standard.

Acting under the Michigan Constitution of 1963 and Michigan law, I find it reasonable and necessary, for the reasons outlined above, to order:

1. The restriction described in section 1 of Executive Order 2020-160 does not apply in Regions 6 and 8. Instead, in Regions 6 and 8, any work that is capable of being performed remotely (i.e., without the worker leaving his or her home or place of residence) should be performed remotely.

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

Date: July 31, 2020

Time: 4:10 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 August 5, 2020, and read:

EXECUTIVE ORDER  
No. 2020-163

**Black Leadership Advisory Council**

**Department of Labor and Economic Opportunity**

From Sojourner Truth to Ralph Bunche to Joe Louis to Berry Gordy Jr. to Rosa Parks, the history of Black Michiganders reflects a diverse and unique blend of cultural, social, and economic leadership that have uplifted this state and had a profound impact on its history. Michigan was an active participant in the Underground Railroad even before it gained statehood, and Black workers were the backbone of the arsenal of democracy during World War II. In the mid-twentieth century, the desegregation of the auto industry made Southeast Michigan home to the nation's most affluent Black population.

Yet Black people in this state have consistently encountered obstacles that perpetuate wealth inequity and lack of access to economic opportunity. As just one example, Black voices were largely missing from conversations about urban renewal in the mid-twentieth century, as decisions that would reshape how Black people lived and worked were made across this state. The election of William Patrick to the Detroit Common Council in 1957 made him the first Black councilmember since the 1800s. The consequences of the lack of Black voices in decision-making were severe: Black businesses were lost; Black families dislocated; and investment in Black communities lagged.

Now, with the unequal effects of COVID-19 – including staggering differences in both the infection and death rates – and incidents of police violence rippling through Black communities across America, we must ensure that the voices of Black Americans are heard at all levels of government, including the governor's office.

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

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

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

**1. Creating the Black Leadership Advisory Council**

(a) The Black Leadership Advisory Council ("Council") is created as an advisory body within the Department of Labor and Economic Opportunity ("Department").

(b) The Council must consist of the following voting members:

(1) The director of the Department, or the director's designee from within the Department.

(2) 16 individuals appointed by the governor representing Black leadership in various fields, such as economics, law, public policy, education, health and wellness, technology, the environment (including environmental justice) and agriculture, community safety and preparedness, arts and culture, and media and communications. At least one member of the Council must be an immigrant or individual with expertise in immigration policy, and at least one member must be between the ages of 18–35.

(c) Of the members initially appointed by the governor, six must be appointed for a term expiring on December 31, 2023, five must be appointed for a term expiring on December 31, 2022, and five must be appointed for a term expiring on December 31, 2021. After the initial appointments, members must be appointed for a term of three years. A member may continue to serve until a successor is appointed. A vacancy occurring before the expiration of a term will be filled in the same manner as the original appointment for the remainder of the term.

(d) A vacancy on the Council must be filled in the same manner as the original appointment.

**2. Charge to the Council**

(a) The Council shall act in an advisory capacity to the governor and shall do the following:

(1) Develop, review, and recommend to the governor policies and actions designed to eradicate and prevent discrimination and racial inequity in this state, including in the areas of health care, housing, education, employment, economic opportunity, public accommodations, and procurement.

(2) Identify state laws, or gaps in state law, that create or perpetuate inequities, with the goal of promoting economic growth and wealth equity for the Black community.

(3) Collaborate with the governor's office and the Black community to promote legislation and regulation that ensures equitable treatment of all Michiganders, and seeks to remedy structural inequities in this state.

(4) Serve as a resource for community groups on issues, programs, sources of funding, and compliance requirements within state government to benefit and advance the interests of the Black community.

(5) Promote the cultural arts within the Black community through coordinated efforts, advocacy, and collaboration with state government.

- (6) Provide other information or advice or take other actions as requested by the governor.
- (b) The Council shall prepare an annual report for the governor on its activities and recommendations.

### 3. Operations of the Council

(a) The Department must assist the Council in the performance of its duties and provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council will be performed under the direction and supervision of the director of the Department.

(b) The Council must adopt procedures, consistent with this order and applicable law, governing its organization and operations.

(c) The Council must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

(d) The governor must designate the chairperson of the Council.

(e) The Council may select from among its members a vice chairperson.

(f) The Council must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Council.

(g) A majority of the voting members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its voting members serving.

(h) The Council may establish advisory workgroups composed of individuals or entities participating in Council activities or other members of the public as deemed necessary by the Council to assist it in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

(i) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts to perform its duties, including experts in the private sector, organized labor, government agencies, and at institutions of higher education.

(j) The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the director of the Department deems advisable and necessary, consistent with this order and applicable law, rules and procedures, subject to available funding.

(k) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.

(l) Members of the Council must not receive additional compensation for participation on the Council. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.

(m) Members of the Council must refer all legal, legislative, and media contacts to the Department.

### 4. Implementation

(a) All departments, agencies, committees, commissioners, or officers of this state must give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law.

(b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

(c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.

(d) The 2020 United States Census Complete Count Committee ("Committee") must complete its work and submit a final report to the governor by November 13, 2020. This report shall summarize the efforts of the Committee and its conclusions, and shall suggest improvements for the Complete Count Committee for Census 2030. The Committee is dissolved on December 13, 2020. This subsection supersedes subsection (b) of section 2 of Executive Order 2019-15.

(e) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.

This order is effective upon filing.

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

Date: August 5, 2020

Time: 10:06 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 messages from the Governor were received and read:

July 31, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.17903:

**Michigan Athletic Trainer Board**

Mr. Darryl P. Conway of 5106 Chatsworth Street, Dundee, Michigan 48131, county of Monroe, succeeding Christina Eyers whose term has expired, appointed to represent athletic trainers, for a term commencing July 31, 2020 and expiring June 30, 2024.

Ms. Kate Dombos of 1302 Whitehall Street, Midland, Michigan 48642, county of Midland, succeeding Jeremy Marra who has resigned, appointed to represent athletic trainers, for a term commencing July 31, 2020 and expiring June 30, 2022.

Ms. Kathrine E. Kelley of 1733 Peggy Place, Lansing, Michigan 48910, county of Ingham, succeeding Thye Fischman whose term has expired, appointed to represent the general public, for a term commencing July 31, 2020 and expiring June 30, 2023.

Dr. Diana R. Silas of 2304 Locklin Lane, West Bloomfield, Michigan 48324, county of Oakland, succeeding Michael Kolinski whose term has expired, appointed to represent physicians licensed under part 170 or 175 of the Public Health Code, for a term commencing July 31, 2020 and expiring June 30, 2024.

July 31, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 198 of 2003, MCL 285.317:

**Farm Produce Insurance Authority**

Mr. Gerald Heck of 4345 W. Albain Road, Monroe, Michigan 48161, county of Monroe, succeeding Mark Metz whose term has expired, appointed to represent the largest Michigan organization exclusively representing wheat producers in Michigan, for a term commencing July 31, 2020 and expiring June 20, 2023.

Mr. Terry L. Page of 2324 Somers Road, Lyons, Michigan 48851, county of Ionia, succeeding Ted Crowley whose term has expired, appointed to represent the largest Michigan organization representing general farm interests in Michigan, for a term commencing July 31, 2020 and expiring June 20, 2023.

July 31, 2020

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 368 of 1978, MCL 333.16121, 333.16122 and 333.17521:

**Michigan Board of Osteopathic Medicine and Surgery**

Dr. John K. Everett of 6242 Sunrise Lane, Cheboygan, Michigan 49721, county of Cheboygan, succeeding Kathleen Kudray who has resigned, appointed to represent osteopathic physicians, for a term commencing July 31, 2020 and expiring December 31, 2022.

Respectfully,  
Gretchen Whitmer  
Governor

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

### Announcements of Printing and Enrollment

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, July 29 for her approval the following bills:

**Enrolled Senate Bill No. 145 at 11:06 a.m.**

**Enrolled Senate Bill No. 373 at 11:08 a.m.**

**Enrolled Senate Bill No. 899 at 11:10 a.m.**

**Enrolled Senate Bill No. 956 at 11:12 a.m.**

### Committee Reports

The Committee on Regulatory Reform reported

**House Bill No. 5481, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2661, 2663, 2665, 2667, 2671, 2673, and 2677 (MCL 339.2661, 339.2663, 339.2665, 339.2667, 339.2671, 339.2673, and 339.2677), as added by 2012 PA 505, and by adding section 2670.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Aric Nesbitt  
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Moss, Polehanki and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

**House Bill No. 5589, entitled**

A bill to amend 1917 PA 273, entitled “An act to regulate and license pawnbrokers that conduct business in this state; to provide for the disposition of allegedly misappropriated property in the possession of pawnbrokers; to provide remedies and prescribe penalties; and to provide for the powers and duties of certain local governmental units and state agencies,” by amending section 8 (MCL 446.208), as amended by 2002 PA 469.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Aric Nesbitt  
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers and VanderWall

Nays: Senators Polehanki and Wojno

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Tuesday, July 28, 2020, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Nesbitt (C), Theis, Johnson, Lauwers, VanderWall, Moss, Polehanki and Wojno

Excused: Senator Zorn

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 681, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 18e of chapter XIIA (MCL 712A.18e), as amended by 2018 PA 142, and by adding section 18t of chapter XIIA.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Peter J. Lucido  
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Chang and Irwin

Nays: Senator Runestad

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 682, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 28 of chapter XIIA (MCL 712A.28), as amended by 1998 PA 478.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Peter J. Lucido  
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Chang and Irwin

Nays: Senator Runestad

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Wednesday, July 29, 2020, at 8:30 a.m., Room 1100, Binsfeld Office Building

Present: Senators Lucido (C), VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

## COMMITTEE ATTENDANCE REPORT

The Committee on Insurance and Banking submitted the following:

Meeting held on Wednesday, July 29, 2020, at 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Theis (C), LaSata, Nesbitt, Daley, Barrett, Horn, Geiss, Bullock and McMorro

Excused: Senator Lauwers

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, July 29, 2020, at 9:00 a.m., Room 403, 4th Floor, Capitol Building

Present: Senators McBroom (C), Outman and Schmidt

Excused: Senators Bumstead and McCann

## COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on the COVID-19 Pandemic (HCR 20) submitted the following:

Meeting held on Wednesday, July 29, 2020, at 9:30 a.m., Room 352, House Office Building

Present: Senators Nesbitt, LaSata, Schmidt, Hollier and Hertel

## COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Wednesday, July 29, 2020, at 11:00 a.m., Room 1100, Binsfeld Office Building

Present: Senators Nesbitt (C), Theis, McBroom and Hertel

## COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Wednesday, July 29, 2020, at 12:00 noon, Room 403, 4th Floor, Capitol Building

Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

## COMMITTEE ATTENDANCE REPORT

The Committee on Elections submitted the following:

Meeting held on Wednesday, July 29, 2020, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), McBroom, Lucido and VanderWall

Excused: Senator Wojno

In the absence of all Senators, pursuant to Joint Rule 15, the Secretary of the Senate adjourned the Senate, the time being 10:02 a.m.

In pursuance of the order previously made, the Secretary of the Senate declared the Senate adjourned until Wednesday, August 12, 2020, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate