

**SENATE FISCAL AGENCY  
 MEMORANDUM**

**DATE:** May 20, 2020

**TO:** Members of the Michigan Senate

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**RE:** Coronavirus Disease 2019 (COVID-19) Executive Orders 2020-60 through 2020-71

**Overview**

From April 24, 2020, through May 2, 2020, Governor Whitmer issued Executive Orders (EOs) 2020-60 through 2020-71 to maintain a state of emergency across the State of Michigan in relation to the outbreak of COVID-19 and to implement various measures in response to COVID-19 in Michigan. These measures affect, among other things, licensure requirements in the Public Health Code, corrections protocols, personal protections orders (PPOs), health care providers and anti-discrimination policies, K-12 education, restrictions on places of public accommodation, non-essential activities, food-selling establishments, and pharmacies. The EOs will have an impact on State revenue, various State departments, including the Department of Licensing and Regulatory Affairs (LARA), the Department of Corrections (MDOC), the Department of Education (MDE), the Department of Health and Human Services (DHHS), and local units of government.

**COVID-19**

Coronavirus disease 2019, COVID-19, is a respiratory illness caused by a virus that can spread from person to person. Generally, coronaviruses cause mild, cold-like symptoms; however, severe diseases, such as Severe Acute Respiratory Syndrome (SARS) and Middle East Respiratory Syndrome (MERS) also are examples of disease cause by other forms of coronavirus. Reported symptoms of COVID-19 have ranged from mild (if any) cold-like symptoms in the majority of individuals, to severe illness or death.

The virus that causes COVID-19 was identified as the cause of an outbreak detected in Wuhan City, China, in November 2019. In late January 2020, the first case of COVID-19 in the United States was confirmed. The Michigan DHHS identified the first two positive cases of COVID-19 in Michigan on March 10, 2020. As of May 19, 2020, the DHHS has reported 52,350 cases and 5,017 deaths attributable to COVID-19.

**Authority for Orders**

Executive Orders 2020-67 and 2020-68, which continue the state of emergency and state of disaster in response to the COVID-19 pandemic, cite the Emergency Management Act (EMA) and Public Act (PA) 302 of 1945 (which pertains to the Governor's emergency powers),

respectively, as authority for their issuance.<sup>1</sup> Under the EMA, the Governor must declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists. In addition, Section 1 of PA 302 of 1945 allows the Governor to proclaim a state of emergency "during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency" within Michigan.

The Governor derives the authority for most of the Orders summarized in the memorandum from those same acts, namely Section 3 of the EMA, which provides (in pertinent part), that the Governor may "issue executive orders, proclamations, and directives having the force and effect of law to implement" the EMA, and Section 1 of PA 302 of 1945.<sup>2</sup> EOs 60 through 65 cite to the previous Emergency Declaration EOs, namely EOs 2020-4 and 2020-33. EOs 2020-66 through 68 rescind previous Emergency Declarations and declare new ones. Subsequent cite to EOs 2020-66 through 68 for authority for their issuance.

A listing of all Executive Orders issued in response to the COVID-19 pandemic through Executive Order 2020-72, including the effective date and the expiration date of each, can be found in the appendix attached to this document.

### **Summary of Order Contents**

#### Executive Order 2020-60

This Order was rescinded and replaced by EO 2020-71, effective May 2, 2020. Executive Order 2020-71 is analyzed in this memorandum.

#### Executive Order 2020-61

Effective April 26, 2020, and continuing until the end of the declared states of emergency and disaster, EO 2020-61 temporarily suspends compliance with laws and regulations relating to the provision of medical and health services during the course of the COVID-19 pandemic. The Order allows for a greater scope of practice by health care professionals and students and temporarily suspends some regulations related to licensing and health care services. Additional authority is given to designated health care facilities with regard to the employment and use of professionals and volunteers in response to the pandemic. The Order rescinds EO 2020-30.

#### *Regulation of the Provision of Medical Services*

The Order temporarily suspends all provisions of Article 15 (Occupations) of the Public Health Code that relate to scope of practice, supervision, and delegation for health care professionals to

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<sup>1</sup> On April 30, 2020, Governor Whitmer issued Executive Orders 2020-66, 2020-67, and 2020-68. These EOs terminate the state of emergency under the EMA and declare new states of emergency under the EMA and PA 302 of 1945. The latter two orders state that any of the EOs that rested on EO 2020-33 now rest on EOs 2020-67 and 2020-68. These new orders are discussed in greater detail below.

<sup>2</sup> Section 1 of PA 302 of 1945 specifically states that orders may designate specific zones within the area involved in the emergency in which occupancy and use of buildings and ingress and egress of people and vehicles may be prohibited or regulated; control places of amusement and assembly and of individuals on public streets and thoroughfares; establish a curfew; and control the sale, transportation, and use of alcoholic beverages and liquors, among other things.

the extent necessary for those individuals to provide medical services at the facility at which he or she is employed or contracted.

In addition, the Order authorizes facilities to allow students enrolled in programs to become licensed, registered, or certified health care professions to work or volunteer in response to the COVID-19 pandemic. Medical students, physical therapists, and emergency medical technicians also may be permitted to act as respiratory therapist extenders under the supervision of a physician, respiratory therapist, or advanced practice registered nurse.

Subject to terms and conditions established by the Director of the DHHS, facilities also are permitted to use qualified volunteers and personnel associated with other facilities and to adjust their scope of practice as necessary. The Order extends to an unlicensed volunteer or student who assists with the COVID-19 pandemic response at a designated health care facility the same rights and immunities given to State employees. Licensed individuals and facilities are not liable for injuries sustained by a patient, unless caused by gross negligence.

#### *Licensure, Certification, Registration, and Employment Requirements*

The Order temporarily suspends several laws and regulations pertaining to obtaining or renewing a health care profession license, certification, or registration, including any law requiring an examination or fingerprinting, if the examination has been canceled or fingerprinting is unavailable. Certain sections of the Public Health Code are temporarily suspended to allow LARA to issue a license to health professionals who are licensed and in good standing in another country, provided they meet practice requirements listed in the Order. The Director of LARA may issue a license after determining that the individual has sufficient education, training, or experience.

In addition, the Order allows licensed health care professionals in good standing in any US state or territory to practice in Michigan without penalty related to lack of licensure. Drug manufacturers and prescription drug wholesale distributors that are licensed and in good standing in another state are temporarily authorized to distribute and ship controlled substances to hospitals, licensed manufacturers, or wholesale distributors in Michigan.

If an individual's certification in basic life support, advanced cardiac life support, or first aid will expire during the course of the emergency declaration, those certifications will remain valid and active for the duration of the emergency. Deadlines for continuing education or training module completions for telecommunicators and trainee telecommunicators employed by primary public safety answering points are suspended for 60 days following the end of the emergency and disaster declarations.

The Order suspends strict compliance with various sections of the Adult Foster Care Facility Licensing Act, the Public Health Code, and the Mental Health Code to the extent necessary to employ individuals, provided that the facility conducts a required public records check. Criminal background check requirements are suspended until ten days after the end of the declared states of emergency and disaster. Health facility employee fingerprinting also is temporarily suspended.

#### Executive Order 2020-62

Effective April 26, 2020, and continuing through May 24, 2020, at 11:59 PM, the Order implements 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. Similar protocols and procedures must be implemented at county jails, local lockups, and juvenile detention centers. The Order also temporarily suspends certain rules and procedures to facilitate the implementation of these procedures. The Order rescinds EO 2020-29.

#### *Michigan Department of Corrections*

The Department must continue to implement risk reduction protocols to address COVID-19, which the Department has already developed and implemented at the facilities it operates, including the following:

- Screening all individuals arriving at or departing from a facility in a manner consistent with Centers for Disease Control and Prevention (CDC) guidelines (which include obtaining a temperature reading and information about travel and any contact with individuals under investigation for COVID-19 infection).
- Restricting all visits, except for attorney-related visits, and conducting those visits without physical contact to the extent feasible.
- Limiting off-site appointments for incarcerated individuals to urgent or emergency medical treatment.
- Developing and implementing protocols for incarcerated individuals who display symptoms of COVID-19, including methods for evaluation and processes for testing, isolation during testing, while awaiting results, and in the event of a positive test.

Also, the Order requires the Department to notify the DHHS of any suspected case that meets the criteria for COVID-19; provide appropriate personal protective equipment (PPE) to all staff; conduct stringent cleaning of all areas and surfaces; ensure access to personal hygiene products for incarcerated individuals and correctional staff; ensure that protective laundering protocols are in place, post signage and continually educate on the importance of social distancing and personal hygiene; practice social distancing in all programs and classrooms; and minimize crowding, including interactions of groups of 10 or more.

#### *County Jails and Transfers*

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) is temporarily suspended. While the Order is in effect, all actions that are authorized under the CJOA in the event of a declaration of a county jail overcrowding state of emergency are authorized and will remain authorized without regard to any reduction in jail population. Anyone authorized to act under the Order is strongly encouraged to consider early release for all of the following, so long as they do not pose a public safety risk:

- Older individuals, individuals with chronic conditions or who are otherwise medically frail, individuals who are pregnant, and individuals nearing their release dates.
- Anyone incarcerated for a traffic violation.
- Anyone incarcerated for failure to appear or failure to pay.
- Anyone with behavioral health problems who can safely be diverted for treatment.

The Order also temporarily suspends all transfers into the custody of the Department of Corrections. Beginning seven days from the Order's effective date, and no more than once every

seven 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 above. If the Director determines this is the case, transfers from that jail or lockup will resume in accordance with the Department's risk reduction protocols. The Director may reject transfers that do not pass the screening protocol for entry into a facility operated by the Department.

Additionally, the Order does the following:

- Prohibits parole violators in the Department's custody from being transported to or lodged in a county jail or local lockup unless the Director has determined that the county jail or local lockup has satisfactorily implemented risk reduction protocols.
- Requires the State Budget Office to seek a legislative transfer so that counties may be reimbursed for lodging incarcerated individuals that would have been transferred into the Department's custody if not for the suspension of transfers.
- Encourages juvenile detention centers to reduce the risk of exposure to COVID-19 for those at their facilities by implementing the following measures: removing from the general population any juveniles who have COVID-19 symptoms; 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; providing communications to all juveniles at such facilities regarding COVID-19, access to medical care, and community-based support; and to the extent feasible, facilitating access to family, education, and legal counsel through electronic means at no cost.

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.

#### Executive Order 2020-63

The Order, effective April 27, 2020, extends all PPOs that otherwise would have expired between April 27, 2020, and June 1, 2020, to July 1, 2020. The Order was issued on the same date as a similar Administrative Order from the Supreme Court of Michigan, Order 2020-11.

The Order requires all courts and law enforcement agencies to record the automatic extension to affected PPOs in the Law Enforcement Information Network (LEIN), and to provide notice to respondents of the extension. When the extensions are entered into LEIN, courts and law enforcement agencies are required to modify the entry to indicate that it has not been served upon the respondent. The Order does not prohibit an objection to the extension, nor does it prohibit a petitioner from consenting to terminate a PPO.

#### Executive Order 2020-64

On April 29, 2020, Governor Whitmer issued EO 2020-64. The Order enumerates anti-discrimination policies and establishes procedures to ensure the equitable allocation of medical resources. The Order is in effect until the end of the declared state of emergency and disaster.

The Order states that it is the public policy of the State that no person be denied medical care based on stereotypes, assessment of quality of life, or judgments about a person's "worth", and

requires health care providers to ensure nondiscrimination when delivering critical care and allocating medical resources. Additionally, health care providers must make all necessary accommodations to support the functional needs of an individual. The Order requires designated health care facilities to develop protocols to address situations where the demand for critical medical resources exceeds the availability of those resources. These protocols must:

- Prohibit medical decision-making based on stereotypes or social stigmas.
- Provide for coordination and information sharing with the DHHS regarding resource and transfer availability.
- Ensure that withholding or delaying care because of lack of critical resources is a last resort.
- Require these protocols to be available upon request and posted on the internet when in effect.

The Order specifies that "functional needs" includes the needs for independence, communication, transportation, supervision, and medical care. "Designated health care facility" means a hospital or an entity used as surge capacity by one or more hospitals.

#### Executive Order 2020-65

Executive Order 2020-65, issued on April 30, 2020, rescinds EO 2020-35 and reinstates many of its provisions. Specifically, EO 2020-65 suspends in-person instruction of K-12 students and provides limited and temporary relief from certain restrictions and requirements to allow K-12 education to continue using alternative means. The Order was effective upon issuance and will remain in effect through the end of the states of emergency and disaster. The EO is broken down into 10 sections, summarized below, with notable provisions within each section highlighted:

- I. The Order suspends of in-person K-12 instruction for the rest of the school year and requires school buildings to be closed unless restrictions on public gatherings and the use of school buildings are lifted before the end of the school year. The Order applies to all public, nonpublic, and boarding schools.
  - Strict compliance with having at least 75% of students in 'attendance' on any given day for it to count as a day of instruction is waived.
  - In addition to the existing six 'snow days', an additional 13 days or equivalent number of hours are counted as days/hours of instruction.
  - Under existing law, a district may count up to five days of professional development as days of instruction (this may include days used to prepare and provide instruction by alternative modes).
  - Strict compliance with days and hours requirements is waived if a district has a learning plan approved under Section II; a district with an approved learning plan is considered to be operating an approved alternative education or other innovate program for the remainder of the school year. If a district does not substantially comply with its learning plan, it is subject to forfeiture of State School Aid funds based on a comparison of the number of hours and days of instruction provided to the minimum number of days and hours of instruction required.
  - Strict compliance with rules and procedures regarding fire drills under the Fire Prevention Code is temporarily suspended for the remainder of the 2019-2020 school year, subject to certain provisions.

- Strict compliance with rules and procedures regarding dangerous communicable disease education, reproductive health education, and sex education is temporarily suspended for the 2019-2020 school year.
  - Strict compliance with rules and procedures regarding student attendance, penalties for nonattendance at school, and parent compliance with attendance rules, among other related subjects, is temporarily suspended for the 2019-2020 school year.
  - The Order temporarily suspends strict compliance with a provision requiring, by no later than the 2017-2018 school year, the Department of Education to ensure that the model core academic curriculum content standards for health education and further health education guidelines fulfill certain requirements.
  - If a district was offering shared-time courses and is able to offer them through alternative modes of instruction, it may continue to do so.
- II. The Order requires the MDE to collaborate with the Michigan Association of Intermediate School Administrators and the Michigan Council of Charter School Authorizers to develop and distribute a template for a learning plan. (This was due April 3, 2020.) Districts must implement a learning plan by April 28, 2020.
- A learning plan must do the following:
    - Include a description of methods the district will use to provide alternative modes of instruction. If the plan relies on electronic instruction, it must ensure to the extent feasible that pupils have access to a connected device and must not penalize a pupil for his or her inability to fully participate.
    - Include a description of plans to deliver content in multiple ways.
    - Include a budget outline estimating additional expenditures and sources of revenue to pay for that spending.
    - Include a description of methods to notify pupils and parents.
    - Provide for assistance, to the extent feasible, for dual enrollment.
    - Provide or arrange to continue food distribution to eligible pupils.
    - Continue to pay school employees while redeploying staff to provide meaningful work in the context of the plan, subject to collective bargaining agreements.
    - Provide mental health supports to pupils affected by the state of emergency.
    - Provide for the district to support its intermediate district to mobilize disaster relief child care centers.
    - Include a plan for early childhood services, including the Great Start Readiness Program, compliant with the requirements of the Order and guidance issued by the Department of Education.
  - A learning plan may provide for the adoption of a balanced calendar for the remainder of this school year or for the upcoming school year.
  - A district may partner with other districts or intermediate districts if it is unable to implement the learning plan on its own.
  - A district that is not a public school academy (PSA) must have its plan approved by the superintendent of the intermediate district in which it is located; for a PSA, the plan must be approved by the authorizing body of the PSA.
  - Approved plans must be transmitted to the Superintendent of Public Instruction (SPI) and the State Treasurer and must be posted on the district's websites.
  - A district with an approved plan is eligible to receive continued payments from the State School Aid Fund for this school year.

- Nonpublic and home schools are encouraged to offer all students electronic, other remote, or home-based instruction for the remainder of the school year.
- An intermediate school district that is an approved grantee of Great Start Readiness Program funding under the School Aid Act for the 2019-2020 school year must maintain records of approved subrecipient plans for continuing the Program for the remainder of the school year. The Order outlines further responsibilities and requirements for the district and affiliated learning plans in relation to the Great Start Readiness Program.

- III. The Order allows district employees or contractors into school buildings as necessary to conduct minimum basic school operations consistent with the learning plan. Districts must adopt social distancing practices and other mitigation measures to protect employees and contractors.

A district may permit parents and guardians of pupils to visit school property to obtain materials and equipment pursuant to the learning plan, using the same social distancing and other mitigation measures required for school employees and contractors.

- IV. Executive Order 2020-65 specifies that learning plans are not required to address accountability and assessment provisions of the Federal Elementary and Secondary Education Act.

- State assessments and measurements are suspended for the remainder of the school year; the suspended assessments include the Michigan Merit Exam, the M-STEP (including the PSAT), the WIDA test for English Language Learners, WorkKeys, Kindergarten Readiness Assessment, and assessments or performance evaluations of teachers and district administrators.
- Any teacher who has an individualized development plan under the Teachers' Tenure Act must be provided an annual year-end performance evaluation by the employing school district. Further rules and procedures concerning performance evaluation under the Act and the Revised School Code are suspended under the Order to ensure no consideration is given to criteria requiring data or other information unavailable because of the COVID-19 emergency, the appropriate accrual of time is applied toward probationary periods, and tenure is maintained appropriately.
- The Order specifies that it does not prohibit an employing school district from completing an annual year-end performance evaluation for the 2019-2020 for a teacher on continuing tenure who has not been provided with an individualized development plan.

- V. The Order requires districts to implement a process to issue grades to high school seniors, award credits needed for graduation, provide for completion of the Michigan Merit Curriculum, issue diplomas, and reflect continued learning for high school seniors.

- A district may use any of the following methods: award credits and grades for coursework through March 11, 2020; provide an optional final exam or other culminating activity to assess pupil understanding; use a previous learning assessment or portfolio; or offer an interdisciplinary culminating activity that encompasses essential standards missed by pupils due to the closure of schools.
- Districts must provide seniors who were failing a course as of March 11, 2020, an opportunity to demonstrate learning and to receive credit for the course.
- The requirement to study civics to receive a diploma is suspended for the remainder of the school year.

- VI. The Order requires districts to provide equal access to alternative modes of instruction to students with disabilities, to the extent practicable.
- Districts must strive in good faith, based on existing resources, technology, training, and curriculum, to provide equal access to alternative modes of instruction to students with disabilities.
  - Districts must comply with guidance from the US Department of Education concerning the delivery of alternative modes of instruction to students with disabilities.
  - Districts are required to make individualized determinations whether and to what extent compensatory services may be needed for pupils after the school closure period ends.
  - Districts are not required to repay Federal special education funds that are unused because of the inability to provide in-person services.
  - The Department of Education and the Department of Civil Rights are encouraged to submit requests to the US Department of Education for interpretation, guidance, flexibility, and waivers on how to deliver instruction and how to deliver direct and consultative-related services without having to reconvene or amend individualized education plans (IEPs); how to complete IEPs online (through either telephone or video conference); and other matters.
  - The Order does not require that an IEP be amended.
- VII. The Order temporarily suspends strict compliance with rules and procedures and permits the SPI to temporarily suspend an MDE rule interpreting or implementing a provision of the Revised School Code to facilitate the Order or other response efforts prompted by the COVID-19 state of emergency.
- VIII. The Order temporarily allows the SPI to issue temporary teaching certificates or to renew teaching certificates to in-State and out-of-State qualified individuals who are unable to take appropriate examinations or first-aid classes, and to suspend temporarily certain professional development requirements.
- IX. The Order provides additional implementation provisions, including provisions allowing students to take more than two virtual courses, permitting districts to determine whether their pupils have completed credit without using subject area content expectations and guidelines, removing the requirement for districts to retain pupils in grade 3 if they are not reading proficiently, suspending language penalizing districts for failing to file reports or employing individuals without valid teaching certificates, allowing districts to operate year-round programming or to start the 2020-2021 school year before Labor Day, and requiring districts to implement the EO in a manner consistent with existing collective bargaining agreements.
- X. Section 10 of the Order provides definitions of terms used throughout the Order.

Executive Orders 2020-66 through 2020-68

Effective April 30, 2020, these Orders declare a state of emergency and a state of disaster in the State of Michigan. They rescind and replace EO 2020-33, which expanded the declaration of a state of emergency under EO 2020-4, Declaration of State of Emergency. Executive Order 2020-66 terminates the states of disaster and emergency declared under the EMA in EO 2020-33.

Executive Order 2020-67 rescinds and replaces EO 2020-33. It declares a state of emergency under PA 302 of 1945, and states that all previous orders that rested on EO 2020-33 now rest on EO 2020-67. Executive Order 2020-68 declares a state of emergency and a state of disaster under the EMA, and states that all previous orders that rested on EO 2020-33 now rest on EO 2020-68. Lastly, EO 2020-68 requires the Emergency Management and Homeland Security Division (EMHSD) of the Department of State Police to coordinate and maximize all State efforts that may be activated to assist local governments and officials. The Order also authorizes the EMHSD to call upon all State departments to use available resources to assist.

#### Executive Order 2020-69

Executive Order 2020-69 rescinds EO 2020-43, which imposed temporary restrictions on the use of places of public accommodation. Primarily, EO 2020-69 extends the restrictions of EO 2020-43, which would have expired April 30, 2020, at 11:59 PM, through May 28, 2020, at 11:59 PM. Those restrictions closed the following places of public accommodation to ingress, egress, use, and occupancy by members of the public:

- Restaurants, cafes, coffeehouses, and other places offering food or beverage for on-premises consumption.
- Bars, taverns, brewpubs, wineries, and other places of public accommodation offering alcoholic beverages for on-premises consumption.
- Hookah bars, cigar bars, and vaping lounges offering their products for on-premises consumption.
- Theatres, cinemas, and indoor and outdoor performance venues.
- Libraries and museums.
- Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, and facilities offering nonessential personal care services.
- Casinos, racetracks, and millionaire parties licensed by the Michigan Gaming Control Board.
- Places of public amusement not otherwise listed above.

The Order encourages places of public accommodation listed above to offer food and beverage using delivery, window, walk-up, drive-through, or drive-up services, and to use precautions in so doing to mitigate the potential transmission of COVID-19. When offering food and beverages at the above public accommodations, those places may permit up to five members of the public on the premises at any one time to pick up orders, so long as they are at least six feet apart from one another while on the premises.

The restrictions do not apply to any of the following:

- Places of public accommodations that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those places subject to the restriction described above.
- Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.
- Crisis shelters or similar institutions.
- Food courts inside the secured zones of airports.

"Nonessential personal care services" include tanning, massage, traditional spa, tattoo, body art, and piercing services, and similar personal care services that require individuals to be within six

feet of each other. The term does not include services necessary for medical treatment as determined by a licensed medical provider.

“Place of public accommodation” is defined by the Order to mean a business, or facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Place of public accommodation also includes private clubs, including country clubs, golf clubs, boating or yachting clubs, sports or athletic clubs, and dining clubs.

“Place of public amusement” is defined by the Order as a place of public accommodation that offers indoor services or facilities, or outdoor services or facilities involving close contact of people, for amusement or other recreational or entertainment purposes. A place of public amusement includes an amusement park, arcade, bingo hall, bowling alley, indoor climbing facility, skating rink, trampoline park, and other similar recreational or entertainment facilities.

#### Executive Order 2020-70

The Order extends the measures set forth in EO 2020-59 with certain clarifications and additions. The Order takes effect May 1, 2020, and runs through May 15, 2020, at 11:59 PM.

#### *Stay-at-Home Order*

During the length of the Order, all individuals living within the State of Michigan are ordered to stay at home or at their place of residence, except to do any of the following:

- Engage in outdoor activity or recreation, including boating and golfing, that is consistent with remaining at least six feet from people from outside an individual’s household.
- Perform jobs as "critical infrastructure workers".
- Conduct minimum basic operations after being designated to perform this work by their employers.
- Perform necessary government activities.
- Perform a "resumed activity" as defined within the Order.
- Perform tasks that are necessary to an individual's health and safety, or to the health and safety of his or her family or household members (including pets).
- Obtain necessary services or supplies (such as groceries, take-out food, gasoline, medical supplies, and other items needed to maintain safety, sanitation, and basic residential operations) for themselves, their family or household members, and their vehicles.
- Care for a family member or a family member’s pet in another household.
- Care for minors, dependents, the elderly, individuals with disabilities, or other vulnerable individuals.
- Visit an individual under the care of a health care facility, residential care facility, or congregate care facility.
- Attend legal proceedings or hearings for essential or emergency purposes as ordered by a court.
- Work or volunteer for businesses or operations (including both religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
- Attend a funeral, provided that no more than 10 people are in attendance.

- Return to a home or place of residence from outside Michigan, to leave the State for a home or residence located elsewhere, or, as required by law enforcement or a court order, including transporting children pursuant to a custody agreement.
- Travel between two residences within Michigan, including moving to a new residence.
- Pick up nonnecessary supplies at the curbside of a store that must otherwise remain closed.
- Visit a child in out-of-home care, under circumstances specified within the Order.
- Attend addiction recovery meetings attended by no more than 10 people.
- View a real-estate listing by appointment.

The Order prohibits all other travel, including all travel to vacation rentals.

"Critical infrastructure workers" are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in guidance issued March 19, 2020, on the COVID-19 response. The definition includes workers in certain listed sectors, such as health care and public health, and food and agriculture.

"Workers who perform resumed activities" are defined as workers who:

- Process or fulfill remote orders for delivery or curbside pickup.
- Perform bicycle maintenance or repair.
- Work in garden stores, and nurseries, and lawn care, pest control, and landscaping operations, subject to enhanced social distancing measures described in the Order.
- Maintenance workers and groundskeepers who are necessary to maintain the safety and sanitation of places of outdoor recreation not otherwise closed under Executive Order 2020-69, or subsequent Orders.
- Work for moving and storage operations, subject to enhanced social distancing measures contained within the Order.
- Beginning on May 7, 2020, and subject to social distancing rules described in Executive Order 2020-70, workers who perform work that is traditionally and primarily performed outdoors, including forestry workers, outdoor power equipment technicians, and parking enforcement workers.
- Beginning on May 7, 2020, workers in the construction industry, including workers in the building trades, subject to social distancing rules and other provisions described in the Order.
- Beginning on May 7, 2020, workers in the real estate industry, including agents, appraisers, brokers, inspectors, surveyors, and registers of deeds, subject to certain restrictions.
- Beginning May 7, 2020, workers necessary to the manufacture of goods that support workplace modification to forestall the spread of COVID-19 infections.

The enhanced social distancing measures applicable to workers who perform resumed activities include provisions that:

- Prohibit gatherings in which people cannot maintain a distance of six feet.
- Limit in-person interaction between patrons and clients to the maximum extent possible.
- Provide PPE appropriate for the activity being performed.
- Limit the sharing of tools and equipment and ensuring frequent cleaning of tools, equipment, and surfaces.

Individuals also are required to adhere to social distancing measures recommended by the CDC, including remaining at least six feet from people outside their household.

The Order requires all individuals who are able to do so to wear a mask while within enclosed public spaces. Workers who perform in-person services may use homemade coverings, while N95 and surgical masks should be reserved for medical personnel and other critical workers who interact with the public. The Order states that the Elliott-Larsen Civil Rights Act applies in full force to those who wear masks.

### *Operation of Businesses*

The Order prohibits an individual or entity from operating a business or conducting operations that require workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life or to conduct minimum basic operations. Businesses and operations that employ critical infrastructure workers may continue in-person operations subject to a variety of conditions.

Any stores that remain open for in-store sales must establish lines to regulate entry, with markings to enable patrons to stand at least six feet apart from one another while waiting. Stores also must do the following:

- For stores of less than 50,000 square feet, limit the total number of people (including employees) to 25% of occupancy limits.
- For stores of more than 50,000 square feet, limit the number of customers in the store at one time (excluding employees) to four people per 1,000 square feet of customer floor space; and create at least two hours per week of dedicated shopping time for vulnerable populations.

The Order prohibits anyone from advertising or renting a short-term vacation property except as necessary to assist in housing a health care professional or volunteer aiding in the response to the COVID-19 health crisis.

### *Government Activities*

The Order allows State parks to be visited for day use and authorizes the Director of the Department of Natural Resources to close parks when necessary to minimize gatherings and prevent the spread of COVID-19.

The Order also suspends all in-person government activities at the State, county, and local level not necessary to sustain or protect life (or to support those activities). Government activities necessary to sustain or protect life include a variety of specified activities, including law enforcement, public safety, first response, trash pick-up and disposal, elections oversight, and public transit.

### Executive Order 2020-71

Executive Order 2020-71 establishes and modifies regulations on food-selling establishments and pharmacies. The Order went into effect on May 2, 2020, and will remain in effect through May 30, 2020. The Order rescinds EO 2020-60.

The Order requires checkout employees and any individual entering a food-selling establishment or pharmacy to wear a face covering if they are medically able to do so. "Food-selling establishment" means grocery stores, convenience stores, restaurants that sell groceries or food available for takeout and any other business that sells food.

Food-selling establishments and pharmacies are required to take certain actions to reduce the possibility of customer and employee exposure to COVID-19. Required strategies include providing access to handwashing and sanitizing methods, providing disinfectant wipes in certain areas, and ensuring a six-foot distance between individuals whenever possible. Vendors who travel between establishments also are required to disinfect any frequent touch points.

The Order also requires the affected establishments to prohibit sick employees from reporting to work and to send home any workers who display symptoms of COVID-19. Establishments must accommodate vulnerable employees by assigning them to lower-exposure activities or allowing them to take an unpaid leave of absence until May 21, 2020, or until the end of the declared states of emergency and disaster, whichever is later. They must also implement a daily employee screening program. Procedures to be included in those programs are outlined in the Order. An establishment must notify vendors and employees as soon as possible if an employee tests positive for COVID-19. Notification must be made within twelve hours of the establishment's learning of the positive result. The employee's personal health information must otherwise be protected.

The Order also requires grocery stores and pharmacies to designate at least two hours per week as special shopping times for vulnerable populations. Vulnerable populations are people over 60, pregnant individuals, and those with chronic conditions.

In addition, the Order temporarily suspends strict compliance with existing law and regulations in order to extend deadlines related to local health department fees, certain fees, and licensing and registration requirements detailed in the Order.

### Violations of Orders

Executive Orders 2020-60, 2020-69, 2020-70, and 2020-71 specify that, consistent with Section 3 of PA 302 of 1945 (MCL 10.33) and Section 5(3) of the EMA (MCL 30.405(3)), a willful violation of these orders is a misdemeanor.

Section 3 of PA 302 of 1945 specifies that a violation of an order, rule, or regulations made in conformity with the Act is punishable as a misdemeanor, when it states that a violation constitutes a misdemeanor. Section 5(3) of the EMA states that a person who willfully disobeys or interferes with the implementation of a rule, order, or directive issued by the Governor pursuant to Section 5 of EMA is guilty of a misdemeanor. Under Section 504 of the Michigan Penal Code, if a person is convicted of a crime under State law designated as a misdemeanor for which no punishment is prescribed, the violation is punishable by up to 90 days' imprisonment or a fine of up to \$500, of both.

## **Fiscal Impact**

### Overview

The Executive Orders will have a substantial fiscal impact, immediately and in the near future. Some of these impacts will be absorbed by existing appropriations, while others may require additional appropriations in the future. For orders that prescribe a misdemeanor penalty for a violation, each may have a negative fiscal impact on the State and local governments. New misdemeanor arrests and convictions may increase resource demands on law enforcement, court systems, community supervision, and jails. However, it is unknown how many people will be prosecuted for a violation. Any additional revenue from imposed fines will go to local libraries.

### Executive Order 2020-60

This Order was rescinded on May 2, 2020 with the issuance of EO 2020-71. See below for the fiscal impact of EO 2020-71.

### Executive Order 2020-61

The Order will not have a significant fiscal impact on State government. Additional administrative, communication, and regulatory costs as a result of the Order are unknown, but those expenses likely will be covered by existing appropriations. The magnitude of these costs will be determined by inquiries, requests, and cases requiring departmental responses.

### Executive Order 2020-62

The Department of Corrections indicates that there will be no meaningful cost or cost savings. While some incarcerated individuals may be released early under the Order, the cost avoidance for that inmate will be negated by incoming new prisoners. Under the Order, no transfers to the Department of Corrections are allowed until the Department certifies that the county jail has implemented all the proper protocols. The reimbursement rate for a person held at a county jail ranges from \$40-65 per night, depending on the level of prisoner held. Jails will be compensated for housing these inmates. Once those inmates are released to the Department's custody, the Department will no longer reimburse the county jails. The initial \$40-\$65 per day reimbursement paid by the Department will be negated by the cost avoidance of an average of \$50 per day for inmates who are released early.

Language used in EO 2020-62 creates two uncertainties that may affect the fiscal impact of the Order. The first uncertainty, and likely the most important consideration, is that the language used in the Order states that juvenile detention centers are "strongly encouraged" to impose certain risk-reduction measures. This language is not mandatory in nature, compared with earlier portions of the Order that pertain to the Department of Corrections, in which the language requires the Department to continue to implement risk reduction protocols. Specifically, "must" denotes a requirement whereas "strongly encouraged" does not imply the same level of requirement. The second uncertainty is the term "juvenile detention center" is not defined in statute. Terms that are used in statute include "juvenile detention facility",<sup>3</sup> "juvenile detention home",<sup>4</sup> or "child caring

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<sup>3</sup> MCL 400.117a.amended(1)(g)

<sup>4</sup> MCL 712A.16

institution".<sup>5</sup> The Order mentions "juvenile detention or residential facility placement" in Section 7(b), which is similar to terms defined under State statute. However, this reference in Section 7(b) creates additional uncertainty, as it states that "juvenile detention centers" are "strongly encouraged" to eliminate any form of detention or residential facility placement for juveniles unless a determination is made that a juvenile is a substantial and immediate safety risk to others. "Juvenile detention centers" or entities that fit within any similar term used under State statute, do not have the authority to make placement decisions for youth in care. The Probate Code reserves authority and jurisdiction for youth under 17 years of age (as of October 1, 2021, this will increase to youth under 18 years of age) to the judicial branch, so it is not clear how the "juvenile detention centers" listed in the Order are able to make placement decisions extrajudicially.

It is probable that even under the seemingly voluntary nature of the Order and the uncertainty of the Order's application to existing juvenile facilities (State-operated, county-operated, and privately operated), some, or even all, will heed the risk-reduction measures stated in the Order and thus will incur fiscal costs. Since it is not clear to what extent those entities will implement the measures, the cost is uncertain. There are two State-operated juvenile detention facilities, Bay Pines Center and Shawono Center, and it is likely that these facilities will implement the risk-reduction measures outlined in the Order.

Section 8 of the Order states that, unless otherwise directed by court order, for those juveniles on probation, the use of out-of-home confinement for technical violations and requirements for in-person meeting are temporarily suspended. As a result, State and local units of government may realize fiscal saving from a reduction in placements for technical probation violations.

#### Executive Order 2020-63

The Order will have a minimal impact on State and local court systems. By extending the PPOs that would have expired between April 27, 2020, and June 1, 2020, courts will not have to hold hearings on those PPOs, which may save some expenses associated with such hearings. On the other hand, courts and law enforcement agencies will incur some minor expenses on account of the data entry into the LEIN system required by the Order. Any expenses are likely to be absorbed by the courts and law enforcement agencies.

#### Executive Order 2020-64

The Order will have a negligible, negative fiscal impact on the State and no fiscal impact on local units of government. Any additional administrative costs stemming from the requirement that the DHHS issue orders and directives to implement the Order will be minor and handled within existing appropriations.

#### Executive Order 2020-65

Districts will face some building-related savings with the closure of school buildings for in-person instruction, although those savings will be lessened to the extent child care centers are operating in those buildings. To the extent hourly workers are not paid during the school closures, districts will see additional savings.

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<sup>5</sup> MCL 722.111(1)(c)

It is likely, however, that districts will see increased costs to the extent alternative modes of instruction included in a district's learning plan are greater than the costs that otherwise would have occurred on-site. These types of costs primarily will center on technology, i.e., devices, connectivity, applications, and personnel, among other things.

The Department of Education will experience additional administrative costs to develop and distribute a template learning plan, coordinate plans transmitted to the Department, and implement new teacher certification requirements. Because of the limited time and changes undertaken, there likely will be significant costs to implement the Order. It is currently unknown if these additional costs will be offset by reduced administration of assessments, teacher certification, and other requirements that are suspended.

#### Executive Orders 2020-66 through 2020-68

As with EOs 2020-4 and 2020-33, EO 2020-68 empowers the Emergency Management and Homeland Security Division of the Department of State Police to take the lead in coordinating local, State, Federal, and nongovernmental resources, the authority for which comes from the EMA. The EMHSD then activates the State Emergency Operations Center (SEOC), located at the State's Secondary Complex in Dimondale, Michigan. At the SEOC, personnel monitor (on a 24-hour basis) ongoing emergencies, communicate with affected jurisdictions and government agencies, and assess and coordinate requests for resources and assistance, either from State or Federal sources. Immediately after the Governor's declaration, the SEOC is staffed by personnel representing each State agency involved in protecting public health and safety, and in responding to and recovering from, a State emergency. In the first days following the issuance of EO 2020-4, most, if not all, of the 18 State departments participated on-site or remotely at the Center to coordinate the State's response. This participation continued under EO 2020-33 and will continue under EO 2020-68. As expected, the DHHS has had a major role in the State response, along with others, including the Department of Military and Veterans' Affairs (the Michigan National Guard), the Department of Corrections, and others, especially those departments that have facilities that the public may visit. The overall costs as a result of these declarations of emergency cannot easily be determined, as the Governor has broad powers to order departments to engage in certain tasks and responsibilities that likely will go well beyond their current appropriations.

Salary costs of employees who serve within the SEOC from various departments, and other statewide costs created by the Governor's broad powers taken under an emergency declaration may be paid by several sources. Funding sources for these expenditures include the following: supplemental State appropriations from Public Act 66 of 2020 (\$25.0 million General Fund/General Purpose (GF/GP) for coronavirus response); Public Act 67 of 2020 (\$125.0 million GF/GP for coronavirus response); supplemental Federal appropriations and allocations that provide financial assistance to states (initial Federal supplemental appropriations and allocations that initially provided \$15.3 million to Michigan, with additional support forthcoming); \$9.5 million of State restricted revenue from the current balance of the State's Disaster and Emergency Contingency Fund, for use during State emergencies (these funds often are used to provide local or State matching funds for Federal funds); Federal Emergency Management Agency reimbursement funds available under the Stafford Act (a significant source of potential financial support as, with the declaration of a State emergency, followed by a Federal declaration, Federal funds become available to reimburse states for reasonable costs in addressing an emergency, typically on a 25% state/75% Federal match, but in some instances with 100% Federal support).

Executive Order 2020-69

The Order likely will have a minor negative fiscal impact on the Department of Licensing and Regulatory Affairs.

Currently, the Bureau of Fire Services has 24.0 FTEs, twenty fire inspectors and four supervisors, available to devote to monitoring closures of places of public assembly included in the Executive Order. These inspectors will respond to complaints received from individuals regarding the failure of businesses or other entities to follow the Order's requirements. However, these FTEs also must continue to perform routine inspections. The Department has noted that current resources are insufficient to conduct as many inspections as are currently required of its employees. To fulfill its statutory obligations and address the closures and limitations under Executive Order 2020-69, the Department may incur significant overtime costs.

Additional FTEs from the Michigan Liquor Control Commission and other entities also may be used for monitoring and complaint response, according to the nature of the business in question.

The Department of Licensing and Regulatory Affairs does not expect a significant change in its licensing revenues.

Executive Order 2020-69 also will have a negative fiscal impact on the State and City of Detroit. Closing the three casinos in Detroit will reduce revenue to the School Aid Fund and City of Detroit. The three-year, average monthly revenue received by the State and City of Detroit was \$11.1 million to the State and \$16.3 million to the City of Detroit. With the Order going into effect since March 16 and continuing through May 30, the negative fiscal impact will be at least 2.5 times the average monthly revenue. This equals a \$27.8 million loss to the School Aid Fund and \$40.8 million loss to the City of Detroit. Casino revenue represents 0.8% of the total revenue received by the School Aid Fund, which means that the loss of revenue will be minor in relation to the total School Aid Fund. Casino revenue represents about 14% of the total general fund revenue received by the City of Detroit, which means that the loss of revenue will be more significant to the City.

The Order may have a negligible fiscal impact on the Michigan Gaming Control Board. The Board may experience a loss of revenue in the form of reduced application and licensing fee revenue because of closing the three casinos in Detroit, horse racing, and Millionaire Parties. In particular, Millionaire Party regulation is entirely reliant on the fees charged to millionaire parties for gaming events. Additionally, with reduced gaming operations, the Michigan Gaming Control Board has reduced administrative and information technology expenditures when compared to previous fiscal years.

The Department of Health and Human Services will incur minor administrative costs resulting from the dissemination of information to the public, and places of public accommodation and public amusement. The Department estimates these costs to be approximately \$450,000 with \$250,000 for statewide outreach and education, and the remaining \$200,000 for a public media campaign. These costs represent the Department's cumulative costs of implementing the closures required under Executive Orders 2020-9, 2020-20, 2020-43, and 2020-69.

The Order will reduce State tax revenue, particularly from individual and corporate income taxes and the sales tax, by an unknown amount that will depend on how long and the degree to which individuals continue to receive pay, qualify and receive unemployment or otherwise maintain

income levels, draw down savings or maintain consumption, work from home, and the degree to which any changes result in prolonged or permanent changes in employment or other financial conditions. Given the magnitude of economic activity affected by the Executive Order, the revenue reductions may be significant and likely will affect revenue in both fiscal year (FY) 2019-20 as well as FY 2020- 21 (when annual payments are due and/or reconciled).

#### Executive Order 2020-70

The Order will reduce State tax revenue, particularly from individual and corporate income taxes and the sales tax, by an unknown amount that will depend on how long and the degree to which business activity is reduced or that individuals are affected. For individuals, the impact also will be affected by the degree and extent to which individuals continue to receive pay, receive unemployment compensation or otherwise maintain income levels, draw down savings or maintain consumption, work from home, and the degree to which any changes result in prolonged or permanent changes in employment or other financial conditions. Given the magnitude of economic activity affected by the Order, the revenue reductions may be significant and will affect revenue in both FY 2019-20 as well as FY 2020-21 (when annual payments are due or reconciled).

The Department of State may see a decrease in revenue from various vehicle and driver license transactions. While only late fees are being waived while the Order is in effect, all fees will be due and eventually will be paid so there is no large anticipated change to revenue. However, the Order may affect vehicle sales, which may reduce the amount of revenue the Department receives. However, these costs are indeterminate and will depend on how sales are affected and how long the stay-at-home order is in effect.

#### Executive Order 2020-71

Executive Order 2020-71 likely will have a minor negative fiscal impact on State government. The Department of Licensing and Regulatory Affairs may incur minor administrative costs related to monitoring and enforcement. These activities likely will be covered by existing appropriations. However, it is possible that there may be additional costs related to staff overtime, depending on the particular actions of the Department and the number of complaints received.

The suspension of certain late fees may result in a minor negative fiscal impact on the Department.

#### **Conclusion**

The Executive Orders summarized above implement various measures in response to COVID-19 in Michigan. These measures affect, among other things, licensing requirements of the Public Health Code, corrections protocols, anti-discrimination policies for health-care facilities, places of public accommodation, nonessential activities, food-selling establishments, and pharmacies.

If you have any questions regarding these Executive Orders, please do not hesitate to contact us.

/mh

Attachment

c: Christopher Harkins, Director

<b>Executive Orders related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
4	Declaration of State of Emergency	3/10/2020	EO 2020-33	4/1/2020
5	Temporary prohibition on large assemblages and events, temporary school closures	3/13/2020	EO 2020-11	3/16/2020
6	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	3/14/2020	EO 2020-6	3/14/2020
7	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	3/14/2020	EO 2020-37	4/5/2020
8	Enhanced restrictions on price gouging	3/16/2020	EO 2020-18	4/13/2020
9	Temporary restrictions on the use of places of public accommodation	3/16/2020	EO 2020-20	3/22/2020
10	Temporary expansions in unemployment eligibility and cost-sharing	3/16/2020	EO 2020-24	3/25/2020
11	Temporary prohibition on large assemblages and events, temporary school closures	3/16/2020		4/5/2020
12	Enhanced support for deliveries	3/16/2020	EO 2020-44	4/13/2020
13	Temporary enhancements to operational capacity and efficiency of health care facilities	3/17/2020	EO 2020-49	4/14/2020
14	Temporary extension of deadline to redeem property for nonpayment of delinquent property taxes	3/18/2020		5/29/2020*
15	Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards	3/18/2020	EO 2020-48	4/14/2020
16	Expanding child care access during the COVID-19 emergency	3/18/2020	EO 2020-51	4/15/2020
17	Temporary restrictions on non-essential medical and dental procedures	3/20/2020		*
18	Enhanced restrictions on price gouging	3/20/2020	EO 2020-53	4/17/2020
19	Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant	3/20/2020	EO 2020-54	4/17/2020

<b>Executive Orders related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
	or mobile home owner from their home			
20	Temporary restrictions on the use of places of public accommodation	3/22/2020	EO 2020-43	4/13/2020
21	Temporary requirement to suspend activities that are not necessary to sustain or protect life	3/24/2020	EO 2020-42	4/9/2020
22	Extension of county canvass deadlines for the March 10, 2020 Presidential Primary Election	3/24/2020		4/30/2020
23	Enhanced authorization of remote means for carrying out state administrative procedures	3/25/2020	EO 2020-45	4/13/2020
24	Temporary expansions in unemployment eligibility and cost-sharing	3/25/2020	EO 2020-57	4/22/2020
25	Temporary enhancements to operational capacity, flexibility, and efficiency of pharmacies	3/25/2020	EO 2020-56	4/21/2020
26	Extension of April 2020 Michigan income tax filing deadlines	3/27/2020		7/31/2020
27	Conducting elections on May 5, 2020 using absent voter ballots	3/27/2020		5/5/2020
28	Restoring water service to occupied residences during the COVID-19 pandemic	3/28/2020		*
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	3/29/2020	EO 2020-62	4/26/2020
30	Temporary relief from certain restrictions and requirements governing the provision of medical services	3/29/2020	EO 2020-61	4/26/2020
31	Temporary relief from standard vapor pressure restrictions on gasoline sales	3/30/2020		5/31/2020
32	Temporary restrictions on non-essential veterinary services	3/31/2020	EO 2020-34	4/2/2020
33	Expanded emergency and disaster declaration	4/1/2020	EO 2020-66 EO 2020-67	4/30/2020

<b>Executive Orders related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
34	Temporary restrictions on veterinary services	4/2/2020		*
35	Provision of K-12 education during the remainder of the 2019-2020 school year	4/2/2020	EO 2020-65	4/30/2020
36	Protecting workers who stay home, stay safe when they or their close contacts are sick	4/3/2020		*
37	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	4/5/2020	EO 2020-72	5/3/2020
38	Temporary extensions of certain FOIA deadlines to facilitate COVID-19 emergency response efforts	4/5/2020		6/4/2020
39	Temporary relief from certain restrictions and requirements governing the provision of emergency medical services	4/7/2020		*
40	Temporary relief from certain credentialing requirements for motor carriers transporting essential supplies, equipment, and persons	4/8/2020	EO 2020-73	5/5/2020
41	Encouraging the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic	4/8/2020	EO 2020-74	5/5/2020
42	Temporary requirement to suspend activities that are not necessary to sustain or protect life	4/9/2020	EO 2020-59	4/24/2020
43	Temporary restrictions on the use of places of public accommodation	4/13/2020	EO 2020-43	4/30/2020
44	Enhanced support for deliveries	4/13/2020		5/11/2020
45	Enhanced authorization of remote means for carrying out state administrative procedures	4/13/2020		5/11/2020
46	Mitigating the economic harms of the COVID-19 pandemic through the creation of a spirits buyback program for restaurants and bars throughout the state	4/13/2020		*
47	Temporary extension of validity of driver's licenses, state	4/13/2020		6/30/2020

<b>Executive Orders related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
	identification cards and registration			
48	Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards	4/14/2020		5/12/2020
49	Temporary enhancements to operational capacity and efficiency of health care facilities	4/14/2020		5/12/2020
50	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	4/15/2020		5/13/2020
51	Expanding child care access during the COVID-19 pandemic	4/15/2020		5/13/2020
52	Temporary extension of certain pesticide applicator certificates	4/17/2020		*
53	Enhance restrictions on price gouging	4/17/2020		5/15/2020
54	Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant or mobile home owner from their home	4/17/2020		5/15/2020
55	Michigan Coronavirus Task Force on Racial Disparities	4/20/2020		*
56	Temporary enhancements to operational capacity, flexibility, and efficiency of pharmacies	4/21/2020		5/19/2020
57	Temporary expansions in unemployment eligibility and cost-sharing	4/22/2020		*
58	Temporary suspension of certain timing requirements relating to the commencement of civil and probate actions and proceedings	4/22/2020		*
59	Temporary requirement to suspend activities that are not necessary to sustain or protect life	4/24/2020	EO 2020-70	5/15/2020
60	Temporary safety measures for food-selling establishments and pharmacies and temporary relief from requirements applicable to the renewal of licenses for the food-service industry	4/24/2020	EO 2020-71	5/1/2020

<b>Executive Orders related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
61	Temporary relief from certain restrictions and requirements governing the provision of medical services	4/26/2020		*
62	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.	4/26/2020		5/24/2020
63	Temporary suspending the expiration of personal protection orders	4/27/2020		7/21/2020
64	Affirming anti-discrimination policies and requiring certain health care providers to develop equitable access to care protocols	4/29/2020		*
65	Provision of K-12 education during the remainder of the 2019-2020 school year	4/30/2020		*
66	Termination of the state of emergency and disaster declared under the Emergency Management Act in Executive Order 2020-33	4/30/2020		4/30/2020
67	Declaration of state of emergency under the Emergency Powers of the Governor Act, 1945 PA 302	4/30/2020		5/28/2020
68	Declaration of states of emergency and disaster under the Emergency Management Act, 1976 PA 390	4/30/2020		5/28/2020
69	Temporary restrictions on the use of places of public accommodation	4/30/2020		5/28/2020
70	Temporary requirement to suspend activities that are not necessary to sustain or protect life	5/1/2020		5/15/2020
71	Temporary safety measures for food-selling establishments and pharmacies and temporary relief from requirements applicable to the renewal of licenses for the food-service industry	5/1/2020		5/30/2020

<b>Executive Orders related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
72	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	5/3/2020		5/31/2020
73	Temporary relief from certain credentialing requirements for motor carriers transporting essential supplies, equipment, and persons	5/5/2020		6/2/2020
74	Encouraging the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic	5/5/2020		6/30/2020

**\*The end date for these marked items will be the end of the declared state of emergency or a date reasonably related to the end of the declared state of emergency.**