

**SENATE FISCAL AGENCY  
 MEMORANDUM**

**DATE:** September 9, 2020

**TO:** Members of the Michigan Senate

**FROM:** Ellyn Ackerman, Ryan Bergan, Joe Carrasco, John Maxwell, Elizabeth Raczkowski, Cory Savino, Michael Siracuse, and David Zin, Fiscal Analysts; and Jeff Mann, Associate Director

**RE:** Coronavirus Disease 2019 (COVID-19) Executive Orders 2020-159 through 2020-162, and 2020-164 through 2020-167

**Overview**

From July 29, 2020, through August 7, 2020, Governor Whitmer issued Executive Orders (EOs) 2020-159 through 2020-162, and 2020-164 through 2020-167 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.<sup>1</sup> These measures affect, among other things, occupancy requirements, indoor and outdoor gatherings, professional sports, public accommodations, casinos, workplace safety, worker protections, and face covering requirements. Executive Order 2020-167 will create the Michigan Food Security Council. The EOs will have an impact on State revenue, local governments, and various State departments, including the Department of Labor and Economic Opportunity (LEO), the Department of Licensing and Regulatory Affairs (LARA), the Department of Health and Human Services (DHHS), the Department of Agriculture and Rural Development (MDARD), the Department of Transportation (MDOT), and the Michigan State Police (MSP).

**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 diseases caused 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 September 8, 2020, the DHHS has reported 107,812 cases and 6,539 deaths attributable to COVID-19.

<sup>1</sup> Executive Order 2020-163 is not COVID-19-related and is not analyzed in this memorandum.

## Authority for Orders

Executive Order 2020-165, which continues the state of emergency and state of disaster in response to the COVID-19 pandemic, cites the Emergency Management Act (EMA) and Public Act (PA) 302 of 1945 (which pertains to the Governor's emergency powers) as authority for its issuance.<sup>2</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 the orders summarized in the memorandum, except for EO 2020-167,<sup>3</sup> 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>4</sup>

A listing of all Executive Orders issued in response to the COVID-19 pandemic through Executive Order 2020-177, 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 2020-159

Effective July 29, 2020, the Order amends the Michigan Administrative Code to allow a change of use for a space from business occupancy to use as a college or university instructional facility without the usual review and inspection requirements. The Department of Licensing and Regulatory Affairs must issue guidance regarding the temporary approval of spaces for use as instructional facilities.

### Executive Order 2020-160

Effective July 31, 2020, the Order rescinds and replaces EOs 2020-110, 2020-115, 2020-133, and 2020-143. The Order also rescinds EO 2020-120, an EO governing the opening of overnight camps, but does not replace that EO's language.

### *Remote work, workplace safety, and individual responsibility*

The Order states that any work capable of being performed remotely must be done so. It states that any business that requires employees to leave their homes for work is subject to EO 2020-161, or any orders that follow from it. Individuals who leave their homes must follow social

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<sup>2</sup> Executive Order 2020-165 rescinds and replaces EO 2020-151, which previously maintained the state of emergency citing the same authority.

<sup>3</sup> Executive Order 2020-167 cites Article V, Section 1, which vests the executive power of the State in the Governor, and Article V, Section 8, which requires the Governor to "take care that the laws be faithfully executed".

<sup>4</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.

distancing measures recommended by the Centers for Disease Control and Prevention (CDC) and also must follow any EOs governing the use of masks.

*Public accommodations restrictions*

The following places must remain closed under the Order:

- Indoor theaters, cinemas, and performance venues.
- Indoor gymnasiums, fitness centers, recreational centers, fitness and exercise facilities.
- Millionaire parties licensed by the Michigan Gaming Control Board.
- Casinos until August 5, 2020 (after that date, they may operate at limited capacity under EO 2020-161).
- Indoor services or facilities, or outdoor services or facilities that involve the close contact of persons, for amusement, recreation, or entertainment purposes.

Exceptions to the public accommodation restrictions are listed below.

*Bars*

Under the Order, an establishment that holds an on-premises retailer license to sell alcoholic beverages and earns more than 70% of its gross receipts from alcoholic beverage sales must cease indoor service. Affected establishments that remain open for outdoor service must limit customer movement and require face coverings when customers pass through indoor areas.

*Liquor license restrictions*

The Order temporarily suspends dance and topless activity permits. However, combination dance-entertainment and topless-entertainment permits continue to be valid for nondancing, nontopless entertainment. The Order does not affect the holder of a social district license from selling alcoholic beverages to patrons as permitted under Public Act 124 of 2020 (which amended the Liquor Control Code to provide for the creation of social districts).

*Rules on gatherings, events, and large venues*

The Order permits social gatherings but requires individuals not of the same household to maintain six feet of distance from one another and that indoor and outdoor gatherings be limited to 10 and 100 people, respectively. Exceptions to these requirements for social gatherings are provided for incidental gatherings, including incidental proximity at an airport, bus station, factory floor, restaurant, shopping mall, public pool, workplace, or polling place.

The Order allows for professional sports teams to resume operations within the State without fans in attendance at games. To the extent compatible with the sporting activity, participants must maintain six feet of distance from one another. Teams that resume operations must conduct their operations pursuant to a COVID-19 safety plan that is consistent with guidance from the CDC and the DHHS.

*Region definitions and exceptions for Regions 6 and 8*

The Order divides the State into eight separate regions. Exceptions for Regions 6 and 8 are provided, including the following:

- The restrictions regarding public accommodations (listed above) do not apply.
- The limit for outdoor gatherings is increased to 250 people.
- Permits the operation of an indoor arcade, bowling alley, cinema, climbing facility, convention center, performance space, meeting hall, sports arena, theater, or similar venue, provided individuals not of the same household remain six feet from one another and the venue operates at 25% capacity or up to 250 individuals, whichever is smaller.
- Permits the operation of a concert space, race track, sports arena, stadium, or similar venue, provided individuals not of the same household remain six feet from one another and the venue operates at 25% capacity or up to 500 individuals, whichever is smaller.

Region 8 includes all counties in the Upper Peninsula. 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.

*Exceptions*

The Order also makes exceptions to the restrictions on public accommodations for the following:

- Outdoor fitness classes, athletic practices, training sessions, or games so long as individuals not of the same household maintain six feet of distance between one another and that equipment is shared minimally and frequently sanitized.
- Services necessary for medical treatment.
- Healthcare facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.
- Crisis shelters or similar institutions.
- Food courts inside airports.
- Employers, contractors, vendors, or suppliers who enter public spaces in their professional capacity.

*Parks*

The Order permits the use of outdoor parks and recreational facilities so long as individuals not of the same household maintain six feet of distance between one another.

*Pools*

The Order allows swimming pools to remain open with limited capacity on the pool deck, subject to local regulation and guidance by the DHHS, so long as they are:

- Outdoors and limited to 50% capacity.
- Indoors and limited to 25% capacity if they are in Regions 6 or 8
- Indoors and limited to 25% capacity if they are outside Regions 6 or 8 and only for infant or child drowning prevention classes.

### *Separation of Powers*

The Order states that it should not be taken to interfere with the powers of the legislative or judicial branches to perform constitutional duties, nor does it abridge Federal or State constitutional protections.

### *Religious Worship*

A willful violation of the Order is a misdemeanor, except at a place of religious worship.

### Executive Order 2020-161

Effective July 29, 2020, the Order rescinds and replaces EO 2020-145, which required businesses or operations permitted to require employees to leave their residences for work to follow certain standards and procedures related to COVID-19. Executive Order 2020-161 requires businesses or operations permitted to require employees to leave homes or residences for work to meet, at a minimum, the requirements described below.

Businesses or operations must develop a COVID-19 preparedness and response plan, consistent with recommendation in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Safety and Health Administration (OSHA). Businesses or operations must designate one or more worksite supervisors to implement, monitor, and report the strategies developed above, and the supervisor must remain on-site when employees are present on-site.

Businesses and operations must provide training on COVID-19, which must cover the following, at a minimum:

- Workplace infection-control practices.
- The proper use of personal protective equipment (PPE).
- Steps employees must take steps to notify the business of any COVID-19 symptoms, or a suspected or confirmed diagnosis.
- How to report unsafe working conditions.

Businesses or operations must provide communication and training in the primary language common to their employee populations, and they must place posters at work sites that encourage employees to stay home when sick and inform employees on proper hand hygiene.

Businesses or operations must conduct a daily entry self-screening protocol for all employees or contractors and maintain at least six feet between everyone on the worksite premises through the use of ground markings, signs, and physical barriers. Businesses or operations must provide nonmedical grade face coverings to their employees, require them to be worn when employees cannot consistently maintain six feet of separation, and must consider face shields when employees cannot consistently maintain three feet of separation. Face coverings must be worn in shared spaces, such as restrooms and hallways.

Businesses or operations must increase facility cleaning and disinfection, especially on high-touch surfaces, with special attention on parts, products, and shared equipment. They also must adopt protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.

Cleaning supplies must be made available to employees upon entry and at the worksite, and employees must have time to wash hands frequently or use hand sanitizer.

If an employee is identified with a confirmed case of COVID-19, within 24 hours, businesses or operations must notify the local public health department and any coworkers, contractors, or suppliers who may have come into contact with the person with a confirmed case. An employer must allow employees with confirmed or suspected cases of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the CDC.

Businesses or operations must follow Executive Order 2020-36, and any orders that follow it, which prohibits discharging, disciplining, or otherwise retaliating against employees who stay at home or who leave work when they are at particular risk of infecting others. They also must establish a response plan for dealing with a confirmed infection in the workplace, including protocols for sending employees home and for temporary closures for deep cleaning.

Businesses or operations must restrict business-related travel for employees to essential travel only, encourage employees to use PPE and hand sanitizer on public transportation, promote remote work to the fullest extent possible, and 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.

In addition to the general requirements above, the Order establishes requirements for certain businesses or operations as described below.

The Order requires businesses or operations whose work is primarily and traditionally performed outdoors to do the following:

- Limit in-person interaction with clients and patrons to the maximum extent possible, and bar any interaction in which people cannot maintain six feet of distance.
- 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.

The Order requires businesses or operations in the construction industry to do the following:

- Create dedicated entry points at every worksite or meet other alternatives.
- Provide instructions for the distribution of PPE and designate on-site locations for soiled face coverings.
- Require the use of work gloves where appropriate.
- Identify choke points and high-risk areas for employees and control access to them.
- Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite.
- Notify contractors or owners of any confirmed COVID-19 cases among employees at their worksites.
- Restrict unnecessary movement between project sites.
- Create protocols for minimizing personal contact upon delivery of materials.

The Order requires manufacturing facilities to do the following:

- Create dedicated entry points at every facility for daily screening.
- Suspend all nonessential in-person visits, including tours.
- Train employees on the transmission of COVID-19 and the use of PPE.
- Implement shift schedules where possible to reduce the number of employees in the facility at the same time.
- Stagger meal and break times, as well as start times at each entrance, where possible.
- Install temporary physical barriers, where practicable, between work stations and cafeteria tables.
- Create protocols for minimizing personal contact upon delivery of materials.
- Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees, and discontinue the use of hand dryers.
- Maintain a central log for symptomatic employees or employees who received a positive test for COVID-19.
- Send potentially exposed individuals home after identification of a positive COVID-19 case.
- Require employees to self-report to plant leaders as soon as possible after developing symptoms for COVID-19.
- Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if an employee goes home because of symptoms of COVID-19.

The Order requires research laboratories, but not laboratories that perform diagnostic testing, to do the following:

- Assign dedicated entry points and times into lab buildings.
- Create protocols and or checklists as necessary to conform to the facility's COVID-19 preparedness and response plan.
- Suspend all nonessential in-person visitors.
- Limit the number of people per square feet of floor space permitted in a laboratory.
- Close open workspaces, cafeterias, and conference rooms.
- Require all office and dry lab work to be conducted remotely.
- Provide disinfecting supplies and require employees to wipe down their workstations.
- Implement an audit and compliance procedure to ensure that cleaning criteria are followed.
- 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.
- Clean and disinfect the work site when an employee is sent home with symptoms or a confirmed case.
- Send any potentially exposed coworkers home if there is a positive case in the facility.

The Order requires retail stores that are open for in-store sales, libraries, and museums do the following:

- Create communications material for customers to inform of changes to store practices and the precautions the store is taking to prevent infection.
- Establish lines to regulate entry in accordance with requirements described below.
- Post signs at store entrances instructing customers to wear a face covering and informing customers not to enter if they are or have recently been sick.
- Install physical barriers at checkout or other service points that require interaction.

- Establish an enhanced cleaning and sanitizing protocol for high-touch areas like restrooms, credit-card machines, keypads, counters, and other surfaces.
- Train employees on appropriate cleaning procedures and how to manage symptomatic customers upon entry or in the store.
- Notify employees if the employer learns that an individual with a confirmed case of COVID-19 has visited the store.
- Limit staffing to the minimum necessary to operate.

Retail stores also must adhere to the following restrictions, except for those retail stores in Regions 6 and 8.<sup>5</sup>

- For stores of less than 50,000 square feet of customer floor space, limit the number of people in the store (including employees) to 25% of the total occupancy limits.
- For stores of more than 50,000 square feet, limit the number of customers in store at one time (excluding employees) to four people per 1,000 square feet and create at least two hours per week of dedicated shopping time for vulnerable populations, including people over 60, pregnant women, and those with chronic conditions.

The Order grants the Director of the DHHS authorization to issue an emergency order varying the capacity limits.

The Order requires offices to do the following:

- Assign dedicated entry points to reduce congestion.
- Provide visual indicators outside the building to maintain spacing.
- Take steps to reduce entry congestion and ensure effective screening.
- Increase the distance between employees by using several suggested methods.
- Prohibit meetings that do not allow for social distancing.
- Provide disinfecting supplies and require employees to wipe down work stations twice daily.
- Post signs about personal hygiene.
- Disinfect high-touch surfaces.
- Institute cleaning and communications protocols when employees are sent home with symptoms.
- Notify employees if the employer learns that an individual with a confirmed case has visited the office
- Suspend all nonessential visitors.
- Restrict nonessential travel.

The Order requires restaurants and bars to do the following:

- Limit capacity to 50% of normal seating.
- Require six feet of separation between groups at different tables, close waiting areas, and provide physical guides to maintain separation.
- Require patrons to wear a face covering unless seated.
- Require patrons to remain seated except to enter, exit, order food, or use restroom.

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<sup>5</sup> Executive Order 2020-115 describes the counties included in each specific region. Regions 6 and 8 include Michigan's northernmost counties, including all counties in the Upper Peninsula (Region 8) and seventeen northern counties in the Lower Peninsula (Region 6).

- Only sell alcoholic beverages via table service, not at the bar.
- Prohibit access to common areas.
- Close waiting areas.
- Close self-serve food or drink options.
- Post signs and communications materials for customers about changes in practice, instructions to wear face coverings, and instructions not to enter if recently sick.
- Require hosts and servers to wear face coverings.
- Limit shared items for customers and clean high contact areas.
- Train employees on protocols related to PPE, food safety, and managing customers.
- Notify employees if the employer learns of a confirmed COVID-19 case in the store.
- Close the restaurant immediately if an employee shows multiple symptoms of COVID-19.
- Require a doctor's written release to return to work if an employee had a confirmed case of COVID-19.

The Order requires outpatient health-care facilities, including clinics, primary care physician offices, or dental offices, and veterinary clinics, to do the following:

- Limit waiting area occupancy to the number of individuals who can be present while staying six feet apart, and ask patients to wait in their cars, if possible.
- Enable contactless sign-in.
- Add special hours for highly vulnerable patients.
- Employ telehealth and telemedicine to the greatest extent possible.
- Limit the number of appointments to maintain social distancing and allow time for cleaning between all appointments.
- Employ specialized procedures for patients with high temperatures or respiratory symptoms.
- Deep clean examination rooms after patients with respiratory symptoms.
- Establish procedures for building disinfection in accordance with CDC guidelines if it is suspected that an employee or patient has COVID-19, or if there is a confirmed case.

The Order requires business that provide in-home services, including cleaners, repair people, painters, etc. to do the following:

- Require employees to do a daily health screening.
- Maintain accurate appointment records for contact tracing.
- Limit direct contact with customers by using electronic means of communication.
- Before entering a home, inquire if anyone in the household has been diagnosed, or experienced symptoms related to COVID-19.
- Limit the number of employees inside a home to the minimum number necessary.
- Wear and dispose of gloves in accordance with CDC guidelines.

The Order requires personal-care service providers, including barbers, cosmetologists, tattoo, piercing, tanning, and massage providers, to do the following:

- Maintain accurate appointment and walk-in records for contact tracing.
- Post signs directing customers not to enter if they have been sick.
- Restrict entry to customers and their dependent minors and caregivers.
- Require on-site workstations be placed at least six feet apart.
- Limit waiting area occupancy so that customers are at least six feet apart.

- Discontinue self-service refreshment
- Discard nonessential shared items, such as magazines, that cannot be easily disinfected.
- Mark waiting areas to enable six feet of social distancing.
- Require employees to use PPE in accordance with CDC and OSHA guidelines.
- Require employees and customers to wear face coverings.
- Cooperate with the local health department if a confirmed COVID-19 case is identified within the facility.

The Order requires sports and entertainment facilities, including arenas, cinemas, concert halls, amusement parks, arcades, night clubs, etc., to do the following:

- Post signs directing customers not to enter if they have been sick.
- Encourage patrons to wear face coverings.
- Use crowd-limiting measures to meter the flow of patrons.
- Use dividers, signs, etc. to maintain six feet of distance between patrons.
- Limit seating capacity to maintain six feet of distance between patrons.
- Establish safe exit procedures (for sports and entertainment facilities only).
- Adopt specified entry and exit times for vulnerable populations (for sports and entertainment facilities only).
- Train employees who interact with patrons on how to monitor and enforce compliance with COVID-19 protocols and to help patrons that become symptomatic.
- Frequently disinfect high-touch surfaces.
- Disinfect and deep clean the facility after each event.
- Close self-serve concessions.

The Order requires gymnasiums, fitness centers, recreation centers, etc. to do the following:

- Post signs directing customers not to enter if they have been sick.
- Maintain accurate customer attendance records for contact tracing.
- Configure workout stations to allow for 10 feet of distance between them.
- Reduce exercise classes to enable six feet of distance between participants.
- Provide cleaning products for patrons to use on equipment when finished.
- Make available hand sanitizer, disinfecting wipes, soap, etc.
- Regularly disinfect equipment.
- Ensure ventilation systems are operating properly.
- Increase outdoor air circulation as much as possible.
- Regularly clean public spaces, such as restrooms and locker rooms.
- Close steam and sauna rooms.

The Order requires meat and poultry processing plants to do the following:

- Conduct a daily entry screening protocol, including at least one dedicated entry point for daily screening, for people entering the facility.
- Space workers six feet apart.
- Require workers to wear a face covering.
- Provide clean face coverings when coverings become soiled.
- Use face shields in addition to face coverings under certain circumstances.
- Use physical barriers to keep employees apart.

- Encourage single-file movement.
- Stagger arrival, departure, and break times to avoid congestion.
- Provide visual cues to remind workers to social distance themselves.
- Designate social distancing monitors.
- Reduce production as necessary to minimize the number employees in the facility at any one time.
- Adopt policies that discourage sick employees from entering the workplace.
- Group employees in shifts to minimize contacts.
- Disinfect workstations of employees when those employees become sick.
- Provide PPE that is disposable or disinfect and store reusable equipment.

The Order requires casinos to do the following:

- Conduct daily entry screening protocols that include a questionnaire for individuals entering the facility
- Limit patron occupancy to 15% of total occupancy.
- Designate entry and exit points with signage.
- Use signage to remind patrons of CDC guidelines for social distancing and sanitation.
- Require patrons to wear masks.
- Prohibit smoking indoors.
- Designate and identify a liaison officer for reporting suspected COVID-19 exposure.
- Stagger break schedules for employees.
- Provide frequent opportunities for employees to wash hands.
- Disinfect all high-touch objects accessible to the public.
- Provide patrons with disinfecting wipes.
- Place hand sanitizer stations in high traffic areas.
- Maintain HVAC systems to maximize fresh air in the facility.
- Disinfect slot machines.
- Enable social distancing between slot machines.
- Require dealers and customers to wear masks.
- Require food servers to adhere to the requirements for restaurants and bars identified in the Order (and listed above).
- Suspend concerts, nightclubs, live events, valet service, coat check service, and self-serve buffets.
- Follow infection control guidance provided by the Michigan Gaming Control Board.

Lastly, the Order requires racetracks to follow all orders issued by the Executive Director of the Michigan Gaming Control Board for reopening and operation.

#### Executive Order 2020-162

The Order amends EO 2020-160 to state that for Regions 6 and 8, any work that is capable of being performed remotely should (instead of must) be performed remotely.

#### Executive Order 2020-164

The Order mandates that child care organizations require staff and children to wear face coverings under certain circumstances. The Order also extends Executive Order 2020-146 until

August 15, 2020. This extension is effective immediately, while the remainder of the Order took effect August 10, 2020.

Child care organizations must require all staff and children ages two years or older to wear face coverings when using school buses or other transportation provided by the organization. Staff and children aged four years or older must wear face coverings in most indoor spaces, including common areas such as classrooms and hallways. The Order notes a number of exceptions to the requirements but encourages social distancing and use of a face shield under those circumstances.

The Order permits child care organizations and camps to use facilities that otherwise are closed under Executive Order 2020-160 for the purpose of providing child care services.

The Department of Licensing and Regulatory Affairs must provide additional guidelines for controlling infections at child care organizations and camps.

#### Executive Order 2020-165

Effective August 7, 2020, and continuing until September 4, 2020, at 11:59 PM, the Order declares a state of emergency under PA 302 of 1945. The Order rescinds EO 2020-151, which extended the declared state of emergency under EOs 2020-33, 2020-67, 2020-68, 2020-99, and 2020-127. All previous orders that rested on EO 2020-151 rest on EO 2020-165.

The Order specifies that the COVID-19 pandemic constitutes a disaster and emergency throughout the State. The Order also specifies, subject to ongoing litigation and appeals, and to the extent the Governor may declare states of emergency and disaster under the EMA when emergency and disaster conditions exist but the Legislature has not granted an extension request, that the Order constitutes states of emergency and disaster declarations under the EMA.

#### Executive Order 2020-166

Effective August 7, 2020, and continuing until the end of the declared state of emergency, the Order prohibits an employer from discharging, disciplining, or otherwise retaliating against an employee who tests positive for COVID-19, displays one or more of the principal symptoms of COVID-19, or has close contact with an individual who tests positive to COVID-19 or displays one or more symptoms. Additionally, this prohibition applies to an employee described above who fails to comply with a requirement to document that he or she has COVID-19 or has had close contact with an individual who has COVID-19.

The Order requires employers to treat these employees as if they have taken medical leave under the Paid Medical Leave Act. Employers are permitted to debit the hours that an employee has taken under leave of absence under this Order if he or she has no paid leave. The length of leave under the Order is not limited to the amount of leave an employee accrued under the Paid Medical Leave Act, whether paid or unpaid, if the employee remains away from work within the time periods described under the Order.

The Order does not prevent an employer from discharging or disciplining an employee who is allowed to return to work but declines, if the employee asks to be discharged, or for any other lawful reason.

The Order authorizes the Director of LEO to enforce the Order and to refer all credible complaints to relevant licensing authorities.

The Order states that it is the public policy of the State that individuals who test positive for COVID-19 or who display one or more of the principal symptoms remain in their home until 24 hours after the resolution of fever without fever-reducing medications, 10 days have passed since their symptoms first appeared or swabbed for a positive test, or other symptoms have improved.

The Order also states that it is the public policy of the State that individuals who have had close contact with an individual who tests positive or with an individual who displays one or more of the principal symptom of COVID-19 should remain in their homes or places of residence until 14 days have passed since the last contact or the symptomatic individual receives a negative COVID-19 test.

The Order does not apply to health care professionals, workers at a health care facility, first responders, child protective service employees, workers at child caring institutions, workers at adult foster care facilities, and workers at correctional facilities, provided that their employers' rules governing occupational health allow them to go to work.

Individuals who return to work before the period specified in the Order are not be entitled to the protections against discharge, discipline, or retaliation provided under the Order.

The Order states that it is the public policy of the State that individuals described under the Order should leave their home or residence only to the extent absolutely necessary to obtain food, medicine, medical care, or supplies needed to sustain or protect life, or to engage in outdoor activities consistent with remaining at least six feet from people from outside their household.

The Order defines "the principal symptom of COVID-19" as a fever, sore throat, a new uncontrolled cough, difficulty breathing, diarrhea, vomiting, abdominal pain, new onset of severe headache, new loss of taste or smell and "close contact" as being within approximately six feet of an individual for a prolonged period of time.

#### Executive Order 2020-167

Effective August 7, 2020, the Order creates the Michigan Food Security Council as an advisory body within the DHHS. The Council will focus on formulating a plan for achieving food security for all of Michigan's residents. The Council will continue its work until a final report is completed and submitted to the Governor.

#### *Creating the Michigan Food Security Council*

The Council will consist of the following 20 voting members:

- The Director of the DHHS or his or her designee.
- The Director of MDARD or his or her designee.
- The Director of LEO or his or her designee.
- The Superintendent of Public Instruction or his or her designee from within the Michigan Department of Education.
- Sixteen members appointed by the Governor including individuals with a background from a wide variety of food insecurity backgrounds.

There are four nonvoting members, two members each from the Michigan Senate and Michigan House of Representatives.

The Governor will designate the Chairperson of the Council.

Any vacancy on the Council must be filled in the same manner as the original appointment.

#### *Council Duties and Responsibilities*

The Council is charged with the following:

- Identifying and analyzing food insecurity.
- Identifying and assessing evidence-based policies to decrease food insecurity, both during and after the COVID-19 pandemic, and analyzing the return on investment in policies that decrease food insecurity.
- Making recommendations to coordinate food insecurity resources and making recommendations for legislation to remedy the causes of and solutions for food insecurity.

The Council will issue a final report in two stages: an initial report on short-term recommendations must be submitted by November 7, 2020, and the remainder of the report must be submitted by February 7, 2022. Language in the order specifies that the Council must dissolve 90 days after the issuance of the final report, May 7, 2022.

#### *Operations of the Council*

The Department of Health and Human Services must assist and staff the Council, and will provide any budget, procurement, or other management functions necessary to perform the Council's objectives. The Council's management functions must be performed under the direction and supervision of the DHHS.

The Council may establish advisory workgroups as deemed necessary that includes members of the Council, other staff part of the Executive Branch of State government, or members of the public. The Council may hire or retain contractors, subcontractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental the performance of its duties. Any contract must be consistent with the Order and applicable law, rules, and procedures, subject to available funding.

All departments, agencies, committees, commissioners, and officers of the State must give the Council any necessary assistance the Council requires in the performance of its duties to the extent compatible with their duties and consistent with 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.

#### Violations of Orders

Executive Orders 2020-160, 2020-161, and 2020-164 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 maximum fine of \$500, or both.

## **Fiscal Impact**

### Overview

The 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 2020-159

The Order will have no fiscal impact on State or local government.

### Executive Order 2020-160

Previous EOs 2020-110 and 2020-115 severely limited, then slightly opened, indoor activities. To the extent that this Order is different than previous orders, it will have an indeterminate fiscal impact on State government and local units of government. Prolonged cessation of indoor service may result in a decrease in alcohol sales and an accompanying decrease in tax revenue. The cost of investigating and addressing potential violations of the Order likely will be absorbed by existing appropriations to LARA.

To the extent that it limits indoor and outdoor activities compared to activity levels before the COVID-19 pandemic, the Order will reduce State and local 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. Any reduction in sales tax revenue also will reduce local government revenue because of reductions in constitutional revenue sharing payments. For individuals, the impact also will be affected by the degree and extent to which they 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 could be significant and would affect revenue in both fiscal year (FY) 2019-20 as well as FY 2020-21 (when annual payments are due and/or reconciled).

To the extent that the Order restricts less activity than previous orders, it will reduce revenue by less than previous orders. The fact that businesses and consumers are permitted to resume activities does not guarantee that revenue will recover rapidly, particularly to the levels seen before the pandemic. Any recovery in revenue will depend on the extent to which economic

circumstances (employment, wages, etc.) are similar to levels before the pandemic and that consumers and businesses are comfortable with engaging in economic activity absent the restrictions imposed by an Executive Order. For example, even if a business were free to operate as before the pandemic, and consumers were free to shop as before, consumers may choose to limit their visits and purchases even in the absence of an executive order that compels them to do so. Similarly, to the extent that the Order's provisions limit operating capacity, either by restricting customers or available labor (for example because of proximity restrictions), the Order will result in reduced revenue relative to the absence of those limits but greater revenue than under more severe restrictions imposed by earlier orders.

The Order also will have a positive fiscal impact on the State and City of Detroit in comparison to previous orders regarding Casinos. The closure of the three casinos in Detroit reduced revenue to the School Aid Fund by approximately \$50.0 million loss to the School Aid Fund and to the City of Detroit by approximately \$73.4 million. To the extent that casinos are allowed restricted operations, the Executive Order will reduce revenue to the School Aid Fund by approximately \$9.4 million per month and to the City of Detroit by \$13.9 million per month relative to normal operations, but generate approximately \$1.7 million per month to the School Aid Fund and \$2.4 million per month to the City of Detroit, relative to the casinos being closed. 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. Additional fiscal analysis regarding casinos is provided in the analysis for EO 2020-161, below.

#### Executive Order 2020-161

The Order will have an indeterminate fiscal impact on State and local government. By providing guidelines for specified businesses to resume operations, the Order may have a positive impact on the State and local units of government by way of increased tax revenue from resumed business activity. This will take the form of income tax and sales tax revenue when the specified businesses begin to resume operations. On the other hand, the Order tasks State departments and agencies with the responsibility of overseeing compliance with the Order, increasing the regulatory workload for several State departments, including LARA, the DHHS, MDARD, MDOT, and the MSP. The Order will increase the workload of the administrative review process, as any challenges to disciplinary action taken by a department for a violation of the Order will be adjudicated by administrative review.

#### Executive Order 2020-162

The Order, which slightly amends EO 2020-160, will not have a fiscal impact beyond what is already identified in the analysis for EO 2020-160.

#### Executive Order 2020-164

The Order will not have a significant fiscal impact on State or local government.

Executive Order 2020-165

The declaration of emergency, by itself, will not have a fiscal impact on State or local government. Any fiscal impact from the orders authorized under the declaration of emergency are discussed below.

Executive Order 2020-166

The Order will have a negative fiscal impact on LEO, State government, and local units of government. The Department will experience additional administrative costs to implement the Order, collect and refer complaints, and follow complaints as necessary. This will include additional staff, information technology, and administrative costs. The Department may be able to use resources from existing staff underutilized because of COVID-19. It is likely that current staff and appropriations are sufficient to cover the additional potential costs.

The State and various local units of government will need to ensure that human resource units are following the Order. This may result in additional human resource costs, which should be minor and within current appropriations.

Executive Order 2020-167

The Department of Health and Human Services will incur the costs for staff or support that is provided to the Council. Members of the Council will serve without compensation; however, they may be reimbursed for necessary travel and expenses consistent with current law, rules, and procedures subject to available funding.

The typical annual costs to support an advisory committee can range from \$10,000 to \$200,000 depending on the travel expenses and staff demands of the Council. As mentioned, the costs will be determined by demand and available funding within the DHHS. Accordingly, there is no anticipated need for additional funding

**Conclusion**

The EOs summarized above implement various measures in response to COVID-19 in Michigan. These measures affect, among other things, occupancy requirements, indoor and outdoor gatherings, professional sports, public accommodations, casinos, workplace safety, worker protections, and face covering requirements. Executive Order 2020-167 will create the Michigan Food Security Council. The EOs will have an impact on State revenue, local governments, and various State departments, including LARA, the DHHS, MDARD, MDOT, and the MSP.

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 Issued since Declared State of Emergency 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
06	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	EO 2020-106	5/28/2020
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	EO 2020-96	5/28/2020
18	Enhanced restrictions on price gouging	3/20/2020	EO 2020-53	4/17/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
19	Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant or mobile home owner from their home	3/20/2020	EO 2020-54	4/17/2020
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		*
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	EO 2020-144	7/8/2020
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	EO 2020-102	5/22/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
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
34	Temporary restrictions on veterinary services	4/2/2020	EO 2020-96	5/28/2020
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	EO 2020-36	8/7/2020
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	EO 2020-112	6/11/2020
39	Temporary relief from certain restrictions and requirements governing the provision of emergency medical services	4/7/2020	EO 2020-112	6/3/2020
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 2020-69	4/30/2020
44	Enhanced support for deliveries	4/13/2020	EO 2020-81	5/11/2020
45	Enhanced authorization of remote means for carrying out state administrative procedures	4/13/2020	EO 2020-80	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		*

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
47	Temporary extension of validity of driver's licenses, state identification cards and registration	4/13/2020	EO 2020-78	5/8/2020
48	Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards	4/14/2020	EO 2020-75	5/6/2020
49	Temporary enhancements to operational capacity and efficiency of health care facilities	4/14/2020	EO 2020-82	5/12/2020
50	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	4/15/2020	EO 2020-84	5/13/2020
51	Expanding child care access during the COVID-19 pandemic	4/15/2020	EO 2020-83	5/13/2020
52	Temporary extension of certain pesticide applicator certificates	4/17/2020		*
53	Enhance restrictions on price gouging	4/17/2020	EO 2020-89	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	EO 2020-85	5/14/2020
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	EO 2020-93	5/19/2020
57	Temporary expansions in unemployment eligibility and cost-sharing	4/22/2020	EO 2020-76	5/6/2020
58	Temporary suspension of certain timing requirements relating to the commencement of civil and probate actions and proceedings	4/22/2020	EO 2020-122	6/19/2020
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 Issued since Declared State of Emergency 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	EO 2020-150	7/13/2020
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	EO 2020-119	6/11/2020
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	EO 2020-142	9/30/2020
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	EO 2020-99	5/22/2020
68	Declaration of states of emergency and disaster under the Emergency Management Act, 1976 PA 390	4/30/2020	EO 2020-99	5/22/2020
69	Temporary restrictions on the use of places of public accommodation	4/30/2020	EO 2020-110	6/1/2020
70	Temporary requirement to suspend activities that are not necessary to sustain or protect life	5/1/2020	EO 2020-77	5/7/2020
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	EO 2020-109	5/29/2020

<b>Executive Orders Issued since Declared State of Emergency 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	EO 2020-108	5/29/2020
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	EO 2020-131	6/24/2020
75	Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards	5/6/2020	EO 2020-129	6/18/2020
76	Temporary expansions in unemployment eligibility and cost-sharing	5/6/2020		*
77	Temporary requirement to suspend certain activities that are not necessary to sustain or protect life	5/7/2020	EO 2020-92	5/18/2020
78	Temporary extension of the validity of driver licenses, state identification cards, and certain vehicle registrations	5/8/2020		7/31/2020
79	Temporary suspension of youth work permit application requirements	5/11/2020		6/8/2020
80	Enhanced authorization of remote means for carrying out state administrative procedures	5/11/2020	EO 2020-80	6/4/2020
81	Enhanced support for deliveries	5/11/2020		5/25/2020
82	Temporary enhancements to operational capacity and efficiency of health care facilities	5/12/2020	EO 2020-112	6/3/2020
83	Expanding child care access during the COVID-19 pandemic	5/13/2020		6/10/2020
84	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	5/13/2020	EO 2020-95 EO 2020-117	5/20/2020 6/9/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
85	Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant or mobile home owner from their home	5/14/2020	EO 2020-118	6/11/2020
86	Encouraging the use of telehealth services during the COVID-19 emergency	5/14/2020	EO 2020-138	6/29/2020
87	Temporary Extension of Deadlines for Boards of Review, County Equalization, and Tax Tribunal Jurisdiction	5/14/2020		**
88	COVID-19 Return to School Advisory Council Executive Office of the Governor	5/15/2020		
89	Enhanced restrictions on price gouging	5/15/2020		6/12/2020
90	Resumption of laboratory research activities	5/15/2020	EO 2020-92	5/18/2020
91	Safeguards to protect Michigan's workers from COVID-19	5/18/2020	EO 2020-97	
92	Temporary requirement to suspend certain activities that are not necessary to sustain or protect life	5/18/2020	EO 2020-96	5/21/2020
93	Temporary enhancements to operational capacity, flexibility, and efficiency of pharmacies	5/19/2020	EO 2020-124	6/16/2020
94***	Declaration of State of Emergency [Midland]	5/19/2020		6/16/2020
95	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	5/20/2020	EO 2020-123	6/15/2020
96	Temporary requirement to suspend certain activities that are not necessary to sustain or protect life	5/21/2020	EO 2020-110	6/1/2020
97	Safeguards to protect Michigan's workers from COVID-19	5/21/2020		
98***	Declaration of State of Emergency [Midland, Arenac, Gladwin, Saginaw]	5/22/2020		6/16/2020
99	Declaration of state of emergency and state of disaster related to the COVID-19 pandemic	5/22/2020	EO 2020-127	6/18/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
100	Amending certain previously issued executive orders to clarify their duration	5/22/2020		
101	Extending the expiration date for watercraft registration	5/22/2020		7/31/2020
102	Temporary Relief from Standard Vapor Pressure Restrictions on Gasoline Sales	5/22/2020		6/30/2020
103	Providing alternative notice of public hearing under Michigan's tax abatement statutes	5/22/2020	EO 2020-141	6/30/2020
104	Increasing COVID-19 testing by expanding the scope of practice for certain professionals and encouraging the establishment of community testing locations	5/26/2020		*
105***	Declaration of State of Emergency [losco]	5/26/2020		6/16/2020
106	Establishing deadline to redeem property for nonpayment of delinquent property taxes	5/28/2020		6/29/2020
107***	Department of Labor and Economic Opportunity Michigan Workforce Development Board	5/29/2020		
108	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	5/29/2020	EO 2020-136	6/26/2020
109	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	5/29/2020	EO 2020-126	6/17/2020
110	Temporary restrictions on certain events, gatherings, and businesses	6/1/2020	EO 2020-160	7/31/2020
111	Protecting the Food Supply and Migrant and Seasonal Agricultural Workers from the effects of COVID-19	6/1/2020	EO 2020-137	6/29/2020
112	Rescission of certain executive orders	6/3/2020		*
113	Enhanced authorization of remote means for carrying out state administrative procedures	6/4/2020	EO 2020-132	6/25/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
114	Safeguards to protect Michigan's workers from COVID-19	6/5/2020	EO 2020-145	7/8/2020
115	Temporary restrictions on certain events, gatherings, and businesses	6/5/2020	EO 2020-160	7/31/2020
116	Temporary suspension of youth work permit application requirements	6/5/2020	EO 2020-140	6/30/2020
117	Expanding child care access during the COVID-19 pandemic	6/9/2020		7/7/2020
118	Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant or mobile home owner from their home	6/11/2020	EO 2020-134	7/15/2020
119	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	6/11/2020	EO 2020-146	7/9/2020
120	Returning overnight camps to operation	6/12/2020	EO 2020-160	7/31/2020
121***	Department of State Police Michigan Commission on Law Enforcement Standards Executive Reorganization	8/12/2020		
122	Ending the extension of case-initiation deadlines	6/12/2020		
123	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	6/15/2020	EO 2020-148	7/13/2020
124	Temporary enhancements to operational capacity, flexibility, and efficiency of pharmacies	6/16/2020	EO 2020-152	7/14/2020
125	Clarifying WDCA Eligibility for Workplace Exposure to COVID-19	6/17/2020	EO 2020-128	6/18/2020
126	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	6/17/2020	EO 2020-149	7/13/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
127	Declaration of state of emergency and state of disaster related to the COVID-19 pandemic	6/18/2020	EO 2020-151	7/14/2020
128	Clarifying WDCA Eligibility for Workplace Exposure to COVID-19	6/18/2020		*
129	Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards	6/18/2020	EO 2020-154	7/17/2020
130***	Executive Office of the Governor Michigan Statewide Independent Living Council Rescission of Executive Order 2016-11	7/15/2020		
131	Encouraging the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic	6/24/2020	EO 2020-158	7/27/2020
132	Enhanced authorization of remote means for carrying out state administrative procedures	6/25/2020	EO 2020-154	7/17/2020
133	Restarting professional sports	6/25/2020	EO 2020-160	7/31/2020
134	Eviction diversion program for COVID-19-related debtors	6/26/2020		*
135	Creation of Michigan Nursing Homes COVID-19 Preparedness Task Force Department of Health and Human Services	6/26/2020		6/26/2022
136	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	6/26/2020	EO 2020-156	7/23/2020
137	Protecting the Food Supply and Migrant and Seasonal Agricultural Workers from the effects of COVID-19	6/29/2020		11/1/2020
138	Encouraging the use of telehealth services during the COVID-19 emergency	6/29/2020		*
139***	Naming the "Elliott-Larsen Building"	6/30/2020		permanent
140	Temporary suspension of youth work permit application requirements	6/30/2020	EO 2020-157	7/27/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
141	Providing alternative notice of public hearings under Michigan's tax abatement statutes	6/30/2020	EO 2020-154	7/17/2020
142	Provision of preK-12 education for the 2020-2021 school year	6/30/2020		*
143	Closing indoor service at bars	7/1/2020	EO 2020-160	7/31/2020
144	Restoring water service to occupied residences during the COVID-19 pandemic	7/8/2020		12/31/2020
145	Safeguards to protect Michigan's workers from COVID-19	7/9/2020	EO 2020-161	7/29/2020
146	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	7/9/2020	EO 2020-170	8/15/2020
147	Masks	7/10/2020	EO 2020-153	7/17/2020
148	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	7/13/2020	EO 2020-169	8/10/2020
149	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	7/13/2020	EO 2020-168	8/10/2020
150	Temporary and limited relief from certain licensing and certification requirements applicable to COVID-19 response	7/13/2020		*
151	Declaration of state of emergency and state of disaster related to the COVID-19 pandemic	7/14/2020	EO 2020-165	8/7/2020
152	Training of pharmacists	7/14/2020		*
153	Masks	7/17/2020		*
154	Alternative means to conduct government business during the COVID-19 pandemic	7/17/2020		*
155***	Implementation of expenditure reductions under Section 20 of Article 5 of the Michigan Constitution of 1963	7/22/2020		

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
156	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	7/23/2020	EO 2020-174	8/28/2020
157	Temporary suspension of youth work permit application requirements	7/27/2020		8/31/2020
158	Encouraging the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic	7/27/2020	EO 2020-173	8/28/2020
159	Amending the fire code to accommodate new instruction spaces	7/29/2020		*
160	Amended Safe Start Order	7/31/2020	EO 2020-176	9/4/2020
161	Safeguards to protect Michigan's workers from COVID-19	7/29/2020	EO 2020-175	9/3/2020
162	Amendment to Executive Order 2020-160	7/31/2020	EO 2020-176	9/4/2020
163***	Black Leadership Advisory Council	8/5/2020		
164	Requiring masks at child-care centers and camps	8/10/2020		*
165	Declaration of state of emergency and state of disaster related to the COVID-19 pandemic	8/7/2020	EO 2020-177	9/3/2020
166	Protecting workers who stay home, stay safe when they or their close contacts are sick	8/7/2020	EO 2020-172	8/27/2020
167	Food Security Council	8/7/2020		5/8/2022
168	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	8/10/2020		9/7/2020
169	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	8/10/2020		9/7/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
170	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	8/15/2020		9/30/2020
171***	Michigan Women's Commission Department of Civil Rights Department of Labor and Economic Opportunity Department of Education Executive Reorganization	11/01/2020		
172	Protecting workers who stay home, stay safe when they or their close contacts are sick	8/27/2020		
173	Encouraging the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic	8/28/2020		9/30/2020
174	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	8/28/2020		9/30/2020
175	Safeguards to protect Michigan's workers from COVID-19	9/3/2020		
176	Safe Start	9/4/2020		
177	Declaration of state of emergency and state of disaster related to the COVID-19 pandemic	9/3/2020		10/1/2020
<b>*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.</b>				
<b>** Affecting the 2020 tax year, only.</b>				
<b>***These indicate non-COVID-19 related Executive Orders.</b>				