

SENATE FISCAL AGENCY MEMORANDUM

DATE: November 12, 2020

TO: Members of the Michigan Senate

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

RE: Coronavirus Disease 2019 (COVID-19) Executive Orders 2020-168 through 2020-170, 2020-172 through 2020-181, and 2020-183 through 2020-192

Overview

From August 10, 2020, through October 2, 2020, Governor Whitmer issued Executive Orders (EOs) 2020-168 through 2020-170, 2020-172 through 2020-181, and 2020-183 through 2020-192 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 affected, among other things, food-selling establishments, pharmacies, care facilities, protocols for corrections facilities, worker protections, document notarization, workplace safety, public accommodations, organized sports, indoor and outdoor gatherings, face covering requirements, and preK-12 education. The EOs had an impact on State revenue, local governments, and various State departments, including the Department of Licensing and Regulatory Affairs (LARA), the Michigan Department of Corrections (MDOC), and the Department of Health and Human Services (DHHS), the Department of Labor and Economic Opportunity (LEO), the Department of Agriculture and Rural Development (MDARD), the Department of Transportation (MDOT), and the Michigan State Police (MSP).

Authority for Orders

Executive Order 2020-186, which continued the state of emergency and state of disaster in response to the COVID-19 pandemic, cited 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. 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 derived the authority for 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 1945.¹

¹ 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

On October 2, 2020, the Michigan Supreme Court issued its ruling on legal challenges to the Governor's authority to issue emergency executive orders under the EMA and PA 302 of 1945.² The Court ruled that the EMA authorized the Governor to issue emergency executive orders only within 30 days of the original declaration of emergency under EO 2020-4, and for additional days authorized by a concurrent resolution adopted by the Legislature. In addition, the Court held that the Governor did not have the authority to exercise emergency powers under PA 302 because that Act delegated legislative power to the executive branch in violation of the Michigan Constitution. This means that any orders in effect on April 30, 2020, were invalidated on May 1, 2020, and any subsequent orders issued after April 30 were invalid and unenforceable upon issuance.³

A listing of all Executive Orders issued in response to the COVID-19 pandemic through Executive Order 2020-192, including the effective date and the expiration date of each, can be found in the appendix attached to this document. Even though all COVID-19 Executive Orders are now void, prior to the Michigan Supreme Court ruling on October 2, 2020 many of those orders were in effect and had a fiscal impact on the State 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 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 November 11, 2020, the DHHS has reported 229,285 cases and 7,766 deaths attributable to COVID-19.

Summary of Order Contents

Executive Order 2020-168

The Order, effective August 10, 2020, through September 7, 2020, renewed and modified emergency regulations on food-selling establishments and pharmacies. The Order rescinded EO 2020-149.

public streets and thoroughfares; establish a curfew; and control the sale, transportation, and use of alcoholic beverages and liquors, among other things.

² *In re* Certified Question from the US District Court, Western District of Michigan (*Midwest Institute of Health, PLLC v. Governor*), Docket No. 161492

³ Before the Court's ruling, however, COVID-19-related EOs were in effect and did have a fiscal impact on State and local government. Accordingly, the Senate Fiscal Agency's memoranda discussing the Governor's COVID-19-related EOs remain relevant.

Food-selling establishments and pharmacies were required to take certain actions to reduce customer and employee exposure to COVID-19, including cleaning, disinfecting, and enforcing social distancing. These establishments had to prohibit sick employees from reporting to work and send home any workers who displayed symptoms. Grocery stores and pharmacies were required to designate at least two hours per week as special shopping times for vulnerable populations. Vulnerable populations included people over 60, pregnant individuals, and those with certain chronic conditions.

Establishments were required to implement a daily employee and contractor screening program and to adhere to other safety procedures required under Executive Order 2020-161, or any orders that followed from it. If an employee tested positive for COVID-19, an establishment had to notify vendors and employees within 12 hours of learning of the results. The employee's personal health information otherwise had to be protected.

In addition, the Order temporarily suspended strict compliance with some sections of the Food Law to the extent necessary to postpone certain deadlines for fee submission and license and registration. License holders were eligible for a special transitory temporary food unit for the 2020-21 licensing year, even if the licensee received only one evaluation during the 2019-20 licensing year.

Executive Order 2020-169

Effective August 10, 2020, and continuing until September 7, 2020, the Order implemented protections for residents and employees of long-term care facilities in Michigan. The Order rescinded EO 2020-148, which granted similar authorization.

The Order prohibited evictions or involuntary discharges for residents for nonpayment but did not abrogate the obligation to pay or right to receive payment due under an admission contract between a resident and a facility. The Order also prohibited a long-term care facility from denying admission or readmission of a resident based on COVID-19 testing requirements. Additionally, the Order prohibited a facility from denying the readmission of a resident who was residing elsewhere (such as with family) during the emergency. Before accepting the return of a resident, the facility had to undertake screening precautions consistent with relevant guidance from the DHHS when receiving the returning resident. A facility could not accept the return of a COVID-19-positive resident if it did not have a dedicated unit or regional hub meeting the Order's requirements. The Order also required facilities to use best efforts to facilitate the use of telemedicine.

The Order directed long-term care facility employees who tested positive for COVID-19 or showed one or more of the symptoms of COVID-19 to remain in their homes, and prohibited their employers from discharging, disciplining, or otherwise retaliating against them for doing so.

The Order required long-term care facilities to cancel communal dining and group activities, to take precautions to disinfect and clean facilities, to provide personal protective equipment (PPE) and hand sanitizer to employees, to inform employees of the presence of any COVID-19-affected residents within 12 hours after identification (and to report that information to their local health department and to the DHHS), and to keep and report data on the quantity of PPE available on-site.

The Order required a long-term care facility to report the presence of a COVID-19-affected resident to the local health department within 24 hours of identification, and to transfer medically unstable COVID-19-positive residents to a hospital for evaluation, except as otherwise provided

by an advance directive. Nursing facilities were required to create a unit dedicated to the care of COVID-19-positive residents and to provide appropriate PPE to staff in that unit. A nursing home provider with multiple facilities could designate a specific facility for COVID-19-positive residents. A nursing home provider could not create a dedicated unit unless it could implement effective and reliable infection control procedures.

If a long-term care facility had a dedicated unit, it had to transfer COVID-19-affected residents to that unit, or to a regional hub if the facility did not have a dedicated unit. If a regional hub was not available, then the facility had to transfer the resident to a hospital that had available bed capacity.

Once a transferred patient was medically stable, then he or she had to be discharged to a regional hub, back to the long-term care facility where the resident resided, to an alternate care facility with physical and operational capacity to care for the resident, or to an available swing bed. The Order encouraged discharge destinations to be determined consistent with the Centers for Disease Control and Prevention (CDC) and DHHS guidelines. Until an acceptable destination was identified, the individual had to remain in the care of the hospital. A long-term care facility that transferred or discharged a resident had notify the resident and his or her representative of the transfer within 24 hours.

The Department of Licensing and Regulatory Affairs was authorized to take action to assure proper level of care and services in connection with the Order, consistent with Section 21799b of the Public Health Code.

To the extent necessary to effectuate the terms of the Order, strict compliance with any statute, rule, regulation, or policy pertaining to bed hold requirements or procedures, or to pretransfer or predischarge requirements or procedures, was suspended temporarily.

Executive Order 2020-170

Effective August 15, 2020, and continuing until September 30, 2020, at 11:59 PM, the Order implemented limited and temporary COVID-19-related protocols and procedures regarding transfers from jails to prisons, risk reduction protocols, testing protocols, and State assistance for expanded testing. Similar protocols and procedures had to be implemented at county jails, local lockups, and juvenile detention centers. The Order also suspended temporarily certain rules and procedures to facilitate the implementation of these procedures. The Order rescinded EO 2020-146.

Transfers from Jails to Prisons

The Order specified that all transfers into the custody of the MDOC were temporarily suspended unless the transferring jail or local lockup satisfactorily implemented the risk reduction protocols and testing protocols described in the Order. This action was effective immediately for jails that had not resumed transfers into the MDOC under a previous version of the Order, and effective September 8, 2020, for jails that had resumed transfers. The following were required regarding transfers into MDOC's custody:

- Beginning seven days from the EO's effective date, and no more than once every seven days, a jail or local lockup could request that the MDOC Director determine that the jail or local lockup had satisfactorily implemented applicable the risk reduction and testing protocols.

- After inspection, if the Director determined that the jail or local lockup had satisfactorily implemented the risk reduction and testing protocols, transfers from the jail or lockup could resume in accordance with those protocols.
- Jails and local lockups had to provide documentation of each transferee's testing history before transfer.
- Parole violators in the MDOC's custody could not be transported to or lodged in a county jail or local lockup unless the Director determined that the county jail or local lockup had implemented the risk reduction and testing protocols.

Risk Reduction Protocols

Under the Order, the MDOC had to continue to implement risk reduction protocols to address COVID-19, which the Department already had 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 CDC guidelines (which included obtaining a temperature reading and information about travel and any contact with individuals under investigation for COVID-19 infection).
- Isolating and testing any inmate who had one or more of the principal symptoms of COVID-19, including fever, sore throat, a new uncontrolled cough, difficulty breathing, diarrhea, vomiting, severe headache, and new loss of taste or smell.
- Restricting all visits, except for attorney-related visits, and conducting those visits without physical contact to the extent feasible.
- Coordinating with local public health department on isolation plans and outbreak response.
- Notifying the local public health department of any suspected or confirmed case of COVID-19.
- To the extent feasible, taking additional steps to improve ventilation.
- During transport, ensuring that staff and inmates wore facial coverings and maintained appropriate social distance, including reducing vehicle capacity.

Also, the Order required the MDOC to provide appropriate PPE to all staff, conduct stringent cleaning of all areas and surfaces in accordance with CDC guidelines, ensure access to personal hygiene products for incarcerated individuals and correctional staff, ensure that protective laundering protocols were in place, post signage and 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.

Testing Protocols

Consistent with guidance issued by the DHHS, the MDOC had to conduct COVID-19 diagnostic testing in all of its facilities as follows:

- Testing was required for all inmates entering a facility upon intake (within 24 hours), or in 72 hours before intake, except for inmates housed outside general population, those housed in single cells, and those released within 24 hours and provided with educational materials on the importance of testing and contact tracing.
- Testing was required of inmates scheduled to be transferred to another facility, including an MDOC facility, within 72 hours before transfer.
- Testing was required of inmates scheduled for release within 72 hours before release (if an inmate tests positive for COVID-19, that inmate could not be detained solely because of the

positive status but could not be released into any other congregate settings if that inmate was in isolation protocol).

- If there was a sustained outbreak or other high-risk situation, conduct ongoing testing coupled with contact tracing in coordination with the local public health department.
- Isolate and medically manage any inmate who tested positive for COVID-19 as appropriate.

State Assistance for Expanded Testing

The Department of Health and Human Services was required to provide direct assistance with testing supplies, specimen collection, and laboratory processing to jails and local lockups that requested assistance, as resources permitted. County jails and local lockups had to request assistance from the DHHS. Additionally, a county jail or local lockup that received assistance but could not comply with the testing protocols described in the Order because of delays in test processing time could request adjustments to the timing requirements, which were granted at the Director's sole discretion.

Early Release

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

- Older individuals, individuals with chronic conditions or who otherwise were medically frail, individuals who were 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 could safely be diverted for treatment.

The Order also suspended temporarily all transfers into the custody of the MDOC. Beginning seven days after the Order's effective date, and no more than once every seven days, a county jail or local lockup could request that the Director of the MDOC determine that the jail or lockup had implemented the risk reduction protocols described above satisfactorily. If the Director determined this was the case, transfers from that jail or lockup were allowed to resume. The Director could reject transfers that did not pass the screening protocol for entry into a facility operated by the Department.

Additionally, the Order did the following:

- Prohibited parole violators in the MDOC's custody from being transported to or lodged in a county jail or local lockup unless the Director had determined that the county jail or local lockup had implemented risk reduction protocols.
- Required the State Budget Office to ensure that counties were reimbursed for lodging incarcerated individuals that would have been transferred into the MDOC's custody if not for the suspension of transfers.

- Encouraged 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 had COVID-19 symptoms; eliminating any form of juvenile detention or residential facility placement for juveniles unless a determination was made that a juvenile was a substantial and immediate safety risk to others; providing communications to all juveniles at those facilities regarding COVID-19, providing 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 were suspended temporarily.

Executive Order 2020-172

Effective August 27, 2020, and continuing until the end of the declared state of emergency, the Order prohibited an employer from discharging, disciplining, or otherwise retaliating against an employee who tested positive for COVID-19, displayed one or more of the principal symptoms of COVID-19, or had close contact with an individual who tested positive for COVID-19 or displayed one or more symptoms.

The Order required employers to treat these employees as if they had taken medical leave under the Paid Medical Leave Act. Employers were permitted to debit the hours that an employee had taken under leave of absence under this Order if he or she had no paid leave. The length of leave under the Order was not limited to the amount of leave an employee accrued under the Paid Medical Leave Act, whether paid or unpaid, if the employee remained away from work within the time periods described under the Order. The Order did not prevent an employer from discharging or disciplining an employee who was allowed to return to work but declined, if the employee asked to be discharged, or for any other lawful reason.

The Order authorized the Director of LEO to enforce the Order, the Paid Medical Leave Act, and to refer all credible complaints to relevant licensing authorities.

The Order stated that it was the public policy of the State that individuals who tested positive for COVID-19 or who displayed 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 had passed since their symptoms first appeared or swabbed for a positive test, or other symptoms had improved. The Order also stated that it was the public policy of the State that individuals who had close contact with an individual who tested positive or with an individual who displayed one or more of the principal symptom of COVID-19 should remain in their homes or places of residence until 14 days had passed since the last contact or the symptomatic individual received a negative COVID-19 test. Individuals who returned to work before the period specified in the Order were not be entitled to the protections against discharge, discipline, or retaliation provided under the Order.

The Order did 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 allowed them to go to work.

The Order stated that it was the public policy of the State that individuals who met any of the parameters described above 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 defined "the principal symptom of COVID-19" as one of the following not explained by a known condition: a fever, a new uncontrolled cough, shortness of breath; or two of the following not explained by a known condition: loss of taste or smell, muscle aches, sore throat, diarrhea, vomiting, abdominal pain, new onset of severe headache. The Order defined "close contact" as being within approximately six feet of an individual for a prolonged period of time.

Executive Order 2020-173

Effective August 28, 2020, and continuing until September 30, 2020, at 11:59 PM, the Order rescinded and replaced EO 2020-158, which relaxed strict compliance with the Uniform Electronic Transactions Act (UETA), the Uniform Real Property Electronic Recording Act (URPERA), and the Michigan Law on Notarial Acts (MLNA).

Compliance with UETA and URPERA was temporarily suspended to the extent necessary to permit the use of an electronic signature for a transaction whenever a signature is required under Michigan law, unless a law specifically mandates a physical signature. Section 18 of the UETA grants the Department of Technology, Management, and Budget (DTMB) the authority to determine to what extent State departments send and accept electronic records and electronic signatures from other entities based upon several factors, including security, the type of electronic record or signature, preservation, disposition, integrity, confidentiality, and auditability. The Order temporarily suspended strict compliance with Section 18 of the UETA to allow each State department to send and accept electronic records and electronic signatures without the approval of the DTMB.

Compliance with the MLNA was temporarily suspended to the extent that it requires a notary to be physically present when performing notary services under specifically tailored circumstances. The Order specified that any notarial act that otherwise required in-person notarial services could be performed by a commissioned notary using two-way real-time audiovisual technology under the following conditions:

- The technology had to allow direct interaction between the notary, the person seeking notary services, and any witnesses so each could communicate simultaneously by sight and sound.
- The technology had to be capable of creating an audio and visual recording of the complete notarial act and the recording had to be retained as a notarial record.
- The individual seeking notarial services had to present satisfactory identification during the video conference in accordance with the MLNA and any other applicable law.
- The individual seeking notarial services had to represent to the notary that the individual was physically within Michigan or that the documents to be notarized were intended to be filed in Michigan or involved property within, or substantially connected to, Michigan.
- Electronic signatures for notarial services had to be tamper proof.
- The individual seeking notarial services was required to transmit the entire signed document to the notary on the same day it was signed.

The Order encouraged entities and State agencies and officials to use electronic records and electronic signatures to conduct business and to use a remote electronic notary whenever a notarized signature was required. Any Michigan law that required an in-person witness could be satisfied with the use of two-way real-time audiovisual technology under the following conditions:

- The technology had to allow for direct contemporaneous interaction by sight and sound between a signatory and a witness.
- The technology had to allow for a recording of the interaction between the signatory and the witness to be preserved.
- The signatory had to represent to the witness that the signatory was physically within Michigan or that the documents to be signed were intended to be filed in Michigan or involved property within, or substantially connected to, Michigan.
- The signatory had to state to the witness the document the signatory was signing.
- Each page and signature of the document had to be shown to, and observed by, the witness.
- The signatory had to transmit the document to the witness within 24 hours after it was executed, and the witness had to sign it and return it to the signatory within 24 hours after receiving it.

The Order permitted the signing of any document in counterparts absent a provision in the document to the contrary. The Order also allowed a guardian, guardian ad litem, or visitor to satisfy any visitation requirement using two-way real-time audiovisual technology that allowed for direct, contemporaneous interaction by sight and sound. While it was in effect, the Order prohibited financial institutions and registers of deeds from refusing to record a copy of an electronic record on the ground that it did not bear an original signature, so long as the notary certified the copy as an accurate electronic record.

The Order extended the validity of a notarial commission that would have been set to expire between March 1, 2020, and July 31, 2020, until September 30, 2020.

For the purposes of the "verified user agreement" requirement of Section 4 of the URPRA, the Order required that county recording offices deem all financial institutions and all licensed title insurers as covered by a verified user agreement for the duration of the Order.

Executive Order 2020-174

Effective August 28, 2020, to September 30, 2020, the Order required all health care facilities, residential facilities, congregate care facilities, and juvenile justice facilities to prohibit from entering those facilities any visitors who were:

- Not necessary for the provision of medical care, the support of activities of daily living, or the exercise of power of attorney or court-appointed guardianship for an individual under the facility's care.
- Not a parent, foster parent, or guardian of an individual who was 21 years old or younger and who was under the facility's care.
- Not visiting an individual under the facility's care who was in serious or critical condition or in hospice care.
- Not visiting under exigent circumstances or to perform an official governmental function.

Under the Order, "residential care facilities" included homes for the aged, nursing homes, adult foster care facilities, hospice facilities, substance abuse disorder residential facilities, independent living facilities, and assisted living facilities.

The Order required all of the facilities listed above to perform a health evaluation of all individuals who were not under the care of the facility each time they sought to enter the facility, and to deny entry to those who did not meet the evaluation criteria. The evaluation criteria included symptoms of respiratory infection (i.e., fever, cough, shortness of breath, or sore throat), contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, and other criteria specified by the DHHS Director. In addition, the Order required all staff members and visitors of a residential care facility, congregate care facility, or juvenile justice facility to wear a covering over their nose and mouth when indoors or within six feet of another person.

The Order also stated that while the restrictions are in place, for the facilities covered under the Order, facilities had to make best efforts to facilitate visitation with individuals under their care by phone or other electronic communications platforms to the fullest extent possible, consistent with normal visitation policies.

This Order rescinded EO 2020-156.

Executive Order 2020-175

Effective September 3, 2020, the Order rescinded and replaced EO 2020-161, 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 2020-175 required 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 had to 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. These entities had to designate one or more worksite supervisors to implement, monitor, and report the strategies developed above, and the supervisor had to remain on-site when employees were present on-site. In addition, businesses and operations had to provide training on COVID-19, which was required to cover the following, at a minimum:

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

The Order required the applicable communication and training to be provided in the primary language common to their employee populations, and place posters at work sites that encouraged employees to stay home when sick and to inform employees on proper hygiene.

Businesses or operations had to 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. The Order required businesses or operations to provide nonmedical grade face coverings to their employees, require them to be worn when employees could not consistently maintain six feet of separation, and had to consider face shields

when employees could not consistently maintain three feet of separation. Face coverings had to be worn in shared spaces, such as restrooms and hallways.

Businesses or operations had to increase facility cleaning and disinfection, especially on high-touch surfaces, with special attention on parts, products, and shared equipment. They also had to adopt protocols to clean and disinfect if there was a positive COVID-19 case in the workplace. Cleaning supplies had to be made available to employees upon entry and at the worksite, and employees had to have time to wash hands frequently or use hand sanitizer.

If an employee was identified with a confirmed case of COVID-19, within 24 hours, businesses or operations had to notify the local public health department and any coworkers, contractors, or suppliers who could have come into contact with that employee. An employer had to allow employees with confirmed or suspected cases of COVID-19 to return to the workplace only after they were no longer infectious.

Businesses or operations were required to follow Executive Order 2020-36, and any orders that followed it, which prohibited discharging, disciplining, or otherwise retaliating against employees who stayed at home or who left work when they were at particular risk of infecting others. They also had to establish a response plan for dealing with a confirmed infection in the workplace. The Order required businesses and operations to 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 were 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 specific requirements for certain businesses, industries, and operations, including outdoor work; construction; manufacturing; research laboratories (but not those that perform diagnostic testing); retail stores open for in-store sales, libraries, and museums; offices; restaurants and bars; outpatient health-care facilities, including clinics, primary care physician offices, or dental offices, and veterinary clinics; and others.

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

Executive Order 2020-176

Effective September 4, 2020, the Order rescinded and replaced EOs 2020-160 and 2020-162. Those Orders previously rescinded EOs 2020-110, 2020-115, 2020-120, 2020-133, and 2020-143, which governed the activities detailed below.

Remote Work and Individual Responsibility

The Order stated that any work capable of being performed remotely had to be done so, except in Regions 6 and 8 (defined below). The Order stated that individuals who left their homes had to follow social distancing measures recommended by the CDC and any EOs governing the use of masks.

Public Accommodations Restrictions

The following places had to remain closed under the Order:

- Indoor theaters, cinemas, and performance venues.

- Until September 8, 2020, indoor gymnasiums, fitness centers, recreational centers, fitness and exercise facilities.
- Millionaire parties licensed by the Michigan Gaming Control Board.
- Indoor services or facilities, or outdoor services or facilities that involved the close contact of individuals, for amusement, recreation, or entertainment purposes.

Bars

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

Liquor License Restrictions

The Order temporarily suspended dance and topless activity permits. However, combination dance-entertainment and topless-entertainment permits continued to be valid for nondancing, nontopless entertainment. The Order did 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 permitted social gatherings but required 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 were 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 allowed 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 had to maintain six feet of distance from one another. Teams that resumed operations had to conduct their operations pursuant to a COVID-19 safety plan that was consistent with guidance from the CDC and the DHHS.

Organized Sports

The Order defined organized sports, and stated that athletes were not subject to the other social distancing restrictions in the Order while on the field of play. The Order imposed limits on the number of spectators, or guests of athletes, at sporting events and prohibited concessions.

Region Definitions and Exceptions for Regions 6 and 8

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

- The restrictions regarding public accommodations (listed above) did not apply.
- The limit for outdoor gatherings was increased to 250 people.
- The operation of indoor arcades, bowling alleys, cinemas, climbing facilities, convention centers, performance spaces, meeting halls, sports arenas, theaters, or similar venues was

allowed, provided individuals not of the same household remained six feet from one another and the venue operated at 25% capacity or up to 250 individuals, whichever was smaller.

- The operation of concert spaces, racetracks, sports arenas, stadiums, or similar venues was allowed, provided individuals not of the same household remained six feet from one another and the venue operated at 25% capacity or up to 500 individuals, whichever was smaller.

Region 8 included all counties in the Upper Peninsula. Region 6 included 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 made exceptions to the restrictions on public accommodations for the following:

- 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 entered public spaces in their professional capacity.

The Order also made exceptions to the indoor restrictions on gatherings, events, and large venues for polling places and the training of law enforcement, medical personnel, and first responders when that training could not be done remotely.

Parks and Pools

The Order permitted the use of outdoor parks and recreational facilities so long as individuals not of the same household maintained six feet of distance between one another. The Order allowed swimming pools to be open subject to local regulation and the restrictions contained in EO 2020-175.

Other Provisions

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

Executive Order 2020-177

Effective September 3, 2020, and continuing until October 1, 2020, at 11:59 PM, the Order declared a state of emergency under PA 302 of 1945. The Order rescinded EO 2020-165, which extended the declared state of emergency under EOs 2020-33, 2020-67, 2020-68, 2020-99, 2020-127, and 2020-165. All previous orders that rested on EO 2020-165 rested on EO 2020-177.

The Order specified that the COVID-19 pandemic constituted a disaster and emergency throughout the State. The Order also specified, subject to ongoing litigation and appeals, and to the extent the Governor could declare states of emergency and disaster under the EMA when

emergency and disaster conditions existed but the Legislature had not granted an extension request, that the Order constituted states of emergency and disaster declarations under the EMA.

Executive Order 2020-178

The Order, effective September 5, 2020, and continuing through September 30, 2020, renewed and modified emergency regulations on food-selling establishments and pharmacies. The Order rescinded EO 2020-168 but included substantially the same provisions.

Executive Order 2020-179

Effective September 5, 2020, and continuing until September 30, 2020, the Order implemented protections for residents and employees of long-term care facilities in Michigan. The Order rescinded EO 2020-169, which granted similar authorization.

Executive Order 2020-180

Effective September 9, 2020, this EO rescinded and replaced Section 7(b) of the previous Safe Start order, EO 2020-176. The previous EO required athletes competing in organized sports to maintain six feet of distance to the extent possible and wear a mask. Executive Order 2020-180 replaced that requirement and stated that athletes competing in organized sports had to maintain six feet of distance or wear a mask.

Executive Order 2020-181

Effective September 11, 2020, the Order amended the previous Safe Start order, EO 2020-176, to require that indoor social gatherings in Regions 6 and 8 be limited to 10 people. The previous Safe Start order did not apply the restriction to Regions 6 and 8.

Executive Order 2020-183

Effective October 9, 2020, the Order rescinded and replaced EOs 2020-176, 2020-180, and 2020-181. Those Orders previously rescinded EOs 2020-160 and 162, which governed the activities detailed below.

Remote Work and Individual Responsibility

The Order stated that any work capable of being performed remotely had to be done so, except in Regions 6 and 8, where that work should have been, but was not required to be, performed remotely. The Order stated that individuals who left their homes had to follow social distancing measures recommended by the CDC and also had to follow any EOs governing the use of masks.

Public Accommodations Restrictions

The following places had to remain closed until October 9, 2020:

- Indoor theaters, cinemas, and performance venues.
- Millionaire parties licensed by the Michigan Gaming Control Board.
- Indoor services or facilities, or outdoor services or facilities that involved the close contact of persons, for amusement, recreation, or entertainment purposes.

Bars, Restaurants, and Nightclubs

Under the Order, food service establishments had to close common areas where patrons could congregate, but otherwise were allowed to operate. Additionally, an establishment that held an on-premises retailer license to sell alcoholic beverages and earned more than 70% of its gross receipts from alcoholic beverage sales had to cease indoor service. Affected establishments that remained open for outdoor service had to limit customer movement and required face coverings when customers passed through indoor areas.

Liquor License Restrictions

The Order temporarily suspended dance and topless activity permits. However, combination dance-entertainment and topless-entertainment permits were valid for nondancing, nontopless entertainment. The Order did 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 permitted social gatherings but required 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 were provided for incidental gatherings, including incidental proximity at an airport, bus station, factory floor, restaurant, shopping mall, public pool, workplace, or polling place.

Although generally restricted to 10 people, indoor gatherings could house fewer than 500 people if the venue was nonresidential and attendance was limited to 20% of seating capacity (or 25% of seating capacity in Regions 6 and 8), or if attendance was limited to 20 people per 1,000 square feet of venue space (or 25 people per 1,000 square feet of venue space in Regions 6 and 8). Although generally restricted to 100, outdoor gatherings could house fewer than 1,000 people if the venue was nonresidential and attendance was limited to 30% of seating capacity or 30 people per 1,000 square feet of event space.

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

Organized Sports

The Order defined organized sports and stated that athletes were not subject to the other social distancing restrictions in the Order while on the field of play. The Order imposed limits on the number of spectators, or guests of athletes, at organized sporting events and prohibited concessions.

Exceptions

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

- 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 entered public spaces in their professional capacity.

The Order also made exceptions to the indoor restrictions on gatherings, events, and large venues for polling places and the training of law enforcement, medical personnel, and first responders when that training could not be done remotely.

Parks

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

Separation of Powers

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

Executive Order 2020-184

Effective September 25, 2020, the Order rescinded and replaced EO 2020-175, 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 2020-184 included minor changes to the preceding EO, including lifting the suspension of nonessential visitors for manufacturing facilities, research labs, and offices. Executive Order 2020-184 also allowed retail stores, libraries, and museums to have more staff on hand than the minimum required for operation, and raised the number of customers allowed in stores of 50,000 square feet or more to 20 people per 1,000 square feet from four people per 1,000 square feet. With these changes in mind, the new EO required businesses or operations permitted to require employees to leave homes or residences for work to meet, at a minimum, the requirements prescribed in EO 2020-175.

Businesses or operations had to follow Executive Order 2020-172, and any orders that followed it, which prohibited discharging, disciplining, or otherwise retaliating against employees who stayed at home or who left work when they were at particular risk of infecting others. They also had to 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 had to 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 were 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 established requirements for certain businesses or operations, such as construction, restaurants and bars, manufacturing, and retail stores.

Executive Order 2020-185

Executive Order 2020-185, issued on September 25, 2020, amended EO 2020-142, the COVID-19 Preparedness and Response Plans (Preparedness Plans) for K-12 instructions.

The Order required all students in grades kindergarten and up to have face coverings if the district was located in Phase 4 of the Michigan Safe Start Plan. Previously, the face covering requirements applied to all students in grades six and up and to students in kindergarten to grade 5 if those students came in close contact with student in another class.

The Order required all school districts and nonpublic schools to publish information about any cases of a probable or confirmed COVID-19 positive individual who was present on school property or at a school function during the period of infection. This information had to be posted according to the DHHS.

Executive Order 2020-186

Effective September 29, 2020, the Order declared a state of emergency under PA 302 of 1945. The Order rescinded EO 2020-177, which extended the declared state of emergency under EOs 2020-33, 2020-67, 2020-68, 2020-99, 2020-127, and 2020-165. All previous orders that rested on EO 2020-177 rested on EO 2020-186.

The Order specified that the COVID-19 pandemic constituted a disaster and emergency throughout the State. The Order also specified, subject to ongoing litigation and appeals, and to the extent the Governor could declare states of emergency and disaster under the EMA when emergency and disaster conditions existed but the Legislature had not granted an extension request, that the Order constituted states of emergency and disaster declarations under the EMA.

Executive Order 2020-187

Effective September 29, 2020, the Order rescinded and replaced EO 2020-173, relaxing strict compliance with the UETA, the URPERA, and the MLNA. Executive Order 2020-187 contained provisions that were nearly identical to those provided in EO 2020-173, except that EO 2020-187 extended the validity of a notarial commission that would have been set to expire between March 1, 2020, and October 31, 2020, until October 31, 2020.

Executive Order 2020-188

Effective September 29, 2020, the Order requires all health care facilities, residential facilities, congregate care facilities, and juvenile justice facilities to prohibit from entering those facilities any visitors who are:

- Not necessary for the provision of medical care, the support of activities of daily living, or the exercise of power of attorney or court-appointed guardianship for an individual under the facility's care.

- Not a parent, foster parent, or guardian of an individual who is 21 years old or younger and who is under the facility's care.
- Not visiting an individual under the facility's care who is in serious or critical condition or in hospice care.
- Not visiting under exigent circumstances or to perform an official governmental function.

The Order rescinded EO 2020-174 and included substantially the same provisions included in that EO.

Executive Order 2020-189

Effective September 30, 2020, the Order rescinded EO 2020-170 and implemented limited and temporary COVID-19-related protocols and procedures regarding transfers from jails to prisons, risk reduction protocols, testing protocols, and State assistance for expanded testing. Similar protocols and procedures had to be implemented at county jails, local lockups, and juvenile detention centers. The Order also temporarily suspended certain rules and procedures to facilitate the implementation of these procedures. The substance of EO 2020-189 was the same as EO 2020-170, except that it required the MDOC to restrict all indoor inmate visitation at the facilities it operated, except for service providers (including educational, legal, and medical professionals), and required those visits to be conducted without physical contact to the extent feasible.

Executive Order 2020-190

The Order, effective September 29, 2020, and continuing through November 30, 2020, renewed and modified emergency regulations on food-selling establishments and pharmacies. The Order rescinded EO 2020-178 and amended EO 2020-184.

The Order temporarily suspended strict compliance with provisions of the Food Law to the extent necessary to postpone deadlines for fee submission and license and registration. The Order prohibited late fees from being assessed under Sections 4113 and 4115 during the 2020-21 licensing year. License holders were eligible for a special transitory temporary food unit for the 2020-21 licensing year, even if the licensee only received one evaluation during the 2019-20 licensing year.

The Order amended EO 2020-184 to require food-selling establishments and pharmacies to take certain actions to reduce customer and employee exposure to COVID-19, including cleaning, disinfecting, and enforcing social distancing. These establishments had to prohibit sick employees from reporting to work and send home any workers who displayed symptoms. Grocery stores and pharmacies had to designate at least two hours per week as special shopping times for vulnerable populations. Vulnerable populations included people over 60, pregnant individuals, and those with certain chronic conditions.

Executive Order 2020-191

Effective September 30, 2020, the Order implemented protections for residents and employees of long-term care facilities in Michigan. The Order rescinded EO 2020-179, which granted similar authorization. The two EOs were substantially similar except that, in addition to EO 2020-179's requirements for long-term care facilities, EO 2020-191 required those facilities to inform legal guardians or health proxies for all residents of the presence of a confirmed COVID-19 positive employee or resident within 24 hours of identification, post a notice in a conspicuous place near

the main entrance indicating the presence of a confirmed COVID-19 positive employee or resident until 14 days after the last positive test, and adopt a protocol to inform prospective residents and staff of a confirmed COVID-19 positive employee or resident until 14 days after the last positive test.

Executive Order 2020-192

Effective October 9, 2020, the Order amended EOs 2020-183 and 2020-184 to move Upper Peninsula counties, Region 8, into Phase 4 of the Governor's Safe Start plan. Before that, Region 8 had been in Phase 5 of the plan along with Region 6, but a spike in COVID-19 cases in Region 8 was cited as the reason for the shift.

Violations of Orders

Executive Orders 2020-168, 2020-169, 2020-174, 2020-175, 2020-176, 2020-178, 2020-179, 2020-183, 2020-184, 2020-188, and 2020-191 specified 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 was 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 have had, and many continue to have, a substantial fiscal impact. Although they were invalidated by the Michigan Supreme Court on October 2, 2020, prior to that date they were in effect. Furthermore, several Executive Orders have since been replaced by substantially similar departmental directives or replacement legislation. Some of these impacts will be absorbed by existing appropriations, while others may require additional appropriations in the future. For orders that prescribed a misdemeanor penalty for a violation, each may have had a negative fiscal impact on the State and local governments. New misdemeanor arrests and convictions generally increase resource demands on law enforcement, court systems, community supervision, and jails. However, it is unknown how many people were prosecuted for a violation. Any additional revenue from imposed fines will go to local libraries.⁴

Executive Orders 2020-168, 2020-178, and 2020-190

The Orders likely had a minor negative fiscal impact on State government as LARA was expected to incur minor administrative costs related to monitoring and enforcement. These activities likely were covered by existing appropriations; however, it is possible that there may have been

⁴ The ultimate fate of any misdemeanor convictions and associated revenue is unknown, given the Michigan Supreme Court's decisions rendering these Orders void (see p. 2).

additional costs related to staff overtime, depending on the particular actions of LARA and the number of complaints received.

As the Orders required the eventual payment of the temporarily delayed fees for licensees and local health departments, the extension of the payment deadlines did not result in long-term revenue loss. The suspension of certain late fees likely resulted in a minor negative fiscal impact.

Executive Orders 2020-169, 2020-179, and 2020-191

The Orders increased short-term costs for nursing facilities, depending on the number of residents who were diagnosed with COVID-19. Those costs increased because of PPE costs and the additional staff needed to provide services that previously had been provided in communal settings. As some nursing facilities are county-owned, these orders had a clear impact on local government. While costs for most nursing homes eventually will be recouped indirectly through the rate-setting process, the retrospective nature of this process means that any reimbursement of cost increases will not occur for one to two years.

The Orders likely had a minor negative fiscal impact on the LARA. The magnitude of these costs depends on the frequency and type of actions LARA took to ensure that residents received proper care. Staff overtime may have resulted in notable expenditures; however, it is unknown at this time if these costs exceeded existing appropriations.

Executive Orders 2020-170 and 2020-189

The Michigan Department of Corrections indicated that there were no meaningful costs or cost savings. While some incarcerated individuals may have been released early under the Orders, the cost avoidance for that inmate would have been negated by new prisoners. Under the Orders, no transfers to the Department were allowed until it certified that the county jail has implemented all the proper protocols. The reimbursement rate for a person held at a county jail ranges from \$40 to \$65 per night, depending on the level of prisoner held. Jails were compensated for housing these inmates. Once those inmates are released to the MDOC's custody, the Department will no longer reimburse the county jails. The initial \$40 to \$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 were released early.

Under the Orders, the DHHS was required to provide "direct assistance" with testing supplies, specimen collection, and laboratory processing to jails and local lockups, which likely imposed costs on the Department. It is unclear, based on the language used in the Orders, how large that cost was as it is uncertain how many incarcerating facilities sought assistance from the DHHS and what resources were available for assistance. The language used in the Orders created two uncertainties that likely affected their fiscal impact. The first uncertainty, and likely the most important consideration, was that the language stated that juvenile detention centers were "strongly encouraged" to impose certain risk-reduction measures. This language was not mandatory in nature, compared with earlier portions of the Orders that pertained to the MDOC, in which the language required the Department to continue to implement risk reduction protocols.

The second uncertainty was that the term "juvenile detention center" is not defined in statute. Terms that are used in statute include "juvenile detention facility",⁵ "juvenile detention home",⁶ or

⁵ MCL 400.117a(1)(g).

⁶ MCL 712A.16.

"child caring institution".⁷ The Orders mentioned "juvenile detention or residential facility placement", which is similar to terms defined under State statute. However, these references created additional uncertainty, as they stated that "juvenile detention centers" were "strongly encouraged" to eliminate any form of detention or residential facility placement for juveniles unless a determination was made that a juvenile was 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 (on October 1, 2021, this will change to youth under 18 years of age) to the judicial branch, so it was not clear how the "juvenile detention centers" listed in the Orders were able to make placement decisions extrajudicially.

It is probable that even under the seemingly voluntary nature of the Orders and the uncertainty of the Orders' application to existing juvenile facilities (State-operated, county-operated, and privately operated), some, or even all, heeded the risk-reduction measures stated in the Orders and incurred costs. Since it is not clear to what extent those entities implemented 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 implemented the risk-reduction measures outlined in the Order.

Section 8 of the Orders stated 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 were temporarily suspended. As a result, State and local units of government may have realized fiscal saving from a reduction in placements for technical probation violations.

Executive Order 2020-172

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

The State and various local units of government needed to ensure that human resource units were following the Order. This may have resulted in additional human resource costs, which likely were minor and within current appropriations.

Executive Orders 2020-173 and 2020-187

The Orders had an indeterminate, positive fiscal impact on State and local units of government, as they were designed to encourage the transaction and exchange of signed or notarized business or real property documents with the aid of video conferencing instead of in-person requirements. It should be noted that the three Acts cited in the Orders already validate electronic transactions and signatures. The Orders only addressed three types of electronic transactions prohibited by law; those of the individual State departments (which no longer needed approval from the DTMB to conduct business electronically), those involving county recording offices (who no longer needed an established, verified user agreement to conduct business with licensed

⁷ MCL 722.111(1)(c).

financial institutions or licensed title insurers), and those involving notarized documents, which traditionally required in-person notarial services.

The positive fiscal impact on State and local units of government comes from direct or indirect revenue as a result of the increased flow of business transactions (including Department contracts), deed recordings, and real property transactions. The degree of this impact depends upon the ability of the State and the business community to adapt to, and employ, the use of electronic video conferencing tools.

Executive Orders 2020-174 and 2020-188

There were two main requirements listed under these Orders. First, they required a reduction in the types of visitors who were allowed into facilities. Second, for those individuals who met the enhanced screening criteria, the Orders required a health evaluation upon entry. These requirements applied to health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities. When determining the fiscal impact on State and local units of government, it is necessary to ascertain which of these types of facilities, in fact, were operated by the State or local units of government and thus may have realized a direct increase in operating costs.

Currently, the State operates five inpatient psychiatric hospitals: Caro Center, Center for Forensic Psychiatry, Hawthorn Center, Kalamazoo Psychiatric Hospital, and Walter Reuther Psychiatric Hospital. These five facilities were covered under the "health care facility" portion of the Order. The State also operates two juvenile justice facilities: Bay Pines Center and Shawono Center. The University of Michigan Health System operates hospitals that can be considered State-operated health care facilities. Additionally, there are many local units of government, mostly counties, that operate many of these types of facilities, so any cost increase needed to implement this Order will have been borne by the facility's local funding entity.

Leaving health care facilities aside, the remainder of the facility types covered under the Orders likely already had existing secured entry processes, so any enhanced screening criteria for visitors likely would not have increased costs. However, to the extent that State and locally operated facilities required additional medical diagnostic tools to evaluate for fever or other symptoms, there would have been a cost to the State and local units of government. For health care facilities, it is possible that the implemented entrance policy requirements would have required new infrastructure or staffing requirements to ensure that visitors complied with them. Outside of health care facilities run by the University of Michigan health system, there would have been no direct cost to State government. For health care facilities operated by local units of government, there would have been additional costs.

Also, there are numerous non-State managed health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities that operate under contracts with State and local units of government. As these facilities are not under direct State management, these costs would not have been direct costs to the State or local units of government, but to the extent that these costs will be recovered through future contract or service rate increases, there will be an indirect cost to State and local units of government.

Additionally, the Order required all staff members and residential care facilities visitors to wear a covering over their nose and mouth when indoors or within six feet of another person. For those staff members who were employed by a residential care facility that is operated by the State or a

local unit of government, the governmental entity likely had to provide the covering to meet the obligation imposed under the Orders. The fiscal impact of this is uncertain.

Lastly, the Orders requested that facilities make best efforts to facilitate visitation by phone or electronic communication platforms, consistent with normal visitation policies. It is not clear to what extent there was any existing infrastructure for phone or electronic communication platforms in the facilities. To the extent that there was existing infrastructure in the State-managed facilities, such as facility telephones, State-issued cell phones, or State-issued hardware that enabled connection to electronic communication platforms, there would have been no cost to State government. It is unclear from the text of the Orders whether making a best effort required the facility to obtain necessary infrastructure to allow for the facilitation of visitation. If the Orders required procurement of goods needed in order to comply with them, there would have been direct costs to the State and any local units of government that are a fiduciary for an applicable facility.

Executive Order 2020-175

The Order had an indeterminate fiscal impact on State and local government. By providing guidelines for specified businesses to resume operations, the Order likely had a positive impact on the State and local units of government by way of increased tax revenue from resumed business activity. This would have taken the form of income tax and sales tax revenue when the specified businesses began to resume operations. On the other hand, the Order tasked 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 may have increased the workload of the administrative review process, as any challenges to disciplinary action taken by a department for a violation of the Order would have been adjudicated by administrative review.

Executive Order 2020-176

Previous EOs 2020-160 and 2020-162 consolidated older EOs (specifically EOs 2020-110 and 2020-115) that severely limited, then slightly opened, indoor activities. To the extent that this Order was different than previous orders, it permitted the reopening of gymnasiums and fitness centers, allowed for organized sports to resume, and carved out exceptions for indoor training activities for law enforcement, medical personnel, and polling places; it would have had an indeterminate fiscal impact on State government and local units of government. Prolonged cessation of indoor service likely resulted 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 limited indoor and outdoor activities compared to activity levels before the COVID-19 pandemic, the Order reduced State and local tax revenue, particularly from individual and corporate income taxes and the sales tax, by an unknown amount that depended on how long and the degree to which business activity was reduced or that individuals were affected. Any reduction in sales tax revenue also reduced local government revenue because of reductions in constitutional revenue sharing payments. For individuals, the impact also would have been affected by the degree and extent to which they continued to receive pay, received unemployment compensation or otherwise maintained income levels, drew down savings or maintained consumption, worked from home, and the degree to which any changes resulted in prolonged or permanent changes in employment or other financial conditions. Given the magnitude of economic activity affected by the Order, the revenue reductions are significant and will 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 restricted less activity than previous orders, it reduced revenue by less than previous orders. The fact that businesses and consumers were 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 is free to operate, and consumers are free to shop, as before the pandemic, consumers may choose to limit their visits and purchases even in the absence of an executive order that compelled them to do so. Similarly, to the extent that the Order's provisions limited operating capacity, either by restricting customers or available labor (for example because of proximity restrictions), the Order resulted in reduced revenue relative to the absence of those limits but greater revenue than under more severe restrictions imposed by earlier orders.

Executive Order 2020-177

The declaration of emergency, by itself, did 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 Orders 2020-180 and 2020-181

These amendments to EO 2020-176 had no additional fiscal impact.

Executive Order 2020-183

Previous EOs 2020-176, 2020-160, and 2020-162 replaced or consolidated older EOs (specifically EOs 2020-110 and 2020-115) that severely limited, then slightly opened, indoor activities. To the extent that this Order was different than previous orders, it permitted the reopening of indoor theaters, cinemas, performance venues, millionaire parties, amusement parks, arcades, bowling alleys, bingo halls, climbing facilities, dance halls, roller rinks, ice rinks, trampoline parks, waterparks, and similar venues. It had an indeterminate fiscal impact on State government and local units of government. Prolonged cessation of indoor service may have resulted 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 limited indoor and outdoor activities compared to activity levels before the COVID-19 pandemic, the Order reduced State and local tax revenue, particularly from individual and corporate income taxes and the sales tax, by an unknown amount that depended on how long and the degree to which applicable business activity was reduced or that individuals were affected. Any reduction in sales tax revenue also reduced local government revenue because of reductions in constitutional revenue sharing payments. For individuals, the impact also would have been affected by the degree and extent to which they continued to receive pay, received unemployment compensation or otherwise maintained income levels, drew down savings or maintained consumption, worked from home, and the degree to which any changes resulted 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 have been significant and will affect revenue in both FY 2019-20 as well as FY 2020-21 (when annual payments are due and/or reconciled).

To the extent that the Order restricted less activity than previous orders, it did so by less than previous orders. The fact that businesses and consumers were 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 is free to operate, and consumers are free to shop, as before the pandemic, consumers may choose to limit their visits and purchases even in the absence of an executive order that compelled them to do so. Similarly, to the extent that the Order's provisions limited operating capacity, either by restricting customers or available labor (for example because of proximity restrictions), the Order resulted in reduced revenue relative to the absence of those limits but greater revenue than under more severe restrictions imposed by earlier orders.

Executive Order 2020-184

The Order had an indeterminate fiscal impact on State and local government. By providing guidelines for specified businesses to resume operations, the Order likely had a positive impact on the State and local units of government by way of increased tax revenue from resumed business activity. This took the form of income tax and sales tax revenue when the specified businesses began to resume operations. On the other hand, the Order tasked 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 increased the workload of the administrative review process, as any challenges to disciplinary action taken by a department for a violation of the Order would have been adjudicated by administrative review.

Executive Order 2020-185

Schools located in a region in phase 4 of the Michigan Safe Start Plan experienced additional costs beyond EO 2020-142 to ensure all students and staff met the face covering requirements, which likely included additional mask purchases. Schools also may have experienced costs to track and provide information to the DHHS on probable or confirmed COVID-19 infected individuals who were on school property.

Executive Order 2020-186

The declaration of emergency, by itself, did 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 2020-192

The Order likely had a negative fiscal impact on Region 8. The apparent difference between placement in Phase 5 and Phase 4 of the Safe Start plan was whether a region was exempt from certain restrictions found in EOs 2020-183 and 2020-184. Those exemptions included an

exception to require remote work when possible, the exceptions to size limitations for indoor and outdoor gatherings, and the exceptions to capacity limits for stores. As the move did not prohibit on-site consumer activity, the effect likely was minimal.

Conclusion

The EOs summarized above implemented various measures in response to COVID-19 in Michigan. These measures affected, among other things, food-selling establishments, pharmacies, care facilities, protocols for corrections facilities, worker protections, document notarization, workplace safety, public accommodations, organized sports, indoor and outdoor gatherings, face covering requirements, and preK-12 education. The EOs had an impact on State revenue, local governments, and various State departments, including LARA, the MDOC, the DHHS, LEO, 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

Executive Orders Issued since Declared State of Emergency related to COVID-19

Please note: The End Date listed for the EOs below reflects the date identified in each corresponding EO as issued. As of October 2, 2020, the COVID-19 related EOs, below, were ruled void by the Michigan Supreme Court, despite the end date indicated for any EOs below that may have been active on that date. Although these EOs are now void, prior to October 2, they were in effect and had a corresponding fiscal impact upon the State and local units of government.

EO 2020-	Title	Effective Date	Rescinded by	End Date
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	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

Executive Orders Issued since Declared State of Emergency related to COVID-19

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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 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

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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
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

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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		*
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		*

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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
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

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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
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

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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
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		

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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
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

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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
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

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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		*

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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
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		*

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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		
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

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EO 2020-	Title	Effective Date	Rescinded by	End Date
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	EO 2020-178	9/5/2020
169	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	8/10/2020	EO 2020-179	9/5/2020
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	EO 2020-189	9/29/2020
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	EO 2020-187	9/29/2020
174	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	8/28/2020	EO 2020-188	9/29/2020

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EO 2020-	Title	Effective Date	Rescinded by	End Date
175	Safeguards to protect Michigan's workers from COVID-19	9/3/2020	EO 2020-184	9/25/2020
176	Safe Start	9/4/2020	EO 2020-183	10/9/2020
177	Declaration of state of emergency and state of disaster related to the COVID-19 pandemic	9/3/2020	EO 2020-186	9/29/2020
178	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	9/5/2020	EO 2020-190	9/29/2020
179	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	9/5/2020	EO 2020-191	9/30/2020
180	Amendment to the Safe Start order	9/9/2020	EO 2020-183	10/9/2020
181	Amendment to the Safe Start order	9/11/2020	EO 2020-183	10/9/2020
182***	Council on Climate Solutions Department of Environment, Great Lakes, and Energy	9/23/2020		*
183	Safe Start	10/9/2020		*
184	Safeguards to protect Michigan's workers from COVID-19	9/25/2020		*
185	Amendment to the Provision of preK-12 education for the 2020-2021 school year order	10/5/2020		*
186	Declaration of state of emergency and state of disaster related to the COVID-19 pandemic	9/29/2020		10/27/2020
187	Encouraging the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic	9/29/2020		10/31/2020
188	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	9/29/2020		

Executive Orders Issued since Declared State of Emergency related to COVID-19

Please note: The End Date listed for the EOs below reflects the date identified in each corresponding EO as issued. As of October 2, 2020, the COVID-19 related EOs, below, were ruled void by the Michigan Supreme Court, despite the end date indicated for any EOs below that may have been active on that date. Although these EOs are now void, prior to October 2, they were in effect and had a corresponding fiscal impact upon the State and local units of government.

EO 2020-	Title	Effective Date	Rescinded by	End Date
189	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	9/29/2020		10/30/2020
190	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	9/29/2020		
191	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	9/30/2020		
192	Moving Region 8 to Phase 4 of the MI Safe Start Plan	10/9/2020		
*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.				
**Affecting the 2020 tax year, only.				
***These indicate non-COVID-19 related Executive Orders.				