

COVID-19 UPDATE

New Executive Order on Masks

As her prior Executive Orders (EOs) sparked some confusion, angst, anger and violence, today, Governor Whitmer issued a new [EO \(153\)](#), rescinding EO 147, apparently trying to defuse confusion and frustration expressed over the last week or so. As before, this Order provides that no business, government office, or operation open to the public may provide service to a customer or allow a customer to enter, unless the customer is wearing a face covering as required by the Order.

A face covering is strongly encouraged even for people who are not required to wear one but the requirement to wear a face covering does not apply to individuals who, among other things:

- Are younger than five years old;
- Cannot medically tolerate a face covering;
- Are eating or drinking while seated at a food service establishment;
- Are exercising when wearing a face covering would interfere in the activity; or
- Are at a polling place for purposes of voting in an election.

Most notably, the EO says that a business may not assume that someone entering without a face covering falls into one of the specified exceptions, including the exception for someone who cannot medically tolerate a face covering. The Order *does* allow businesses to accept a customer's verbal representation that they fall within a specified exception.

This makes clear that businesses must deny access to anyone not wearing a face covering, but if that person asserts that they fall within an exception, that's all that is required.

We hope you found this information helpful. Please contact us if you have any questions.

Arthur Siegal
248.727.1452
asiegal@jaffelaw.com

