

COVID-19 EMERGENCY ORDER Gatherings and Face Masks

Effective Wednesday, November 18th at 12:01 am until December 8th at 11:59 pm, the [Department of Health and Human Services' Emergency Order](#) takes effect, which is summarized below. Note that "gathering" is defined as anywhere two or more persons from more than one household are in a shared space together.

General capacity limitations at gatherings.

Indoor gatherings are prohibited at:

- 1) residential venues, except where no more than 10 persons from no more than 2 households are gathered;
- 2) non-residential venues.

Outdoor gatherings are allowed at:

- 1) residential venues, of 25 or fewer persons from no more than 3 households;
- 2) non-residential venues, as long as there are 25 or fewer persons at:
 - a) a venue without fixed seating, and attendance is limited to 20 persons per 1,000 square feet, including within any distinct area within the event space;
 - b) a venue with fixed seating, and attendance is limited to 20% of seating capacity of the venue.

These limits do not apply to:

- 1) Incidental, temporary gatherings of persons such as in an airport, bus station, exercise facility, food service establishment, shopping mall, or public pool;
- 2) Gatherings between an employee and a customer for the purpose of receiving services;
- 3) Workplace gatherings consistent with MIOSHA's October 14th [Emergency Rules](#);
- 4) Voting or official election-related activities;
- 5) Training of law enforcement, correctional, medical, or first responders, if they cannot be conducted remotely;
- 6) Education and support services at public, nonpublic, and boarding schools serving students in prekindergarten through grade 8;
- 7) Children in a child-care organization or camp setting;
- 8) Persons traveling on a school bus or other public transit;
- 9) Gatherings for medical treatment, including mental health and substance use disorder support services;
- 10) Gatherings of up to 25 persons for a funeral;
- 11) Residential care facilities, subject to the [October 21 order](#) entitled "Requirements for Residential Facilities," or any replacement of that order.

To host a gathering, the gathering must be designed to encourage and maintain physical distancing, and must ensure that persons from different households maintain 6 feet of distance to the extent possible.

Gathering restrictions for particular types of facilities.

Gatherings, are prohibited at:

- 1) Entertainment venues, including: auditoriums; arenas; banquet halls; cinemas; conference centers; concert halls; performance venues; sporting venues; stadiums; and theaters;
- 2) Recreational facilities and places of public amusement, including: amusement parks; arcades; bingo halls; bowling alleys; casinos; night clubs; skating rinks; strip clubs; water parks; and trampoline parks;

Gatherings are permitted at food service establishments if:

- 1) Persons are not gathered indoors except in custodial settings, medical facilities, school and university cafeterias, shelters, and soup kitchens. If seated at tables, persons must be 6 feet apart, or members of a household may share a table and tables must be spaced at least 6 feet apart;
- 2) Persons participating in outdoor dining are seated no more than 6 to a table and tables are spaced a minimum of 6 feet apart.

These facilities can be used for public health or other emergency purposes.

Gathering restrictions for facilities.

The following limitations also apply to the following facilities:

- a) A gathering at a retail store, library, or museum must not exceed 30% of total occupancy limits established by the State or local fire marshal. A retail store, library, or museum may permit one customer at a time to enter if strict adherence to the 30% total occupancy limit would otherwise result in closure. Retail stores must establish lines to regulate entry and checkout, with markings for patrons to enable them to stand at least six feet apart from one another while waiting.
- b) At exercise facilities:
 - 1) Gatherings must not exceed 25% of the total occupancy limits established by the State or local fire marshal;
 - 2) There must be at least 12 feet between each occupied workout station; and
 - 3) Gatherings for group fitness activities or classes are prohibited.
- c) No gatherings in waiting rooms at outpatient health-care facilities, veterinary clinics, and other businesses unless they implement a system to ensure that persons not of the same household maintain 6 feet of distance. To the extent possible, this system must include a policy that patients wait in their cars for their appointments to be called.
- d) A gathering at an indoor or outdoor pool not otherwise prohibited must not exceed 25% of bather capacity limits.
- e) Facilities offering non-essential personal care services, including hair, nail, tanning, massage, traditional spa, tattoo, body art, piercing services, and similar personal care services, are only permitted gatherings to the extent that services do not involve the removal of face masks. All services must be provided by appointment, and gatherings in waiting areas are prohibited.

Schools, colleges, and universities. Gatherings are prohibited:

- a) At public, nonpublic, and boarding schools to conduct in-person instruction, sports, and extracurricular activities serving pupils in grades 9 through 12, except for in-person instruction of pupils who are English Language Learners or participants in special education services;
- b) For sports and extracurricular activity, regardless of grade;
- c) At colleges and universities for holding in-person classes, extracurricular events, or other events, except as permitted elsewhere by the Order.

Public, nonpublic, and boarding schools for in-person instruction of pupils in prekindergarten through grade 8 are permitted, subject to local health department and school district decisions. Gatherings at public, nonpublic, and boarding schools are permitted to provide services to students in need, including food distribution, access to internet connectivity, physical and mental health care services, and child care.

Organized sports gathering restrictions.

- a) Gatherings for organized sports are prohibited unless all participants, teams, and venues comply with the enhanced testing regimen specified in the Additional Mitigation Measures for Safer Athletic Practice and Play without the use of Face Coverings section of [this MDHHS guidance](#). Sports organizers complying with this section may host practices and competitions notwithstanding the gathering prohibitions in the Order.
- b) Sports organizers may not permit gatherings of spectators.

Face mask requirements.

- a) All persons participating in gatherings are required to wear a face mask.
- b) Transportation providers must require all staff and patrons to use face masks, and must enforce physical distancing among all patrons to the extent feasible.
- c) Except as provided elsewhere in the Order, a person responsible for a business, store, office, government office, school, organized event, or other operation, or an agent of such person, must prohibit gatherings of any kind unless the person requires individuals in such gatherings (including employees) to wear a face mask, and denies entry or service to all persons refusing to wear face masks while gathered.
- d) A person responsible for a business, store, office, government office, school, organized event, or other operation, or an agent of such person, may not assume that someone who enters the facility without a face mask falls within one of the exceptions specified in the Order, including the exception for individuals who cannot medically tolerate a face mask. An individual's verbal representation that they are not wearing a face mask because they fall within a specified exception may be accepted.
- e) A person responsible for a child-care organization or camp, or an agent of such person, must not allow gatherings unless face masks are worn by all staff. Masks must be worn by all children: (1) 2 years and older when on a school bus or other transportation provided by the child-care organization or camp; (2) 4 years and older when in indoor hallways and indoor common areas; (3) 5 years and older when in classrooms, homes, cabins, or similar indoor settings.

Exceptions to face mask requirements.

Although a face mask is strongly encouraged even for individuals not required to wear one (except for children under the age of 2), the requirement to wear a face mask in gatherings does not apply to individuals who:

- a) Are younger than 5 years old, outside of child-care organization setting;
- b) Cannot medically tolerate a face mask;
- c) Are eating or drinking while seated at a food service establishment or at a private residence;
- d) Are exercising outdoors and able to consistently maintain 6 feet of distance from others;
- e) Are swimming;
- f) Are receiving a medical service for which removal of the face mask is necessary;
- g) Are asked to temporarily remove a face mask for identification purposes;

- h) Are communicating with someone who is deaf, deafblind, or hard of hearing and whose ability to see the mouth is essential to communication;
- i) Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a face mask would seriously interfere in the performance of their public safety responsibilities;
- j) Are at a polling place for purposes of voting in an election;
- k) Are engaging in a religious service; or
- l) Are giving a speech for broadcast or to an audience, provided that the audience is at least 6 feet away from the speaker.

Contact tracing requirements for particular gatherings.

- a) The following facilities must maintain accurate records, including date and time of entry, names of patrons, and contact information, to aid with contact tracing, and must deny entry to any visitor who does not provide, at a minimum, their name and phone number:
 - 1) All businesses that provide barbering, cosmetology services, body art services (including tattooing and body piercing), tanning services, massage services, or similar personal care services;
 - 2) Exercise facilities.
- b) All businesses that provide in-home services, including cleaners, repair persons, painters, and the like must not permit their employees to gather with clients unless the business maintains accurate appointment records, including date and time of service, name of client, and contact information, to aid with contact tracing.
- c) Upon request, businesses, schools, and other facilities must provide names and phone numbers of individuals with possible COVID-19 exposure to MDHHS and local health departments to aid in contact tracing and case investigation efforts.
- d) Data so collected must:
 - 1) not be sold, or used for sales or marketing purposes without the express consent of each patron;
 - 2) be protected as confidential information to the fullest extent of the law;
 - 3) not be provided to law enforcement or immigration officials except upon receipt of a lawful subpoena from a court or other lawful court order;
 - 4) be retained for 28 days by the collecting organization, after which time the data must be destroyed. If facilities use existing data to fulfill this requirement, they may instead follow their own pre-existing data retention and destruction policies at the conclusion of the 28-day retention period.

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

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