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PERSONAL HEALTH DIVISION

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EMERGENCY ORDER (2020-3) FOR CONTROL OF EPIDEMIC/PANDEMIC

Required screening and social distancing measures at open businesses and operations subject to the Governors' Executive Order 2020-59

This Emergency Order is made pursuant to Section 2453 of the Public Health Code, being MCL 333.2453.

Matters concerning the public health of the residents of Benzie and Leelanau Counties have been brought to the attention of the Benzie-Leelanau District Health Department Local Health Officer. The Local Health Officer has determined that controls are necessary to reduce transmission of COVID-19 to protect the public's health of Benzie and Leelanau Counties based on the following facts:

1. A State of Emergency was declared March 10, 2020 with an Executive Order expanding the emergency declaration and declaring a State of Disaster on April 1, 2020 by Governor Whitmer and Michigan is under threat of a pandemic virus that has reached epidemic status in Michigan.
2. On April 2, 2020, an Emergency Order regarding the Governor's Executive Orders was issued by Michigan Department of Health and Human Services Director, Robert Gordon, which declared COVID-19 an epidemic in the State of Michigan.
3. All Executive Orders (also called "EO") of the Governor related to the Coronavirus and the Emergency Orders of the MDHHS Director are incorporated herein by reference.
4. COVID-19 and its effects have been detected within the jurisdiction and the surrounding area of the **Benzie-Leelanau District Health Department**.
5. Coronavirus, which causes COVID-19, is a communicable disease and can be transmitted from person to person.
6. The Coronavirus transmission is possible even though the infected person has no symptoms and is unaware of the infection.
7. In order to control and limit the spread of this communicable disease, it is necessary to prevent infected people from coming into contact with uninfected people. It is also imperative that critical infrastructure workers (hereafter, call "worker" or "workers") be protected. In addition, the mandatory daily screening program, as described below, is consistent with and implements the recommendations of the Occupational Health and Safety Administration Guidance For Preparing Workplaces for COVID-19 which states that "prompt identification and isolation of potentially infectious individuals is a critical step in protecting workers, customers, visitors, and others at a worksite."
8. Although healthcare workers and their employers are exempt from compliance with Part 1, Section b., Item ii in this Emergency Order, it is recommended that these parties reference the guidance issued in the memorandum dated March 20, 2020 as well as any subsequent guidance from Dr. Joneigh Khaldun, Chief Medical Executive of the Michigan Department of Health and Human Services.

It is hereby ordered that food service establishments and pharmacies, as defined in EO 2020-60, shall comply with EO 2020-60. All other businesses and operations remaining open under EO 2020-59 **shall** (a) only be conducting operations that require employees to leave their homes or places of residence for functions that are necessary to sustain or protect life or to conduct minimum basic operations as defined by EO 2020-59 and (b) comply with EO 2020-59. In addition, all such businesses and operations remaining open under EO 2020-59 **shall** take the following actions:

- 1) Develop and implement a daily screening program for all workers, who do not work from their residence.
 - a) Screening criteria must include asking the worker the following questions and taking the following actions:
 - i) Determine whether the worker is experiencing the following symptoms: fever, cough, shortness of breath, sore throat, diarrhea. Fever is defined as temperature of 100.4 degrees or higher as measured by a touchless thermometer if available, but a verbal confirmation of lack of fever is sufficient if a touchless thermometer is not available.
 - ii) Determine whether the worker has had any close contact in the last 14 days with someone with a diagnosis of COVID-19. "Close contact" means someone identified as "close contact" by the local health department, a household member, or someone within 6 feet for 10 minutes or longer.
 - iii) Determine whether the worker has engaged in any activity or travel within the last 14 days which fails to comply with Executive Order 2020-59 (COVID-19).
 - iv) Determine whether the worker has been directed or told by the local health department or their healthcare provider to self-isolate or self-quarantine.
 - b) A "yes" to any of the screening questions above requires the worker, who is not working from their residence, to be excluded from work:
 - i) 3 days with no fever and 7 days since onset of first symptom.
 - ii) 14 days if close contact of a diagnosed case of COVID-19 as described in 1(a)(ii).
 - iii) 14 days following any activity or travel as described in 1(a)(iii).
 - c) The business and operations remaining open under EO 2020-59 shall maintain written or digital documentation of the results for each worker, who is subject to the daily screening program that is described above. All written or digital documentation, which is required by this Emergency Order, shall be made available to the local health department or its authorized representative upon request.
 - d) Exemptions:
 - i) First responders, healthcare workers, law enforcement, EMS, health-related transportation workers and other essential healthcare workers are exempt from Part 1, Section b., Item ii.
 - ii) Nothing in this order shall limit the operations of first responders, healthcare workers, law enforcement, EMS, health care related transportation workers and other entities that are involved in the mitigation of risk during this pandemic.

2. Develop and implement a plan to manage and control social/physical distancing (at least 6 ft spacing) for workers alongside one another and customers waiting in lines within or outside the business.
3. Limit capacity inside facilities to provide for social distancing of customers and between customers and workers including but not limited to visual markings and signage, entrance limits, and specialized hours.
4. Post this Emergency Order and maintain the posting of this Emergency Order at each entrance to the facility and additionally document distribution of this Emergency Order to all critical infrastructure workers.
5. No person shall knowingly engage in any action which facilitates or assists another person in violating Executive Order 2020-59.
6. This Emergency Order may be enforced by one or more of the following methods: (a) by injunctive relief as provided in MCL 333.2255, (b) criminal prosecution for a misdemeanor as provided in MCL 333.2243 and/or (c) any other civil or criminal procedure authorized by law. Except as provided by law, nothing in this Emergency Order shall prohibit this Health Department or a County Prosecutor from using more than one enforcement procedure. Prior to filing any pleadings pursuant to MCL 333.2255, the County Prosecuting Attorney or other legal counsel, who represents this Health Department, shall consult with the Health Officer and obtain authorization to commence such litigation. Prior to commencing criminal prosecution, it is recommended that the County Prosecuting Attorney or their staff consult with the Health Officer. The purpose of any consultation is to ensure that the Health Officer agrees that a violation of the applicable law, including any Emergency Order issued by the Health Officer, has been violated.

This Emergency Order shall become effective on **April 28 at 12:00 (Midnight)** and shall be effective until **May 15, 2020 at 11:59 pm.**



Lisa Peacock, Local Health Officer
Benzie Leelanau District Health Department
Benzie and Leelanau Counties, Michigan

04/27/2020

Date