
Updated for COVID-19 Restrictions Under the Public Health Code Act 368 of 1978 Section 333.2253
The Michigan Department of Health and Human Services (MDHHS) has issued an Emergency Order
of Gathering Prohibition and Face Covering.

- **Contract Tracing Requirements**

- Gatherings are prohibited at the following facilities unless the facility maintains accurate records, including date and time of entry, names of patrons, and contact information, to aid with contact tracing, and denies entry for a gathering to any visitor who does not provide, at a minimum, their name and phone number:
 - All businesses or operations that provide barbering, cosmetology services, body art services (including tattooing and body piercing), tanning services, massage services, or similar personal care services.
 - Exercise facilities
- All businesses or operations 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.
- Upon request, businesses, schools, and other facilities must provide names and phone numbers of individuals with possible COVID-19 exposures to MDHHS and local health departments to aid in contact tracing and case investigation efforts.
- Data collected under this section:
 - Must not be sold or used for sales or marketing purposes without express consent of each patron.
 - Must be protected as confidential information to the fullest extent of the law.
 - Must not be provided to law enforcement or immigration officials except upon receipt of a lawful subpoena from a court or other lawful court orders.
 - Must 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.

- **General Capacity Limitations at Gatherings**

- Indoor gatherings:
 - Prohibited at residential venues, except where no more than 10 persons from no more than 2 households are gathered. Such gatherings should be held consistent with guidance issued by MDHHD for such gatherings.
 - Prohibited at non-residential venues.
- Outdoor gatherings are permitted only as follows:
 - At residential venues, 25 or fewer persons are gathered, comprised of no more than 3 households.
 - At non-residential venues:

- A. 25 or fewer persons are gathered at a venue without fixed seating, and attendance is limited to 20 persons per 1,000 square feet, including within any distinct area with the event space.
 - B. 25 or fewer persons are gathered at a venue with fixed seating, and attendance is limited to 20% of seating capacity of the venue.
 - o The limitations to the size of gatherings in the above section does not apply to:
 - Incidental, temporary gatherings of persons in a shared space, such as frequently occur in an airport, bus station, exercise facility, food facility, shopping mall, or public pool.
 - Gatherings between an employee and a customer for the purpose of receiving services.
 - Workplace gatherings that occur consistent with the [Emergency Rules](#) issued by MIOSHA on October 14, 2020.
 - Voting or election-related activities at polling places.
 - Training of law enforcement, correctional, medical, or first responder personnel, insofar as those activities cannot be conducted remotely.
 - Education and support services at public, non-profit, and boarding schools serving students in prekindergarten through 8th grade.
 - Children in a child-care organization, after school program or camp setting.
 - Persons traveling on a school bus or other public transit.
 - Gatherings for the purpose of medical treatment, including mental health and substance use disorder support services.
 - Gatherings of up to 25 persons for the purpose of a funeral.
 - Residential care facilities, which are subject to the October 21 epidemic order entitled "[Requirements for Residential Facilities](#)" or any replacement of the order.
 - Cardiopulmonary resuscitation courses and swimming instruction courses.
 - Proctored, nationally-administered admissions and certification exams that are not available remotely, provided that examinees are spaced 12 feet apart.
 - Gatherings at lower risk entertainment and low risk recreational facilities that comply with section 3(a) of the MDHHS order.
 - Gatherings for public health or other emergency purposes.
 - o As a condition of hosting a gathering under the [emergency order](#), organizers and venues must design the gathering to encourage and maintain physical distancing and must ensure that persons, not part of the same household, maintain 6 feet of distance from one another to the extent possible.
- **Gathering Restrictions for Particular Types of Facilities**
 - o Gatherings are permitted at lower risk entertainment facilities and lower risk recreational facilities provided that:
 - Organizers do not permit persons to mingle with others from outside of their household.
 - Household groups are limited to a maximum of 6 persons.
 - Households are spaced or seated at least 6 feet apart.

- No food or beverages are sold or consumed on the premises.
 - Venues comply with the following capacity limits:
 - For venues with fixed seating, occupancy must not exceed 20% of the limits established by the State Fire Marshal or local fire marshal.
 - For venues with non-fixed seating, occupancy is limited to 20 persons per 1,000 square feet, including within any distinct space within the venue.
 - For all venues, no more than 100 persons may be gathered within any distinct space within the venue.
- **Gathering Restrictions for Facilities**
- In addition to the gathering limitations mentioned above, the following limitations apply to gatherings in the following facilities:
 - A gathering at a retail store, library, or museum must not exceed 30% of total occupancy limits established by the State Fire Marshal or a local fire marshal. Nevertheless, 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.
 - At exercise facilities:
 - Gatherings must not exceed 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal; and
 - There must be at least 12 feet of distance between each occupied workout station.
 - Indoor gatherings for group fitness activities or classes are prohibited. Outdoor gatherings for group fitness activities or classes are permitted.
 - Gatherings in waiting rooms at outpatient health-care facilities, veterinary clinics, and other businesses are prohibited unless the facility implements 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.
 - A gathering at an indoor or outdoor pool not otherwise prohibited by the [emergency order](#) must not exceed 25% of bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code.
 - Gatherings at indoor ice and roller rinks are prohibited, except for individual exercise or one-on-one instruction, where occupancy is limited to 2 persons per 1,000 square feet, including within the exercise space. Gatherings at outdoor ice and roller rinks are permitted, except for organized contact sports, provided that occupancy is limited to 2 persons per 1,000 square feet, including within the exercise space. Gatherings for the purpose of non-contact sports and open skating are permitted only at outdoor rinks.
 - In facilities offering non-essential personal care services, including hair, nail, tanning, massage, traditional spa, tattoo, body art, and piercing services, and similar personal care services, gatherings are only permitted 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 at public, nonpublic, and boarding schools for the purpose of conducting in-person instruction of pupils in prekindergarten through 12 are permitted, subject to local health department and school district decisions on remote learning. Gatherings are permitted for the purpose of extracurricular activities except those that involve physical contact among participants, a high degree of exhalation or physical exertion indoors, or where masks cannot be worn.
 - Gatherings at public, non-public, and boarding schools are permitted for the purpose of child care programs, tutoring and academic support, and for providing services to students in need, including food distribution, access to internet connectivity, and physical and mental health care services.
 - Gatherings at colleges, universities, trade schools, and career schools are permitted for the purpose of holding in-person classes and other events sponsored by the educational institution.

- **Organized Sports Gathering Restrictions:** Gatherings for the purpose of organized sports are prohibited unless the gathering meets all the following conditions:
 - Gatherings for the purpose of indoor organized sports and contact 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 [MDHHS guidance on Additional Measures for Safer Athletic Practice and Play](#), or a school is participating in an MDHHS testing pilot program. Sports organizers complying with this section may host gatherings for the purpose of practice and competition notwithstanding the gathering prohibition in section 2 of the MDHHS order.
 - Gatherings for the purpose of outdoor, non-contact sports are permitted.

- **Food Service Establishments**
 - Indoor dining services shall remain closed for in person dining until January 15th, 2021 at 11:59pm.
 - Gatherings permitted at a food establishment under the following conditions:
 - Persons are not gathered indoors except in custodial settings, medical facilities, schools and university cafeterias, shelters, and soup kitchens. If attendees are seated at a table, individuals must be 6 feet apart or members of the same household may share a table and tables must be spaced 6 feet apart.
 - Persons participating in outdoor dining are seated no more than 6 to a table and tables are spaced a minimum of 6 feet apart.
 - Food establishments may remain open for takeout services
- Food Establishment [MIOSHA rules](#)
 - The employer shall have developed and implemented a written COVID-19 preparedness and response plan.
 - The preparedness and response plan shall include:
 - Engineering controls
 - Administrative controls

- Basic infection prevention measures
 - Personal protective equipment
 - Health surveillance
 - Training
- **Face Covering Requirement**
 - All persons participating in gatherings are required to wear a face mask.
 - As a condition of gathering for the purpose of transportation, transportation providers must require all staff and patrons to use face masks and must enforce physical distancing among all patrons to the extent feasible.
 - 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.
 - 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 below, 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, however, may be accepted.
 - 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. Children must wear face masks as indicated below:
 - All children 2 years and older when on a school bus or other transportation provided by the child-care organization or camp.
 - All children 4 years and older when in indoor hallways and common areas.
 - All children 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 as required by the order does not apply to individuals who:
 - Are younger than 5 years old, outside of child-care organization setting.
 - Cannot medically tolerate a face mask.
 - Are eating or drinking while seated at a food service establishment or at a private residence.
 - Are exercising outdoors and able to consistently maintain six feet of distance from others.
 - Are swimming.
 - Are receiving a medical service for which removal of the face mask is necessary.
 - Are asked to temporarily remove a face mask for identification purposes.
 - Are communicating with someone who is deaf, deafblind, or hard of hearing and whose ability to see the mouth is essential to communication.

- o 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.
- o Are at a polling place for purposes of voting in an election.
- o Are engaging in a religious service.
- o Are giving a speech for broadcast or to an audience, provided that the audience is at least six feet away from the speaker.

Frequently Asked Questions

Q- What is the definition of indoor dining?

A- MDHHS defines “Indoor Dining” as a space that is fully or partially enclosed on the top, and fully or partially enclosed on two or more contiguous sides. Additionally, in a space that is fully or partially enclosed on the top, and fully or partially enclosed on two non-contiguous sides, any part of that space that is more than 8 feet from an open side is indoors. MDHHS defines “Outdoor Dining” as a space that is not indoors. Examples of approved outdoor dining set ups can be found at [MDHHS Outdoor Seating Enclosures](#).

Q - How many customers can be seated at a table for dine in service?

A – Food facilities are not permitted to offer indoor dining services per the order, unless it meets one of the food service establishment exceptions mentioned above. Food facilities are permitted to continue operations with to-go food service. Outdoor dining can still occur as long as there are no more than 6 individuals to a table and tables are spread out a minimum of 6 feet. Dine-in service under a tent is permitted as long as all tables are located in areas defined as “Outdoor Dining” by the MDHHS order and which also meet the food service establishment gathering conditions required by the MDHHS order.

Q - Can our facility use outdoor garden domes for food service?

A - Yes, a maximum of six (6) individuals **from the same household** may use an igloo or garden dome to consume food at a food facility.

Q - Are employees still required to complete self-screening protocols?

A - All employees who arrive for work are required to conduct a self-screening protocol that includes: 1) a questionnaire covering symptoms and suspected or confirmed exposures to COVID-19, and temperature screening. If an employee answers “Yes” to any of these questions, they should be sent home and not allowed to work. BLDHD recommends that anyone experiencing COVID-19 symptoms get a COVID-19 test.

Q - Where do I go to file a complaint?

A - We now have a [complaint form](#), or individuals can email us at hotline@bldhd.org, for the public to submit questions, comments, and complaints.

More information on the Emergency Order Under MCL 333.2253: Gatherings Prohibition and Mask Order can be found by Clicking the emergency order below: [MDHHS Emergency Order](#).