

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.

Three Week Pause to Save Lives

- **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.
 - 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 sections do 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 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.
- o As a condition of hosting a gathering under this [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 prohibited in the following settings:
 - Entertainment venues, including auditoriums, arenas, banquet halls, cinemas, conference centers, concert halls, performance venues, sporting venues, stadiums, and theaters.
 - 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.
- o Gatherings are permitted at food service establishments under the following conditions:
 - Persons are not gathered indoors except in custodial settings, medical facilities, school and university cafeterias, shelters, and soup kitchens. If attendees are seated at tables, persons must be 6 feet apart, or members of a household may share a table and tables must be spaced a minimum of 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.
- o Nothing in this section shall be construed to prohibit the use of these facilities for public health or other emergency purposes.

- **Gathering Restrictions for 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.
 - Gatherings for group fitness activities or classes are prohibited.
- 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 as stated in the [emergency order](#) must not exceed 25% of bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code.
- 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, sports, and extracurricular activities serving pupils in grades 9 through 12 are prohibited, except for in-person instruction of pupils who are English Language Learners or participants in special education services.
- Gatherings at public, nonpublic, and boarding schools for the purpose of conducting in-person instruction of pupils in prekindergarten through grade 8 are permitted, subject to local health department and school district decisions on remote learning. Gatherings for the purpose of sports and extracurricular activity are prohibited.
- Gatherings at public, nonpublic, and boarding schools are permitted for the purpose of providing services to students in need, including food distribution, access to internet connectivity, physical and mental health care services, and child care.
- Gatherings at colleges and universities are prohibited for the purpose of holding in-person classes, extracurricular events, or other events are prohibited, except as permitted in general capacity limitation at gatherings and organized sport gathering restrictions sections.

- **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 organized sports are prohibited unless all participants, teams, and venues comply with the enhanced testing regiment 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](#). Sports organizers complying with this section may host

gatherings for the purpose of practice and competition notwithstanding the gathering prohibition in general capacity limitation at gatherings and school, colleges, and university sections.

- Sports organizers may not permit gatherings of spectators.

- **Food Service Establishments**

- Food establishments shall close dine in services starting November 18th, 2020 at 12:01am.
- 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.
- Except as provided elsewhere in this 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.
- 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 section 8 of this 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, 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.
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- **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 this order does not apply to individuals who:
 - o Are younger than 5 years old, outside of child-care organization setting.
 - o Cannot medically tolerate a face mask.
 - o Are eating or drinking while seated at a food service establishment or at a private residence.
 - o Are exercising outdoors and able to consistently maintain six feet of distance from others.
 - o Are swimming.
 - o Are receiving a service for which removal of the face mask is necessary.
 - o Are asked to temporarily remove a face mask for identification purposes.
 - o 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- Are face coverings still a requirement for employees and customers?

A- Yes, face coverings are required to be worn by individuals unless they are under the age of 5 years old or are medically unable to tolerate a face covering.

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

A - Food facilities must close for dine-in services starting November 18th, 2020 at 12:01am. Food facilities are permitted to continue operations with to-go food only. 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 can occur if all of the walls and sides are up.

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

A - Currently, Benzie-Leelanau District Health Department is viewing these as indoor dining where multiple households could meet up and eat at. Currently, these Garden domes are not approved due to the dome being completely enclosed.

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 - What do I do if I have an employee who tested positive for COVID-19?

A - If the noted employee was symptomatic at work, then the food facility is required to stop food service until the facility has completed a deep clean of the facility that is consistent with the Food and Drug Administration and the CDC Guidance. [CDC cleaning guidance](#) [FDA cleaning guidance](#)

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](#).