

No. 32
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House of Representatives
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House Chamber, Lansing, Thursday, April 16, 2020.

10:00 a.m.

The House was called to order by the Speaker.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

Rep. Jim Lilly, from the 89th District, offered the following invocation:

“Heavenly Father,

We ask that You watch over the people of this state and our great nation as we continue to navigate certain challenges that we’re currently facing.

Lord, as policymakers, we ask that You give us the wisdom to interpret the data we are given in order to shape the best policy for the state and the courage to make the right choices.

We also ask that You watch over those in our state whose families have been stricken with grief as a result of illness or economic insecurity.

We know that we live in a time of great anxiety, but we also have a great deal of faith in Your ability to see us through and walk alongside us as we navigate these uncertain times.

But while there’s uncertainty, we have faith.

Lord, You tell us in the Holy Scriptures that You will grant wisdom to anyone who humbly asks of it. And as the father of Lights, we pray that You would illuminate our minds and grant us wisdom. We need Your help.

It’s in Your Son’s name, Jesus Christ, that we pray - Amen.”

Messages from the Governor

Date: March 27, 2020

Time: 10:09 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4171 (Public Act No. 65, I.E.), being

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial

activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal acts and parts of acts,” by amending section 30 (MCL 206.30), as amended by 2018 PA 589.

(Filed with the Secretary of State March 27, 2020, at 10:34 a.m.)

Date: March 30, 2020

Time: 8:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4729 (Public Act No. 67, I.E.), being

An act to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State March 30, 2020, at 9:32 a.m.)

Date: April 2, 2020

Time: 8:34 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5576 (Public Act No. 68, I.E.), being

An act to establish certain financial aid programs for certain residents of this state seeking associate degrees or industry-recognized certificates or credentials from certain educational and jobs training programs; to provide for the administration of the financial aid programs; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

(Filed with the Secretary of State April 2, 2020, at 9:46 a.m.)

Date: April 2, 2020

Time: 8:36 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5580 (Public Act No. 69, I.E.), being

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 256 (MCL 388.1856), as amended by 2019 PA 62.

(Filed with the Secretary of State April 2, 2020, at 9:48 a.m.)

Date: April 2, 2020

Time: 8:38 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5401 (Public Act No. 70, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 80146 (MCL 324.80146), as amended by 2007 PA 8.

(Filed with the Secretary of State April 2, 2020, at 9:50 a.m.)

Date: April 2, 2020

Time: 8:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5402 (Public Act No. 71, I.E.), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 113, 8701, and 8703 (MCL 600.113, 600.8701, and 600.8703), section 113 as amended by 1996 PA 79, section 8701 as added by 1994 PA 12, and section 8703 as amended by 1996 PA 388.

(Filed with the Secretary of State April 2, 2020, at 9:52 a.m.)

Date: April 2, 2020

Time: 8:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5463 (Public Act No. 72, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 80104 and 80110 (MCL 324.80104 and 324.80110), section 80104 as amended by 2014 PA 402 and section 80110 as amended by 2006 PA 237, and by adding section 80112a.

(Filed with the Secretary of State April 2, 2020, at 9:54 a.m.)

Date: April 2, 2020

Time: 8:44 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4908 (Public Act No. 73, I.E.), being

An act to amend 1966 PA 346, entitled “An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to create certain other funds and provide for the expenditure of certain funds; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act,” by amending section 32 (MCL 125.1432), as amended by 2012 PA 328.

(Filed with the Secretary of State April 2, 2020, at 9:56 a.m.)

Date: April 2, 2020

Time: 8:46 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4740 (Public Act No. 74, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain

lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 75102, 75103, and 75104 (MCL 324.75102, 324.75103, and 324.75104), section 75102 as amended by 2016 PA 11, section 75103 as added by 1995 PA 58, and section 75104 as amended by 2012 PA 251.

(Filed with the Secretary of State April 2, 2020, at 9:58 a.m.)

Date: April 2, 2020

Time: 8:48 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4125 (Public Act No. 75, I.E.), being

An act to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal acts and parts of acts," by amending sections 51 and 51d (MCL 206.51 and 206.51d), as amended by 2018 PA 588.

(Filed with the Secretary of State April 2, 2020, at 10:00 a.m.)

The following message from the Governor was received March 25, 2020 and read:

EXECUTIVE ORDER

No. 2020-22

**Extension of county canvass deadlines for the
March 10, 2020 Presidential Primary Election**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to extend the post-election county canvass deadlines related to the March 10, 2020 Presidential Primary Election. This will ensure that the canvass is carried out in a manner that is both orderly and compatible with the demands presented by the current state of emergency, including the need to practice social distancing and to limit gatherings, travel, and in-person work as much as possible.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with rules and procedures under section 822(1) of the Michigan Election Law, 1954 PA 116, as amended, MCL 168.822(1), is temporarily suspended to extend the deadline to April 24, 2020 for a board of county canvassers to complete the canvass of the election held on March 10, 2020.

2. Strict compliance with rules and procedures under section 822(2) of the Michigan Election Law, MCL 168.822(2), is temporarily suspended to extend the deadline to April 24, 2020 for a board of county canvassers, if it has not yet certified the results of the March 10, 2020 election, to immediately deliver to the secretary of the board of state canvassers all records and other information pertaining to that election.
3. Strict compliance with rules and procedures under section 842(1) of the Michigan Election Law, MCL 168.842(1), is temporarily suspended to extend the deadline to April 30, 2020 for the board of state canvassers to ascertain and determine the results of the March 10, 2020 election.
4. To prevent the spread of COVID-19, boards of county canvassers and the board of state canvassers are strongly encouraged to meet electronically, as feasible and otherwise authorized. If meeting in-person is necessary, boards of county canvassers and the board of state canvassers must follow the mitigation measures set forth in section 5(c) of Executive Order 2020-21.
5. This order does not affect the status of a canvass of an election already completed by a board of county canvassers before the issuance of this order.
6. This order is effective retroactive to March 24, 2020.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 25, 2020

Time: 10:22 am

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received March 26, 2020 and read:

EXECUTIVE ORDER

No. 2020-23

Enhanced authorization of remote means for carrying out state administrative procedures

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the impact of efforts to reduce the spread of COVID-19, protect the public health, limit the number of people interacting at public gatherings, encourage social distancing, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to temporarily suspend rules and procedures relating to service of process and provision of notice relating to certain administrative proceedings and the use of electronic signatures. State administrative entities must continue to conduct public business during this emergency, including actions to respond to the COVID-19 pandemic, without unduly compromising public health, safety, and welfare.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Hearing officers or arbitrators may conduct Michigan Employment Relations Commission (“MERC”) hearings by electronic means, including video conferencing. To the extent necessary, strict compliance with the procedural requirements of 1939 PA 176, as amended, MCL 423.1 et seq.

- (employment relations commission), 1947 PA 336, as amended, MCL 423.201 et seq. (public employment relations), and 1969 PA 312, as amended, MCL 423.231 et seq. (compulsory arbitration of labor disputes in police and fire departments), is temporarily suspended.
2. Notice to MERC, as well as personal service of notice, service of process, or written notice of a dispute relating to an impending strike or an impending lockout, may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under sections 9, 9a, 9d(3), 11, 23(2), and 27 of 1939 PA 176, as amended, MCL 423.9, 423.9a, 423.9d(3), 423.11, 423.23(2), and 423.27, and any other procedural statutes governing MERC, is temporarily suspended.
 3. The Unemployment Insurance Agency may permit hearings to be held by telephone or electronic means, including video conferencing. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 et seq., is temporarily suspended.
 4. Notice to the Unemployment Insurance Agency and written notice by the Unemployment Insurance Agency may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 et seq., is temporarily suspended.
 5. Hearings held under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., as well as under the MAHS Administrative Hearing Rules, R 792.10101 et seq., and any informal hearings required by statute, rule, or regulation, may proceed by telephone or by electronic means, including video conferencing. To the extent necessary, strict compliance with the rules and procedures of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., and the MAHS Administrative Hearing Rules, R 792.10101 et seq., is temporarily suspended. This does not apply to hearings by the Joint Committee on Administrative Rules.
 6. Notice and service of process required by the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., and the MAHS Administrative Hearing Rules, R 792.10101 et seq., may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., and the MAHS Administrative Hearing Rules, R 792.10101 et seq., is temporarily suspended.
 7. Administrative rules or emergency rules may be filed with the secretary of state electronically, including by email. To the extent necessary, strict compliance with rules and procedures under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., is temporarily suspended.
 8. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required by sections 11(b)(4), 32b(3), and 54f of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.11(b)(4), 421.32b(3), and 421.54f. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.
 9. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., including any requirement of a signature for filing administrative rules or emergency rules with the secretary of state. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.
 10. This order is effective immediately and remains in effect through April 13, 2020 at 11:59 pm.
 11. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 25, 2020

Time: 4:14 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR
By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received March 26, 2020 and read:

EXECUTIVE ORDER

No. 2020-24

Temporary expansions in unemployment eligibility and cost-sharing

Rescission of Executive Order 2020-10

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to temporarily suspend rules and procedures to expand eligibility for unemployment benefits and cost-sharing with employers.

Executive Order 2020-10 took such action. This order reaffirms that action and clarifies and strengthens its expansion of eligibility for unemployment benefits and cost-sharing with employers. With this order, Executive Order 2020-10 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with subdivision (a) of subsection (1) of section 29 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended (“Employment Security Act”), MCL 421.29(1)(a), is temporarily suspended, as follows:
 - (a) An individual must be considered to have left work involuntarily for medical reasons if they leave work because of self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised, displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19, or a family care responsibility as a result of a government directive.
 - (b) An individual may be deemed laid off if they became unemployed because of self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised, displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19, or a family care responsibility as a result of a government directive.
2. Strict compliance with subsection (3) of section 48 of the Employment Security Act, MCL 421.48(3), is temporarily suspended. An individual on a leave of absence because of self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised, displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19, or a family care responsibility as a result of a government directive, must be considered to be unemployed unless the individual is already on sick leave or receives a disability benefit.
3. Strict compliance with subsections (4) through (7) of Rule 421.210 of the Michigan Administrative Code is temporarily suspended. An individual who becomes unemployed and files a claim for unemployment benefits within 28 days of the last day worked must be considered to have filed on time.
4. Strict compliance with subsection (d) of section 27 of the Employment Security Act, MCL 421.27(d), is temporarily suspended. Each eligible individual who files a claim or has an active claim as of the effective date of this order will receive not more than 26 weeks of benefits payable in a benefit year.

- 5. Strict compliance with subsection (1) of section 28c of the Employment Security Act, MCL 421.28c(1), is temporarily suspended. The Unemployment Insurance Agency may approve an employer’s participation in a shared-work plan upon application by the employer, regardless of whether the employer has met the requirements of MCL 421.28c(1).
- 6. Any benefit paid to a claimant that is laid off or placed on a leave of absence must not be charged to the account of the employer(s) who otherwise would have been charged but instead must be charged to the Unemployment Insurance Agency’s non-chargeable account. Effective March 25, 2020 at 11:59 pm, the benefits conferred on employers by this section are not available to employers determined to have misclassified workers.
- 7. Strict compliance with subdivision (a) of subsection (1) of section 28 of the Employment Security Act, MCL 421.28(1)(a), is temporarily suspended. For purposes of the able, available and seeking work requirements in section 28, MCL 421.28, suitable work is unavailable because of COVID-19, which satisfies the requirements of section 28 for all claimants.
- 8. Unless otherwise specified in this order, this order is effective retroactive to March 16, 2020. This order expires on April 22, 2020 at 11:59 pm.
- 9. Executive Order 2020-10 is rescinded.
- 10. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 25, 2020

Time: 7:36 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received March 26, 2020 and read:

EXECUTIVE ORDER

No. 2020-25

**Temporary enhancements to operational capacity,
flexibility, and efficiency of pharmacies**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To respond effectively to the urgent and steep demands created by this emergency, the public requires increased access to therapeutic pharmaceuticals. Meeting this critical need requires swiftly but safely expanding access to pharmacy services. To that end, it is reasonable and necessary to provide temporary and limited relief from certain regulatory restrictions regarding pharmacies in order to enhance their operational capacity, flexibility, and efficiency.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

- 1. Pharmacists located in any county in this state may dispense emergency refills of up to a sixty (60) day supply of any non-controlled maintenance medication for residents of any county in this

- state if, in the pharmacist's professional judgment, failure to refill the prescription might interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being.
2. The following shall apply to all emergency refills dispensed under section 1 of this order:
 - (a) The pharmacist must inform the patient that the prescription was refilled under section 1 of this order.
 - (b) The pharmacist must inform the prescriber in writing within a reasonable period of time of any refills the pharmacist dispensed under section 1 of this order.
 - (c) Prior to refilling a prescription under section 1 of this order, the pharmacist, clinic, or mobile pharmacy must make every reasonable effort to communicate with the prescriber regarding the refilling of the prescription. The pharmacist must make an appropriate record of that effort, including the basis for proceeding under section 1 of this order.
 - (d) A prescriber must not incur any criminal or civil liability or licensing disciplinary action as the result of a pharmacist refilling a prescription under section 1 of this order.
 3. Pharmacists may temporarily operate a pharmacy in an area not designated on the pharmacy license, but they may not prepare sterile drug products beyond low-risk preparations, as defined by USP standards, for immediate inpatient administration in such temporary facilities.
 4. Pharmacists may dispense and/or administer drugs as needed to treat COVID-19 pursuant to protocols established by the Centers for Disease Control and Prevention or the National Institute of Health, or as determined appropriate by the chief medical executive of the Department of Health and Human Services or her designee.
 5. Pharmacists may substitute a therapeutically equivalent medication for a medication subject to critical shortages without the authorization of a prescriber. The pharmacist must inform the patient of any such substitution. The pharmacist must inform the prescriber within a reasonable period of time of any prescriptions or refills dispensed under this section. A prescriber must not incur any criminal or civil liability or licensing disciplinary action as the result of a pharmacist filling or refilling a prescription under this section.
 6. To increase the number of pharmacists who can serve patients during this time of need, preceptors may supervise student pharmacists remotely to fulfill eligibility for licensure and avoid delaying graduation.
 7. Insurers and health maintenance organizations issuing health insurance or disability insurance policies that provide prescription drug benefits must cover any emergency refills of covered prescription drugs dispensed by a pharmacist under section 1 of this order. Insurers and health maintenance organizations must also allow for early refills of all 30-day or 60-day covered prescription maintenance medications to allow for up to a 90-day supply to be dispensed by a pharmacy, without regard to whether the pharmacy is mail-order or in-person. Insurers and health maintenance organizations may still apply policy or contract provisions governing out-of-network benefits and cost-sharing.
 8. Pharmacists may supervise pharmacy technicians and other pharmacy staff remotely. Supervision must be conducted through a real-time, continuous audiovisual camera system, capable of allowing the pharmacist to visually identify the markings on tablets and capsules. The pharmacist must have access to all relevant patient information to accomplish the remote supervision and must be available at all times during the supervision to provide real-time patient consultation. A pharmacy technician may not perform sterile or nonsterile compounding without a pharmacist on the premises.
 9. Pharmacies holding a license, certificate, or other permit in good standing issued by another state must not be deemed licensed to do business in this state. These out-of-state licensed pharmacies must not deliver controlled substances into this state; must abide by all Michigan regulations applicable to the practice of pharmacy, but need not have a pharmacist-in-charge with a license to practice in Michigan; and must hold a current accreditation from a national organization approved by the Michigan Board of Pharmacy before providing sterile compounding services to patients in this state.
 10. Wholesale distributors holding a license, certificate, or other permit in good standing issued by another state must not be deemed licensed to do business in this state. These out-of-state wholesale distributors must not deliver controlled substances into this state and must abide by all Michigan regulations applicable to a Michigan-licensed wholesale distributor.
 11. To the extent any statutes, rules, or regulations may be inconsistent with this order, strict compliance with them is temporarily suspended. This includes, but is not limited to: sections 17707(5), 17739(2)(c), 17739a(3), 17741(1)-(2), 17743, 17748, 17748a, 17748b, 17751, 17755(3), and 17763(b) of the Public Health Code, 1978 PA 368, as amended, MCL 333.17707(5), 333.17739(2)(c), 333.17739a(3), 333.17741(1)-(2), 333.17743, 333.17748, 333.17748a, 333.17748b, 333.17751, 333.17755(3), and 333.17763(b); and Rules 338.473(2), 338.473a(5)(a), 338.477(1)-(2), 338.482(2)-(3); 338.486(1)(b), 338.486(3), 338.489(3), 338.490(3), 338.490(4)(a), 338.490(5), 338.3041(4), and 338.3162(1) of the Michigan Administrative Code.

12. This order is effective immediately and continues through April 22, 2020 at 11:59 pm.

13. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.
Given under my hand and the Great Seal of the State of Michigan.

Date: March 25, 2020

Time: 9:14 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received March 30, 2020 and read:

EXECUTIVE ORDER

No. 2020-26

Extension of April 2020 Michigan income tax filing deadlines

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

The COVID-19 pandemic has caused extreme disruption to the lives and livelihoods of all Michiganders. To protect the public health of this state and to provide essential relief to Michigan taxpayers during this unprecedented state of emergency, it is reasonable and necessary to temporarily suspend certain rules and procedures so as to automatically extend to July 2020 certain deadlines for filing and paying state and city income taxes in Michigan. This temporary relief comports with the filing and payment extensions the Internal Revenue Service has provided to federal taxpayers, and it will help Michiganders, as well as their state and local governments, focus their resources and efforts as fully as possible on the immediate and steep demands created by this pandemic

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with rules and procedures under sections 315, 681, and 685 of the Income Tax Act of 1967 (“Income Tax Act”), 1967 PA 281, as amended, MCL 206.315, 206.681, and 206.685, is temporarily suspended so as to extend the deadline for all taxpayers required to file an annual state income tax return in April 2020, as follows:
 - (a) An annual state income tax return otherwise due on April 15, 2020 will instead be due on July 15, 2020.
 - (b) An annual state income tax return otherwise due on April 30, 2020 will instead be due on July 31, 2020.
2. Strict compliance with rules and procedures under sections 311 and 685 of the Income Tax Act, MCL 206.311 and 206.685, is temporarily suspended so as to extend the deadline for all taxpayers to pay state income taxes in connection with an annual state income tax return in April 2020, as follows:
 - (a) A state income tax payment otherwise due on April 15, 2020 will instead be due on July 15, 2020.
 - (b) A state income tax payment otherwise due on April 30, 2020 will instead be due on July 31, 2020.

3. Strict compliance with rules and procedures under sections 301(1) and 681(2) of the Income Tax Act, MCL 206.301(1) and 206.681(2), is temporarily suspended so as to extend until July 15, 2020 the deadline for all taxpayers required to pay estimated state income taxes that would otherwise be due on April 15, 2020.
4. Strict compliance with rules and procedures under sections 24 and 27 of 1941 PA 122, as amended, MCL 205.24 and 205.27, is temporarily suspended so as to ensure that penalties and interest for failure to file a state income tax return or failure to pay state income taxes are aligned with the extensions set forth in sections 1 to 3 of this order. Any applicable penalties and interest will not begin to accrue until July 16, 2020 for any remaining unpaid balances due on July 15, 2020, and will not begin to accrue until August 1, 2020 for any remaining unpaid balances due on July 31, 2020.
5. Strict compliance with rules and procedures under section 30 of 1941 PA 122, MCL 205.30, is temporarily suspended so as to clarify that interest at the rate provided in MCL 205.30(3) will be added to a refund for amounts paid for tax year 2019 beginning 45 days after the claim for the refund is filed or 45 days after the date by which a return must be filed under section 1 of this order, whichever is later. Additional interest under MCL 205.30(4) or (5) shall not apply to a 2019 income tax return for which the filing deadline was extended under section 1 of this order.
6. Strict compliance with rules and procedures under sections 41, 43, and 64(1) of the City Income Tax Act, 1964 PA 284, as amended, MCL 141.641, 141.643, and 141.664(1), is temporarily suspended so as to extend the deadline for all taxpayers required to file an annual city income tax return in April 2020, as follows:
 - (a) An annual city income tax return otherwise due on April 15, 2020, and any accompanying city income tax payment due with the return, will instead be due on July 15, 2020.
 - (b) An annual city income tax return otherwise due on April 30, 2020, and any accompanying city income tax payment due with the return, will instead be due on July 31, 2020.
7. Strict compliance with rules and procedures under section 64(2) of the City Income Tax Act, MCL 141.664(2), is temporarily suspended so as to extend the deadline for all taxpayers required to pay estimated city income tax extension payments in April 2020, as follows:
 - (a) An estimated city income tax extension payment otherwise due on April 15, 2020 will instead be due on July 15, 2020.
 - (b) An estimated city income tax extension payment otherwise due on April 30, 2020 will instead be due on July 31, 2020.
8. Strict compliance with rules and procedures under sections 62 and 63 of the City Income Tax Act, MCL 141.662 and 141.663, is temporarily suspended so as to extend the deadline for all taxpayers required to pay estimated city income taxes in April 2020, as follows:
 - (a) An estimated city income tax payment otherwise due on April 15, 2020 will instead be due on July 15, 2020.
 - (b) An estimated city income tax payment otherwise due on April 30, 2020 will instead be due on July 31, 2020.
9. Strict compliance with rules and procedures under sections 64 and 82 of the City Income Tax Act, MCL 141.664 and 141.682, is temporarily suspended so as to ensure that penalties and interest for failure to file a city income tax return or failure to pay city income taxes are aligned with the extensions set forth in sections 6 to 8 of this order. Any applicable penalties and interest will not begin to accrue until July 16, 2020 for any remaining unpaid balances due on July 15, 2020, and will not begin to accrue until August 1, 2020 for any remaining unpaid balances due on July 31, 2020.
10. Strict compliance with rules and procedures under section 43 of the City Income Tax Act, MCL 141.643, is temporarily suspended so as to clarify that, except for a refund under MCL 141.661, interest at the rate established in MCL 205.30 will be added to a refund for an overpayment of taxes for tax year 2019 beginning 45 days after the claim for the refund is filed or 45 days after the date by which a return must be filed under section 6 of this order, whichever is later.
11. The extensions in this order are automatic. Taxpayers do not need to file any additional forms or call the Michigan Department of Treasury to qualify.
12. This order is effective immediately.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 27, 2020

Time: 4:51 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:
JOCelyn BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received March 30, 2020 and read:

EXECUTIVE ORDER

No. 2020-27

Conducting elections on May 5, 2020 using absent voter ballots

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders take steps to limit in-person contact. These critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings. To that end, it is reasonable and necessary to temporarily suspend rules and procedures relating to the May 5, 2020 elections so that these elections may be conducted by absent voter ballot to the greatest extent possible. It also reasonable and necessary to suspend rules and procedures relating to the withdrawal of ballot proposals from the May 5, 2020 elections to better enable jurisdictions to move those elections to the August 4, 2020 election date.

From history and experience, when elections are held at polling locations, a large number of people often gather, increasing the risk of transmission of COVID-19. Section 641 of the Michigan Election Law, 1954 PA 116, as amended, MCL 168.641, provides for the May regular election to be held on May 5, 2020. Numerous school districts, counties, and other local governments have scheduled elections on May 5, 2020 with in-person voting at polling locations. At this time, conducting an in-person election would force voters and poll workers to be exposed to an unacceptably high risk of contracting or spreading COVID-19.

Because all registered electors in Michigan have the right to vote by absent voter ballot under section 4 of article 2 of the Michigan Constitution of 1963, conducting the May 5, 2020 elections by absent voter ballot provides a viable alternative to in-person voting at polling locations. Doing so permits Michigan voters to exercise their democratic rights while minimizing their exposure to the imminent and severe threat posed by COVID-19. And enabling jurisdictions to delay elections currently scheduled for May 5, 2020 where possible will further limit the disruption and harm caused by this pandemic.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. To protect the public health, safety, and welfare of this state and its residents, strict compliance with rules and procedures under chapter 28 of the Michigan Election Law (“Election Law”), 1954 PA 116, as amended, MCL 168.641 to 168.799a (conducting an election at a polling place) and under chapter 29 of the Election Law, MCL 168.801 to 168.813 (canvassing of the vote by inspectors of an election at a polling place) is temporarily suspended for elections on May 5, 2020, so that those elections may be conducted as specified in this order.
2. Elections on May 5, 2020 must be conducted to the greatest extent possible by absent voter ballots issued and submitted without in-person interaction. Each jurisdiction must maintain at least one (1) location on election day where any voter can appear in-person to receive and submit a ballot, including an individual with a disability that inhibits the individual from voting an absent voter ballot remotely. A local clerk, county clerk, or election administrator with an election on May 5, 2020 must immediately begin preparations to conduct that election primarily by mail, including the preparation of postage-prepaid absent voter ballot return envelopes for the return of voted ballots.
3. An individual possessing the qualifications of an elector under section 492 of the Election Law, MCL 168.492, who is not registered to vote but wants to register and vote in the May 5, 2020 election, is strongly encouraged to register online or by mail not later than Monday, April 20, 2020,

and is strongly discouraged from going in-person to the office of the clerk of the township or city in which the individual resides to apply to register to vote. An individual can register to vote either online (by visiting mvic.sos.state.mi.us/registervoter) or by mail (using the form available at michigan.gov/documents/MIVoterRegistration_97046_7.pdf).

4. Notwithstanding section 3 of this order, an individual possessing the qualifications of an elector under section 492 of the Election Law, MCL 168.492, who is not registered to vote but wants to register and vote in the May 5, 2020 election after April 20, 2020, may apply to register to vote at the office of the clerk of the city or township in which the individual resides during any hours in which the clerk’s office is open, as provided in chapter 23 of the Election Law, MCL 168.491 to 168.530, and as provided in sections 5 and 6 of this order.
5. An individual seeking to register to vote in-person at the office of the clerk of the city or township in which the individual resides is strongly encouraged to contact the clerk’s office before doing so. To facilitate the timely processing of applications to register to vote and to minimize social interaction, beginning on April 21, 2020 and continuing through May 5, 2020, a township or city clerk may accept copies of applications to register to vote and residency verifications by mail, email, or facsimile for purposes of registration and verification by the clerk.
6. A clerk processing an in-person application to register to vote, any in-person voting in the clerk’s office, and any individuals in the clerk’s office must use best practices to mitigate the spread of COVID-19 and must comply with any applicable restrictions or requirements to that effect.
7. Any application to register to vote that is properly submitted beginning on the effective date of this order and continuing through May 5, 2020 by a voter residing in a jurisdiction holding an election on May 5, 2020 must also be considered a request for an absent voter ballot for the May 5, 2020 election.
8. Strict compliance with rules and procedures under section 646a of the Election Law, MCL 168.646a, is temporarily suspended for the limited purpose of permitting a political subdivision of this state that has certified a ballot question for placement on the ballot on May 5, 2020 to withdraw the ballot question. Removal of the question must be by the same method used by the local legislative body to certify the question to the ballot (such as by the adoption or rescission of a resolution or ordinance). If the county clerk is notified of the withdrawal by March 27, 2020, the ballot question must not be canvassed for the May 5, 2020 election. Ballot questions removed from a May 5, 2020 election may be submitted to voters at the August 4, 2020 or a later election date.
9. The Department of State may assist local clerks, county clerks, and election administrators with: the mailing of absent voter ballot applications with a postage-prepaid, pre-addressed return envelope to each registered voter within any jurisdiction conducting a May 5, 2020 election; the preparation of postage-prepaid absent voter ballot return envelopes; the coordination of county and state assistance in processing ballots; changes to election dates; and other local clerk functions to the extent local jurisdictions are unable to perform them.
10. This order is effective immediately.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 27, 2020

Time: 7:03 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received March 30, 2020 and read:

EXECUTIVE ORDER

No. 2020-28

Restoring water service to occupied residences during the COVID-19 pandemic

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and avoid needless deaths, it is crucial that all Michiganders remain in their homes or residences to the greatest extent possible and wash their hands thoroughly and regularly. Now more than ever, the provision of clean water to residences is essential to human health and hygiene, and to the public health and safety of this state. Correspondingly, many water utilities have already suspended water shutoffs during this difficult time. Due to the vital need to ensure that Michigan residents have access to clean water at home during the COVID-19 pandemic, it is reasonable and necessary to require the restoration of clean water to residences across the State of Michigan throughout this state of emergency. And because it is also vitally important for state government to have up-to-date and accurate information regarding access to clean water, it is reasonable and necessary to require public water supplies to report on the status of water service within their respective service areas.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. A public water supply must restore water service to any occupied residence where water service has been shut off due to non-payment, so long as the public water supply does not have reason to believe that reconnection would create a risk to public health (e.g., due to cross-contamination). To facilitate the restoration of water service, a public water supply must immediately make best efforts to determine which occupied residences within their service areas do not have water service. For purposes of this order, a public water supply’s “service area” means the area for which the public water supply collects payment for water service.
2. If a public water supply determines that any occupied residences within its service area have had water service shut off for any reason other than non-payment or that reconnection would create a risk to public health, it must make best efforts to remedy such conditions and restore water service to such occupied residences as soon as possible.
3. As soon as possible and no later than April 12, 2020, all public water supplies that have used water shutoffs as a remedy for non-payment within the last year must report to the State Emergency Operations Center regarding access to water in their service areas. The report must include:
 - (a) An account of what efforts have been made to determine which occupied residences within the public water supply’s service area do not have water service.
 - (b) The number of occupied residences within the public water supply’s service area that do not have water service as a result of a shutoff due to non-payment.
 - (c) The number of occupied residences within the public water supply’s service area that do not have water service as a result of any reason other than non-payment.
 - (d) A certification, if true, that best efforts have been exercised to determine which occupied residences within the service area do not have water service; that, to the best of the public water supply’s knowledge, no occupied residences have their water service shut off due to non-payment; that the public water supply has reconnected water service for all occupied residences that can be reconnected without creating a risk to public health; and that the public water supply has exercised best efforts to remedy the conditions that prevent reconnection due to a risk to public health.
4. If a public water supply submits a report under section 3 of this order that does not meet all of the requirements described in section 3, then the public water supply must submit a supplemental report every 30 days until it submits a report that meets all of section 3’s requirements.
5. Nothing in this order abrogates the obligation of a resident to pay for water, prevents a public water supply from charging any customer for water service, or reduces the amount a resident may owe to a public water supply.

6. This order is effective immediately and continues until the termination of the state of emergency under section 3 of Executive Order 2020-4.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 28, 2020

Time: 7:09 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received March 30, 2020 and read:

EXECUTIVE ORDER

No. 2020-29

Temporary COVID-19 protocols for entry into Michigan Department of Corrections facilities and transfers to and from Department custody; temporary recommended COVID-19 protocols and enhanced early-release authorization for county jails, local lockups, and juvenile detention centers

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders who work at or are incarcerated in prisons, county jails, local lockups, and juvenile detention centers across the state, it is reasonable and necessary to implement limited and temporary COVID-19-related protocols and procedures regarding entry into facilities operated by the Michigan Department of Corrections and transfers to and from the Department’s custody; to recommend limited and temporary COVID-19-related protocols and measures for county jails, local lockups, and juvenile detention centers; and to temporarily suspend certain rules and procedures to facilitate the implementation of those recommendations.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The Michigan Department of Corrections (the “Department”) must continue to implement risk reduction protocols to address COVID-19 (“risk reduction protocols”), which the Department has already developed and implemented at the facilities it operates and which include the following:
 - (a) Screening all persons arriving at or departing from a facility, including staff, incarcerated persons, vendors, and any other person entering the facility, in a manner consistent with guidelines issued by the Centers for Disease Control and Prevention (“CDC”). Such screening includes a temperature reading and obtaining information about travel and any contact with persons under investigation for COVID-19 infection.
 - (b) Restricting all visits, except for attorney-related visits, and conducting those visits without physical contact to the extent feasible.

- (c) Limiting off-site appointments for incarcerated persons to only appointments for urgent or emergency medical treatment.
 - (d) Developing and implementing protocols for incarcerated persons who display symptoms of COVID-19, including methods for evaluation and processes for testing, notification of the Department of Health and Human Services (“DHHS”), and isolation during testing, while awaiting test results, and in the event of positive test results. These protocols should be developed in consultation with local public health departments.
 - (e) Notifying DHHS of any suspected case that meets the criteria for COVID-19 through communication with the applicable local public health department.
 - (f) Providing, to the fullest extent possible, appropriate personal protective equipment to all staff as recommended by the CDC.
 - (g) Conducting stringent cleaning of all areas and surfaces, including frequently touched surfaces (such as doorknobs, handles, light switches, keyboards, etc.), on a regular and ongoing basis.
 - (h) Ensuring access to personal hygiene products for incarcerated persons and correctional staff, including soap and water sufficient for regular handwashing.
 - (i) Ensuring that protective laundering protocols are in place.
 - (j) Posting signage and continually educating on the importance of social distancing, handwashing, and personal hygiene.
 - (k) Practicing social distancing in all programs and classrooms—meaning a distance of at least six feet between people in any meeting, classroom, or other group.
 - (l) Minimizing crowding, including interactions of groups of 10 or more people, which may include scheduling more times for meal and recreation to reduce person-to-person contact.
2. To mitigate the risk of COVID-19 spreading in county jails, strict compliance with the capacity and procedural requirements regarding county jail overcrowding states of emergency in the County Jail Overcrowding Act (“CJOA”), 1982 PA 325, MCL 801.51 et seq., is temporarily suspended. While this order is in effect, all actions that would be authorized under the CJOA in the event of a declaration of a county jail overcrowding state of emergency are authorized and shall remain authorized without regard to any reduction in jail population or any other such limitations on the duration of authorization imposed by the CJOA.
 3. Anyone authorized to act under section 2 of this order is strongly encouraged to consider early release for all of the following, so long as they do not pose a public safety risk:
 - (a) Older people, people who have chronic conditions or are otherwise medically frail, people who are pregnant, and people nearing their release date.
 - (b) Anyone who is incarcerated for a traffic violation.
 - (c) Anyone who is incarcerated for failure to appear or failure to pay.
 - (d) Anyone with behavioral health problems who can safely be diverted for treatment.
 4. Effective immediately, all transfers into the Department’s custody are temporarily suspended. Beginning seven (7) days from the effective date of this order, and no more than once every seven (7) days, a county jail or local lockup may request that the director of the Department determine that the jail or lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order. Upon inspection, if the director of the Department determines that a county jail or local lockup has satisfactorily implemented risk reduction protocols, transfers from that jail or lockup will resume in accordance with the Department’s risk reduction protocols. The director of the Department may reject transfers that do not pass the screening protocol for entry into a facility operated by the Department.
 5. Parole violators in the Department’s custody must not be transported to or lodged in a county jail or local lockup unless the director of the Department has determined that such county jail or local lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order.
 6. The State Budget Office must immediately seek a legislative transfer so that counties may be reimbursed for lodging incarcerated persons that would have been transferred into the Department’s custody if not for the suspension of transfers described in section 4 of this order.
 7. Juvenile detention centers are strongly encouraged to reduce the risk that those at their facilities will be exposed to COVID-19 by implementing as feasible the following measures:
 - (a) Removing from the general population any juveniles who have COVID-19 symptoms.
 - (b) Eliminating any form of juvenile detention or residential facility placement for juveniles unless a determination is made that a juvenile is a substantial and immediate safety risk to others.
 - (c) Providing written and verbal communications to all juveniles at such facilities regarding COVID-19, access to medical care, and community-based support.

(d) To the extent feasible, facilitating access to family, education, and legal counsel through electronic means (such as telephone calls or video conferencing) at no cost, rather than through in-person meetings.

8. Unless otherwise directed by court order, for juveniles on court-ordered probation, the use of out-of-home confinement for technical violations of probation and any requirements for in-person meetings with probation officers are temporarily suspended.

9. This order is effective immediately and continues through April 26, 2020 at 11:59 pm.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 29, 2020

Time: 7:23 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JÓCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received March 30, 2020 and read:

EXECUTIVE ORDER

No. 2020-30

Temporary relief from certain restrictions and requirements governing the provision of medical services

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

Responding effectively to the urgent and steep demands created by the COVID-19 pandemic will require the help of as many health care professionals as possible, working in whatever capacities are appropriate to their respective education, training, and experience. To ensure health care professionals and facilities are fully enabled to provide the critical assistance and care needed by this state and its residents during this unprecedented emergency, it is reasonable and necessary to provide limited and temporary relief from certain restrictions and requirements governing the provision of medical services.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Any and all provisions in Article 15 of the Public Health Code, 1978 PA 368, as amended, MCL 333.16101 et seq., relating to scope of practice, supervision, and delegation, are temporarily suspended, in whole or part, to the extent necessary to allow licensed, registered, or certified health care professionals to provide, within a designated health care facility at which the professional is employed or contracted to work, medical services that are necessary to support the facility’s response to the COVID-19 pandemic and are appropriate to the professional’s education, training, and experience, as determined by the facility in consultation with the facility’s medical leadership.
 - (a) Medical services may be provided under this section without supervision from a licensed physician, without regard to a written practice agreement with a physician, and without criminal, civil, or administrative penalty related to a lack of supervision or to the lack of such agreement.

- (b) The suspensions of Article 15 under this section include, but are not limited to, the following:
 - (1) Parts 170, 175, and 180, and related provisions of the Public Health Code, as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit physician assistants to provide medical services appropriate to the professional's education, training, and experience, without a written practice agreement with a physician and without criminal, civil, or administrative penalty related to a lack of such agreement.
 - (2) Parts 170, 172, and 175, and related provisions of the Public Health Code, as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit advanced practice registered nurses, as defined in MCL 333.17201 and including nurse anesthetists, to provide medical services appropriate to the professional's education, training, and experience, without physician supervision and without criminal, civil, or administrative penalty related to a lack of such supervision.
 - (3) Parts 170, 172, and 175, and related provisions of the Public Health Code, as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit registered nurses and licensed practical nurses to order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing.
 - (4) Part 172 and related provisions of the Public Health Code, as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit licensed practical nurses to provide medical services appropriate to the professional's education, training, and experience, without registered nurse supervision and without criminal, civil, or administrative penalty related to a lack of such supervision.
 - (5) Part 177 and related provisions of the Public Health Code, as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit licensed pharmacists to provide care for routine health maintenance, chronic disease states, or similar conditions, as appropriate to the professional's education, training, and experience, without physician supervision and without criminal, civil, or administrative penalty related to a lack of such supervision.
 - (c) Nothing in this section diminishes the ability of unlicensed health care professionals to practice in Michigan under MCL 333.16171, which provides certain exceptions to licensure and which remains in full force and effect.
2. Notwithstanding any law, regulation, or executive order to the contrary, and without the need for a clinical affiliation agreement, a designated health care facility is temporarily authorized:
 - (a) To allow students who are enrolled in programs to become licensed, registered, or certified health care professionals to volunteer or work within the facility in whatever roles that are necessary to support the facility's response to the COVID-19 pandemic and are appropriate to the student's education, training, and experience, as determined by the facility in consultation with the facility's medical leadership.
 - (b) To allow medical students, physical therapists, and emergency medical technicians to volunteer or work within the facility as "respiratory therapist extenders" under the supervision of physicians, respiratory therapists, or advanced practice registered nurses. Such extenders may assist respiratory therapists and other health care professionals in the operation of ventilators or related devices. Nothing in this section shall be taken to preclude such extenders from providing any other services that are necessary to support the facility's response to the COVID-19 pandemic and are appropriate to their education, training, and experience, as determined by the facility in consultation with the facility's medical leadership.
 3. Any and all provisions in Article 15 of the Public Health Code are temporarily suspended, in whole or part, to the extent necessary to allow health care professionals licensed and in good standing in any state or territory in the United States to practice in Michigan without criminal, civil, or administrative penalty related to lack of licensure. A license that has been suspended or revoked is not considered a license in good standing, and a licensee with pending disciplinary action is not considered to have a license in good standing. Any license that is subject to a limitation in another state is subject to the same limitation in this state.
 4. Notwithstanding any law, regulation, or executive order to the contrary, any drug manufacturer or wholesale distributor of prescription drugs licensed in another state whose license is in good standing is temporarily authorized to distribute and ship controlled substances into Michigan to a hospital or to a licensed manufacturer or wholesale distributor under MCL 333.17748. A license that has been suspended or revoked is not considered a license in good standing, and a licensee with pending disciplinary action is not considered to have a license in good standing. Any license that is subject to a limitation in another state is subject to the same limitation in this state.
 5. Notwithstanding any law or regulation to the contrary, a designated health care facility is temporarily authorized to use qualified volunteers or qualified personnel affiliated with other designated health care facilities, and to adjust the scope of practice of these volunteers or personnel

under section 1 or 2 of this order as if the volunteers or personnel were affiliated with the facility. This section is subject to any terms and conditions that may be established by the director of the Department of Health and Human Services.

- 6. Any unlicensed volunteers or students at a designated health care facility who perform activities in support of this state’s response to the COVID-19 pandemic constitute personnel of a disaster relief force under section 11 of the Emergency Management Act, MCL 30.411, and, with respect to such activities, are entitled to the same rights and immunities as provided by law for the employees of this state, as provided under MCL 30.411(1)(c).
- 7. Consistent with MCL 30.411(4), any licensed health care professional or designated health care facility that provides medical services in support of this state’s response to the COVID-19 pandemic is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained, unless it is established that such injury or death was caused by the gross negligence, as defined in MCL 30.411(9), of such health care professional or designated health care facility.
- 8. Any law or regulation is temporarily suspended to the extent that it requires for any health care professional, as a condition of licensure, certification, registration, or the renewal of a license, certification, or registration:
 - (a) An exam, to the extent that the exam’s administration has been canceled while the emergency declaration is in effect.
 - (b) Fingerprinting, to the extent that, in the judgment of the director of the Department of Licensing and Regulatory Affairs, locations to have fingerprints taken are substantially unavailable on account of closures arising from the COVID-19 pandemic.
 - (c) Continuing education while the emergency declaration is in effect.
- 9. For individuals who hold professional certifications in basic life support, advanced cardiac life support, or first aid, such certifications shall continue to remain in effect while the emergency declaration is in effect, even if they are otherwise due to expire during the emergency.
- 10. For telecommunicators and trainee telecommunicators who are employed by primary public safety answering points, any deadlines for completing training modules or continuing education under Rules 484.803, 484.804, and 484.805 of the Michigan Administrative Code are suspended for 60 days.
- 11. Any law or regulation is temporarily suspended to the extent that it requires employee fingerprinting as a condition of licensure and certification for hospitals, nursing homes, county medical care facilities, or psychiatric hospitals.
- 12. For purposes of this order, “designated health care facility” means the following facilities, including those which may operate under shared or joint ownership:
 - (a) The entities listed in section 20106(1) of the Public Health Code, MCL 333.20106(1).
 - (b) State-owned surgical centers.
 - (c) State-operated outpatient facilities.
 - (d) State-operated veterans facilities.
 - (e) Entities used as surge capacity by any of the entities listed in subsections (a)-(d) of this section.
- 13. This order is effective immediately and continues until the end of the declared emergency.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 29, 2020

Time: 7:29 pm

[SEAL]

GRETCHEN WHITMER
 GOVERNOR
 By the Governor:
 JOCELYN BENSON
 SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 2, 2020 and read:

EXECUTIVE ORDER

No. 2020-31

Temporary relief from standard vapor pressure restrictions on gasoline sales

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the impact of the COVID-19 pandemic on the health and safety of this state and its residents, it is crucial that all travel and in-person work in Michigan be limited to as great an extent as possible. It is also crucial that the supplies necessary to support the critical functions of this state that must carry on during this crisis, including gasoline, remain adequately available. To that end, it is reasonable and necessary to provide limited and temporary relief from certain vapor pressure requirements applicable to the sale of gasoline in Michigan. As result of changed behavior in response to COVID-19, there is currently an unexpected oversupply of higher volatility winter-blend gasoline, which cannot be sold as of April 1, 2020 under standard vapor pressure requirements. Temporarily extending the period of time during which the winter-blend gasoline can be sold will enable distributors to safely shift to a lower volatility gasoline supply with as little in-person work and travel as possible, while also ensuring that this state maintains a reliable supply of gasoline adequate to meet its critical needs during this emergency.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Rule 4(g) of Regulation No. 564, promulgated by the Laboratory Division of the Department of Agriculture and Rural Development, 1987 AACCS, as amended, R 285.564.4(g) of the Michigan Administrative Code, is temporarily suspended.
2. The Department of Agriculture and Rural Development shall coordinate state compliance with this order.
3. This order is effective immediately and continues through May 31, 2020.

Date: March 30, 2020

Time: 2:38 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 2, 2020 and read:

EXECUTIVE ORDER

No. 2020-32

Temporary restrictions on non-essential veterinary services

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after

declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To suppress the transmission of COVID-19, it is crucial to limit in-person contact to the greatest extent possible. While there is currently no evidence that common pets can transmit COVID-19, the provision of veterinary services in-person nonetheless presents the risk of that the virus will be spread from person to person. Furthermore, the provision of veterinary services entails the use of health care resources, such as personal protective equipment, that are in immediate and critically high demand as a result of this pandemic. Accordingly, to mitigate the spread of COVID-19, protect the public health, provide essential protections to vulnerable Michiganders, and ensure the availability of critical health care resources, it is reasonable and necessary to impose temporary restrictions on the in-person provision of non-essential veterinary services.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Beginning as soon as possible but no later than March 31, 2020 at 5:00 pm, and continuing while the declared emergency is in effect, all veterinary facilities must implement a plan to temporarily postpone all in-person non-essential veterinary services until the declared emergency has ended (“plan”).
2. A plan must provide that all veterinary services, essential and non-essential, must be performed by telemedicine to the fullest extent possible while the declared emergency is in effect. If a non-essential service cannot be performed by telemedicine, a plan must require that it be postponed. If an essential service cannot be performed by telemedicine, a plan need not postpone it and may allow it to be performed in person.
3. A veterinary facility must comply with the restrictions contained in its plan.
4. For purposes of this order:
 - (a) “Non-essential veterinary services” means all veterinary services other than those that are:
 - (1) necessary to preserve the life of a pet, as determined by a licensed veterinarian;
 - (2) necessary to treat serious pain that threatens the health and safety of a pet, as determined by a licensed veterinarian;
 - (3) necessary to euthanize a pet, as determined by a licensed veterinarian; or
 - (4) necessary to treat or prevent the transmission of any infectious disease that can be transmitted between animals and human beings, as determined by a licensed veterinarian.
 - (b) “Pet” means any domestic animal not raised for food or fiber.
5. Nothing in this order shall be construed to prohibit any medically indicated vaccination of any animal. Nothing in this order alters any obligation of an owner of an animal to vaccinate their animal as required by law or regulation.
6. This order does not alter any of the obligations under law of a veterinary facility to its employees or to the employees of another employer.
7. The director of the Department of Licensing and Regulatory Affairs shall issue orders or directives pursuant to law as necessary to enforce this order.
8. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 30, 2020

Time: 2:41 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR
By the Governor:
JÓCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 1, 2020 and read:

EXECUTIVE ORDER

No. 2020-33

Expanded emergency and disaster declaration

On March 10, 2020, I issued Executive Order 2020-4, which declared a state of emergency in Michigan to address the COVID-19 pandemic. This new disease, caused by a novel coronavirus not previously identified in humans, can easily spread from person to person and can result in serious illness or death. There is currently no approved vaccine or antiviral treatment.

Scarcely three weeks later, the virus has spread across Michigan. To date, the state has 9,334 confirmed cases of COVID-19 and 337 people have died of the disease. Many thousands more are infected but have not been tested. Hospitals in Oakland, Macomb, Wayne, and Washtenaw counties are reporting that they are full or nearly full to capacity. Ventilators and personal protective equipment are in short supply and high demand. Michigan needs more medical personnel than are currently available to care for COVID-19 patients. Dormitories and a convention center are being converted to temporary field hospitals.

The best way to slow the spread of COVID-19 is for people to stay home and keep their distance from others. To that end, and pursuant to the recommendations of public health experts, I have restricted access to places of public accommodation and school buildings in Executive Orders 2020-20 and 2020-11, respectively. And in Executive Order 2020-21, I have limited gatherings and travel, and have required all workers who are not necessary to sustain or protect life to remain at home.

Social distancing, though necessary to combat COVID-19, has harsh economic consequences. Almost overnight, businesses and government agencies have had to dramatically adjust how they work. Where working from home is not possible, businesses have closed or significantly restricted their normal operations. Michiganders are losing their jobs in record numbers: over the past two weeks alone, nearly a half-million of them submitted claims for unemployment insurance. That is more claims than were filed in the entirety of the prior calendar year.

The economic damage—already severe—will compound with time. On March 19, 2020, economists at the University of Michigan forecasted that as many as 1 in 10 Michiganders could be unemployed by the fall and that economic sectors that feature substantial social interaction could contract by as much as 50%. As a result, many families in Michigan will struggle to pay their bills or even put food on the table.

My administration has already taken aggressive measures to mitigate the economic harms of this pandemic. In Executive Order 2020-18, we placed strict rules on businesses to prevent price gouging. In Executive Order 2020-19, we put a temporary hold on evictions for families that cannot make their rent. And in Executive Order 2020-24, we expanded eligibility for unemployment benefits.

Nonetheless, the COVID-19 pandemic has disrupted and will continue to disrupt our economy, our homes, and our educational, civic, social, and religious institutions. School closures have made it harder to educate our children and have increased strain on parents, many of whom continue to work from home. The closure of museums and theaters will limit people's ability to enrich themselves through the arts. And curtailing gatherings has left many seeking new ways to connect with their community during these challenging times.

The health, economic, and social harms of the COVID-19 pandemic are widespread and severe, and they demand we do more.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

The Emergency Management Act, 1976 PA 390, as amended, MCL 30.403(3)-(4), provides that “[t]he governor shall, by executive order or proclamation, declare a state of emergency” and/or a “state of disaster” upon finding that an emergency and/or disaster has occurred or is threatening to occur.

The Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31(1), provides that “[d]uring times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the state . . . the governor may proclaim a state of emergency and designate the area involved.”

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. A state of emergency and a state of disaster are both declared across the State of Michigan.
2. The Emergency Management and Homeland Security Division of the Department of State Police must coordinate and maximize all state efforts that may be activated to state service to assist local governments and officials and may call upon all state departments to utilize available resources to assist.
3. The state of emergency and the state of disaster will terminate when emergency and disaster conditions no longer exist and appropriate programs have been implemented to recover from any effects of the statewide emergency and disaster, consistent with the legal authorities upon which this declaration is based and any limits imposed by those authorities, including section 3 of the Emergency Management Act, 1976 PA 390, as amended, MCL 30.403.
4. Executive Order 2020-4 is rescinded and replaced. All previous orders that rested on Executive Order 2020-4 now rest on this order.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 1, 2020

Time: 3:30 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR
By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 2, 2020 and read:

EXECUTIVE ORDER

No. 2020-34

Temporary restrictions on veterinary services

Rescission of Executive Order 2020-32

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To suppress the transmission of COVID-19, it is crucial to limit in-person contact and services to the greatest extent possible. Veterinary services are no exception; while their focus is the care of animals, the provision of these services in-person nonetheless risks spreading the virus from person to person. Furthermore, the provision of veterinary services entails the use of health care resources, such as personal protective equipment, that are in immediate and critically high demand as a result of this pandemic. Accordingly, to mitigate the spread of COVID-19, protect the public health, provide essential protections to vulnerable Michiganders, and ensure the availability of critical health care resources, it is reasonable and necessary to impose temporary restrictions on the in-person provision of veterinary services.

Executive Order 2020-32 imposed such restrictions. This order adjusts and clarifies their scope. With this order, Executive Order 2020-32 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Beginning as soon as possible but no later than April 2, 2020 at 5:00 pm, and continuing while the declared emergency is in effect, all veterinary facilities must implement a plan to temporarily postpone all in-person non-essential veterinary services until the declared emergency has ended ("plan").
2. A plan must provide that all veterinary services, essential and non-essential, must be performed by telemedicine to the fullest extent possible while the declared emergency is in effect. If a non-essential service cannot be performed by telemedicine, a plan must require that it be postponed. If an essential service cannot be performed by telemedicine, a plan need not postpone it and may allow it to be performed in person.
3. A plan must require that, in performing veterinary services, the use of personal protective equipment that could be used for the care of humans must be minimized to the fullest extent possible while the declared emergency is in effect.
4. A veterinary facility must comply with the restrictions contained in its plan.
5. For purposes of this order, "non-essential veterinary services" means all nonagricultural veterinary services other than those that are:
 - (1) necessary to preserve the life of an animal, as determined by a licensed veterinarian;

- (2) necessary to treat serious pain that threatens the health and safety of an animal, as determined by a licensed veterinarian;
 - (3) necessary to euthanize an animal, as determined by a licensed veterinarian; or
 - (4) necessary to treat or prevent the transmission of any infectious disease that can be transmitted between animals and human beings, as determined by a licensed veterinarian.
6. Nothing in this order shall be construed to prohibit any medically indicated vaccination of any animal. Nothing in this order alters any obligation of an owner of an animal to vaccinate their animal as required by law or regulation.
 7. This order does not alter any of the obligations under law of a veterinary facility to its employees or to the employees of another employer.
 8. The director of the Department of Licensing and Regulatory Affairs shall issue orders or directives pursuant to law as necessary to enforce this order.
 9. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.
 10. Executive Order 2020-32 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 2, 2020

Time: 7:09 am

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 2, 2020 and read:

EXECUTIVE ORDER

No. 2020-35

Provision of K-12 education during the remainder of the 2019-2020 school year

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

The COVID-19 pandemic has already required, among other things, the closure of elementary and secondary schools throughout the state. Given virus’s aggressively persistent spread and potentially fatal consequences, in-person instruction in our schools is too dangerous to resume in the near future, and very

likely for the remainder of the 2019-2020 school year. Nonetheless, as section 1 of article 8 of the Michigan Constitution provides, “schools and the means of education shall forever be encouraged.” In the face of this pandemic, the education of K-12 students must continue as fully and effectively as possible. While there is no substitute for a highly trained and experienced teacher interacting with students in a classroom, schools must continue to provide, and students must continue to receive, the highest level of educational opportunities possible under the difficult circumstances now before us. To do so, schools and students alike must be enabled to innovate and adapt, and those efforts must not be unduly inhibited by requirements or restrictions that are misplaced in this time of unprecedented crisis.

Accordingly, to mitigate the spread of COVID-19, protect the health and safety of this state and its residents, and ensure the ongoing encouragement of education enshrined in this state’s constitution, it is reasonable and necessary to temporarily suspend in-person instruction of K-12 students and provide limited and temporary relief from certain restrictions and requirements so that K-12 education may continue by the best alternative means possible.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

I. Suspension of in-person K-12 instruction for the remainder of 2019-2020 school year

- A. Except as provided in section III of this order, in-person instruction for pupils in kindergarten through grade 12 (“K-12”) is suspended for the remainder of the 2019-2020 school year and school buildings used for the provision of K-12 education must remain closed for the purpose of providing K-12 education in person for the remainder of the 2019-2020 school year, unless restrictions on public gatherings and use of school buildings are lifted before the end of the 2019-2020 school year. K-12 school sports activities and other in-person extracurricular school activities are suspended while any state of emergency or state of disaster prompted by COVID-19 is in effect. This section I.A applies to all public, nonpublic, and boarding schools in the state.
- B. For a district implementing a Continuity of Learning and COVID-19 Response Plan (“Plan”) pursuant to section II of this order, all of the following apply:
 1. Strict compliance with rules and procedures under subdivisions (d) to (f) of subsection (3) of section 101 of the State School Aid Act of 1979 (“School Aid Act”), 1979 PA 94, as amended, MCL 388.1701(3)(d) to (f), is temporarily suspended for the period beginning on March 11, 2020 and ending on the last day of the 2019-2020 school year, so as to waive any requirement that a district have a minimum number of the district’s membership in attendance on any day of pupil instruction and waive any requirement that a district report the percentage of the district’s membership in attendance to the Department of Education (“Department”).
 2. Strict compliance with rules and procedures under sections 101(3)(a), 101(3)(b), 101(4), 101(6), and 101(10) of the School Aid Act, MCL 388.1701(3)(a), 388.1701(3)(b), 388.1701(4), 388.1701(6), and 388.1701(10), requiring a district to provide at least 1,098 hours and 180 days of pupil instruction, is temporarily suspended so as to provide for the following additional exceptions to the requirement to provide at least 1,098 hours and 180 days of pupil instruction that must be counted as hours and days of pupil instruction:
 - (a) In addition to counting as hours and days of pupil instruction under section 101(4) of the School Aid Act, MCL 388.1701(4), the first six days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, the Department shall count up to 13 additional days or the equivalent number of hours for which pupil instruction is not provided due to a closure of schools pursuant to an executive order issued by the governor in response to the COVID-19 state of emergency and/or state of disaster.
 - (b) Under section 101(10) of the School Aid Act, MCL 388.1701(10), a district also may count an additional five days or the equivalent number of hours used for the purpose of preparing to provide and providing instruction by alternative modes of instruction pursuant to a Plan as days or an equivalent number of hours of pupil instruction.
 3. Strict compliance with rules and procedures under section 101(9) of the School Aid Act, MCL 388.1701(9), is temporarily suspended so as to permit a district that has a Department-approved alternative education program or another innovative program approved by the Department under MCL 388.1701(9) and that does not use a 100% online model of delivery approved before the effective date of this order to use the additional exceptions provided for in section I.B.2 of this order in satisfying the number of days and hours of instruction required under a waiver granted by the Department under section 101(9).
 4. Strict compliance with rules and procedures under section 101(9) of the School Aid Act, MCL 388.1701(9), is temporarily suspended so as to waive the minimum number of hours and days of pupil instruction required under section 101(3) of the School Aid Act, MCL 388.1701(3),

for any district with a Plan approved under section II of this order. A district with a Plan approved under section II of this order will be considered to be operating a Department-approved alternative education program or another innovative program approved by the Department for the remainder of the 2019-2020 school year only. A district with a Plan approved under section II of this order is not subject to forfeiture of money under section 101 of the School Aid Act, MCL 388.1701. If the district does not comply substantially with the terms of the Plan, the amount of any forfeiture under MCL 388.1701 will be calculated based upon a comparison of the number of hours and days of pupil instruction provided to the minimum number of hours and days of pupil instruction required under MCL 388.1701(3), as affected by this order. A district with a Plan approved under section II of this order is not required to report to the Center the pupils enrolled in a Department-approved alternative education program under MCL 388.1701(9).

- C. A school of excellence that is a cyber school, as defined in section 551 of the Revised School Code (“School Code”), 1976 PA 451, as amended, MCL 380.551, and is in compliance with section 553a of the School Code, MCL 380.553a, may continue to educate pupils in a manner consistent with section I.A of this order, and continues to be exempt from the requirements of subsections (3) and (8) of section 101 of the School Aid Act, MCL 388.1701(3) and (8).
- D. If before March 11, 2020, a district was providing nonessential elective courses to nonpublic school and/or homeschool pupils at either a district, intermediate district, or nonpublic school site pursuant to section 166b of the School Aid Act, MCL 388.1766b, and is able to continue to offer the nonessential elective courses through alternative modes of instruction, then the district may, to the extent feasible, provide for such courses in its Plan and continue to offer the nonessential elective courses to nonpublic school and/or homeschool pupils through alternative modes of instruction for the remainder of the 2019-2020 school year.
- E. Nothing in this order alters the inapplicability of subsections (3) and (8) of section 101 of the School Aid Act, MCL 380.1701(3) and (8), to eligible pupils enrolled in a dropout recovery program that meets the requirements of section 23a of the School Aid Act, MCL 388.1623a. As used in this section I.E, “eligible pupil” means that term as defined in MCL 388.1623a.
- F. The approval of the Superintendent of Public Instruction (“Superintendent”) or the Department is not required for a district to make use of a waiver provided for under section I.B of this order.
- G. Strict compliance with rules and procedures under section 6(7)(b) of the School Aid Act, MCL 388.1606(7)(b), is temporarily suspended to eliminate the requirement during the 2019-2020 school year for a district or intermediate district maintaining school during the entire school year to use the fourth Wednesday in April as a pupil membership count day.
- H. Strict compliance with rules and procedures under sections 1284 and 1284a of the School Code, MCL 380.1284 and 380.1284a, is temporarily suspended as necessary to facilitate implementation of this section I.
- I. Strict compliance with rules and procedures under 104b(4)(b) of the School Aid Act, MCL 388.1704b(4)(b), is temporarily suspended as necessary to permit a district to include each day that a pupil is deemed in attendance under this section I or pursuant to a Plan under section II of this order as a day the pupil was in attendance at school during the 2019-2020 school year for purposes of MCL 388.1704b(4)(b).

II. Continuity of Learning and COVID-19 Response Plans

- A. By April 3, 2020, the Department, in collaboration with the Michigan Association of Intermediate School Administrators and the Michigan Council of Charter School Authorizers, shall develop and distribute a model template for a Plan provided for in this section II.
- B. A Plan must include all of the following elements and be consistent with the requirements of this order:
 1. A description of the methods a district will use to provide alternative modes of instruction other than in-person instruction and a summary of materials each pupil and the pupil’s parents or guardians will need to meaningfully access the alternative modes of instruction included in the Plan. If the Plan relies on electronic instruction, the Plan must ensure to the extent feasible that pupils have access to a connected device capable of accessing the electronic instruction and must not penalize a pupil for the pupil’s inability to fully participate.
 2. A description of the methods a district will use to keep pupils at the center of educational activities, including outreach to continue building relationships and maintain connections, and to help pupils feel safe and valued.
 3. A description of plans to deliver content in multiple ways so that all pupils can access learning.
 4. A description of plans to manage and monitor learning by pupils.

5. A budget outline estimating additional expenditures associated with the Plan and sources of revenue to pay for those expenditures.
 6. A description of the manner in which district administrators, board members, teachers, and any representatives of teachers collaborated in development of the Plan.
 7. A description of methods the district will use to notify pupils and parents or guardians of the Plan.
 8. A best estimate of the date on which the district will begin implementation of the Plan, which must be no later than April 28, 2020.
 9. Provide for assistance, to the extent feasible, to pupils enrolled in any postsecondary dual enrollment courses under the Postsecondary Enrollment Options Act, 1996 PA 160, as amended, MCL 388.511 to 388.524, and the Career and Technical Preparation Act, 2000 PA 258, as amended, MCL 388.1901 to 388.1913, in completing the courses during the 2019-2020 school year.
 10. Provide or arrange for continuation of food distribution to eligible pupils.
 11. Continue to pay school employees while redeploying staff to provide meaningful work in the context of the Plan, subject to any applicable requirements of a collective bargaining agreement.
 12. Provide for evaluation of participation in the Plan by pupils.
 13. Provide mental health supports to pupils affected by a state of emergency or state of disaster prompted by COVID-19.
 14. Provide for the district to support the efforts of the intermediate district in which the district is located to mobilize disaster relief child care centers as described in Executive Order 2020-16 or any executive order that may follow it.
- C. A Plan may provide for the adoption of a balanced calendar instructional program for the remainder of the 2019-2020 school year and planning for the adoption of a balanced calendar instructional program for the 2020-2021 school year.
- D. A district may contract with one or more providers for implementation of a Plan.
- E. If a district lacks the capacity to implement a Plan on its own, a district may partner with one or more other districts or intermediate districts. A district may enter into one or more cooperative agreements under section 11a(4) of the School Code, MCL 380.11a(4), to provide for implementation of a Plan.
- F. For a district that is not a public school academy, the district's Plan must be approved by the intermediate superintendent of the intermediate district in which the district is located. For a district that is a public school academy, the district's Plan must be approved by the authorizing body of the public school academy or the authorizing body's designee for the purpose of administering contracts with public school academies. For a public school academy that by agreement provides public educational services for the residents of a district that does not directly provide public educational services to the residents on its own, the public school academy's Plan must be approved by the intermediate superintendent of the intermediate district in which the public school academy is located. If an intermediate district educates K-12 students, the intermediate district may adopt a Plan for those activities and implement the Plan once adopted. A school of excellence that is a cyber school, as defined in section 551 of the School Code, MCL 380.551, and is in compliance with section 553a of the School Code, MCL 380.553a, may continue to educate pupils under its charter contract which will be that school's Plan.
- G. An intermediate district or an authorizing body shall approve a Plan submitted by a district if the Plan complies with the requirements of this section II and if the intermediate district or authorizing body believes the Plan represents a good-faith effort to provide adequate alternative modes of instruction given the limitations resulting from the COVID-19 pandemic and accompanying response efforts. Intermediate districts and authorizing bodies must allow for flexibility and presume that a Plan submitted by a district will be implemented to the best of the district's ability.
- H. Intermediate districts and authorizing bodies shall transmit copies of approved Plans to the Superintendent and to the State Treasurer. If a district or intermediate district maintains a public internet site, the district or intermediate district shall post its approved Plan on the internet site.
- I. An intermediate district may enter into a cooperate agreement with one or more other intermediate districts for the purpose of reviewing and approving Plans under this order.
- J. An intermediate district or authorizing body that reviews and approves or disapproves Plans on its own or with others pursuant to this section II will be eligible for any additional funding appropriated to support these activities. An intermediate district or authorizing body that does not review and approve or disapprove Plans will not be eligible for any additional funding appropriated.

- K. Intermediate districts and authorizing bodies must be prepared to review and approve or reject Plans beginning on April 8, 2020.
- L. A district with an approved Plan is eligible to receive continued payments from the State School Aid Fund for the 2019-2020 school year.
- M. A district that is not a public school academy may amend its Plan with the approval of the intermediate superintendent of the intermediate district in which the school district is located. A district that is a public school academy may amend its Plan with the approval of its authorizing body or its designee. For a public school academy that by agreement provides public educational services for the residents of a district that does not directly provide public educational services to the residents on its own, the public school academy's Plan may be amended with the approval of the intermediate superintendent of the intermediate district in which the public school academy is located.
- N. Decisions regarding the awarding of credit, the issuance of grades, and the use of pass or fail designations will be made at the district level by districts with due recognition of the impact of the COVID-19 pandemic.
- O. State-approved nonpublic schools and parents and guardians homeschooling students are encouraged to do all of the following:
 1. Offer all students electronic, other remote, or home-based instruction, to the extent feasible, for the remainder of the 2019-2020 school year, including course offerings provided by the Michigan Virtual School.
 2. Coordinate with districts providing nonessential elective courses under section 166b of the School Aid Act, MCL 388.1766b, to any of their students for the remainder of the 2019-2020 school year.
 3. Assist eligible nonpublic school students to complete postsecondary dual enrollment courses, to the extent feasible, under the Postsecondary Enrollment Options Act, 1996 PA 160, as amended, MCL 388.511 to 388.524, and the Career and Technical Preparation Act, 2000 PA 258, as amended, MCL 388.1901 to 388.1913.
 4. Take actions necessary to continue to receive any federal funding previously allocated in a manner consistent with applicable federal law.

III. District employees permitted in district buildings

- A. Notwithstanding the closure of school buildings under Executive Order 2020-11 or any executive order that may follow it, district employees or contractors necessary to conduct minimum basic school operations consistent with a Plan, including those employers or contractors necessary to facilitate alternative modes of instruction, such as distributing materials and equipment, or performing other necessary inperson functions, are permitted to be physically present in district buildings, as determined by district administrators. District employees and contractors performing these functions are considered to be performing necessary government activities for purposes of Executive Order 2020-21 or any executive order that may follow it. Districts must adopt social distancing practices and other mitigation measures to protect district employees and contractors, including all of the following:
 1. Restricting the number of employees and contractors present in a district building to no more than is strictly necessary to perform the activities authorized by this section III.
 2. Promoting remote work to the fullest extent possible.
 3. Keeping employees and contractors in a district building at least six feet from one another to the maximum extent possible.
 4. Increasing standards of district building cleaning and disinfection to limit employee and contractor exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in a district building.
 5. Adopting policies to prevent employees and contractors from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have contracted COVID-19.
 6. Any other social distancing practices and mitigation measures relating to COVID-19 recommended by the Centers for Disease Control and Prevention.
- B. A district may permit parents and guardians of pupils to visit school property for the purpose of obtaining materials and equipment pursuant to a Plan and using the same social distancing and other mitigation measures required for district employees and contractors under section III.A. Parents or guardians leaving their homes or residences for this purpose are considered to be obtaining necessary services or supplies for purposes of Executive Order 2020-21 or any executive order that may follow it.

- C. Any child care workers at a child care located within a district building (including workers at disaster relief child care centers), are permitted to be physically present in district buildings, as determined by district administrators and to the extent permitted by Executive Order 2020-21 or any executive order that may follow it.

IV. Assessments

- A. Plans are not required to address the following provisions of the Elementary and Secondary Education Act of 1965 (“ESEA”) that have been waived by the United States Department of Education for the 2019-2020 school year pursuant to section 8401(b) of the ESEA, 20 USC 7861(b):
1. Assessment requirements under section 1111(b)(2) of the ESEA, 20 USC 6311(b)(2).
 2. Report card provisions related to certain assessments and accountability in section 1111(h) of the ESEA, 20 USC 6311(h) based on data from the 2019-2020 school year, including all of the following:
 - (a) Section 1111(h)(1)(C)(i) of the ESEA, 20 USC 6311(h)(1)(C)(i) (accountability system description).
 - (b) Section 1111(h)(1)(C)(ii) of the ESEA, 20 USC 6311(h)(1)(C)(ii) (assessment results).
 - (c) Section 1111(h)(1)(C)(iii)(1) of the ESEA, 20 USC 6311(h)(1)(C)(iii)(1) (other academic indicator results).
 - (d) Section 1111(h)(1)(C)(iv) of the ESEA, 20 USC 6311(h)(1)(C)(iv) (English language proficiency assessment results).
 - (e) Section 1111(h)(1)(C)(v) of the ESEA, 20 USC 6311(h)(1)(C)(v) (school quality or student success indicator results).
 - (f) Section 1111(h)(1)(C)(vi) of the ESEA, 20 USC 6311(h)(1)(C)(vi) (progress toward meeting long-term goals and measurements of interim progress).
 - (g) Section 1111(h)(1)(C)(vii) of the ESEA, 20 USC 6311(h)(1)(C)(vii) (percentage of students assessed and not assessed).
 - (h) Section 1111(h)(1)(C)(xi) of the ESEA, 20 USC 6311(h)(1)(C)(xi), (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment).
 - (i) Section 1111(h)(2) of the ESEA, 20 USC 6311(h)(2), with respect to all waived requirements in section 1111(h)(1)(C) of ESEA, 20 USC 6311(h)(1)(C).
 - (j) Section 1111(h)(2)(C)(i) to (ii) of the ESEA, 20 USC 6311(h)(2)(C)(i) to (ii) (information showing how students in a local educational agency (“LEA”) and each school, respectively, achieved on the academic assessments compared to students in Michigan and the LEA).
- B. Strict compliance with rules and procedures under section 1279g of the School Code, MCL 380.1279g, and section 104b of the School Aid Act, MCL 388.1704b, requiring a district to administer during the 2019-2020 school year the Michigan Merit Examination to pupils in grade 11 and to pupils in grade 12 who did not take the complete Michigan Merit Examination in grade 11, is temporarily suspended for the remainder of the 2019-2020 school year. Pupils currently in grade 11 will be administered the Scholastic Aptitude Test portion of the Michigan Merit Examination during the school day in the fall of the 2020-2021 school year as permitted by the College Board, with results from this test being used for college entrance purposes but not for school accountability purposes.
- C. Strict compliance with rules and procedures under sections 503(6)(a), 523(2)(a), 553(5)(a), and 1311e(5)(a) of the School Code, MCL 380.503(6)(a), 380.523(2)(a), 380.553(5)(a), and 380.1311e(5)(a), and under section 104c of the School Aid Act, MCL 388.1704c, is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the obligation of a district to administer the state assessments described in those sections, including the Michigan Student Test of Educational Progress (“M-STEP”), or an alternative to M-STEP such as the MIACCESS assessment, or other assessment taken in conjunction with the M-STEP, including the Preliminary Scholastic Aptitude Test (“PSAT”) developed by the College Board. Pupils otherwise scheduled to be administered the PSAT during the school day in the 2019-2020 school year will be administered the PSAT during the school day in the fall of the 2020-2021 school year as permitted by the College Board.
- D. Strict compliance with rules and procedures under section 41 of the School Aid Act, MCL 388.1641, is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the obligation of a district to administer to English language learners the English language proficiency assessment known as the “WIDA ACCESS for English language learners” or the “WIDA Alternative ACCESS.”

- E. Strict compliance with rules and procedures under section 1279g of the School Code, MCL 380.1279g, is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the obligation of a district, imposed by the Department or otherwise, to administer an assessment that assesses a pupil's ability to apply reading and mathematics skills in a manner that is intended to allow employers to use the results in making employment decisions, including the WorkKeys assessment.
- F. Strict compliance with rules and procedures under section 104 of the School Aid Act, MCL 388.1704, is temporarily suspended so as to suspend any requirement for a district to administer the Maryland-Ohio observational tool, which is also referred to as the Kindergarten Readiness Assessment.
- G. Pupils enrolled in advanced placement courses and eligible to take examinations for advanced placement courses administered by the College Board must be permitted to take the examinations using the at-home testing option provided by the College Board. Districts shall facilitate, to the extent feasible, access to information relating to advanced placement courses and course schedules provided online by the College Board. For pupils without access to the internet or a device necessary to access the internet, districts shall facilitate, to the extent feasible, access to information regarding assistance provided by the College Board in completing examination requirements. Information relating to advanced placement courses and examinations is available at: apstudents.collegeboard.org/coronavirus-updates.
- H. Strict compliance with rules and procedures under section 1249, 1249a, 1249b, and 1250(1) of the School Code, MCL 380.1249, 380.1249a, 380.1249b, and 380.1250(1), and under section 104 of the School Aid Act, MCL 388.1704, is temporarily suspended so as to waive any requirement for assessments or other performance evaluations of teachers and district administrators during the 2019-2020 school year.
- I. Strict compliance with rules and procedures under subsections (3) and (4) of section 1250 of the School Code, MCL 380.1250(3) and (4), is temporarily suspended for the remainder of the 2019-2020 school year.

V. Pupils in grade 12

- A. A district shall implement a process to issue grades to pupils in grade 12, award credits needed for graduation, provide for completion of the Michigan Merit Curriculum, issue diplomas to pupils in grade 12, and reflect continued learning by pupils in grade 12 pursuant to this order. When implementing this section V.A, a district may, without limitation, use one or more of the following options:
 - 1. Award credits and grades for courses taken based on coursework through March 11, 2020.
 - 2. Provide an optional final exam or other culminating activity to test pupil understanding of the subject matter of a course to the extent practicable.
 - 3. Implement a process for pupils in grade 12 to be certified as eligible to graduate using a prior learning assessment, a portfolio, or a resume approach.
 - 4. Offer an interdisciplinary culminating activity that encompasses essential standards missed by pupils due to the closure of schools.
- B. Districts must provide a pupil in grade 12 who was failing a course as of March 11, 2020 an opportunity to the extent feasible to demonstrate learning in the subject matter of the course and receive credit for the course, as determined by the district.
- C. Strict compliance with rules and procedures under section 1166(2) of the School Code, MCL 380.1166(2), is temporarily suspended for the remainder of the 2019-2020 school year so as to suspend the restriction on a high school from issuing a diploma to a pupil who has not completed a one-semester course of study of five periods per week in civics.
- D. If before March 11, 2020, a district was providing a nonessential elective course to a nonpublic school pupil or homeschooled pupil in grade 12 at either a district, intermediate district, or nonpublic school site pursuant to section 166b of the School Aid Act, MCL 388.1766b, and that course is required for the pupil to graduate and receive a diploma, the district must, to the extent feasible, continue to offer the 12 nonessential elective course to the pupil through alternative modes of instruction for the remainder of the 2019-2020 school year.

VI. Special education

- A. Districts shall strive in good faith and to the extent practicable, based upon existing resources, technology, training, and curriculum, as well as the circumstances presented by any state of emergency or state of disaster, to provide equal access to alternative modes of instruction to students with disabilities for the remainder of the 2019-2020 school year. This includes the provision of auxiliary services under section 1296 of the School Code, MCL 380.1296.

- B. While the COVID-19 state of emergency and/or state of disaster continues, districts shall comply with guidance from the United States Department of Education (“USDOE”), including its Office of Civil Rights and Office of Special Education and Rehabilitative Services, and the Department concerning the delivery of alternative modes of instruction to students with disabilities in light of the impact of COVID-19.
- C. Districts shall, to the extent practicable and necessary, make individualized determinations whether and to what extent compensatory services may be needed for pupils after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends.
- D. A district or a nonpublic school that has been allocated federal funds for the 2019-2020 school year for the purpose of providing special education services shall not be penalized or required to repay the funds by this state due to the inability to provide those services in person during the 2019-2020 school year after March 11, 2020.
- E. Within five days of the effective date of this order, the Department and the Department of Civil Rights are strongly encouraged to submit requests for interpretation, guidance on implementation, flexibility, or waivers to USDOE that would permit districts and nonpublic schools to do one or more of the following during the remainder of the 2019-2020 school year:
 - 1. Deliver instruction to all pupils, including students with disabilities, without having to reconvene or amend individualized education plans (“IEPs”) or Section 504 plans.
 - 2. Deliver direct and consultative related services such as therapies, including occupational therapy, physical therapy, speech language pathologist, social service worker, teacher consultant, and other special education services and supports, without having to reconvene or amend IEPs or Section 504 plans.
 - 3. Complete IEPs and Section 504 plans online, either by telephone conference or video conference, if the parents or guardians involved have access to the technology and agree to the alternative means of participation. If a parent or guardian elects not to participate in an otherwise due IEP online, a district should be permitted to extend the deadline for completion of the IEP for up to 30 school days after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends.
 - 4. Complete annual or otherwise due IEPs online, either by telephone conference or video conference, with those IEPs being considered timely if they are completed by the end of the 2019-2020 school year.
 - 5. Consider whether a pupil should be provided compensatory education for pupils after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends, based on applicable law and guidance, no later than the first annual IEP meeting of the 2020-2021 school year.
 - 6. Consider compensatory education for pupils who are more likely to qualify for compensatory education through IEP amendments, with the authority to complete those IEP amendments online, either by telephone conference, virtual meetings, or other existing technology.
 - 7. Other requests the Department deems necessary to facilitate the delivery of alternative modes of instruction with equal access.
- F. This order does not require that an IEP be amended.

VII. Temporary suspension of certain requirements relating to the suspension of administrative rules by the Superintendent

- A. Strict compliance with rules and procedures under section 1281(3) of the School Code, MCL 380.1281(3), is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the requirement that a district, university school, or intermediate district apply for a limited time waiver from a Department rule interpreting or implementing a provision of the School Code and so as permit the Superintendent to temporarily suspend a Department rule interpreting or implementing a provision of the Code to facilitate the implementation of this order or other orders or response efforts prompted by the COVID-19 state of emergency and/or state of disaster.
- B. The Superintendent may not grant a waiver from the duty to comply with a provision of the School Code and may not grant a waiver from the duty to comply with another state statute unless and to the extent that a waiver is specifically allowed by that other state statute.

VIII. Temporary suspension of certain certification and continuing learning requirements

- A. Strict compliance with rules and procedures under section 1531(2) of the School Code, MCL 380.1531(2), is temporarily suspended so as to permit the Superintendent to issue a temporary one-year teaching certificate to an otherwise qualified individual who is unable to take an appropriate subject area examination required by MCL 380.1531(2) due to COVID-19 or accompanying response efforts.

- B. Strict compliance with rules and procedures under section 1531(3) of the School Code, MCL 380.1531(3), is temporarily suspended so as to permit the Superintendent to issue a temporary one-year teaching certificate to an individual holding a teaching certificate from another state or a teaching degree from an out-of-state teacher preparation institution who applies for a Michigan teaching certificate, is otherwise qualified, but is unable to take an appropriate subject area examination required by MCL 380.1531(3) because the examination is not offered due to COVID-19 or accompanying response efforts.
- C. Strict compliance with rules and procedures under section 1531d of the School Code, MCL 380.1531d, is temporarily suspended so as to permit the Superintendent to temporarily waive the requirement that a person seeking a teaching certificate successfully complete a course approved by the Department in first aid and cardiopulmonary resuscitation and instruction approved by the Department in foreign body airway obstruction management when the person is unable to complete the course and/or the instruction because the course and/or the instruction is not offered due to COVID-19 or accompanying response efforts.
- D. Strict compliance with rules and procedures under section 1531i(2)(c) of the School Code, MCL 380.1531i(2)(c), is temporarily suspended so as to permit the Superintendent to issue an interim teaching certificate to an otherwise qualified individual who is unable to take an appropriate subject area examination required by MCL 380.1531i(2)(c) because the examination is not offered due to COVID-19 or accompanying response efforts.
- E. Strict compliance with rules and procedures under Rule 390.1130(6) and (7) of the Michigan Administrative Code is temporarily suspended so as to permit the Superintendent to extend the duration of a 1-year temporary teacher employment authorization by an additional year if the holder of the 1-year temporary teacher employment authorization is unable to complete the requirements to obtain a Michigan teaching certificate because the requirements cannot be satisfied due to COVID-19 or accompanying response efforts.
- F. Strict compliance with rules and procedures under section 1526 of the School Code, MCL 380.1526, is temporarily suspended so as to waive for any teacher within his or her third year of employment the requirement that the teacher receive at least 15 days of professional development within the teacher's first three years of employment if the requirement could not be completed due to COVID-19 or accompanying response efforts.
- G. Strict compliance with rules and procedures under section 1527(1) of the School Code, MCL 380.1527(1), is temporarily suspended so as to waive the requirement for the 2019-2020 school year that a district or intermediate district provide at least five days of teacher professional development each year.
- H. Strict compliance with rules and procedures under section 1233(6) of the School Code, MCL 380.1233(6), is temporarily suspended so as to permit the Department to renew an individual's school counselor credential regardless of whether the individual has completed at least 25 hours of professional development approved by the Department under MCL 380.1233(8) covering counseling about the college preparation and selection process and at least 25 hours of professional development approved by the Department under MCL 380.1233(8) covering career counseling.

IX. Implementation

- A. Strict compliance with rules and procedures under section 21f of the School Aid Act, MCL 388.1621f, is temporarily suspended so as to permit a district pursuant to an approved Plan to enroll a pupil in more than 2 virtual courses, regardless of whether the virtual course is published in a catalog of courses or a parent or guardian approves, and so as to suspend any requirement to comply with minimum requirements to count a pupil in membership established by the pupil accounting manual.
- B. Strict compliance with rules and procedures under section 1278a(4) of the School Code, MCL 380.1278a(4), is temporarily suspended so as to permit a district to determine a pupil has completed a credit without using subject area content expectations or guidelines developed by the Department.
- C. Strict compliance with rules and procedures under section 1280f(5) of the School Code, MCL 380.1280f(5), is temporarily suspended so as to relieve a district of the obligations imposed by that provision for the remainder of the 2019-2020 school year, including the obligation to retain a pupil in grade 3.
- D. Strict compliance with rules and procedures under sections 162 and 163 of the School Aid Act, MCL 388.1762 and 388.1763, is temporarily suspended so as to prevent the forfeiture of funds resulting from the implementation of this order.
- E. To mitigate the impact of COVID-19 on educational outcomes, a district may adopt year-round school or a year-round program for the 2020-2021 school year or start the 2020-2021 school year

before the first Monday in September. Strict compliance with rules and procedures under sections 1284a and 1284b of the School Code, MCL 380.1284a and 380.1284b, is temporarily suspended so as to permit a district to adopt year-round school, a year-round program, or an early start for the 2020-2021 school year. Adoption of measures provided in this section IX.E may be included by a district as part of the district's Plan.

- F. Mandatory closure of schools relating to COVID-19 shall not affect an employer contribution, employee contribution, or the accrual of service credit under the Public School Employees Retirement Act of 1979, 1980 PA 300, as amended, MCL 38.1301 to 38.1467.
- G. For a district with a collective bargaining agreement, this order must be implemented by the district in a manner consistent with the collective bargaining agreement.
- H. Before the Department, the Superintendent, or the Department of Civil Rights seeks any guidance, issues a waiver, seeks a waiver relating to this order, or suspends an administrative rule pursuant to this order, the Superintendent or the director of the Department of Civil Rights, as applicable, shall provide the governor in writing with a copy of the request or waiver and information relating to the request, waiver, or suspension, as required by section 8 of article 5 of the Michigan Constitution of 1963.
- I. To ensure management of district and intermediate district affairs and property in ways that will assist the response to the COVID-19 state of emergency and/or state of disaster, districts and intermediate districts are authorized and encouraged to donate medical personal protective equipment and supplies to healthcare providers and other necessary personnel engaged in response efforts to COVID-19.
- J. This order is effective immediately and continues through the end of the states of emergency and disaster declared in Executive Order 2020-33 or any other state of emergency or disaster declared in response to COVID-19 during the remainder of the 2019-2020 school year, with the exception of the provisions of this order relating to scheduling for the 2020-2021 school year, which will continue into the 2020-2021 school year for that purpose.

X. Definitions

As used in this order:

- A. "Alternative modes of instruction" means modes of pupil instruction, other than inperson instruction, that may include, without limitation, partnerships with other districts or intermediate districts or community colleges or institutions of higher education, use of vendors, use of online learning, telephone communications, email, virtual instruction, videos, slideshows, project-based learning, use of instructional packets, or a hybrid of multiple modes of learning that still promote recommended practices for social distancing to mitigate the spread of COVID-19.
- B. "Center" means the Center for Educational Performance and Information referenced in section 94a of the School Aid Act, MCL 388.1694a.
- C. "District" means a school district established under the School Code or a public school academy. District does not include an intermediate district, except for an intermediate district that educates K-12 students.
- D. "Intermediate district" means an intermediate school district established under part 7 of the School Code, MCL 380.601 to 380.705b.
- E. "Intermediate superintendent" means the superintendent of an intermediate district.
- F. "Membership" means that term as defined in section 6(4) of the School Aid Act, MCL 388.1606(4).
- G. "Michigan Virtual School" means the Michigan Virtual School referenced in section 98 of the School Aid Act, MCL 388.1698.
- H. "Public school academy" means that term as defined in section 5 of the School Code, MCL 380.5.
- I. "Pupil" means that term as defined in section 6(6) of the School Aid Act, MCL 388.1606(6).
- J. "Superintendent of Public Instruction" or "Superintendent" means the superintendent of public instruction described in section 3 of article 8 of the Michigan Constitution of 1963.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 2, 2020

Time: 9:16 am

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 3, 2020 and read:

EXECUTIVE ORDER

No. 2020-36

Protecting workers who stay home, stay safe when they or their close contacts are sick

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To suppress the spread of COVID-19, protect this state's critical health care resources from rapid depletion, and prevent needless deaths, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. This order limited gatherings and travel, and required all workers who are not necessary to sustain or protect life to stay home. Slowing the aggressively persistent spread of this destructive virus, however, requires more. Individuals permitted to go to work under Executive Order 2020-21 must stay home when they or their close contacts are sick—and they must not be punished for doing so. Accordingly, it is reasonable and necessary to provide certain protections against workplace discrimination to such individuals, to ensure they can do what is now most needed from them to protect the health and safety of this state and its residents.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. It is the public policy of this state that an employer shall not discharge, discipline, or otherwise retaliate against an employee for staying home when he or she is at particular risk of infecting others with COVID-19. To effectuate that policy:
 - (a) Employers are prohibited from discharging, disciplining, or otherwise retaliating against an employee described in sections 2 or 3 of this order for staying home from work for the periods described in those sections.
 - (b) Employers must treat such an employee as if he or she were taking medical leave under the Paid Medical Leave Act, 2018 PA 338, as amended, MCL 408.961 et seq.
 - (1) To the extent that the employee has no paid leave, the leave may be unpaid. Employers are permitted, but not required, to debit any hours that an employee described in sections 2 or 3 of this order stays home from work from the employee's accrued leave.
 - (2) The length of such leave is not limited by the amount of leave that an employee has accrued under MCL 408.963 and must extend, whether paid or unpaid, as long as the employee remains away from work within the time periods described in sections 2 or 3 of this order.
 - (c) Employers are prohibited from discharging, disciplining, or retaliating against an employee described in sections 2 or 3 of this order for failing to comply with a requirement to document that the employee or the individual with whom the employee has had close contact has one or more of the principal symptoms of COVID-19.

- (d) Nothing in this section shall be taken to prevent an employer from discharging or disciplining an employee:
- (1) Who is allowed to return to work under sections 2 or 3 of this order but declines to do so;
 - (2) With the employee's consent; or
 - (3) For any other reason that is not unlawful.
- (e) The director of the Department of Labor and Economic Opportunity shall have authority to enforce this order in the same manner and to the same extent as the director enforces the Paid Medical Leave Act under section 7 of that act, MCL 408.967. In addition, the director shall refer all credible complaints of violations to the relevant licensing authority.
2. Subject to the exceptions in section 5 of this order, it is the public policy of this state that any and all individuals who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should remain in their home or place of residence, even if they are otherwise permitted to leave under Executive Order 2020-21 or any executive order that may follow it, until:
- (a) three days have passed since their symptoms have resolved, and
 - (b) seven days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result.
- This section will cease to apply to anyone who, after showing symptoms, receives a negative COVID-19 test.
3. Subject to the exceptions in section 5 of this order, it is the public policy of this state that any and all people who have had close contact with an individual who tests positive for COVID-19 or with an individual who displays one or more of the principal symptoms of COVID-19 should remain in their home or place of residence, even if they are otherwise permitted to leave under Executive Order 2020-21 or any executive order that may follow it, until either 14 days have passed since the last close contact with the sick or symptomatic individual, or the symptomatic individual receives a negative COVID-19 test.
- This section does not apply to the following classes of workers, provided that their employers' rules governing occupational health allow them to go to work:
- (a) Health care professionals.
 - (b) Workers at a health care facility, as defined in section 7(d) of this order.
 - (c) First responders (e.g., police officers, fire fighters, paramedics).
 - (d) Child protective service employees.
 - (e) Workers at child caring institutions, as defined in section 1 of Public Act 116 of 1973, MCL 722.111.
 - (f) Workers at correctional facilities.
4. An individual described in sections 2 or 3 of this order who returns to work prior to the periods specified in sections 2 or 3, respectively, shall not be entitled to the protections against discharge, discipline, or retaliation provided under section 1 of this order.
5. It is the public policy of this state that individuals described in sections 2 and 3 of this order should leave the home or place of residence only:
- (a) To the extent absolutely necessary to obtain food, medicine, medical care, or supplies that are needed to sustain or protect life, where such food, medicine, medical care, or supplies cannot be obtained via delivery. All food, medicine, and supplies should be picked up at the curbside to the fullest extent possible.
 - (b) To engage in outdoor activity, including walking, hiking, running, cycling, or any other recreational activity consistent with remaining at least six feet from people from outside their household.
6. It is the public policy of this state that if an individual described in sections 2 and 3 of this order leaves the home, he or she should wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief, but that supplies of N95 masks and surgical masks should generally be reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers.
7. For purposes of this order:
- (a) "The principal symptoms of COVID-19" are fever, atypical cough, or atypical shortness of breath.
 - (b) "Employer" means the same as it does in section 2(f) of the Paid Medical Leave Act, MCL 408.962(f), except that it shall also include employers with fewer than 50 employees.
 - (c) "Close contact" means being within approximately six feet of an individual for a prolonged period of time. Close contact can occur, for example, while caring for, living with, visiting, or sharing a health care waiting room with an individual.

- (d) "Health care facility" means the following facilities, including those which may operate under shared or joint ownership:
 - (1) The entities listed in section 20106(1) of the Public Health Code, 1978 PA 368, as amended MCL 333.20106(1).
 - (2) State-owned hospitals and surgical centers.
 - (3) State-operated outpatient facilities.
 - (4) State-operated veterans facilities.
 - (5) Entities used as surge capacity by any of the entities listed in subdivisions (1)-(4) of this subsection.
- 8. Nothing in this order shall be taken to diminish or relax the restrictions on leaving the home established in Executive Order 2020-21 or any executive order that may follow it.
- 9. Nothing in this order shall be taken to create a private right of action against an employer for failing to comply with section 1 of this order or against an individual for acting contrary to the public policies of sections 2, 3, 5, or 6 of this order.
- 10. This order is effective immediately and continues until the end of the declared states of emergency and disaster.

Given under my hand and the Great Seal of the State of Michigan.
 Date: April 3, 2020
 Time: 9:43 am

[SEAL]

GRETCHEN WHITMER
 GOVERNOR
 By the Governor:
 JOCELYN BENSON
 SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 5, 2020 and read:

EXECUTIVE ORDER

No. 2020-37

Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities

Rescission of Executive Order 2020-7

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. The risk of severe illness and death from COVID19 is higher in older adults and those with chronic health conditions. And there is an increased risk of rapid spread of COVID-19 among persons who are living in congregate settings, such as care facilities. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after

declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19 and to provide essential protections to vulnerable Michiganders and to this state’s health care system and other critical infrastructure, it is reasonable and necessary to impose limited and temporary restrictions on the entry of individuals into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.

Executive Order 2020-7 imposed such restrictions. This order clarifies those restrictions and extends their duration, as they remain reasonable and necessary to protect the health and safety of this state and its residents from the COVID-19 pandemic. With this order, Executive Order 2020-7 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Effective immediately and continuing through May 3, 2020 at 11:59 pm, all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must prohibit from entering their facilities any visitors that: are not necessary for the provision of medical care, the support of activities of daily living, or the exercise of power of attorney or court-appointed guardianship for an individual under the facility’s care; are not a parent, foster parent, or guardian of an individual who is 21 years of age or under and who is under the facility’s care; are not visiting an individual under the facility’s care that is in serious or critical condition or in hospice care; and are not visiting under exigent circumstances or for the purpose of performing official governmental functions.
2. Effective immediately and continuing through May 3, 2020 at 11:59 pm, all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must perform a health evaluation of all individuals that are not under the care of the facility each time the individual seeks to enter the facility, and must deny entry to those individuals who do not meet the evaluation criteria. The evaluation criteria must include: symptoms of a respiratory infection, such as fever, cough, or shortness of breath; and contact in the last 14 days with someone with a confirmed diagnosis of COVID-19.
3. While the restrictions of this order are in place, all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must make best efforts to facilitate visitations with individuals under their care by phone or other electronic communication platforms to the fullest extent possible, consistent with normal visitation policies.
4. For purposes of this order, “residential care facilities” includes, but is not limited to, homes for the aged, nursing homes, adult foster care facilities, hospice facilities, substance abuse disorder residential facilities, independent living facilities, and assisted living facilities.
5. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order shall constitute a misdemeanor.
6. Executive Order 2020-7 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 5, 2020

Time: 5:36 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 5, 2020 and read:

EXECUTIVE ORDER

No. 2020-38

**Temporary extensions of certain FOIA deadlines to facilitate
COVID-19 emergency response efforts**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders limit in-person contact to the fullest extent possible. This includes practicing social distancing and restricting in-person work and interaction to only that which is strictly necessary. At the same time, and as memorialized by Michigan's Freedom of Information Act ("FOIA"), 1976 PA 442, as amended, MCL 15.231 et seq., it remains the public policy of this state—and a priority of my administration—that Michiganders have access to "full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees," so that they "may fully participate in the democratic process." MCL 15.231(2). To balance this core priority with the steep and urgent demands posed by the COVID-19 pandemic, it is reasonable and necessary to provide limited and temporary extensions of certain FOIA deadlines, so that Michiganders may remain informed and involved in their government during this unprecedented crisis without unduly compromising the health and safety of this state and its residents.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with the required response periods set forth under sections 5(2), 10(2), and 10a(2) of the Freedom of Information Act ("FOIA"), 1976 PA 442, as amended, MCL 15.235(2), 15.240(2), and 15.240a(2), is temporarily suspended, as follows:
 - (a) A public body must respond in writing to a request or an appeal received at its physical office via mail, hand delivery, or facsimile within 10 business days after actual receipt of the request or appeal. For purposes of this order, actual receipt of a request or appeal occurs when an employee of the public body physically opens the envelope containing the request or physically takes the faxed request from the fax machine. Nothing in this order requires an employee to report to the office to open mail or check the fax machine if the employee would not otherwise be permitted to report to the office in person and required to perform those tasks.
 - (b) If COVID-19 or any accompanying response efforts, including but not limited to compliance with any emergency order or mitigation recommendations related to COVID-19, interferes with the timely grant or denial of a request or the timely reversal or upholding of a denial on appeal, a public body may issue a notice under section 5(2)(d), 10(2)(d), or 10a(2)(d) of the FOIA, MCL 15.235(2)(d), 15.240(2)(d), or 15.240a(2)(d), as applicable, extending the period of time in which to respond for as long as the public body deems necessary but no longer than until the expiration of this order or any order that follows from it.
2. Strict compliance with the requirements relating to in-person efforts in connection with a public records request set forth under sections 3 and 4 of the FOIA, MCL 15.233 and 15.234, is temporarily suspended, as follows:
 - (a) If a public records request requires in-person efforts, such as an in-person search, inspection, examination, preparation, or production of public records, by the requestor or the public body, a public body may defer that portion of the request until the expiration of this order or any order that follows from it.
 - (b) If a public body defers a portion of a public records request pursuant to section 2(a) of this order, it must explain this deferral and its reason in the public body's response to the requestor under section 5(2) or 10(2) of the FOIA, MCL 15.235(2) and 15.240(2), as applicable.

- (c) If a public body defers a portion of a public records request pursuant to section 2(a) of this order, the requestor may inform the public body in writing that the requestor is amending its request to exclude the deferred portion of the request so that the public body may more promptly process the request. The public body must notify the requestor of its ability to amend its request in the response required under section 2(b) of this order.
- 3. It is the public policy of this state that, during the COVID-19 states of emergency and disaster, public bodies continue to respond to requests for public records as expeditiously as possible and, to the extent practicable, by using electronic means.
- 4. The provisions of this order apply notwithstanding any contrary policy adopted by a public body.
- 5. For purposes of this order, the terms “public body” and “public record” mean those terms as defined under section 2 of the FOIA, MCL 15.232.
- 6. This order is effective immediately and continues through June 4, 2020 at 11:59 pm.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 5, 2020

Time: 8:47 pm

[SEAL]

GRETCHEN WHITMER
 GOVERNOR
 By the Governor:
 JOCELYN BENSON
 SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 7, 2020 and read:

EXECUTIVE ORDER

No. 2020-39

Temporary relief from certain restrictions and requirements governing the provision of emergency medical services

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

The COVID-19 pandemic has placed an immediate and unprecedented strain on Michigan’s health care system, including the emergency medical service providers who are on the front line of the COVID-19 response. Given the steep increase in individuals requiring emergency medical treatment and the relative scarcity of medical equipment, personnel, and resources, it is necessary and appropriate to provide limited

and temporary relief from certain licensing requirements and regulations pertaining to emergency medical services, so that emergency medical service providers can more efficiently and effectively protect the health and safety of this state and its residents during this time of crisis.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with the annual-inspection requirements for life support vehicles and life support agencies under section 20910(1)(e)(iii) of the Public Health Code, 1978 PA 368, as amended, MCL 333.20910(1)(e)(iii), is temporarily suspended as follows. The Department of Health and Human Services (“the Department”) must inspect a life support vehicle or life support agency when the Department has reason to believe that the vehicle or agency is out of compliance. Any such inspection must, to the greatest extent possible, be conducted remotely, such as by videoconferencing, telephone conversation, and electronic review of required documents.
2. Strict compliance with the ambulance-staffing requirements under section 20921(3) of the Public Health Code, MCL 333.20921(3), is temporarily suspended as follows. An ambulance must be not operated while transporting a patient unless it is staffed with emergency medical services personnel possessing at least the following qualifications:
 - (a) If designated as providing basic life support, with at least one emergency medical technician and one medical first responder.
 - (b) If designated as providing limited advanced life support, with at least one emergency medical technician specialist and one medical first responder.
 - (c) If designated as providing advanced life support, with at least one paramedic and one medical first responder.
3. Strict compliance with Rules 325.22133(d) and 325.22143(d) of the Michigan Administrative Code is temporarily suspended so as to allow an ambulance operation or nontransport prehospital life support operation to downgrade the life support level of its vehicles according to staffing and vehicle availability without advising the Department, as follows:
 - (a) An ambulance or nontransport prehospital life support vehicle that is designated as providing advanced life support may be designated as providing limited advanced life support or basic life support.
 - (b) An ambulance or nontransport prehospital life support vehicle that is designated as providing limited advanced life support may be designated as providing basic life support.

Any ambulance operation or nontransport prehospital life support operation that has downgraded a vehicle under this section must appropriately and securely store all advanced level equipment and medications that should no longer be in the downgraded vehicle.
4. Strict compliance with Rule 325.22112 of the Michigan Administrative Code is temporarily suspended so as to allow for the transport of a patient, whether emergency or non-emergency, to any destination designated by the medical control authority.
5. Strict compliance with section 20954 of the Public Health Code, MCL 333.20954, and Rules 325.22321 to 325.22325 and 325.22336 to 325.22338 of the Michigan Administrative Code is temporarily suspended so as to permit the Department to waive verification of ongoing education requirements when reviewing an application for renewal or relicensure of an emergency medical services personnel license. If the application is for relicensure, the Department may only waive verification if the applicant has been licensed by the Department within the last five years.
6. All emergency medical services personnel licenses that have expired since March 10, 2020 or that would expire during the declared states of emergency and disaster must be deemed unexpired and not to expire until six months after the end of the declared states of emergency and disaster.
7. All professional certifications in basic cardiac life support that have expired since March 10, 2020 or that would expire during the declared states of emergency and disaster must be deemed unexpired and not to expire until six months after the end of the declared states of emergency and disaster.
8. Compliance with sections 20961(1)(a) and 20961(1)(d) of the Public Health Code, MCL 333.20961(1)(a) and (d), is temporarily suspended, so as to permit the Department to grant a license under Part 209 of the Public Health Code to an applicant licensed in another state without regard to whether the applicant meets the requirements of Part 209 of the Public Health Code and the rules promulgated by the Department for licensure or whether the state in which the applicant is licensed maintains licensure standards equivalent to or more stringent than those of this state.
9. Strict compliance with section 20958(2) of the Public Health Code, MCL 333.20958(2), is temporarily suspended so as to allow a notice of intent to deny, revoke, or suspend an emergency services personnel license to be provided to the applicant or licensee by electronic communication.
10. Consistent with section 11(4) of the Emergency Management Act, 1976 PA 390, as amended, MCL 30.411(4), any emergency medical services personnel or life support agency that provides medical

services in support of this state's response to the COVID-19 pandemic is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained, unless it is established that such injury or death was caused by the gross negligence, as defined in MCL 30.411(9), of such emergency medical services personnel or life support agency.

11. The Department may promulgate rules and regulations, issue orders and directives, and take other actions pursuant to law as necessary to implement this order. Any such rules, regulations, orders, directives, and actions will cease to be in effect at the end of the declared states of emergency and disaster.
12. This order is effective immediately and continues until the end of the declared states of emergency and disaster.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 7, 2020

Time: 5:43 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCelyn BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 8, 2020 and read:

EXECUTIVE ORDER

No. 2020-40

Temporary relief from certain credentialing requirements for motor carriers transporting essential supplies, equipment, and persons

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

The COVID-19 pandemic has created a steep and immediate demand for certain essential supplies, equipment, and personnel. It has also disrupted the ability of state agencies and departments to conduct business as usual. To ensure this disruption in state operations does not impede the timely delivery of urgently needed resources and personnel during this crisis, it is reasonable and necessary to provide limited

and temporary relief from certain credentialing requirements for motor carriers that are providing such critical assistance to this state and its residents.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The requirements administered by the Department of Treasury (“Department”) concerning licensure of motor carriers under section 5 of the Motor Carrier Fuel Tax Act (“MCFTA”), 1980 PA 119, as amended, MCL 207.215, are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the MCFTA for violations of those requirements, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.
2. The requirements administered by the Department concerning decals for qualified commercial vehicles under section 5 of the MCFTA, MCL 207.215, are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the MCFTA for violations of those requirements, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.
3. The requirements administered by the Department concerning trip permits for motor carriers under section 7 of the MCFTA, MCL 207.217, are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the MCFTA for a motor carrier failing to obtain a trip permit, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.
4. Any other requirements administered by the Department concerning the credentialing of motor carriers under the International Fuel Tax Agreement (“IFTA”) are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the IFTA and/or the MCFTA for a motor carrier failing to obtain such credentials, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.
5. For purposes of this order, “critical assistance related to the COVID-19 pandemic” means transportation and other relief services that meet immediate needs for any of the following:
 - (a) Medical supplies or equipment related to the testing, diagnosis, or treatment of COVID-19.
 - (b) Supplies or equipment necessary for community safety, sanitation, or the prevention of community transmission of COVID-19, such as masks, gloves, hand sanitizer, soap, and disinfectants.
 - (c) Food for the emergency restocking of stores.
 - (d) Equipment, supplies, or persons necessary to establish or manage temporary housing, quarantine, or isolation facilities related to the COVID-19 pandemic.
 - (e) Persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes.
 - (f) Persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 pandemic.

“Critical assistance related to the COVID-19 pandemic” does not include: routine commercial deliveries of supplies, equipment, or persons that are not being transported in support of emergency relief efforts related to the COVID-19 pandemic; or transportation of mixed loads that include essential supplies, equipment, or persons (as described in subsections (a)-(f) of this section) together with supplies, equipment, or persons that are not being transported in support of emergency relief efforts related to the COVID-19 pandemic.
6. Except as specifically stated in this order, this order does not suspend, restrict, or waive any other state laws or regulations applicable to motor carriers, including any requirements related to the reporting, payment, or remittance of, or recordkeeping for, taxes imposed or arising under the MCFTA and/or the IFTA.
7. This order is effective immediately and continues through May 5, 2020 at 11:59 pm.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 8, 2020

Time: 6:50 am

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 8, 2020 and read:

EXECUTIVE ORDER

No. 2020-41

**Encouraging the use of electronic signatures and remote notarization,
witnessing, and visitation during the COVID-19 pandemic**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders limit in-person contact to the fullest extent possible. This includes practicing social distancing and restricting in-person work and interaction to only that which is strictly necessary. To that end, it is reasonable and necessary to provide limited and temporary relief from certain rules and requirements so as to enable and encourage the use of electronic signatures, remote notarizations, remote witness attestations and acknowledgments, and remote visitations. This will help ensure that necessary transactions and interactions may continue to occur during this time of crisis without unduly compromising the health and safety of this state and its residents.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with rules and procedures under the Uniform Electronic Transactions Act ("UETA"), 2000 PA 305, as amended, MCL 450.831 et seq., and the Uniform Real Property Electronic Recording Act ("URPERA"), 2010 PA 123, as amended, MCL 565.841 et seq., is temporarily suspended to the extent necessary to permit the use of an electronic signature for a transaction whenever a signature is required under Michigan law, unless the law specifically mandates a physical signature. As provided in section 7 of the UETA, MCL 450.837, a signature will not be denied legal effect or enforceability solely because it is in electronic form and if a law requires a signature, an electronic signature satisfies the law.
2. Strict compliance with rules and procedures under section 18 of the UETA, MCL 450.848, is temporarily suspended so as to permit each state department to send and accept electronic records and electronic signatures to and from other persons without a determination from or approval by the Department of Technology, Management and Budget.
3. Strict compliance the Michigan Law on Notarial Acts, 2003 PA 238, as amended, MCL 55.261 et seq., is temporarily suspended, to the extent it requires a notary to be in the physical presence of an individual seeking the notary's services or of any required witnesses.
4. To minimize in-person interaction and facilitate remote work during the declared states of emergency and disaster:
 - (a) Governmental agencies and officials of this state are encouraged to use or permit the use of electronic records and electronic signatures for transaction of business, processing of

applications, and recognition of the validity of legal instruments, and, when a notarized signature is mandated by law, to use a remote electronic notary pursuant to the Michigan Law on Notarial Acts, MCL 55.261 et seq.

- (b) Persons and entities engaged in transactions are encouraged to use electronic records and electronic signatures and, when a notarized signature is mandated by law, to use a remote electronic notary pursuant to the Michigan Law on Notarial Acts, MCL 55.261 et seq.
5. In addition to other means available by law, any notarial act that is required under Michigan law may be performed by a notary who currently holds a valid notarial commission in this state (“notary”) utilizing two-way real-time audiovisual technology, provided that all of the following conditions are met:
- (a) The two-way real-time audiovisual technology must allow direct interaction between the individual seeking the notary’s services, any witnesses, and the notary, wherein each can communicate simultaneously by sight and sound through an electronic device or process at the time of the notarization.
 - (b) The two-way real-time audiovisual technology must be capable of creating an audio and visual recording of the complete notarial act and such recording must be made and retained as a notarial record in accordance with sections 26b(7) to 26b(9) of the Michigan Law on Notarial Acts, MCL 55.286b(7) to 55.286b(9).
 - (c) The individual seeking the notary’s services and any required witnesses, if not personally known to the notary, must present satisfactory evidence of identity (e.g., a valid state-issued photo identification) to the notary during the video conference, not merely transmit it prior to or after the transaction, to satisfy the requirements of the Michigan Law on Notarial Acts, MCL 55.261 et seq., and any other applicable law.
 - (d) The individual seeking the notary’s services must affirmatively represent either that the individual is physically situated in this state, or that the individual is physically located outside the geographic boundaries of this state and that either:
 - (1) The document is intended for filing with or relates to a matter before a court, governmental entity, public official, or other entity subject to the jurisdiction of this state; or
 - (2) The document involves property located in the territorial jurisdiction of this state or a transaction substantially connected to this state.

If an individual is physically located outside of the geographic boundaries of this state, the notary must have no actual knowledge that the individual’s act of making the statement or signing the document is prohibited by the laws of the jurisdiction in which the individual is physically located.
 - (e) The individual seeking the notary’s services, any required witnesses, and the notary must be able to affix their signatures to the document in a manner that renders any subsequent change or modification of the remote online notarial act to be tamper evident.
 - (f) The individual seeking the notary’s services or the individual’s designee must transmit by fax, mail, or electronic means a legible copy of the entire signed document directly to the notary on the same date it was signed. This requirement shall apply regardless of the manner in which the document is signed.
 - (g) Once the notary has received a legible copy of the document with all necessary signatures, the notary may notarize the document and transmit the notarized document back to the individual seeking the notary’s services.
 - (h) The official date and time of the notarization shall be the date and time when the notary witnesses the signature via two-way real-time audiovisual technology as required under this section.
6. Any requirement under Michigan law that an in-person witness attest to or acknowledge an instrument, document, or deed may be satisfied by the use of two-way real-time audiovisual technology, provided that all of the following conditions are met:
- (a) The two-way real-time audiovisual technology must allow direct, contemporaneous interaction by sight and sound between the individual signing the document (the “signatory”) and the witness(es).
 - (b) The interaction between the signatory and the witness(es) must be recorded and preserved by the signatory or the signatory’s designee for a period of at least three years, unless a law of this state requires a different period of retention.
 - (c) The signatory must affirmatively represent either that the signatory is physically situated in this state, or that the signatory is physically located outside the geographic boundaries of this state and that either of the following apply:
 - (1) The document is intended for filing with or relates to a matter before a court, governmental entity, public official, or other entity subject to the jurisdiction of this state; or

- (2) The document involves property located in the territorial jurisdiction of this state or a transaction substantially connected to this state.
 - (d) The signatory must affirmatively state during their interaction with the witness(es) on the two-way real-time audiovisual technology what document they are executing.
 - (e) Each title page and signature page of the document being witnessed must be shown to the witness(es) on the two-way real-time audiovisual technology in a manner clearly legible to the witness(es), and every page of the document must be numbered to reflect both the page number of the document and the total number of pages of the document.
 - (f) Each act of signing the document must be captured sufficiently up close on the two-way real-time audiovisual technology for the witness(es) to observe.
 - (g) The signatory or the signatory’s designee must transmit by fax, mail, or electronic means a legible copy of the entire signed document directly to the witness(es) within 24 hours of when it is executed.
 - (h) Within 24 hours of receipt, the witness(es) must sign the transmitted copy of the document as a witness and return the signed copy of the document to the signatory or the signatory’s designee by fax, mail, or electronic means.
7. Notwithstanding any law or regulation of this state to the contrary, absent an express prohibition in the document against signing in counterparts, any document signed under this order may be signed in counterparts.
 8. A guardian, guardian ad litem, or visitor may satisfy any requirement concerning a visit with a person, including but not limited to a visit in the physical presence of a person under the Estates and Protected Individuals Code, 1998 PA 386, as amended, MCL 700.1101 et seq., by instead conferring with that person via two-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the person being visited and the guardian, guardian ad litem, or visitor.
 9. Any law of this state requiring an individual to appear personally before or be in the presence of either a notary at the time of a notarization or a witness at the time of attestation or acknowledgment shall be satisfied if the individual, the witness(es), and/or the notary are not in the physical presence of each other but can communicate simultaneously by sight and sound via two-way real-time audiovisual technology at the time of the notarization, attestation, or acknowledgment.
 10. For the duration of this order and any order that may follow from it, financial institutions and registers of deeds must not refuse to record a tangible copy of an electronic record on the ground that it does not bear the original signature of a person, witness, or notary, if the notary before whom it was executed certifies that the tangible copy is an accurate copy of the electronic record.
 11. For purposes of the “verified user agreement” requirement of section 4 of the URPERA, MCL 565.844(4), a county recording office must deem all financial institutions and all licensed title insurers or their employed or contracted settlement agents as covered by a verified user agreement for the duration of this order and any order that may follow from it. The recorder may ask the financial institution or title insurance company for verification of a notary’s employment or contractual association.
 12. As used in this order:
 - (a) “Electronic,” “electronic record,” “electronic signature,” “governmental agency,” “person,” and “transaction” mean those terms as defined under section 2 of the UETA, MCL 450.832.
 - (b) “Financial institution” means that term as defined in section 4(c) of the Michigan Strategic Fund Act, 1984 PA 270, as amended, MCL 125.2004(c).
 - (c) This order is effective immediately and continues through May 6, 2020 at 11:59 pm.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 8, 2020

Time: 8:32 pm

[SEAL]

GRETCHEN WHITMER
 GOVERNOR
 By the Governor:
 JOCELYN BENSON
 SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 9, 2020 and read:

EXECUTIVE ORDER

No. 2020-42

**Temporary requirement to suspend activities that
are not necessary to sustain or protect life**

Rescission of Executive Order 2020-21

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. The order limited gatherings and travel, and required workers who are not necessary to sustain or protect life to stay home.

The measures put in place by Executive Order 2020-21 have been effective, but this virus is both aggressive and persistent: on April 8, 2020, Michigan reported 20,346 confirmed cases of COVID-19 and 959 deaths from it. To win this fight, and to protect the health and safety of our state and each other, we must be just as aggressive and persistent. Though we have all made sacrifices, we must be steadfast. Accordingly, with this order, I find it reasonable and necessary to reaffirm the measures set forth in Executive Order 2020-21, clarify them, and extend their duration to April 30, 2020. This order takes effect on April 9, 2020 at 11:59 pm. When this order takes effect, Executive Order 2020-21 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. This order must be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.
2. Subject to the exceptions in section 7 of this order, all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence. Subject to the same exceptions, all public and private gatherings of any number of people occurring among persons not part of a single household are prohibited.
3. All individuals who leave their home or place of residence must adhere to social distancing measures recommended by the Centers for Disease Control and Prevention ("CDC"), including remaining at least six feet from people from outside the individual's household to the extent feasible under the circumstances.

4. No person or entity shall operate a business or conduct operations that require workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life or to conduct minimum basic operations.
 - (a) For purposes of this order, workers who are necessary to sustain or protect life are defined as “critical infrastructure workers,” as described in sections 8 and 9 of this order.
 - (b) For purposes of this order, workers who are necessary to conduct minimum basic operations are those whose in-person presence is strictly necessary to allow the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely.

Businesses and operations must determine which of their workers are necessary to conduct minimum basic operations and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Workers need not carry copies of their designations when they leave the home or place of residence for work.

Any in-person work necessary to conduct minimum basic operations must be performed consistently with the social distancing practices and other mitigation measures described in section 10 of this order.
5. Businesses and operations that employ critical infrastructure workers may continue in-person operations, subject to the following conditions:
 - (a) Consistent with sections 8 and 9 of this order, businesses and operations must determine which of their workers are critical infrastructure workers and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Workers need not carry copies of their designations when they leave the home or place of residence for work. Businesses and operations need not designate:
 - (1) Workers in health care and public health.
 - (2) Workers who perform necessary government activities, as described in section 6 of this order.
 - (3) Workers and volunteers described in section 9(d) of this order.
 - (b) In-person activities that are not necessary to sustain or protect life must be suspended until normal operations resume.
 - (c) Businesses and operations maintaining in-person activities must adopt social distancing practices and other mitigation measures to protect workers and patrons, as described in section 10 of this order. Stores that are open to the public must also adhere to the rules described in section 11 of this order.
6. All in-person government activities at whatever level (state, county, or local) that are not necessary to sustain or protect life, or to support those businesses and operations that are necessary to sustain or protect life, are suspended.
 - (a) For purposes of this order, necessary government activities include activities performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders.
 - (b) Such activities also include, but are not limited to, public transit, trash pickup and disposal (including recycling and composting), activities necessary to manage and oversee elections, operations necessary to enable transactions that support the work of a business’s or operation’s critical infrastructure workers, and the maintenance of safe and sanitary public parks so as to allow for outdoor activity permitted under this order.
 - (c) For purposes of this order, necessary government activities include minimum basic operations, as described in section 4(b) of this order. Workers performing such activities need not be designated.
 - (d) Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons described in section 10 of this order.
7. Exceptions.
 - (a) Individuals may leave their home or place of residence, and travel as necessary:
 - (1) To engage in outdoor physical activity, consistent with remaining at least six feet from people from outside the individual’s household. Outdoor physical activity includes walking, hiking, running, cycling, kayaking, canoeing, or other similar physical activity, as well as any comparable activity for those with limited mobility.

- (2) To perform their jobs as critical infrastructure workers after being so designated by their employers. (Critical infrastructure workers who need not be designated under section 5(a) of this order may leave their home for work without being designated.)
 - (3) To conduct minimum basic operations, as described in section 4(b) of this order, after being designated to perform such work by their employers.
 - (4) To perform necessary government activities, as described in section 6 of this order.
 - (5) To perform tasks that are necessary to their health and safety, or to the health and safety of their family or household members (including pets). Individuals may, for example, leave the home or place of residence to secure medication or to seek medical or dental care that is necessary to address a medical emergency or to preserve the health and safety of a household or family member (including procedures that, in accordance with a duly implemented nonessential procedures postponement plan, have not been postponed).
 - (6) To obtain necessary services or supplies for themselves, their family or household members, their pets, and their vehicles.
 - (A) Individuals must secure such services or supplies via delivery to the maximum extent possible. As needed, however, individuals may leave the home or place of residence to purchase groceries, take-out food, gasoline, needed medical supplies, and any other products necessary to maintain the safety, sanitation, and basic operation of their residences. Individuals may also leave the home to drop off a vehicle to the extent permitted under section 9(i) of this order.
 - (B) Individuals should limit, to the maximum extent that is safe and feasible, the number of household members who leave the home for any errands.
 - (7) To care for a family member or a family member's pet in another household.
 - (8) To care for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons.
 - (9) To visit an individual under the care of a health care facility, residential care facility, or congregate care facility, to the extent otherwise permitted.
 - (10) To attend legal proceedings or hearings for essential or emergency purposes as ordered by a court.
 - (11) To work or volunteer for businesses or operations (including both religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
 - (12) To attend a funeral, provided that no more than 10 people are in attendance at the funeral.
- (b) Individuals may also travel:
- (1) To return to a home or place of residence from outside this state.
 - (2) To leave this state for a home or residence elsewhere.
 - (3) Between two residences in this state, through April 10, 2020. After that date, travel between two residences is not permitted.
 - (4) As required by law enforcement or a court order, including the transportation of children pursuant to a custody agreement.
- (c) All other travel is prohibited, including all travel to vacation rentals.
8. For purposes of this order, critical infrastructure workers are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in his guidance of March 19, 2020 on the COVID-19 response (available [here](#)). This order does *not* adopt any subsequent guidance document released by this same agency. Consistent with the March 19, 2020 guidance document, critical infrastructure workers include some workers in each of the following sectors:
- (a) Health care and public health.
 - (b) Law enforcement, public safety, and first responders.
 - (c) Food and agriculture.
 - (d) Energy.
 - (e) Water and wastewater.
 - (f) Transportation and logistics.
 - (g) Public works.
 - (h) Communications and information technology, including news media.
 - (i) Other community-based government operations and essential functions.
 - (j) Critical manufacturing.
 - (k) Hazardous materials.

- (l) Financial services.
 - (m) Chemical supply chains and safety.
 - (n) Defense industrial base.
9. For purposes of this order, critical infrastructure workers also include:
- (a) Child care workers (including workers at disaster relief child care centers), but only to the extent necessary to serve the children or dependents of workers required to perform in-person work as permitted under this order. This category includes individuals (whether licensed or not) who have arranged to care for the children or dependents of such workers.
 - (b) Workers at suppliers, distribution centers, or service providers, as described below.
 - (1) Any suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate another business's or operation's critical infrastructure work may designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.
 - (2) Any suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate the necessary work of suppliers, distribution centers, or service providers described in subprovision (1) of this subsection may designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.
 - (3) Consistent with the scope of work permitted under subprovision (2) of this subsection, any suppliers, distribution centers, or service providers further down the supply chain whose continued operation is necessary to enable, support, or facilitate the necessary work of other suppliers, distribution centers, or service providers may likewise designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.
 - (4) Suppliers, distribution centers, and service providers that abuse their designation authority under this subsection shall be subject to sanctions to the fullest extent of the law.
 - (c) Workers in the insurance industry, but only to the extent that their work cannot be done by telephone or remotely.
 - (d) Workers and volunteers for businesses or operations (including both religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
 - (e) Workers who perform critical labor union functions, including those who administer health and welfare funds and those who monitor the well-being and safety of union members who are critical infrastructure workers, provided that any administration or monitoring should be done by telephone or remotely where possible.
 - (f) Workers at retail stores who sell groceries, medical supplies, and products necessary to maintain the safety, sanitation, and basic operation of residences, including convenience stores, pet supply stores, auto supplies and repair stores, hardware and home maintenance stores, and home appliance retailers.
 - (g) Workers at laundromats, coin laundries, and dry cleaners.
 - (h) Workers at hotels and motels, provided that the hotels or motels do not offer additional in-house amenities such as gyms, pools, spas, dining, entertainment facilities, meeting rooms, or like facilities.
 - (i) Workers at motor vehicle dealerships who are necessary to facilitate remote and electronic sales or leases, or to deliver motor vehicles to customers, provided that showrooms remain closed to in-person traffic.
10. Businesses, operations, and government agencies that continue in-person work must adhere to sound social distancing practices and measures, which include but are not limited to:
- (a) Developing a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration and available [here](#). Such plan must be available at company headquarters or the worksite.
 - (b) Restricting the number of workers present on premises to no more than is strictly necessary to perform the business's, operation's, or government agency's critical infrastructure functions or its minimum basic operations.

- (c) Promoting remote work to the fullest extent possible.
 - (d) Keeping workers and patrons who are on premises at least six feet from one another to the maximum extent possible.
 - (e) Increasing standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
 - (f) Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.
 - (g) Any other social distancing practices and mitigation measures recommended by the CDC.
11. Any store that remains open for in-person sales under section 5 or 9(f) of this order must:
- (a) Establish lines to regulate entry in accordance with subsections (c) and (d) of this section, with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also explore alternatives to lines, including by allowing customers to wait in their cars for a text message or phone call, to enable social distancing and to accommodate seniors and those with disabilities.
 - (b) Consider establishing curbside pick-up to reduce in-store traffic and mitigate outdoor lines.
 - (c) For stores of less than 50,000 square feet of customer floor space, limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal.
 - (d) For stores of more than 50,000 square feet:
 - (1) Limit the number of customers in the store at one time (excluding employees) to 4 people per 1,000 square feet of customer floor space. The amount of customer floor space must be calculated to exclude store areas that are closed under subprovision (2) of this subsection.
 - (2) Close areas of the store—by cordoning them off, placing signs in aisles, posting prominent signs, removing goods from shelves, or other appropriate means—that are dedicated to the following classes of goods:
 - (A) Carpet or flooring.
 - (B) Furniture.
 - (C) Garden centers and plant nurseries.
 - (D) Paint.
 - (3) By April 13, 2020, refrain from the advertising or promotion of goods that are not groceries, medical supplies, or items that are necessary to maintain the safety, sanitation, and basic operation of residences.
 - (4) Create at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant women, and those with chronic conditions like heart disease, diabetes, and lung disease.
 - (e) The director of the Department of Health and Human Services is authorized to issue an emergency order varying the capacity limits described in subsections (c) and (d) of this section as necessary to protect the public health.
12. No one shall advertise or rent a short-term vacation property except as necessary to assist in housing a health care professional or volunteer aiding in the response to the COVID-19 crisis.
13. Nothing in this order should be taken to supersede another executive order or directive that is in effect, except to the extent this order imposes more stringent limitations on in-person work, activities, and interactions. Consistent with prior guidance, a place of religious worship, when used for religious worship, is not subject to penalty under section 17 of this order.
14. Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.
15. This order takes effect on April 9, 2020 at 11:59 pm and continues through April 30, 2020 at 11:59 pm. When this order takes effect, Executive Order 2020-21 is rescinded. All references to that order in other executive orders, agency rules, letters of understanding, or other legal authorities shall be taken to refer to this order.
16. I will evaluate the continuing need for this order prior to its expiration. In determining whether to maintain, intensify, or relax its restrictions, I will consider, among other things, (1) data on COVID-19 infections and the disease's rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health-care workforce; (4) the state's capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.

17. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor. Given under my hand and the Great Seal of the State of Michigan.

Date: April 9, 2020

Time: 2:07 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 13, 2020 and read:

EXECUTIVE ORDER

No. 2020-43

Temporary restrictions on the use of places of public accommodation

Rescission of Executive Order 2020-20

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to impose limited and temporary restrictions on the use of places of public accommodation.

Executive Order 2020-20 imposed such restrictions, which were then supplemented by the restrictions on in-person work, travel, and gatherings imposed by Executive Order 2020-42. Because these restrictions on places of public accommodation remain reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents, this order extends their duration to April 30, 2020, to match the duration of the further restrictions imposed by Executive Order 2020-42. With this order, Executive Order 2020-20 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Effective immediately and continuing until April 30, 2020 at 11:59 pm, the following places of public accommodation are closed to ingress, egress, use, and occupancy by members of the public:
 - (a) Restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food or beverage for on-premises consumption;

- (b) Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licenses, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption;
- (c) Hookah bars, cigar bars, and vaping lounges offering their products for on-premises consumption;
- (d) Theaters, cinemas, and indoor and outdoor performance venues;
- (e) Libraries and museums;
- (f) Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, and facilities offering non-essential personal care services;
- (g) Casinos licensed by the Michigan Gaming Control Board, racetracks licensed by the Michigan Gaming Control Board, and Millionaire Parties licensed by the Michigan Gaming Control Board; and
- (h) Places of public amusement not otherwise listed above.

Places of public accommodation subject to this section are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and must use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. In offering food or beverage, a place of public accommodation subject to this section may permit up to five members of the public at one time in the place of public accommodation for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.

This section does not prohibit an employee, contractor, vendor, or supplier of a place of public accommodation from entering, exiting, using, or occupying that place of public accommodation in their professional capacity.

2. The restrictions imposed by this order do not apply to any of the following:
 - (a) Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the place of public accommodation subject to the requirements of section 1;
 - (b) Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;
 - (c) Crisis shelters or similar institutions; and
 - (d) Food courts inside the secured zones of airports.
3. For purposes of this order:
 - (a) “Non-essential personal care services” includes but is not limited to hair, nail, tanning, massage, traditional spa, tattoo, body art, and piercing services, and similar personal care services that require individuals to be within six feet of each other. This does not include services necessary for medical treatment as determined by a licensed medical provider.
 - (b) “Place of public accommodation” means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Place of public accommodation also includes the facilities of private clubs, including country clubs, golf clubs, boating or yachting clubs, sports or athletic clubs, and dining clubs.
 - (c) “Place of public amusement” means a place of public accommodation that offers indoor services or facilities, or outdoor services or facilities involving close contact of persons, for amusement or other recreational or entertainment purposes. A place of public amusement includes an amusement park, arcade, bingo hall, bowling alley, indoor climbing facility, skating rink, trampoline park, and other similar recreational or entertainment facilities.
4. The director of the Department of Health and Human Services, the Michigan Liquor Control Commission, and the executive director of the Michigan Gaming Control Board must issue orders and directives and take other actions pursuant to law as necessary to implement this order.
5. This order does not alter any of the obligations under law of an employer affected by this order to its employees or to the employees of another employer.
6. The restrictions and requirements imposed by this order supplement, and must not be construed to diminish or relax in any way, the restrictions and requirements imposed by Executive Order 2020-42 or any executive order that may follow from it.
7. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

8. Executive Order 2020-20 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 13, 2020

Time: 8:12 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 13, 2020 and read:

EXECUTIVE ORDER

No. 2020-44

Enhanced support for deliveries

Rescission of Executive Order 2020-12

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19 and to provide essential protections to vulnerable Michiganders and this state's health care system and other critical infrastructure, it is reasonable and necessary to provide limited and temporary relief from load and delivery restrictions on motor carriers and drivers engaged in the transport of essential supplies, equipment, and persons.

Executive Order 2020-12 provided this limited and temporary relief. This order extends the duration of that relief, because it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-12 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. All state and local seasonal load restrictions are suspended for deliveries that meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and the prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap, and disinfectants; (3) food for the emergency restocking of stores; (4) equipment, supplies, and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities

related to the COVID-19 pandemic; (5) persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes; and (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 pandemic.

2. All state and local road agencies must exercise their authority on an expedited basis to issue permits that allow non-seasonal load restrictions to be exceeded. These permits must reflect bridge weight tolerances, and they must apply to deliveries that meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and the prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap, and disinfectants; (3) food for the emergency restocking of stores; (4) equipment, supplies, and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to the COVID-19 pandemic; (5) persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes; and (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 pandemic.
3. All state and local restrictions on the noise and timing of loading and deliveries are suspended for loading and deliveries that meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and the prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap, and disinfectants; (3) food for the emergency restocking of stores; (4) equipment, supplies, and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to the COVID-19 pandemic; (5) persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes; and (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 pandemic.
4. This order is effective immediately and continues through May 11, 2020 at 11:59 pm.
5. Executive Order 2020-12 is rescinded.
6. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 13, 2020

Time: 8:13 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 13, 2020 and read:

EXECUTIVE ORDER

No. 2020-45

Enhanced authorization of remote means for carrying out state administrative procedures

Rescission of Executive Order 2020-23

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, limit the number of people interacting at public gatherings, encourage social distancing, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to temporarily suspend rules and procedures relating to service of process and provision of notice as to certain administrative proceedings and the use of electronic signatures. State administrative entities must be able to continue to conduct public business during this emergency, including actions to respond to the COVID-19 pandemic, without unduly compromising public health, safety, and welfare.

Executive Order 2020-23 provided this limited and temporary relief from certain rules and procedures. This order extends the duration of that relief, because it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-23 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Hearing officers or arbitrators may conduct Michigan Employment Relations Commission (“MERC”) hearings by electronic means, including video conferencing. To the extent necessary, strict compliance with the procedural requirements of 1939 PA 176, as amended, MCL 423.1 et seq. (employment relations commission), 1947 PA 336, as amended, MCL 423.201 et seq. (public employment relations), and 1969 PA 312, as amended, MCL 423.231 et seq. (compulsory arbitration of labor disputes in police and fire departments), is temporarily suspended.
2. Notice to MERC, as well as personal service of notice, service of process, or written notice of a dispute relating to an impending strike or an impending lockout, may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under sections 9, 9a, 9d(3), 11, 23(2), and 27 of 1939 PA 176, as amended, MCL 423.9, 423.9a, 423.9d(3), 423.11, 423.23(2), and 423.27, and any other procedural statutes governing MERC, is temporarily suspended.
3. The Unemployment Insurance Agency may permit hearings to be held by telephone or electronic means, including video conferencing. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 et seq., is temporarily suspended.
4. Notice to the Unemployment Insurance Agency and written notice by the Unemployment Insurance Agency may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 et seq., is temporarily suspended.
5. Hearings held under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., as well as under the MAHS Administrative Hearing Rules, R 792.10101 et seq., and any informal hearings required by statute, rule, or regulation, may proceed by telephone or by electronic means, including video conferencing. To the extent necessary, strict compliance with the rules and procedures of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., and the MAHS Administrative Hearing Rules, R 792.10101 et seq., is temporarily suspended. This does not apply to hearings by the Joint Committee on Administrative Rules.
6. Notice and service of process required by the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., and the MAHS Administrative Hearing Rules, R 792.10101 et seq., may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., and the MAHS Administrative Hearing Rules, R 792.10101 et seq., is temporarily suspended.

7. Administrative rules or emergency rules may be filed with the secretary of state electronically, including by email. To the extent necessary, strict compliance with rules and procedures under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., is temporarily suspended.
8. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required by sections 11(b)(4), 32b(3), and 54f of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.11(b)(4), 421.32b(3), and 421.54f. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.
9. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., including any requirement of a signature for filing administrative rules or emergency rules with the secretary of state. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.
10. This order is effective immediately and remains in effect through May 11, 2020 at 11:59 pm.
11. Executive Order 2020-23 is rescinded.
12. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 13, 2020

Time: 8:13 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 13, 2020 and read:

EXECUTIVE ORDER

No. 2020-46

Mitigating the economic harms of the COVID-19 pandemic through the creation of a spirits buyback program for restaurants and bars throughout the state

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To suppress the spread of COVID-19, protect this state’s critical health care resources from rapid depletion, and prevent needless deaths, it has been necessary for Michiganders to limit travel, gatherings, and in-person work and interactions as much as possible. This has required, among other things, establishments that serve the public to curtail their in-person operations significantly, to the substantial benefit of this state’s public health but to their own financial detriment. These restrictions on places of public accommodation first took effect on March 16, 2020, and have remained necessary and in place since.

The limitations required by this pandemic, and the economic harms caused by it, have hit restaurants and bars particularly hard. They have found themselves burdened with an unexpected surplus of inventory—particularly of alcohol—and struggling to remain open to provide their communities with needed sustenance during this crisis. To mitigate the harms from this pandemic and to help ensure that these establishments can continue to serve their communities both during and after it, it is reasonable and necessary to provide them with immediate financial assistance through a buyback program for spirits in their inventory as of March 16, 2020.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The Michigan Liquor Control Commission (“Commission”) is hereby authorized to offer to a licensee a cash buyback of any spirits a licensee ordered from the Commission and received and accepted from an Authorized Distribution Agent before March 16, 2020. When a licensee opts into this buyback program, the Commission must advance to the licensee 100% of the purchase price of those spirits that are in the licensee’s inventory.
2. The Commission may accept buyback requests, by email or on its website, only from licensees that hold one of the following license types: Class C, B-Hotel, G-1, Club, Continuing Care Retirement Center, Aircraft, Watercraft, and Train License. The Commission must begin accepting requests on its website as soon as reasonably possible, and must accept all requests made by 5:00 pm on April 17, 2020.
3. Upon advancing cash to a licensee pursuant to this buyback program, the Commission will hold legal title to all spirits purchased by the licensee before March 16, 2020 that are in the licensee’s inventory at the time the licensee opts into this buyback program. But, in recognition of the risks of COVID-19 infection and transmission associated with in-person contact, the Commission must not take physical possession of any such spirits except as provided in this order or any order that may follow from it. The licensee must take all reasonable care to account for and preserve the inventory of any such spirits.
4. A licensee that opts into this buyback program may, at any time until the Commission takes physical possession of spirits it owns, repay to the Commission the full amount advanced to the licensee. Upon repayment of the full buyback amount, the licensee will again hold title to the spirits in its possession.
5. The Commission may take physical possession of any spirits held by any licensee to which the Commission holds legal title at any time later than 90 days after the end of the declared states of emergency and disaster.
6. The Commission may issue orders and directives, and take other actions pursuant to law, to implement this order.
7. This order is effective immediately.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 13, 2020

Time: 8:19 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 13, 2020 and read:

EXECUTIVE ORDER

No. 2020-47

Temporary extension of the validity of certain driver's licenses, state identification cards, and vehicle registrations

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

On March 13, 2020, Michigan's secretary of state announced that Department of State branch offices would be open on weekdays only for "critical services," which do not include license and registration renewals. This action is necessary and well designed to mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, but it may result in some individuals being unable to timely renew their license or registration. In order to facilitate the mobility necessary for survival during this crisis, and to ensure commercial drivers carrying essential supplies can continue to do so despite these temporary limitations on state operations, it is reasonable and necessary to temporarily extend the validity of certain operator's and chauffeur's licenses, state identifications, and vehicle registrations in this state.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Individuals must, to the best of their ability, complete a vehicle registration or license renewal online at www.michigan.gov/sos/ during the declared states of emergency and disaster.
2. Strict compliance with section 2 of 1972 PA 222 (state personal identification card), as amended, MCL 28.292, is temporarily suspended to the extent necessary to extend until June 30, 2020 the validity of a state personal identification card that expired or is set to expire between February 1, 2020 and May 31, 2020.
3. Strict compliance with sections 309 and 314 of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.309 and 257.314, is temporarily suspended to the extent necessary to extend until June 30, 2020 the validity of an operator's license or chauffeur's license that expired or is set to expire between February 1, 2020 and May 31, 2020.
4. Strict compliance with sections 303 and 312f of the Michigan Vehicle Code, MCL 257.303 and 257.312f, is temporarily suspended to the extent necessary to suspend any applicable medical certification requirement for operator's or chauffeur's license holders with a Group A, Group B, or Group C designation until June 30, 2020. Persons who would otherwise have to carry a valid medical certificate must carry a paper copy of an otherwise-valid medical certificate that expired on or after March 1, 2020.

5. Strict compliance with rules and procedures under section 216 of the Michigan Vehicle Code, MCL 257.216, is temporarily suspended to the extent necessary to allow an operator's or chauffeur's license holder with a Group A, Group B, or Group C designation to operate a commercial vehicle as though it had a valid vehicle registration until June 30, 2020, so long as that commercial vehicle has an otherwise-valid vehicle registration that expired on or after March 1, 2020.
6. Until June 30, 2020, driving with a vehicle registration, operator's license, or chauffeur's license that expired on or after February 1, 2020 does not constitute a violation of the Michigan Vehicle Code. Law enforcement officials must not arrest any person nor impound any vehicle as a result of a vehicle registration, operator's license, or chauffeur's license that expired on or after February 1, 2020. The Department of State must not assess a late fee at renewal for a license or registration that expired between February 1, 2020 and May 31, 2020, so long as renewal occurs by June 30, 2020. Nothing in this order prevents the Secretary of State from suspending or revoking an operator's or chauffeur's license, commercial learner's permit, vehicle designations, or endorsements on an operator's or chauffeur's license pursuant to the Michigan Vehicle Code.
7. The relief afforded by sections 3, 4, 5, and 6 of this order does not apply to:
 - (a) A person who had their driving privileges suspended or revoked for traffic offenses.
 - (b) A person who, since their last medical certificate was issued, has been diagnosed with a medical condition that would disqualify them from operating a commercial vehicle.
 - (c) A person who, since their last medical certificate was issued, has developed a condition that requires an exemption or Skill Performance Evaluation from the Federal Motor Carrier Safety Administration.
8. This order is effective immediately.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 13, 2020

Time: 8:19 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 15, 2020 and read:

EXECUTIVE ORDER

No. 2020-48

Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards

Rescission of Executive Order 2020-15

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders take steps to limit in-person contact. These critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings.

To that end, it is reasonable and necessary to temporarily suspend rules and procedures relating to physical presence at meetings and hearings of public bodies and other governmental entities in Michigan. These public bodies and entities must continue to conduct public business during this emergency, including actions to respond to COVID-19, and the general public must be able to continue to participate in government decision-making without unduly compromising public health, safety, and welfare.

Executive Order 2020-15 provided this limited and temporary relief from certain rules and procedures. This order clarifies and extends the duration of that relief, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-15 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. To the extent that the Open Meetings Act (“OMA”), 1976 PA 267, as amended, MCL 15.261 to 15.272, requires that a meeting of a public body be held in a physical place available to the general public or requires the physical presence of one or more members of a public body, strict compliance with section 3 of the OMA, MCL 15.263, is temporarily suspended in order to alleviate any such physical-place or physical-presence requirements, as follows:
 - (a) A meeting of a public body may be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means.
 - (b) A meeting of a public body held electronically must be conducted in a manner that permits two-way communication so that members of the public body can hear and be heard by other members of the public body and so that general public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period. The public body also may use technology to facilitate typed public comments that may be read to or shared with members of the public body and other participants.
 - (c) Members of a public body and of the general public participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present at the meeting.
 - (d) All persons must be permitted to participate in any meeting of a public body held electronically, except as otherwise provided in the OMA.
 - (e) If a public body directly or indirectly maintains an official internet presence, the public body must, consistent with and in addition to any other applicable notice requirements under the OMA, post advance notice of a meeting held electronically on a portion of the public body’s website that is fully accessible to the public. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings or electronic meetings and accessible through a prominent and conspicuous link on the website’s homepage that clearly describes its purpose for public notification of those non-regularly scheduled or electronic public meetings. Notice of a meeting of a public body that will be held electronically must include all of the following:
 - (i) An explanation of the reason why the public body is meeting electronically.
 - (ii) Detailed procedures by which the public may participate in the meeting remotely, including a telephone number, internet address, or both.
 - (iii) Procedures by which persons may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.
 - (iv) Procedures by which persons with disabilities may participate in the meeting.
 - (f) The right of a person to participate in a meeting of a public body held electronically includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of the public body at a public meeting. The exercise of this right does not depend on the prior approval of the public body. However, a public body may establish reasonable rules and regulations to minimize the possibility of disrupting the meeting.

- (g) A public body may not require a person as a condition of participating in a meeting of the public body held electronically to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms necessary to permit the person to participate in a public comment period of the meeting.
 - (h) A person must be permitted to address a meeting of a public body held electronically under rules established and recorded by the public body. A person must not be excluded from a meeting held electronically otherwise open to the public except for a breach of the peace actually committed during the meeting.
 - (i) During a meeting of a public body held electronically, members of the public body are urged to take all votes by roll call to avoid any questions about how each member of the public body votes.
 - (j) If a public body holding a meeting electronically directly or indirectly maintains an official internet presence, the public body is encouraged to make available to the general public through the public body’s website homepage an agenda and other materials relating to the meeting.
 - (k) Members of the general public otherwise participating in a meeting of a public body held electronically may be excluded from participation in a closed session of the public body held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.
2. A public body holding a meeting electronically as provided under this order is encouraged to do so in a manner that effectuates as fully as possible the purposes of the OMA, which include promoting government accountability and fostering openness in government to enhance responsible decision-making. Discussions or deliberations at an open meeting that cannot at a minimum be heard by the general public participating in the meeting are contrary to these purposes. Accordingly, members of a public body must avoid using email, texting, instant messaging, and other such electronic forms of communication to make a decision or deliberate toward a decision, and must avoid “round-the-horn” decision-making in a manner not accessible to the public at an open meeting.
 3. If a decision or other action of a public body is in compliance with the requirements of this order and the other requirements of the OMA, it is in compliance with the OMA.
 4. If a statute or rule other than the OMA requires that public comments be permitted or a public hearing be held, including in conjunction with the issuance of a permit or a hearing required under the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 to 141.440a, a public body or department or agency may provide a means for remote public comment or participation through the use of any technology that would facilitate a member of the general public’s ability to participate remotely to the same extent as if the member of the general public appeared in person. If not expressly authorized by statute or rule, written comment, including by electronic means, also is permitted.
 5. Strict compliance with subsection 6 of section 11a, subsection 7 of section 384, and subsection 1 of section 418a of the Revised School Code, 1976 PA 451, as amended, MCL 380.11a(6), MCL 380.384(7), and MCL 380.418a(1), is temporarily suspended so as not to require school district boards to hold meetings at least once each month.
 6. Nothing in this order permits a public body to limit or restrict the rights of the press or other news media. Members of public bodies are encouraged to facilitate access by members of the press and other news media both to meetings held electronically and to members of public bodies.
 7. As used in this order, the terms “decision,” “meeting,” and “public body” mean those terms as defined under section 2 of the OMA, MCL 15.262, except this order does not apply to state legislative bodies.
 8. A provision of this order will prevail over any conflicting provision of a local charter, ordinance, or rule.
 9. This order supersedes sections 2 and 3 of Executive Directive 2020-2.
 10. This order is effective immediately and continues through May 12, 2020.
 11. Executive Order 2020-15 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 14, 2020

Time: 8:17 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR
By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 15, 2020 and read:

EXECUTIVE ORDER

No. 2020-49

**Temporary enhancements to operational capacity
and efficiency of health care facilities**

Rescission of Executive Order 2020-13

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To provide necessary protections against the dangers to this state posed by the COVID-19 pandemic, the state must ensure that there is an adequate supply of health care providers and facilities. To this end, it is reasonable and necessary to provide limited and temporary relief from certain regulatory requirements to enhance the operational capacity and efficiency of health care facilities.

Executive Order 2020-13 provided this limited and temporary relief. This order clarifies that relief and extends its duration, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-13 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The Department of Health and Human Services ("DHHS") may issue an emergency certificate of need to an applicant and defer strict compliance with the procedural requirements of section 22235 of the Public Health Code, 1978 PA 368, as amended, MCL 333.22235, until the end of the declared states of disaster and emergency.
2. The Department of Licensing and Regulatory Affairs ("LARA") may grant a waiver under section 21564 of the Public Health Code, 1978 PA 368, as amended, MCL 333.21564, to any licensed hospital in this state, regardless of number of beds or location, for the purpose of providing care during the COVID-19 pandemic, to construct, acquire, or operate a temporary or mobile facility for any health care purpose, regardless of where the facility is located. A waiver issued under this section may be renewed by LARA until the end of the declared states of disaster and emergency.
3. LARA may issue a temporary registration as a certified nurse aide to an applicant, regardless of whether the applicant demonstrates to LARA that they have successfully completed the examination requirements of sections 21911 and 21913 of the Public Health Code, 1978 PA 368, as amended, MCL 333.21911 and MCL 333.21913. A temporary registration issued under this section shall be valid for 28 days and may be renewed by LARA until the end of the declared states of disaster and emergency.

4. LARA may renew a license to practice under Part 170, 172, 175, 177, or 187 of the Public Health Code, 1978 PA 368, as amended, regardless of whether the licensee has satisfied the continuing education requirement applicable to their license.
5. LARA may recognize hours worked responding to the COVID-19 pandemic as hours toward continuing education courses or programs required for licensure.
6. LARA may allow a non-nursing assistant such as an activity coordinator, social worker, or volunteer to help feed or transport a patient or resident in a manner consistent with the patient's or resident's care plan.
7. This order is effective immediately and continues through May 12, 2020 at 11:59 pm.
8. Executive Order 2020-13 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 14, 2020

Time: 8:18 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 15, 2020 and read:

EXECUTIVE ORDER

No. 2020-50

Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

The COVID-19 pandemic poses a particularly dire threat to the health and safety of both residents and employees of long-term care facilities. To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial to limit in-person contact as much as possible and, for those in-person services and interactions that must occur, to engage in social distancing and other mitigation practices. For the residents of long-term care facilities to receive the care they need, however, the residents and staff of the facilities must share close quarters and interact in person regularly,

and limitations on access to personal protective equipment only make it more difficult for these in-person interactions to be carried out safely. Due to the nature of the care provided in long-term care facilities and the vulnerable status of their residents, the risk of harm posed by a single positive case of COVID-19 to the entire facility—residents and staff—is inordinately high. As a result, it is reasonable and necessary to afford limited and temporary relief from certain rules and procedures so as to provide enhanced protections for residents and employees of long-term care facilities during this unprecedented crisis.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

I. Protections for residents of long-term care facilities

1. Notwithstanding any statute, rule, regulation, or policy to the contrary, a long-term care facility must not effectuate an eviction or involuntary discharge against a resident for nonpayment, nor deny a resident access to the facility, except as otherwise provided in this order.
2. A long-term care facility must not prohibit admission or readmission of a resident based on COVID-19 testing requirements or results in a manner that is inconsistent with relevant guidance issued by the Department of Health and Human Services (“DHHS”).
3. The following apply to a resident that obtained housing outside of a long-term care facility, including but not limited to living with a family member, during the declared states of emergency and disaster:
 - (a) The resident does not forfeit any right to return that would have been provided to the resident under state or federal law had they been hospitalized or placed on therapeutic leave.
 - (b) The long-term care facility of origin must accept the return of the resident, provided it can meet the medical needs of the resident and there are no statutory grounds to refuse the return, as soon as capacity allows.
 - (c) Prior to accepting the return of such a resident, the long-term care facility must undertake screening precautions that are consistent with relevant DHHS guidance when receiving the returning resident.
4. Nothing in this order abrogates the obligation to pay or right to receive payment due under an admission contract between a resident and a long-term care facility.
5. All long-term care facilities must use best efforts to facilitate the use of telemedicine in the care provided to their residents, including, but not limited to, for regular doctors’ visits, telepsychology, counseling, social work and other behavioral health visits, and physical and occupational therapy.

II. Protections for employees and residents of long-term care facilities

1. It is the public policy of this state that employees of long-term care facilities or regional hubs who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should remain in their homes or places of residence, as provided in section 2 of Executive Order 2020-36 or any order that may follow from it, and that their employers shall not discharge, discipline, or otherwise retaliate against them for doing so, as provided in section 1 of Executive Order 2020-36 or any order that may follow from it.
2. Long-term care facilities must:
 - (a) Cancel all communal dining and all internal and external group activities throughout the duration of the declared states of emergency and disaster;
 - (b) Take all necessary precautions to ensure the adequate disinfecting and cleaning of facilities, in accordance with relevant guidance from the Centers for Disease Control and Prevention (“CDC”);
 - (c) Use best efforts to provide appropriate personal protective equipment (“appropriate PPE”) and hand sanitizer to all employees that interact with residents;
 - (d) As soon as reasonably possible, but no later than 12 hours after identification, inform employees of the presence of a COVID-19-affected resident;
 - (e) Notify employees of any changes in CDC recommendations related to COVID-19;
 - (f) Keep accurate and current data regarding the quantity of each type of appropriate PPE available onsite, and report such data to EMResource upon DHHS’s request or in a manner consistent with DHHS guidance; and
 - (g) Report to DHHS all presumed positive COVID-19 cases in the facility together with any additional data required under DHHS guidance.

III. Procedures related to transfers and discharges of COVID-19-affected residents

1. A long-term care facility must report the presence of a COVID-19-affected resident to their local health department within 24 hours of identification.
2. A long-term care facility must transfer a COVID-19-affected resident who is medically unstable to a hospital for evaluation.
3. A nursing home with a census below 80% must create a unit dedicated to the care of COVID-19-affected residents (“dedicated unit”) and must provide appropriate PPE, as available, to direct-care employees who staff the dedicated unit. A nursing home provider that operates multiple facilities may create a dedicated unit by dedicating a facility for such a purpose.

4. A long-term care facility must adhere to the following protocol with respect to a COVID-19-affected resident who is medically stable:
 - (a) If the long-term care facility has a dedicated unit and provides appropriate PPE to the direct-care employees who staff the dedicated unit, the facility must transfer the COVID-19-affected resident to its dedicated unit.
 - (b) If the long-term care facility does not have a dedicated unit or does not provide appropriate PPE to the direct-care employees who staff the dedicated unit, it must transfer the COVID-19-affected resident to a regional hub, if one is available to accept the resident. If no regional hub is available to accept the transfer of the COVID-19-affected resident, the long-term care facility must attempt to send the resident to a hospital within the state that has available bed capacity. If no hospital will admit the COVID-19-affected resident, the long-term care facility must transfer the resident to an alternate care facility.
5. Once a long-term care facility resident who has been hospitalized due to onset of one or more of the principal symptoms of COVID-19 becomes medically stable and eligible for discharge in the judgment of the resident's medical providers, a hospital must discharge the resident in accordance with the following protocol:
 - (a) If the long-term care facility where the resident resided prior to the onset of one or more of the principal symptoms of COVID-19 ("facility of residence") has a dedicated unit and provides appropriate PPE to the direct-care employees who staff the dedicated unit, the hospital must discharge the resident to their facility of residence for placement in the dedicated unit, provided there is available bed capacity.
 - (b) If a discharge in accordance with section 5(a) of this part is not available, the hospital must discharge the resident to a regional hub, provided there is available bed capacity.
 - (c) If a discharge in accordance with section 5(a) or 5(b) of this part is not available, the hospital must transfer the resident to any alternate care facility with available bed capacity in accordance with the following protocol:
 - (1) Any alternate care facility within the state that has available bed capacity to receive the resident must accept a transfer authorized by this order.
 - (2) An alternate care facility must discharge a long-term care facility resident to the facility of residence as soon as capacity allows. If the facility of residence lacks available capacity, the alternate care facility must transfer the resident to a regional hub. If a regional hub receives a resident under this part, it must transfer the resident to the facility of residence as soon as capacity allows.
6. For any transfer or discharge of a resident, the transferring or discharging entity must ensure that the resident's advance directive accompanies the resident and must disclose the existence of any advance directive to medical control at the time medical control assistance is requested.
7. Any long-term care facility that has a dedicated unit and provides appropriate PPE to the direct-care employees who staff the dedicated unit must admit anyone that it would normally admit as a resident, regardless of whether the individual has recently been discharged from a hospital treating COVID-19 patients.
8. A long-term care facility that transfers or discharges a resident in accordance with this order must notify the resident and the resident's representative of the transfer or discharge as soon as practicable.
9. A transfer or discharge of a long-term care facility resident that is made in accordance with this order constitutes a transfer or discharge mandated by the physical safety of other facility residents and employees as documented in the clinical record, for purposes of section 21773(2)(b) of the Public Health Code, 1978 PA 368, as amended, MCL 333.21773(2)(b), and constitutes a transfer or discharge that is necessary to prevent the health and safety of individuals in the facility from being endangered, for purposes of 42 CFR 483.15(c)(1)(i)(C)-(D) and (c)(4)(ii)(A)-(B).
10. To the extent necessary to effectuate this terms of this order, strict compliance with any statute, rule, regulation, or policy pertaining to bed hold requirements or procedures, or to pre-transfer or pre-discharge requirements or procedures, is temporarily suspended. This includes, but is not limited to, strict compliance with the requirements and procedures under sections 20201(3)(e), 21776, 21777(1), and 21777(2) of the Public Health Code, MCL 333.20201(3)(e), MCL 333.21773(2), MCL 333.21776, MCL 333.21777(1), and MCL 333.21777(2), as well as Rules 325.1922(13)-(16), 400.1407(12), 400.2403(9), and 400.15302 of the Michigan Administrative Code.

IV. Definitions and general provisions

1. For purposes of this order:
 - (a) "Adult foster care facility" has the same meaning as provided by section 3(4) of the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.703(4).

- (b) "Alternate care facility" means any facility activated by the state to provide relief for hospitals that surge past their capacity, including but not limited to the TCF Regional Care Center.
 - (c) "Appropriate PPE" means the PPE that DHHS recommends in relevant guidance.
 - (d) "COVID-19-affected resident" means a resident of a long-term care facility who is COVID-19 positive, who is a person under investigation, or who displays one or more of the principal symptoms of COVID-19.
 - (e) "Home for the aged" has the same meaning as provided by section 20106(3) of the Public Health Code, MCL 333.20106(3).
 - (f) "Long-term care facility" means a nursing home, home for the aged, adult foster care facility, or assisted living facility.
 - (g) "Medically unstable" means a change in mental status or a significant change or abnormality in blood pressure, heart rate, oxygenation status, or laboratory results that warrants emergent medical evaluation.
 - (h) "Nursing home" has the same meaning as provided by section 20109(1) of the Public Health Code, MCL 333.20109(1).
 - (i) "Person under investigation" means a person who is currently under investigation for having the virus that causes COVID-19.
 - (j) "Principal symptoms of COVID-19" are fever, atypical cough, or atypical shortness of breath.
 - (k) "Regional hub" means a nursing home that is designated by DHHS as a dedicated facility to temporarily and exclusively provide care to COVID-affected residents.
2. DHHS may issue orders and directives, and take any other actions pursuant to law, to implement this executive order.
 3. This order is effective immediately and continues through May 13, 2020.
 4. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.
- Given under my hand and the Great Seal of the State of Michigan.

Date: April 15, 2020

Time: 3:36 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR

By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 15, 2020 and read:

EXECUTIVE ORDER

No. 2020-51

Expanding child care access during the COVID-19 pandemic

Rescission of Executive Order 2020-16

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To respond effectively to the urgent and steep demands created by this pandemic, providers of health care, emergency medical services, law enforcement, and other essential services require child care services for their children, particularly when schools are closed. The general public needs expanded access to child care during this crisis as well. Meeting this critical need requires swiftly but safely expanding access to child care services. To that end, it is reasonable and necessary to provide temporary and limited relief from certain regulatory restrictions regarding child care services, and to facilitate the use of certain property for those services.

Executive Order 2020-16 provided that expanded access. This order clarifies the scope of that expansion and extends its duration, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-16 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with section 7a of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.117a, is suspended as follows:
 - (a) A provisional license may be issued without submission to the Department of Licensing and Regulatory Affairs (“LARA”) of an acceptable plan to overcome the deficiency present in the child care organization within the time limitations of the provisional licensing period.
 - (b) A provisional license may be issued with an expiration date no earlier than one month after the date of issuance and no later than six months after the date of issuance, and may be renewed at the discretion of LARA until the end of the declared states of emergency and disaster.
2. Strict compliance with subsection (2) of section 5m of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.115m(2), is suspended, as follows:
 - (a) An employer may establish and maintain a disaster relief child care center without a license from LARA.
 - (b) A school district or a nonpublic school may establish and maintain a disaster relief child care center in a school building without a license from LARA.
3. LARA must issue rules and/or orders governing disaster relief child care centers.
 - (a) A disaster relief child care center must comply with the requirements imposed by any LARA rules and orders governing disaster relief child care centers.
 - (b) Such rules and/or orders must, at a minimum, require that disaster relief child care centers follow the safe sleep guidelines, including appropriate sleeping equipment for children under 12 months of age; follow applicable guidelines for diapering, handwashing, and sanitizing; provide porta-cribs, cots, or mats for children older than twelve months to sleep or rest; and solicit information about and communicate with parents and guardians regarding, a child’s medicine, allergies, including food allergies; and other special needs.
4. Disaster relief child care centers may operate in any school facilities operated by a school district or nonpublic school that are closed and are approved for student use. Early childhood staff, student teachers, teachers, and individuals who provide before and after care may provide child care in these settings. The Michigan Department of Education (“MDE”) is authorized to credit the hours that student teachers work toward teacher preparation graduation requirements and MDE licensure requirements.
5. Rule 400.8110(5) of the Michigan Administrative Code is suspended for disaster relief child care centers. Notice of any change in capacity and age groups must be provided to LARA.
6. A disaster relief child care center operated by a school district in accordance with section 2(b) of this order, including its employees, is designated as a disaster relief force under subsection (f) of section 2 of the Emergency Management Act, 1976 PA 390, as amended (“EMA”), MCL 30.402(f), and is entitled to the immunities set forth in subsections (1) through (3) of section 11 of the EMA, MCL 30.411(1)-(3).
7. Disaster relief child care centers operated by school districts constitute a pilot program under the Public Employment Relations Act, 1947 PA 336, MCL 423.201 et seq., and they have authority to charge for reasonable and customary services.

- 8. School districts and nonpublic schools should first identify employees who voluntarily elect to become a disaster relief child care center participant before reassigning other employees to work in these centers, to the extent authorized under applicable contracts and laws. School districts and nonpublic schools may not require an employee to work in a disaster relief child care center if the employee: has a confirmed diagnosis of COVID-19; is displaying the symptoms of COVID-19; is 60 years or older; has an underlying condition that places the employee at an elevated risk of serious illness from COVID-19; or has been in contact with someone with a confirmed diagnosis of COVID-19 in the last 14 days.
- 9. A disaster relief child care center must perform a health evaluation of all individuals who enter the center each time the individual seeks to enter the center, and must deny entry to those individuals who do not meet the evaluation criteria. The evaluation criteria must include: symptoms of a respiratory infection, such as fever, cough, or shortness of breath; and contact in the last 14 days with someone with a confirmed diagnosis of COVID-19.
- 10. For purposes of this order:
 - (a) "Disaster relief child care center" means a child center offering child care pursuant to this order. A disaster relief child care center must give priority for its services to the essential workforce, but may also provide child care services to the general public as space and governing rules and/or orders permit.
 - (b) "Essential workforce" includes health care workers, home health workers, direct care workers, emergency medical service providers, first responders, law enforcement personnel, sanitation workers, child care workers (including any employees acting as child care workers in disaster relief child care centers), personnel providing correctional services, postal workers, public health employees, key government employees, court personnel, and others providing critical infrastructure to Michiganders, including any individuals performing (remotely or in person) critical infrastructure work, necessary government activities, or minimum basic operations under Executive Order 2020-42 or any order that may follow from it.
 - (c) "Critical infrastructure" includes utilities, manufacturing, mass transit, and groceries or other essential supplies, goods, or equipment.
 - (d) "Key government employees" includes child protective services workers, child welfare workers, foster care workers including those from contracted agencies, recipient rights workers, employees of the Executive Office of the governor, cabinet officers and their designees, Department of Health and Human Services field office staff, Unemployment Insurance Agency employees, and other employees identified by the Department of Technology, Management, and Budget.
- 11. Nothing in this order shall be construed to diminish or relax in any way the restrictions and requirements imposed by Executive Order 2020-42 or any order that may follow from it.
- 12. This order is effective immediately and continues through May 13, 2020.
- 13. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.
- 14. Executive Order 2020-16 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 15, 2020

Time: 8:25 pm

[SEAL]

GRETCHEN WHITMER
 GOVERNOR
 By the Governor:
 JOCELYN BENSON
 SECRETARY OF STATE

The message was referred to the Clerk.

Communications from State Officers

The following communication from the State Budget Office was received and read:

March 30, 2020

Flint Integrity Oversight Monitor Report

Attached you will find the report as required by PA 268. Per the statute:

(7) Not later than March 30 of each year that the contract is in effect, and not later than September 30 of each year that the contract is in effect, the integrity oversight monitor shall provide a detailed report to the

governor, the department of technology, management, and budget, the secretary of the senate, the clerk of the house of representatives, and the chairpersons of the senate and house of representatives committees on appropriations. The report shall contain all of the following:

- (a) Detail of the integrity oversight monitor’s services during the 6-month period.
- (b) Detail of the integrity oversight monitor’s services over the duration of the contract.
- (c) Details of findings of malfeasance or inefficiency.
- (d) Recommendations for corrective actions by any governmental entities.

Please let us know if you need anything else.

Thank you,
State Budget Office
517-335-3420

The communication was referred to the Clerk.

Introduction of Bills

Rep. Yaroch introduced

House Bill No. 5704, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20191 (MCL 333.20191), as amended by 2010 PA 119.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Yaroch introduced

House Bill No. 5705, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 44e.

The bill was read a first time by its title and referred to the Committee on Local Government and Municipal Finance.

Rep. Steven Johnson introduced

House Bill No. 5706, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 5 (MCL 30.405), as amended by 2006 PA 545.

The bill was read a first time by its title and referred to the Committee on Military, Veterans and Homeland Security.

Rep. Steven Johnson introduced

House Bill No. 5707, entitled

A bill to amend 1945 PA 302, entitled “An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,” by amending section 1 (MCL 10.31), as amended by 2006 PA 546.

The bill was read a first time by its title and referred to the Committee on Military, Veterans and Homeland Security.

Rep. Sheppard introduced

House Bill No. 5708, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 3 (MCL 30.403), as amended by 2002 PA 132.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Rep. Sheppard introduced

House Bill No. 5709, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 5 (MCL 30.405), as amended by 2006 PA 545.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Rep. Sheppard introduced

House Bill No. 5710, entitled

A bill to amend 1945 PA 302, entitled “An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,” by amending section 3 (MCL 10.33).

The bill was read a first time by its title and referred to the Committee on Government Operations.

Rep. Iden introduced

House Bill No. 5711, entitled

A bill to amend 1945 PA 302, entitled “An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,” by amending section 1 (MCL 10.31), as amended by 2006 PA 546.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Rep. Iden introduced

House Bill No. 5712, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending sections 3, 27, 28, 28c, 29, and 48 (MCL 421.3, 421.27, 421.28, 421.28c, 421.29, and 421.48), section 3 as amended by 2003 PA 174, section 27 as amended by 2016 PA 522, section 28 as amended by 2020 PA 83, section 28c as amended by 2012 PA 579, section 29 as amended by 2013 PA 146, and section 48 as amended by 2011 PA 269.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Rep. Wentworth introduced

House Bill No. 5713, entitled

A bill to repeal 1945 PA 302, entitled “An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,” (MCL 10.31 to 10.33).

The bill was read a first time by its title and referred to the Committee on Government Operations.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Anthony offered the following resolution:

House Resolution No. 246.

A resolution to memorialize the United States Department of the Treasury to use its rulemaking authority to exempt Coronavirus Aid, Relief, and Economic Security (CARES) Act stimulus payments from private debt collection by banks.

Whereas, The COVID-19 pandemic has drastically altered the lives of Americans. In order to combat the spread of the virus through social distancing, Michigan has closed all non-essential businesses and requested that residents stay home except for essential activities; and

Whereas, Compliance with social distancing measures has shuttered a majority of the country’s economy. These business closures have forced millions of Americans into a difficult financial situation as their source of income evaporated. In Michigan, more than one quarter of the state’s workforce has filed for unemployment; and

Whereas, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide support to Americans during the crisis. Among the acts provisions is direct aid to residents through stimulus payments by the United States Department of the Treasury; and

Whereas, These stimulus payments will be critical to the financial security of many Americans during the crisis. Without their normal source of income, stimulus payments may be necessary to pay for necessities, such as mortgages and electricity; and

Whereas, Americans may not be able to use their entire stimulus payment if they have outstanding debts with a bank. Banks can choose to take part of the payment for debts with the institution, such as overdraft fees or delinquent loans; and

Whereas, The ability of banks to deduct these amounts from stimulus payments could have a significant impact on their effectiveness. Each of the nation’s 10 largest banks charge overdraft fees of more than \$30. In 2017, consumers paid more than \$34.3 billion in overdraft fees; and

Whereas, The United States Department of the Treasury has the power to exempt stimulus payments from these collections and ensure that the payments are directed where Congress intended. The CARES Act allows the department to issue regulations or guidance necessary to implement it, including the ability to designate CARES payments as exempt from private debt collections; and

Whereas, The CARES Act is intended to help Americans meet their immediate economic needs during this crisis. Allowing banks to take CARES stimulus payments would undermine the purpose of the act and hurt Americans during these unprecedented times; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Department of the Treasury to use its rulemaking authority to exempt Coronavirus Aid, Relief, and Economic Security (CARES) Act stimulus payments from private debt collection by banks; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of the Treasury and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Financial Services.

Rep. Hope offered the following resolution:

House Resolution No. 247.

A resolution to memorialize the United States Department of the Treasury to use its rulemaking authority to exempt Coronavirus Aid, Relief, and Economic Security (CARES) Act stimulus payments from garnishment by creditors and debt collectors.

Whereas, The novel coronavirus (COVID-19) pandemic has caused an unprecedented situation in the United States. In order to combat the spread of the virus, drastic steps have been taken including the closure of all non-essential businesses and ordering residents to stay at home whenever possible; and

Whereas, These efforts have caused severe financial stress for Americans. As many businesses have been forced to temporarily close, millions of Americans have seen their sources of income disappear. In Michigan, more than one million residents have filed for unemployment since the crisis began; and

Whereas, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to help Americans during this extraordinary time. The aid provided by the act includes direct stimulus payments to Americans from the United States Department of the Treasury; and

Whereas, Millions of families are relying on these payments to make ends meet during the crisis. As Americans face the sudden loss of their income, the stimulus payments will prove critical in meeting necessary expenses, including rent, utilities, and food; and

Whereas, Under the CARES Act, these stimulus payments may be subject to garnishment by creditors or debt collectors, reducing or eliminating the amount available for paying necessary expenses. Allowing these payments to be garnished would harm American families who are relying on them and undermine the intent of the CARES Act; and

Whereas, The United States Department of the Treasury has the power to exempt these stimulus payments from garnishment. The CARES Act allows the department to issue regulations or guidance necessary to implement it. This includes the ability to designate CARES payments as exempt from garnishment; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Department of Treasury to use its rulemaking authority to exempt Coronavirus Aid, Relief, and Economic Security (CARES) Act stimulus payments from garnishment by creditors and debt collectors; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of the Treasury and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Financial Services.

The Speaker declared the House adjourned until Thursday, April 30, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

