

Updated for COVID-19 Restrictions Under the Public Health Code Act 368 of 1978 Section 333.2253

The Michigan Department of Health and Human Services (MDHHS) has issued an Emergency Order of Gathering Prohibition and Face Covering.

- **Protection of workers:**

- o Gatherings of employees in the workplace are prohibited under any of the following circumstances:
 - If employees not otherwise required to wear face coverings cannot maintain six feet of distance from others;
 - If employees not otherwise required to wear face coverings occupy the same indoor shared space, such as conference rooms, restrooms, and hallways;
- o Employees who are subject to a recommendation to isolate or quarantine consistent with CDC guidance; have been instructed to remain home by a health or public health professional; or who are awaiting a COVID-19 test or the results of a COVID-19 test after having symptoms of COVID-19, must not be present in a gathering at work until the employee is advised by a health or public health professional that they may return to work, or the following conditions are met:
 - 24 hours have passed since the resolution of fever without the use of fever-reducing medications; and
 - 10 days have passed since their symptoms first appeared or since they were administered a COVID-19 test that yielded the positive result, if applicable; and
 - Other symptoms have improved.
- o Employers must not require workers to gather with other persons at work in violation of the order.
- o All businesses or operations that require their employees to gather with other persons for work must conduct a daily entry self-screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms of COVID-19 and suspected or confirmed exposure to people with possible COVID-19.

- **Contract Tracing Requirements:**

- o Gatherings are prohibited at the following facilities unless the facility maintains accurate records, including date and time of entry, names of patrons, and contact information, to aid with contact tracing, and denies entry for a gathering to any visitor who does not provide, at a minimum, their name and phone number:
 - All businesses or operations that provide barbering, cosmetology services, body art services (including tattooing and body piercing), tanning services, massage services, or similar personal care services;
 - Recreational sports and exercise facilities, and entertainment facilities (except for outdoor, non-ticketed events), including arenas, cinemas, concert halls, performance venues, sporting venues, stadiums and theaters, as well as places of public amusement, such as amusement parks, arcades, and bingo halls;
- o All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like must not permit their employees to gather with clients unless the business maintains accurate appointment records, including date and time of service, name of client, and contact information, to aid with contact tracing.
- o All dine-in food service establishments must maintain accurate records of the names and phone numbers of patrons who purchase food for consumption on the premises, and the date and time of entry.
- o Upon request, businesses, schools, and other facilities must provide names and phone numbers of individuals with possible COVID-19 exposure to MDHHS and local health departments to aid in contact tracing and case investigation efforts.

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- **General capacity limitations at gatherings.**

- o Indoor gatherings are permitted only as follows:
 - 10 or fewer persons are gathered at a residence;
 - 50 or fewer persons are gathered in a non-residential venue without fixed seating, and attendance is limited to 20 persons per 1,000 square feet in each occupied room;
 - 500 or fewer persons are gathered in a non-residential venue with fixed seating, and attendance is limited to 20% of seating capacity of the venue; and
 - At non-residential gatherings, all persons wear a face mask;
- o Outdoor gatherings are permitted only as follows:
 - 100 or fewer persons are gathered at a residence;
 - At non-residential venues:
 - A. 1,000 or fewer persons are gathered at a venue without fixed seating, and attendance is limited to 30 persons per 1,000 square feet, including within any distinct area within the event space;
 - B. 1,000 or fewer persons are gathered at a venue with fixed seating, and attendance is limited to 30% of seating capacity of the venue; and
 - C. All persons wear a face mask.
- o The limitations to the size of gatherings in the above sections do not apply to:
 - Incidental, temporary gatherings of persons in a shared space, such as frequently occur in an airport, bus station, factory floor, food service establishment, shopping mall, public pool, or workplace.
 - Voting or election-related activities at polling places;
 - Training of law enforcement, correctional, medical, or first responder personnel, insofar as those activities cannot be conducted remotely;
 - Organized sports gatherings held in accordance with the order;
 - Students in a classroom setting;
 - Children in a daycare setting; or
 - Persons traveling on a school bus or other public transit.
- o As a condition of hosting a gathering, organizers and venues hosting gatherings described in indoor and outdoor gatherings must design the gathering to encourage and maintain physical distancing, and must ensure that persons not part of the same household maintain six feet of distance from one another to the extent possible. For all non-residential gatherings, if attendees are seated at tables, no more than six persons may share a table and tables must be spaced a minimum of 6 feet apart.

COVID-19 BUSINESS TOOLKIT



- **Gathering restrictions for particular types of facilities.** In addition to the gathering limitations set forth in the gathering section, and as a condition of permitting gatherings within the facilities described in this section, the following capacity limitations apply:
 - A gathering at a retail store, library, or museum must not exceed 50% of total occupancy limits established by the State Fire Marshal or a local fire marshal.
 - A gathering at recreational sports and exercise facilities:
 - Must not exceed 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal, and;
 - Must have at least six feet of distance between each workout station.
 - Gatherings in waiting rooms at outpatient health-care facilities, veterinary clinics, personal care services, and other businesses are prohibited unless the facility implements a system to ensure that persons not of the same household maintain six feet of distance. To the extent possible, this system must include a policy that patients wait in their cars for their appointments to be called.
 - A gathering at an outdoor pool must not exceed 50% of bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code.
 - A gathering at an indoor pool must not exceed 25% of bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code.
 - A gathering at non-tribal casinos must not exceed 15% of total occupancy limits established by the State Fire Marshal or a local fire marshal.
- **Organized sports gathering restrictions.** Gatherings for the purpose of organized sports are prohibited unless the gathering meets all the following conditions:
 - Athletes wear a face mask (except when swimming), or consistently maintain six feet of physical distance (except for occasional and fleeting moments) when training for, practicing for, or competing in an organized sport. Any sport in which the participants are not able to consistently maintain six feet of distance, (including, for example, football, soccer, basketball, or volleyball) must wear a face mask. Athletes may also fulfill the face mask requirement through compliance with the [MDHHS guidance on Additional Measures for Safer Athletic Practice and Play](#).
 - Sports organizers ensure that athletes comply with this section for each organized sporting event; and
 - Sports organizers and venues ensure either that the live audience for organized sport competitions is limited to the guests of the athletes (requiring face masks as specified in the order), with each athlete designating up to two guests, or that the event complies with gathering requirements of the [order](#).
- **Food Service establishments**
 - Shall not exceed 50% of normal seating capacity.
 - Shall close indoor common areas in which people can congregate, dance, or otherwise mingle.
 - Shall restrict table and group sizes to 6 people or less.
 - Prohibit indoor gatherings anywhere alcoholic beverages are sold for consumption onsite except for where parties are seated and separated from one other by at least 6 feet and do not intermingle.
 - If they involve any persons not seated at a table or at the bar top, customers must wait outside the food service establishment if table or bar top seating is unavailable.
 - In the event that an employee of the food service establishment is confirmed positive for COVID-19 or shows symptoms of COVID-19 while at work, the establishment shall close until it has been deep cleaned consistent with Food and Drug Administration and CDC guidance.
 - **All dine-in food service establishments must maintain accurate records of names and phone numbers of patrons who purchase food for consumption on premises, including date and time of entry to aid in contract tracing.**

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• Face Covering Requirement:

- o All persons participating in non-residential gatherings are required to wear a face mask. Persons participating in residential gatherings are strongly encouraged to wear a face mask.
 - o Public transit systems, including buses and cars for hire, must require use of face masks, and must enforce physical distancing among all patrons to the extent feasible.
 - o Except as provided elsewhere in the order, a person responsible for a business, store, office, government office, school, organized event, or other operation, or an agent of such person, must prohibit gatherings of any kind unless the person requires individuals in such gatherings (including employees) to wear a face mask, and denies entry or service to all persons refusing to wear face masks while gathered.
 - o A person responsible for a business, store, office, government office, school, organized event, or other operation, or an agent of such person, may not assume that someone who enters the facility without a face mask falls within one of the exceptions specified below, including the exception for individuals who cannot medically tolerate a face mask. An individual's verbal representation that they are not wearing a face mask because they fall within a specified exception, however, may be accepted.
 - o A person responsible for a child-care organization or camp, or an agent of such person, must not allow gatherings unless face masks are worn by all staff. Children must wear face masks as indicated below:
 - All children 2 years and older when on a school bus or other transportation provided by the child-care organization or camp;
 - All children 4 years and older when in indoor hallways and common areas;
 - All children 5 years and older when in classrooms, homes, cabins, or similar indoor settings.
- **Exceptions to face mask requirements.** Although a face mask is strongly encouraged even for individuals not required to wear one (except for children under the age of 2), the requirement to wear a face mask in the order does not apply to individuals who:
- o Are younger than 5 years old, outside of child-care organization setting
 - o Cannot medically tolerate a face mask;
 - o Are eating or drinking while seated at a food service establishment;
 - o Are exercising outdoors and able to consistently maintain six feet of distance from others;
 - o Are swimming;
 - o Are receiving a service for which removal of the face mask is necessary;
 - o Are asked to temporarily remove a face mask for identification purposes;
 - o Are communicating with someone who is deaf, deafblind, or hard of hearing and whose ability to see the mouth is essential to communication;
 - o Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a face mask would seriously interfere in the performance of their public safety responsibilities;
 - o Are at a polling place for purposes of voting in an election;
 - o Are engaging in a religious service; or
 - o Are giving a speech for broadcast or to an audience, provided that the audience is at least six feet away from the speaker.

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Frequently Asked Questions

Q- Are face coverings still a requirement for employees and customers?

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

Q - Are food facilities allowed to open common areas or bar game areas (Pool, darts, dancing etc.)?

A - No, licensed food facilities must close and prohibit access to common areas in which people can congregate, dance, or otherwise mingle according to the Emergency Order.

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

A - Food facilities open for dine in services must limit seating per table to 6 customers or less. For example, if a group of 10 customers request to be seated together, the food facility shall separate them into 2 groups of 6 or less per group.

Q - Are tables still required to be separated by 6 feet?

A - Yes, social distancing is still required between groups or parties.

Q - Is my food facility still required to operate at 50% capacity?

A - Yes, food facilities are required to reduce seating to 50% of **max normal seating capacity**.

Q - Am I required to gather the name and phone number of customers who dine-in at my food facility?

A - Yes, food establishments that offer dine-in services are required at a minimum to gather the name, phone number, date, and time of entry of the customers who order and consume food on site. Facilities are not required to gather this information if a customer is picking up food to go. Facilities who fail to gather and maintain this information could face potential fines.

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

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

[CDC cleaning guidance](#)

[FDA cleaning guidance](#)

Q - Where do I go to file a complaint?

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

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

**For questions please contact the Benzie-Leelanau District Health Department Call:
231-882-4409 or Email: bldhd@bldhd.org**