

# Dealer Advisory

May 17, 2021



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## Michigan's New Face Mask Rules

**MDHHS has lifted its mask mandate for fully vaccinated people. HOWEVER, at this time the MIOSHA rules for workplace safety are unchanged and still in place. This means that employees must still be masked up or maintain six feet of social distance.**

On May 13, 2021, the CDC released guidance indicating that fully vaccinated persons need not wear a mask in most settings, regardless of whether indoors or outdoors. CDC indicated that fully vaccinated persons are at low risk of experiencing symptomatic or severe COVID-19 infection, and pose a reduced risk of transmitting COVID-19 to others.

After reviewing the CDC guidance, the Michigan Department of Health and Human Services (MDHHS) announced that the indoor and outdoor mask mandate could be lifted on May 15th for fully vaccinated individuals. The new [Gatherings and Face Mask Order](#) requires that businesses make a "good faith effort" to ensure those who enter the business *without a facemask* fall into one of the specified exceptions listed in Section 7 of the rules.

A "good faith effort" may include any of the following:

1. posting a sign notifying people that wearing a mask is required unless a person falls into a specified exception; (*see Section 7 for acceptable exceptions*)
2. asking patrons not wearing masks whether they fall into a specified exception; \*
3. requiring face masks of all patrons and employees;
4. or any other policy designed to ensure compliance with section 6(a).

*\* Note: before dealers consider option 2, please consult with your legal representation for potential legal concerns.*

For your reference, complete wording for Section 6 and 7 is near the bottom of this notice. Dealers may also reference the updated documents from MDHHS:

- [May 15, 2021 Gatherings and Face Mask Order](#)
- [Choosing Safer Activities](#)
- [Large Outdoor Events Guidance](#)
- [Interim Guidance for Athletics](#)

## Important Reminder: MIOSHA Workplace Safety Requirements Are Still in Place

We have heard that MIOSHA is reviewing its [workplace safety requirements](#); however, **as of May 17 at 9:15 am the MIOSHA rules for employees are still in place** and unchanged. Employees should continue to wear face masks or maintain the required 6-feet of social distance. DADA and MADA will keep dealers posted as we learn more.

### MIOSHA Rule 7. Workplace controls for all employers.

- 5) The employer shall require face coverings to be worn when employees cannot consistently maintain 6 feet of separation from other individuals in the workplace and consider face shields when employees cannot consistently maintain 3 feet of separation from

other individuals in the workplace.

- 6) The employer shall require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.

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## ***MDHHS Gatherings and Face Mask Order***

### **Complete Wording of Section 6 and 7 of the New Order**

#### **6) Indoor face mask requirement.**

- a) Except as specified in section 7, all persons participating in indoor gatherings are required to wear a face mask.
- b) A person responsible for an establishment, or an agent of such person, must prohibit gatherings of any kind at their establishment unless the person makes a good faith effort to ensure that all persons at their establishment (including employees) comply with section 6(a). For purposes of this section, a "good faith effort" may include any of the following: posting a sign notifying people that wearing a mask is required unless a person falls into a specified exception; asking patrons not wearing masks whether they fall into a specified exception; requiring face masks of all patrons and employees; or any other policy designed to ensure compliance with section 6(a).

#### **7) Exceptions to face mask requirement.** The requirement to wear a face mask at indoor gatherings does not apply to individuals who:

- a) Are fully vaccinated persons; [*note: "Fully vaccinated persons" means persons for whom at least two weeks has passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine.*]
- b) Are younger than 2 years old;
- c) Cannot medically tolerate a face mask;
- d) Are eating or drinking while seated in a designated area or at a private residence;
- e) Are swimming;
- f) Are receiving a medical or personal care service for which removal of the face mask is necessary;
- g) Are asked to temporarily remove a face mask for identification purposes;
- h) Are communicating with someone who is deaf, deafblind, or hard of hearing and whose ability to see the mouth is essential to communication;
- i) 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;
- j) Are engaging in a religious service;
- k) Are giving a speech for broadcast or to an audience, provided that the audience is at least 12 feet away from the speaker; or
- l) Are engaging in an activity that requires removal of a mask not listed in another part of this section, and are in a facility that provides ventilation that meets or exceeds 60 ft<sup>3</sup>/min of outdoor airflow per person.

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Please contact DADA at (248) 643-0250 or MADA at (800) 292-1923 if you have further questions about this issue.

*This advisory has been prepared in conjunction with  
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