

Dealer Advisory

October 7, 2020



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Michigan Department of Health and Human Services Reinstates Aspects of the Prior Emergency Orders

Late Monday, Michigan Department of Health and Human Services (MDHHS) Director Robert Gordon issued an [Emergency Order under MCL 333.2253](#) restricting gathering sizes, requiring face coverings in public spaces and placing limitations on bars and other venues. The order relies on authorities that were first enacted after the Spanish Flu of 1918, and that were not at issue in the Michigan Supreme Court's decision, which recently took away the governor's ability to extend emergency powers. **This MDHHS order is effective immediately, and remains in effect through October 30, 2020.**

The orders largely reinstate three major aspects of Governor Whitmer's prior emergency orders:

- Requirements to wear masks at indoor and outdoor gatherings
- Limitations on the size of gatherings
- Limitations on certain establishments

[MDHHS press release](#)

What is a Gathering? For the purposes of this order, "gathering" is defined as any occurrence where persons from multiple households are present in a **shared space in a group of two or more**.

Face Coverings. Most pertinent to dealers will be the continued use of face coverings by employees and customers. While there is no reference to 6-foot social distancing, the new order requires that masks be worn when people from multiple households are in a shared space in a group of two or more. Businesses and government offices must enforce those requirements for gatherings on their premises. Section 3 details [exceptions to face covering requirements](#).

Gathering Sizes. The order reinstates limitations on gathering sizes that mirror the requirements Governor Whitmer previously put in place.

Indoor gatherings of more than 10 and up to 500 people occurring at a non-residential venue are permitted within the following limits:

- In venues with fixed seating, limit attendance to 20% of normal capacity. (Gatherings up to 25% of normal capacity are permitted in Michigan Economic Recovery Council Region 6.)
- In venues without fixed seating, limit attendance to 20 persons per 1,000 square feet in each occupied room. (Gatherings of up to 25 persons per 1,000 square feet are permitted in Michigan Economic Recovery Council Region 6.)

As with the past orders, local health departments are authorized to carry out and enforce the terms of this order and law enforcement officers are authorized to investigate potential violations. They may coordinate as necessary with the appropriate regulatory entity and enforce this order within their jurisdiction. Violations of the order may be subject to fines.

REMINDER: check your local health department for additional orders

As we mentioned in the previous dealer advisory, it will also be very important to check your local health department for any new emergency orders. A number of county health departments have begun issuing emergency orders that maintain some of the restrictions and mandates previously put in place by Governor Whitmer. These order may have business requirements **in addition to** the new MDHHS emergency orders, such as signage and daily screenings.

DADA and MADA continue to be in communication with our legislative contacts to obtain further information on this changing situation. We will follow up when we have more information to share. Please feel free to contact DADA at (248) 643-0250 or MADA at (800) 292-1923 if you have any questions.

*This advisory has been prepared in conjunction with
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