Executive Order 2020-69: Restricting Places of Public Accommodation and Amusement

On April 30, 2020, Governor Whitmer issued Executive Order 2020-69, which extends the restrictions against places of public accommodation and public amusement.

The following types of businesses must continue to remain closed to members of the public **through May 28, 2020** at 11:59 p.m.:

1. Restaurants, cafes and any other public places offering food or beverages for on-premises consumption;
2. Bars, brew pubs, distilleries, tasting rooms, clubs and any other public places offering alcoholic beverages for on-premises consumption;
3. Hookah, cigar and vaping lounges;
4. Theaters, cinemas and indoor/outdoor performance venues;
5. Libraries and museums;
6. Gyms, fitness and recreation centers, indoor exercise and sports facilities, and any other facilities offering non-essential personal care services;
    - Examples of non-essential personal care services include hair, nails, tanning, massage, spas, body art, tattoos and piercing services.
7. Casinos and racetracks;
8. Other places of public accommodation including any "business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind," including the facilities of country clubs and other private clubs (golf itself is permitted with restrictions under previous Executive Order 2020-59);
9. All other places of public amusement;
    - Examples include amusement parks, arcades, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks and similar recreational or entertainment facilities.

However, any establishment offering food and beverage may use delivery service, window service, walk-up service, drive-through service and drive-up service. Up to five members of the public at one time may physically pick up food or beverages at such establishments, but individuals must maintain a distance of six feet apart while on the premises. Please also recall that E.O. 2020-59 requires all persons to wear a face covering when in an enclosed public area.

Grocery stores, markets, pharmacies and food pantries are not affected by this Order, and should proceed under the requirements set forth in E.O. 2020-70 (which are the same requirements as 2020-59).

Please also recall that E.O. 2020-59 (replaced by E.O. 2020-70 to the same effect) requires all persons to wear a face covering when in an enclosed public area.

The Governor's full Executive Order 2020-69 can be found at:

https://content.govdelivery.com/attachments/MIEOG/2020/04/30/file_attachments/1440573/EO%202020-69%20Emerg%20order%20-%20public%20accommodations%20-%20re-issue.pdf

This memo is intended only as a summary and general overview. If you have any questions or would like legal advice regarding the above or any other employment issue, please contact David Lawrence or Stacey DiDomenico.