

Executive Order 2020-153 - Facial Covering Requirement

On July 17, 2020, Governor Whitmer issued Executive Order 2020-153, clarifying and expanding the July 10 Executive Order 2020-147, which **mandated the use of face coverings, and forbids businesses from providing service or entry to individuals who are not wearing face coverings.**



Any individual that leaves his/her home **must wear a face covering** in the following situations:

- a. When in any **indoor public space**;
- b. When **outdoors and unable to consistently maintain a distance of six feet or more** from individuals who are not members of their household; and
- c. When waiting for or riding on public transportation, while in a taxi or ridesharing vehicle, or when using a private car service as a means of hired transportation.

However, while encouraged, the requirement to wear a face covering does not apply to individuals in the following situations:

- a. Are younger than five years old (though children two years old and older are strongly encouraged to wear a face covering);
- b. Cannot medically tolerate a face covering;
- c. Are eating or drinking while seated at a food service establishment;
- d. Are exercising when wearing a face covering would interfere with the activity;
- e. Are receiving a service for which temporary removal of the face covering is necessary;
- f. Are entering a business or are receiving a service and are asked to temporarily remove a face covering for identification purposes;
- g. Are communicating with someone who is deaf, deafblind, or hard of hearing and where the ability to see the mouth is essential to communication;
- h. Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel;
- i. Are officiating at a religious service; or
- j. Are giving a speech for broadcast or an audience.

Importantly, **any business or government office that is open to the public must:**

- **Not provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering;** and

- **Post signs at all entrances instructing customers of their legal obligation to wear a face covering while inside.**

- The Department of Labor and Economic Opportunity provides some printable posters available here:

<https://www.michigan.gov/leo/0,5863,7-336-100207---,00.html>

- A business may not assume that someone who enters the business without a face covering falls in one of the exceptions specified in (a) - (j) above, including the exception for individuals who cannot medically tolerate a face covering. However, a business may accept a customer's verbal representation that they are not wearing a face covering because they fall within a specified exception.

A business licensee who is found to have violated this Executive Order may have its license temporarily suspended. For individuals, a willful violation is a misdemeanor subject to a fine of \$500 (without term of confinement).

The Governor's full Executive Order 2020-153 can be found at:

https://content.govdelivery.com/attachments/MIEOG/2020/07/17/file_attachments/1498115/EO%202020-153%20Emerg%20order%20-%20Masks%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](#).