

Ingham County education and compliance checklist for licensed food service establishments with regard to Covid-19 related orders

Excerpts from MDHHS Emergency Order under MCL 333.2253-Gatherings and Face Mask Order (issued October 29, 2020)

1. **Definitions. – see order**
2. **General capacity limitations at gatherings.**
 - a. **Indoor gatherings are permitted only as follows:**
 1. 10 or fewer persons are gathered at a residence;
 2. 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;
 3. 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
 4. At non-residential gatherings, all persons wear a face mask;
 - b. **Outdoor gatherings are permitted only as follows:**
 1. 100 or fewer persons are gathered at a residence;
 2. **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.
 - c. **The limitations to the size of gatherings in sections 2(a) and 2(b) do not apply to:**
 1. 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.
 2. Voting or election-related activities at polling places;
 3. Training of law enforcement, correctional, medical, or first responder personnel, insofar as those activities cannot be conducted remotely;
 4. Organized sports gatherings held in accordance with section 5 of this order;
 5. Students in a classroom setting;

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](#).

- b. Sports organizers ensure that athletes comply with this section for each organized sporting event; and
- c. 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 this order), with each athlete designating up to two guests, or that the event complies with gathering requirements in section 2 of this order.

6. Face mask requirement at gatherings.

- a. Except as permitted in section 7, 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.

- b. n/a

- c. Except as provided elsewhere in this 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.

- d. 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 in section 7 of this order, 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.

- e. 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:

1. All children 2 years and older when on a school bus or other transportation provided by the child-care organization or camp;
2. All children 4 years and older when in indoor hallways and common areas;
3. All children 5 years and older when in classrooms, homes, cabins, or similar indoor settings.

7. 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 this order does not apply to individuals who:

- a. Are younger than 5 years old, outside of child-care organization setting (which are subject to requirements set out in section 6(e));
- b. Cannot medically tolerate a face mask;
- c. Are eating or drinking while seated at a food service establishment;
- d. Are exercising outdoors and able to consistently maintain six feet of distance from others;
- e. Are swimming;
- f. Are receiving a 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. n/a
- j. n/a
- k. n/a
- l. n/a

8. Contact tracing requirements for particular gatherings.

- a. 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:

- 1. 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;
- 2. 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;

- b. n/a



- c. 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.
- d. 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.

9. Implementation.

- a. Nothing in this order modifies, limits, or abridges protections provided by state or federal law for a person with a disability.
- b. Under MCL 333.2235(1), local health departments are authorized to carry out and enforce the terms of this order.
- c. Law enforcement officers, as defined in the Michigan Commission on Law Enforcement Standards Act, 1965 Public Act 203, MCL 28.602(f), are deemed to be “department representatives” for purposes of enforcing this order, and are specifically authorized to investigate potential violations of this order. They may coordinate as necessary with the appropriate regulatory entity and enforce this order within their jurisdiction.
- d. Neither a place of religious worship nor its owner is subject to penalty under this order for allowing religious worship at such place. No individual is subject to penalty under this order for engaging in religious worship at a place of religious worship.
- e. Consistent with MCL 333.2261, violation of this order is a misdemeanor punishable by imprisonment for not more than 6 months, or a fine of not more than \$200.00, or both.

- f. The October 9, 2020 order entitled Gathering Prohibition and Mask Order is rescinded. Nothing in this order affects any prosecution or civil citation based on conduct that occurred before the effective date of this order.
- g. Consistent with any rule or emergency rule promulgated and adopted in a schedule of monetary civil penalties under MCL 333.2262(1) and applicable to this order, violations of this order are also punishable by a civil fine of up to \$1,000 for each violation or day that a violation continues.
- h. If any provision of this order is found invalid by a court of competent jurisdiction, whether in whole or in part, such decision will not affect the validity of the remaining part of this order.

This order is effective immediately, except for section 8(c), which takes effect on November 2, 2020. This order remains in effect until rescinded. Persons with suggestions and concerns are invited to submit their comments via email to COVID19@michigan.gov.

Date: October 29, 2020

Facility

Address

Signature of Person in Charge

Inspector

Date

Revised 10-29-2020 RM

Environmental Health

5303 S. Cedar Street • P.O. Box 30161 • Lansing, MI 48909-7661 • P: 517-887-4312 • F: 517-887-4560
hd.ingham.org • Ingham County is an Equal Opportunity Employer.