

### **Governor Whitmer Signs Executive Directive 2020-08 to Aid with Enforcement of Coronavirus Restrictions**

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On August 4, 2020, citing concern about slowing progress in the State's efforts to suppress the spread of COVID-19, Governor Whitmer issued Executive Directive 2020-08. This directive establishes guidelines for State departments to ensure compliance with previous COVID-19 related Executive Orders. Specifically, Executive Directive 2020-08 requires State departments to immediately take the following steps:

#### **Evaluating Resource Allocation**

- State department directors and autonomous agency heads must review budget allocations to make enforcement of COVID-19 orders laws a priority. Special focus should be given to enforcement at establishments where COVID-19 spread has been common.

#### **Enforcement**

- Departments and agencies must consider violations of COVID-19 orders to be presumptive evidence of a "public health hazard" or "imminent and substantial hazard to the public health."
- The Department of State Police must enforce violations of COVID-19 orders as they would any other violation of law.
- When the Department of Agriculture and Rural Development determines that a food establishment has violated a COVID-19 order, the director must consider whether to order the establishment to immediately cease operations.
- Departments and agencies should coordinate enforcement efforts to increase efficiency.

#### **Licensing**

- There are several new directives that apply to agencies and departments that issue licenses to individuals or businesses that offer services to the public:
  - Agencies and departments should consider violations of COVID-19 orders as evidence of a lack of suitability for licensing.
  - Where there is a credible complaint that a licensee has violated a COVID-19 order, the department or agency must refer the complaint to all relevant licensing authorities.

- If an agency or department becomes aware that a business has violated a COVID-19 order, they must consider whether the violation requires suspension of their license(s).

As the COVID-19 pandemic is an ever-evolving situation, Bodman will continue to closely monitor all developments and provide updates as they become available. For more information, please contact your Bodman attorney or any member of the Workplace Law Group. Bodman cannot respond to your questions or receive information from you without first clearing potential conflicts with other clients. Thank you for your patience and understanding.

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