

### MDHHS Updates Gathering and Face Mask Protocols

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In response to rising COVID-19 cases, on October 29, 2020, the Michigan Department of Health and Human Services ("MDHHS") has revised its emergency rules regarding gatherings and the use of face masks.

Face Masks are still Required. Any person responsible for a business, store, office, government office, school, organized event, or other operation must deny entry or service to any individual (including employees) not wearing a face mask. An individual's verbal representation that they are not wearing face mask because they fall within a specified exception (i.e. cannot medically tolerate a face mask) may be accepted.

Capacity Limitations. Gatherings at non-residential venues, where two or more persons from more than one household are present in a shared space, are subject to the following limitations:

- Indoor gatherings with fixed seating may not allow more than 500 persons and attendance must be limited to 20% of the venue's seating capacity.
- Indoor gatherings without fixed seating may not allow more than 50 persons and attendance must be limited to 20 persons per 1,000 square feet in each occupied room.
- Outdoor gatherings with fixed seating may not allow more than 1,000 persons and attendance must be limited to 30% of the venue's seating capacity.
- Outdoor gatherings without fixed seating may not allow more than 1,000 persons and attendance must be limited to 30 persons per 1,000 square feet.
- Other gatherings at public facilities, retail stores, restaurants, libraries, or museums may not exceed 50% of normal occupancy limits.

Contract Tracing Requirements. Businesses where employees or customers are present must maintain accurate records including date and time of entry, name of individual, and contact information for all individuals entering or using their facilities. The information should be securely stored for 28 days after it was collected. Employers should be prepared to provide this information upon request to MDHHS and/or local health departments to aid in contract tracing and case investigation.

Business specifically subject to the contract tracing requirement include: businesses that offer personal care services (i.e. cosmetology, body art, tanning, massage), recreational sport or exercise facilities, entertainment facilities (except for outdoor, non-ticketed events), operations that provide in-home services (i.e. cleaners, painters, repair persons), and all dine-in food service establishments.

Employers should contact any member of **Bodman's Workplace Law Group** to ensure that their current COVID-19 policies and procedures comply with MIOSHA's Emergency Rules, recent local and state public health orders, and CDC guidance. 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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