

COVID-19 Food Establishment Toolkit

5/28/2021

Michigan Department of Health and Human Services (MDHHS) Emergency Rules

This Order takes effect on Tuesday, June 1st, 2021, at 12:01am. This order remains in effect through July 1st, 2021, at 11:59pm.

Indoor Gathering Limitations

- Indoor gatherings are permitted at establishments only if occupancy does not exceed the greater of:
 - 50% of the limits established by the State Fire Marshal or a local fire marshal (or 30 persons per 1,000 square feet if no applicable fire marshal limit exists); or
 - 25 persons.

Establishments offering outdoor dining:

- Is permitted at 100% capacity.

Indoor Mask Requirement:

- Unless meeting an exception to the face mask requirement (see exceptions), all persons participating in indoor gatherings are required to wear a face mask.
- A person responsible for an establishment, or an agent of such person, must prohibit gatherings at their establishment unless the person makes a "good faith effort" to ensure that all persons at their establishment (including employees) comply with the indoor face mask requirement. A "good faith effort" may include any of the following:
 - Posting a sign notifying people that wearing a mask is required unless a person falls into a specified exception (listed below).
 - Asking patrons not wearing masks whether they fall into a specified exception.
 - Requiring face masks of all patrons and employees.
 - Any other policy designed to ensure compliance with [the indoor face mask requirement](#).

Exceptions to face mask requirement. The requirement to wear a face mask at indoor gatherings does not apply to individuals who:

- **"Fully vaccinated persons" is defined as persons for whom at least two weeks has passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine.**
- Are younger than 2 years old.
- Cannot medically tolerate a face mask.
- Are eating or drinking.
- Are swimming.
- Are receiving a medical or personal care service for which removal of the face mask is necessary.
- Are asked to temporarily remove a face mask for identification purposes.
- Are communicating with someone who is deaf, deafblind, or hard of hearing and whose ability to see the mouth is essential to communication.
- Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a face mask would seriously interfere in the performance of their public safety responsibilities.

Exceptions to face mask requirement (cont.)

- Are engaging in a religious service.
- Are giving a speech for broadcast or to an audience, provided that the audience is at least 12 feet away from the speaker; or
- Are engaging in an activity that requires removal of a mask not listed in another part of this section and are in a facility that provides ventilation that meets or exceeds 60 ft³/min of outdoor airflow per person.
- Are engaged in practice or competition where the wearing of a mask would be unsafe and are participating in a testing program specified in MDHHS's document entitled Guidance for Athletics issued May 24, 2021.

Contact Tracing Requirements for Particular Gatherings:

- Indoor dining establishments must continue to maintain accurate contact-tracing records including date and time of entry, names of patrons, and contact information, for patrons who consume food or beverages inside the premises to aid with contact tracing:
- Upon request establishments 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.
- Data collected under this section:
 - Must not be sold or used for sales or marketing purposes without the express consent of each patron.
 - Must be protected as confidential information to the fullest extent of the law.
 - Must not be provided to law enforcement or immigration officials except upon receipt of a lawful subpoena from a court or other lawful court order.
 - Must be retained for 28 days by the collecting organization, after which time the data must be destroyed. If facilities use existing data to fulfill this requirement, they may instead follow their own data retention and destruction policies at the conclusion of the 28-day retention period.

MIOSHA Emergency Rules

Rule 3: COVID-19 preparedness and response plan for all employers.

- (1) The employer shall develop and implement a written COVID-19 preparedness and response plan consistent with these rules and current guidance for COVID-19 from the CDC and the Occupational Health and Safety Administration (OSHA).
- (2) The preparedness and response plan shall include the measures the employer will implement to prevent employee exposure, including any applicable:
 - (a) Engineering controls.
 - (b) Administrative controls.
 - (c) Basic infection prevention measures.
 - (d) Personal protective equipment.
 - (e) Health surveillance.
 - (f) Training.
- (3) The employer shall make the preparedness and response plan readily available to employees and their representatives, whether via website, internal network, or by hard copy.

Rule 4: Basic infection prevention measures for all employers.

- (1) The employer shall promote frequent and thorough hand washing, including by providing workers, customers, and worksite visitors with a place to wash their hands. If soap and running water are not immediately available, the employer shall provide antiseptic hand sanitizers or alcohol-based hand towelettes containing at least 60 percent alcohol.
- (2) The employer shall require workers who are experiencing symptoms of COVID-19 to not report to work or work in an isolated location.
- (3) The employer shall increase facility cleaning and disinfection to limit exposure to SARS-CoV-2, in accordance with the latest CDC guidance.
- (4) The employer shall use Environmental Protection Agency (EPA)-approved disinfectants that are expected to be effective against SARS-CoV-2 based on data for harder to kill viruses.

Rule 5: Health surveillance for all employers.

- (1) The employer shall conduct a daily entry self-screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19.
- (2) The employer shall direct employees to promptly report any signs and symptoms of COVID-19 to the employer before or during the work shift.
- (3) The employer shall physically isolate any employees known or suspected to have COVID-19 from the remainder of the workforce, using measures such as, but not limited to:
 - (a) Not allowing known or suspected cases to report to work.
 - (b) Sending known or suspected cases away from the workplace.
 - (c) Assigning known or suspected cases to work alone at a remote location (for example, their home), as their health allows.
- (4) When an employer learns of an employee, visitor, or customer with a known case of COVID-19, the employer shall, within 24 hours, notify any co-workers, contractors, or suppliers who may have come into contact with the person with a known case of COVID-19.
- (5) The employer shall allow employees with a known or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the CDC.

Rule 6: Workplace controls for all employers.

- (1) The employer shall designate 1 or more worksite COVID-19 safety coordinators to implement, monitor, and report on the COVID-19 control strategies developed under these rules.
- (2) The employer shall ensure that any employees, except fully vaccinated persons, remain at least 6 feet from one another to the maximum extent feasible while on worksite premises.
- (3) The employer shall provide non-medical grade face coverings to their employees at no cost to the employee. Employers are not required to provide non-medical grade face coverings to fully vaccinated persons.
- (4) The employer shall require any employee, except fully vaccinated persons, to wear face coverings when employees cannot consistently maintain 6 feet of separation from other individuals indoors in the workplace. However, fully vaccinated persons must continue to wear face coverings when in the healthcare setting where patients may be present and when using airplane or public transportation if required by the latest CDC guidance.
- (5) Compliance with subrules (2) and (4) of this rule may be accomplished in a manner deemed effective for the place of employment. This may include:
 - (a) Keeping records of whether employees are fully vaccinated persons, and exempting them from subrules (2) and (4) of this rule accordingly.
 - (b) Posting signs in the work area reminding employees that are not fully vaccinated to wear face coverings and maintain appropriate distancing.
 - (c) Allowing or requiring remote work.
 - (d) Requiring face coverings and social distancing for all employees regardless of vaccination status.

Rule 7: Training requirements for all employers.

- (1) The employer shall provide training to employees on SARS-CoV-2 and COVID-19.
- (2) The employer shall provide any communication and training on COVID-19 infection control practices in the primary languages common in the employee population.
- (3) The training shall cover all of the following:
 - (a) Workplace infection-control practices, including information on vaccinations available for COVID-19.
 - (b) The proper use of personal protective equipment.
 - (c) Steps the employee must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.
 - (d) How to report unsafe working conditions.
- (4) The employer shall provide updated training if it changes its preparedness and response plan, or new information becomes available about the transmission of SARSCoV-2 or diagnosis of COVID-19.

Rule 8: Recordkeeping requirements for all employers.

- (1) Employers must maintain a record of the following requirements:
 - (a) Training. The employer shall maintain a record of all COVID-19 employee training.
 - (b) Health screening protocols. The employer shall maintain a record of health screening for each non-vaccinated employee or contractor entering the workplace.
 - (c) If proceeding under Rule 6(5)(a), vaccination information sufficient for implementation
 - (d) Records of required notifications. The employer shall maintain a record of each notification required by Rule 5 of these rules.
- (2) Employers must maintain records for 6 months from time of generation.

Frequently Asked Questions

Q- Are unvaccinated employees required to wear a face covering outdoors?

A- No, unvaccinated employees are not required to wear a face covering while outside working. Unvaccinated employees are still required to wear a face mask indoors unless social distancing (6ft) can be maintained with other employees or customers.

Q - Are tables required to be spaced 6 feet apart?

A - No, there is no longer a requirement to space tables/groups a minimum of 6 feet apart. However, it is strongly recommended that the practice of spacing the tables 6 feet apart be continued.

Q – Is seating at tables still limited to 6 patrons per table?

A - No, there is no longer a statewide limit on the number of patrons who dine together as a group.

Q – Are patrons still prevented from intermingling?

A - No, there is no longer a statewide prohibition on the intermingling of groups of patrons.

Q – Do guests need to wear face masks while dining OUTDOORS?

A - No, face coverings are no longer required for anyone (vaccinated or unvaccinated) when outdoors. However, the MDHHS and CDC recommend that individuals who are not fully vaccinated continue to wear a face covering in crowded outdoor settings.

Q – Do guests need to wear face masks while dining INDOORS?

A – Yes & No, individuals who are NOT fully vaccinated must continue to wear a face mask at all times when indoors except when eating or drinking. Fully vaccinated individuals are NOT required to wear a face mask.

Q – Do we still need to collect contact information for our dine in guests?

A – Yes & No, contact information must still be collected for any patrons who consume food or beverages INSIDE the premises, but it is not required for those patrons who dine OUTDOORS. However, it is recommended to collect accurate contact-tracing records for all patrons who dine on the premises.

Q - Are indoor and outdoor food service operations required to close at 11pm?

A - No, there is no longer a requirement that establishments close at 11pm.

Q - Do I have to quarantine employees who have a COVID-19 exposure but are fully vaccinated?

A - No, an employee is not required to quarantine as long as they are fully vaccinated, and they do **NOT** have any COVID-19 symptoms. People are considered fully vaccinated: when at least two weeks have passed after receiving their final dose of an FDA-approved or authorized COVID-19 vaccine.

Q- What is the definition of “indoor” & “outdoor”?

A- MDHHS defines “Indoors” as a space that is fully or partially enclosed on the top, and fully or partially enclosed on two or more contiguous sides. Additionally, in a space that is fully or partially enclosed on the top, and fully or partially enclosed on two non-contiguous sides, any part of that space that is more than 8 feet from an open side is indoors.

MDHHS defines “Outdoors” as a space that is not indoors. Examples of approved indoor and outdoor dining set ups can be found at [MDHHS Dining Guide](#).

Q - Where do I go to file a complaint?

A - We now have a [complaint form](#) for the public to submit complaints.

More information on the Emergency Order Under MCL 333.2253: Gatherings Prohibition and Mask Order can be found by Clicking the emergency order below:

- [MDHHS Emergency Order 6/1/2021](#)
- [Gathering and Face Mask Infographic](#)
- [MIOSHA Emergency Rules](#)