

**PVM Guidelines based on MDHHS Emergency Epidemic Order January 22, 2021**  
**Gathering and Face Mask Order**  
**Applies to PVM IL locations**  
**Effective February 1, 2021**

**1. Definitions.**

- (a) “Employee” means that term as defined in section 2 of the Improved Workforce Opportunity Wage Act, 2018 PA 337, as amended, MCL 408.932, and also includes independent contractors.
- (b) “Entertainment and recreational facility” includes: auditoriums; arenas; cinemas; concert halls; performance venues; sporting venues; stadiums; theaters; night clubs; strip clubs; water parks; archery ranges; amusement parks; arcades; bingo halls; bowling centers; casinos; gun ranges; laser tag; trampoline parks; and the like.
- (c) “Exercise facility” means a location in which individuals participate in individual or group physical activity, including gymnasiums, fitness centers, and exercise studios.
- (d) “Face mask” means a tightly woven cloth or other multi-layer absorbent material that closely covers an individual’s mouth and nose.
- (e) “Food service establishment” means that term as defined in section 1107(t) of the Food Law, 2000 PA 92, as amended, MCL 289.1107(t). **PVM dining is NOT excluded from this definition.**
- (f) “Gathering” means any occurrence, either indoor or outdoor, where two or more persons from more than one household are present in a shared space.
- (g) “Household” means a group of persons living together in a shared dwelling with common kitchen or bathroom facilities. In dwellings with shared kitchen or bathroom facilities occupied by 20 or more unrelated persons, households are defined by individuals who share a bedroom.
- (h) “Indoors” means within 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.
- (i) “Outdoors” means a space that is not indoors.
- (j) “Organized sports” means competitive athletic activity requiring skill or physical prowess and organized by a sports organizer.
- (k) “Principal symptoms of COVID-19” means at least 1 of fever, uncontrolled cough, or atypical new onset of shortness of breath, or at least 2 of the following not explained by a known physical condition: loss of taste or smell, muscle aches, sore throat, severe headache, diarrhea, vomiting, or abdominal pain. Per section 1(j) of 2020 PA 339, this definition represents the latest medical guidance, and serves as the controlling definition.
- (l) “Sports Organizer” means an institution, association, or other organization that sets and enforces rules to ensure the physical health and safety of all participants for an organized sport.

## 2. General capacity limitations at gatherings.

### (a) Indoor gatherings:

- (1) Are prohibited at residential venues, except where no more than **10 persons from no more than 2 households** are gathered. Such gatherings should be held consistent with guidance issued by the Department of Health and Human Services for such gatherings; and
- (2) Are prohibited at non-residential venues, except where no more than 10 persons from no more than 2 households are gathered. **PVM common spaces are only open for PVM hosted events.**

### (b) Outdoor gatherings are permitted only as follows:

- (1) At residential venues, 25 or fewer persons are gathered, comprised of no more than 3 households;
  - (A) **The only PVM spaces that have residential outdoor space are detached condos.**
- (2) At non-residential venues:
  - (A) 25 or fewer persons are gathered at a venue without fixed seating, and attendance is limited to 20 persons per 1,000 square feet, including within any distinct area within the event space; or
  - (B) 25 or fewer persons are gathered at a venue with fixed seating, and attendance is limited to 20% of seating capacity of the venue.

### (c) The limitations to 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, exercise facility, food service establishment, shopping mall, or public pool, except as prohibited in section 3;
- (2) Gatherings between an employee and a customer for the purpose of receiving services;
- (3) Workplace gatherings that occur consistent with the Emergency Rules issued by MIOSHA on October 14, 2020;
- (4) Training of law enforcement, correctional, medical, or first responder personnel, insofar as those activities cannot be conducted remotely;
- (5) Persons traveling on a school bus or other public transit;
- (6) Gatherings for the purpose of medical treatment, including mental health and substance use disorder support services;
- (7) Gatherings of up to 25 persons for the purpose of a funeral;
- (8) Residential care facilities, which are subject to the October 21 epidemic order

entitled “Requirements for Residential Facilities,” or any replacement of that order;

- (9) Cardiopulmonary resuscitation courses and swimming instruction courses;
- (10) Gatherings at entertainment and recreational facilities that comply with the restrictions set forth in sections 3(a) of this order;
- (11) Gatherings for the purposes of indoor group fitness, exercise, or non-contact sports that comply with the restrictions set forth in sections 4(b) and 6(b) of this order;
- (12) Gatherings for public health or other emergency purposes.

(d) As a condition of hosting a gathering under this order, organizers and facilities must design the gathering to encourage and maintain physical distancing, and **must ensure that persons not part of the same household maintain 6 feet of distance from one another to the extent possible.** PVM common spaces are only open for PVM hosted events.

### 3. Gathering restrictions for entertainment facilities, recreational facilities, and food service establishments. (PVM activities and dining services)

(a) Gatherings are prohibited at entertainment facilities and recreational facilities unless:

(1) Venues and activities held at those venues comply with masking and distancing requirements in this subsection. Venues that cannot consistently adhere to these requirements (e.g., water parks, dance floors at a nightclub, or children’s indoor playgrounds in-as-much as staff are not present to prevent physical contact) may not be open.

**(A) Patrons remain masked at all times, except when eating or drinking in designated areas;**

**(B) Groups of patrons participating in activities together (such as those seated together at a concert or movie, or bowling in the same lane) do not exceed 10 persons from up to two households;**

**(C) Patrons are prevented from mingling with or engaging in physical contact with persons outside their group;**

(2) If participating in stationary activities, groups are spaced or **seated at least 6 feet apart**. If participating in non-stationary activities, groups **maintain a consistent 6 feet of distance** from other groups at all times;

(3) **Consumption of food or beverages is permitted** only where **patrons are seated, groups of patrons are separated by at least six feet, no more than 6 patrons are seated at a table**, and groups of patrons **do not intermingle**;

(4) Venues that are **also food service establishments** (PVM independent living dining) must, as a condition of offering food or beverages, ensure their designated dining areas comply with all **requirements in subsection (b)**;

(5) Venues abide by the following density limitations:

(A) For venues with **fixed seating**, occupancy must **not exceed 20%** of the limits established by the State Fire Marshal or a local fire marshal;

(B) For venues with **non-fixed seating**, occupancy is limited to **20 persons per 1,000** square feet, including within any distinct space within the venue;

(6) Venues abide by the following maximum capacity limitations:

(A) At stadiums and arenas hosting sporting events as provided in section 6, up to 250 patrons may be gathered at venues with a seating capacity under 10,000, and up to 500 patrons may be gathered at venues with a seating capacity of over 10,000. This provision is effective immediately, replacing section 3(a)(5)(C) of the January 13, 2021 order, entitled Gatherings and Face Mask Order;

(B) For all other entertainment and recreation facilities, **no more than 100 patrons may be gathered** within any distinct space within the venue.

(b) Gatherings are prohibited at food service establishments unless:

(1) Consumption of food or beverages is permitted only in a designated dining area where **patrons are seated**, groups of patrons are **separated by at least six feet, no more than 6 patrons are seated together** (at a table, booth, or group of fixed seats), and groups of patrons do not intermingle;

(2) Patrons are **not permitted to gather in common areas** in which people can congregate, dance, or otherwise mingle; **PVM residents are not allowed to gather outside the dining room while waiting to be seated.**

(3) In the event that an **employee of a food service establishment is confirmed positive for COVID-19 or shows symptoms of COVID-19 while at work, a gathering at that food service establishment is prohibited until the food service establishment has been deep cleaned** consistent with Food and Drug Administration and CDC guidance;

(4) At establishments offering indoor dining: **(PVM Independent Living Dining)**

(A) The number of patrons indoors (or a designated dining area of a multi- purpose venue) **does not exceed 25% of normal seating capacity, or 100 persons, whichever is less;**

(B) Food service establishments, or the food service establishment portion of a multi-purpose venue, must close indoor dining between the hours of 10:00 PM and 4:00 AM;

(C) The venue displays, in a prominent location, the MDHHS “Dining During COVID-19” brochure.

4. **Gathering restrictions for other facilities.** In addition to the gathering limitations set forth elsewhere in this order, the following limitations apply to gatherings in the following facilities:

- (a) A gathering at a **retail store, library**, or museum must not exceed 30% of total occupancy limits established by the State Fire Marshal or a local fire marshal. Nevertheless, a retail store, library, or museum may permit one customer at a time to enter if strict adherence to the 30% total occupancy limit would otherwise result in closure. Spaces for indoor dining, including food courts, must comply with the requirements for food service establishments as set forth in section 3(b).
- (1) Retail stores must establish lines to regulate entry and checkout, with markings for patrons to enable them to stand at least **six feet apart** from one another while waiting.
- (b) At exercise facilities:
- (1) Gatherings must **not exceed 25%** of the total occupancy limits established by the State Fire Marshal or a local fire marshal;
- (2) There must be **at least 6 feet of distance** between each occupied workout station and physical layout of the space must be established such that exercisers can move between stations while maintaining 6 feet of distance from others at all times; and
- (3) Gatherings for group fitness activities or classes are permitted, provided that all persons **maintain at least 6 feet of distance** from others at all times and **wear a face mask at all times**.
- (c) **Gatherings in waiting rooms** at outpatient health-care facilities, veterinary clinics, and other businesses **are prohibited unless** the facility implements a system to ensure that persons not of the same household **maintain 6 feet of distance**. To the extent possible, this system must include a policy that patients wait in their cars for their appointments to be called.
- (d) In facilities offering non-essential **personal care services**, including hair, nail, tanning, massage, traditional spa, tattoo, body art, piercing services, and similar personal care services, all services **must be provided by appointment**, and **gatherings in waiting areas are prohibited**.

## 5. Face mask requirement at gatherings.

- (a) All persons participating in gatherings are required to wear a face mask.
- (b) As a condition of gathering for the purpose of **transportation**, transportation providers must require all staff and patrons to **use face masks**, and must enforce **physical distancing** among all patrons to the extent feasible.
- (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 8 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) Participants in gatherings for any exercise activities, group fitness, or organized sports must comply with face mask requirements listed in the [Interim Guidance for Athletics](#).

6. **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 gatherings as required by this order does not apply to individuals who:

- (a) Are younger than 5 years old, outside of a child-care organization or camp setting (which are subject to requirements set out in section 7(e));
- (b) Cannot medically tolerate a face mask;

**(1) PVM reasonable accommodation requires a face shield**

- (c) Are eating or drinking while seated at a food service establishment or at a private residence;
- (d) Are exercising outdoors and able to consistently maintain 6 feet of distance from others;
- (e) Are receiving a medical or personal care service for which removal of the face mask is necessary;
- (f) Are asked to temporarily remove a face mask for identification purposes;
- (g) Are communicating with someone who is deaf, deafblind, or hard of hearing and whose 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, and where wearing a face mask would seriously interfere in the performance of their public safety responsibilities;
- (i) Are engaging in a religious service; or
- (j) Are giving a speech for broadcast or to an audience, provided that the audience is at least 12 feet away from the speaker. **PVM karaoke events can take place if the “singer” is 12 feet away from the audience and the equipment is cleaned in-between each “singer”**

7. **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 hair, nail, tanning, massage, traditional spa, tattoo, body art, piercing services, or similar personal care services;
  - (2) Exercise facilities.
- (b) All businesses or operations that provide **in-home services**, including cleaners,

repair persons, painters, and the like must not permit their employees to gather with clients unless the business maintains accurate appointment records, including date and time of service, name of client, and contact information, to aid with contact tracing.

- (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.
- (e) Data collected under this section:
  - (1) Must not be sold, or used for sales or marketing purposes without the express consent of each patron;
  - (2) Must be protected as confidential information to the fullest extent of the law;
  - (3) 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;
  - (4) **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 pre-existing data retention and destruction policies at the conclusion of the 28-day retention period.

## 8. Implementation.

- (a) Consistent with MCL 333.2261, violation of the MDHHS order is a misdemeanor punishable by imprisonment for not more than 6 months, or a fine of not more than \$200.00, or both.
- (b) 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 the MDHHS order, violations of the MDHHS order are also punishable by a civil fine of up to \$1,000 for each violation or day that a violation continues.

This guideline takes effect on February 1, 2021 at 12:01 am and remains in effect through February 21, 2021, at 11:59 PM.