Executive Order 2020-32 (COVID-19)

EXECUTIVE ORDER

No. 2020-32

Temporary restrictions on non-essential veterinary services

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To suppress the transmission of COVID-19, it is crucial to limit in-person contact to the greatest extent possible. While there is currently no evidence that common pets can transmit COVID-19, the provision of veterinary services in-person nonetheless presents the risk of that the virus will be spread from person to person. Furthermore, the provision of veterinary services entails the use of health care resources, such as personal protective equipment, that are in immediate and critically high demand as a result of this pandemic. Accordingly, to mitigate the spread of COVID-19, protect the public health, provide essential protections to vulnerable Michiganders, and ensure the availability of critical health care resources, it is reasonable and necessary to impose temporary restrictions on the in-person provision of non-essential veterinary services.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Beginning as soon as possible but no later than March 31, 2020 at 5:00 pm, and continuing while the declared emergency is in effect, all veterinary facilities must implement a plan to temporarily postpone all in-person non-essential veterinary services until the declared emergency has ended ("plan").

2. A plan must provide that all veterinary services, essential and non-essential, must be performed by telemedicine to the fullest extent possible while the declared emergency is in effect. If a non-essential service cannot be performed by telemedicine, a plan must require that it be postponed. If an essential service cannot be performed by telemedicine, a plan need not postpone it and may allow it to be performed in person.

3. A veterinary facility must comply with the restrictions contained in its plan.

4. For purposes of this order:

a. "Non-essential veterinary services" means all veterinary services other than those that are:

1. necessary to preserve the life of a pet, as determined by a licensed veterinarian;

2. necessary to treat serious pain that threatens the health and safety of a pet, as determined by a licensed veterinarian;

3. necessary to euthanize a pet, as determined by a licensed veterinarian; or

4. necessary to treat or prevent the transmission of any infectious disease that can be transmitted between animals and human beings, as determined by a licensed veterinarian.

b. “Pet” means any domestic animal not raised for food or fiber.

5. Nothing in this order shall be construed to prohibit any medically indicated vaccination of any animal. Nothing in this order alters any obligation of an owner of an animal to vaccinate their animal as required by law or regulation.

6. This order does not alter any of the obligations under law of a veterinary facility to its employees or to the employees of another employer.

7. The director of the Department of Licensing and Regulatory Affairs shall issue orders or directives pursuant to law as necessary to enforce this order.

8. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

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