STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-63

Continuing to Safely Reopen Minnesota's Economy and Ensure Safe Non-Work Activities during the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic continues to present an unprecedented and rapidly evolving challenge to our State. Since the World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020, confirmed cases of COVID-19 in Minnesota have rapidly increased. On March 15, 2020, Minnesota detected the first confirmed cases caused by "community spread"—infections not epidemiologically linked to overseas travel. By March 17, 2020, all fifty states had reported a confirmed case of COVID-19, and on March 21, 2020, the Minnesota Department of Health ("MDH") announced the first confirmed fatality due to COVID-19 in Minnesota.

The President declared a national emergency related to COVID-19 on March 13, 2020. Since then, and for the first time in history, the President has approved major disaster declarations for all fifty states and the District of Columbia. In concert with these federal actions and the actions of states across the nation, Minnesota has taken proactive steps to ensure that we remain ahead of the curve. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, endangers the lives of Minnesotans, and local resources were—and continue to be—inadequate to address the threat. After notifying the Legislature, on April 13, 2020 and again on May 13, 2020, I issued Executive Orders extending the peacetime emergency declared in Executive Order 20-01.

The need to slow the spread of the virus required the closure of certain non-critical businesses in our economy. Although Minnesota's April unemployment rate was the second lowest in the country, over 700,000 Minnesotans have applied for unemployment insurance since March 16, 2020. In Executive Order 20-33, seeking to balance public health needs and economic considerations, we began planning to allow more Minnesota workers to safely return to work. We drafted guidelines and requirements for appropriate social distancing, hygiene, and public health best practices. Executive Order 20-38 expanded exemptions for outdoor recreational

activities and facilities, and Executive Orders 20-40, 20-48, and 20-56 allowed for the gradual reopening of certain non-critical businesses that planned for and provided safe workplaces.

Our increased preparedness to treat those most vulnerable to COVID-19 allows us to continue slowly and safely reopening our economy in accordance with guidance from MDH, the Department of Employment and Economic Development ("DEED"), and the Department of Labor and Industry ("DLI"). Businesses reentering the economy must ensure compliance with the Minnesota Occupational Safety and Health Act of 1973, Minnesota Statutes 2019, Chapter 182 ("Minnesota OSHA Standards"), in addition to guidelines related to COVID-19 set forth by MDH and the Centers for Disease Control and Prevention ("MDH and CDC Guidelines").

Despite the progress we have made since declaring the COVID-19 peacetime emergency, certain establishments—including those in which people gather and linger, those with communal facilities, and those in which close physical contact is expected—continue to pose a public health risk. We continue to carefully consider and prepare for the reopening of such businesses.

Likewise, certain non-work activities outside of the home are conducive to social distancing and hygiene, while others raise significant public health risks. Indoor activities pose higher risks than outdoor activities. Unpredictable settings are riskier than more predictable settings. Large social and other gatherings of people for extended time periods increase the risk of transmission between households, but the risks of transmission are diminished in transitory settings, such as retail establishments, where individual interactions and contact are more limited in duration.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers to "(1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act.

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in "matters pertaining to the emergency management of the state and nation." This includes "the direction or control of . . . the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and . . . public meetings or gatherings." Pursuant to subdivision 3 of that same section, the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency

For these reasons, I order as follows:

1. Executive Orders 20-04, 20-08, 20-18, 20-52, 20-56, and 20-62 are rescinded as of Sunday, May 31, 2020 at 11:59 pm.

2. Paragraphs 6 through 8 of this Executive Order are effective as of Sunday, May 31, 2020 at 11:59 pm.

3. **Masks and face coverings strongly encouraged.** I strongly encourage all Minnesotans to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain (*e.g.*, grocery stores and pharmacies) and to follow face covering guidelines issued by MDH and the CDC until this Executive Order is rescinded. As set forth below, Minnesotans may be required to wear cloth face coverings in certain settings. Such face masks and coverings are for source control (to help limit the person wearing the covering from infecting others). They are not yet known to be protective of the wearer and therefore are not personal protective equipment.

4. **At-risk persons.** All persons currently living within the State of Minnesota who are at risk of severe illness from COVID-19, as defined by Executive Order 20-55, are strongly urged to stay at home or in their place of residence and follow the provisions of Executive Order 20-55.

5. **Definitions.**

    a. "Home," "homes," "residence," and "residences" are broadly defined to include mobile homes, hotels, motels, shared rental units, shelters, and similar facilities, to the extent they are used for lodging.

    b. "Worker" and "workers" are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers, and interns.

    c. "Business" and "businesses" are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments.

    d. "Critical Businesses" are all businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48.

    e. "Non-Critical Businesses" are all businesses that are not Critical Businesses and are not Places of Public Accommodation closed under paragraph 7.c of this Executive Order.

    f. "Place of Public Accommodation" means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Places of Public Accommodation include, but are not limited to, the businesses identified in paragraph 7.c.i of this Executive Order.

6. **Activities outside of the home.** Mindful that we must continue to limit social interactions to protect public health, individuals may leave their homes for activities, subject to the requirements and guidelines set forth below. These requirements may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and

security of all Minnesotans. Clarifications will be available for public review at the State's COVID-19 website (https://mn.gov/covid19/).

a. **Guidelines.** Individuals engaging in activities outside of the home must follow the requirements of this Executive Order and MDH and CDC Guidelines. Individuals engaging in outdoor recreational activities must follow the Minnesota Department of Natural Resources ("DNR") and MDH guidelines on outdoor recreation and guidelines for facilities and the public ("Outdoor Recreation Guidelines") available at DEED's website (https://mn.gov/deed/guidance).

b. **Unnecessary travel strongly discouraged.** Consistent with federal guidance and to protect our neighbors, Minnesotans are encouraged to stay close to home and are strongly discouraged from engaging in unnecessary travel.

c. **Gatherings.** All gatherings of more than 10 people are prohibited, except as set forth below. Gatherings are groups of individuals, who are not members of the same household, congregated together for a common or coordinated social, civic, community, faith-based, leisure, or recreational purpose—even if social distancing can be maintained. This prohibition includes planned and spontaneous gatherings, public and private gatherings, and indoor and outdoor gatherings. Examples of prohibited gatherings include, but are not limited to, social, civic, community, faith-based, or leisure events, sporting or athletic events, performances, concerts, conventions, fundraisers, parades, fairs, and festivals that bring together more than 10 people from more than one household. Prohibited gatherings do not include commercial activity by workers and customers of Critical and Non-Critical Businesses.

    i. **Legislative and other governmental meetings.** The limits on gatherings in this Executive Order do not apply to legislative and other governmental meetings. Remote meetings are strongly encouraged whenever possible as permitted by state or local authority.

    ii. **The Judicial Branch.** The limits on gatherings in this Executive Order do not apply to proceedings held by the Minnesota Judicial Branch. Proceedings held by the Judicial Branch are subject to the policies established by the chief justice and will occur as directed by court order. Individuals may appear as directed by a Minnesota state court, including to serve as a juror, appear as a party, as a witness, or as legal counsel on behalf of a party, or otherwise to comply as directed by a court order, subpoena, or summons.

    iii. **Federal activities**. Nothing in this Executive Order will be construed to limit, prohibit, or restrict in any way the operations of the federal government or the movement of federal officials in Minnesota while acting in their official capacity, including federal judicial, legislative, and executive staff and personnel.

iv. **Drive-in gatherings.** To enable safe congregation of more than 10 people, drive-in gatherings are permitted, provided that all participants remain within their own vehicles and follow the applicable guidance available at DEED's website (https://mn.gov/deed/guidance).

v. **Weddings, Funerals, and Services.** Places of worship, funeral homes, and other venues that offer gathering space for weddings, funerals, or planned services such as worship, rituals, prayer meetings, or scripture studies, may host such weddings, funerals, or services with over 10 people, provided that they adhere to the following requirements:

A. In all settings, ensure a minimum of 6 feet of physical distancing between households.

B. In indoor settings, occupancy must not exceed 25 percent of the normal occupant capacity as determined by the fire marshal, with a maximum of 250 people in a single self-contained space.

C. In outdoor settings, gatherings must not exceed 250 individuals.

D. Develop and implement a COVID-19 Preparedness Plan in accordance with applicable guidance available at DEED's guidance website (https://mn.gov/deed/guidance).

d. **Tribal Activities and Lands**.

i. Activities by tribal members within the boundaries of their tribal reservations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.

ii. Activities within the boundaries of federal land held in trust for one of the 11 Minnesota Tribal Nations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.

iii. Activities by tribal members to exercise their federal treaty rights within the boundaries of their treaty territory (also known as "ceded territory") are exempt from the restrictions in this Executive Order but may be subject to restrictions by applicable tribal authorities.

iv. Tribal members may travel to and from their tribal reservations in accordance with applicable tribal law.

7. **Workers and businesses**. Workers and businesses are subject to the requirements set forth below. These requirements may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. Clarifications

will be available for public review at the State's COVID-19 website (https://mn.gov/covid19/).

a. **Continue to work from home whenever possible**. Any worker who can work from home must do so.

b. **Safe work**. Executive Order 20-54 (Protecting Workers from Unsafe Working Conditions and Retaliation) remains in full force and effect. All work must be conducted in a manner that adheres to Minnesota OSHA Standards and MDH and CDC Guidelines, including social distancing and hygiene practices. Under existing law and authority, DLI may issue citations, civil penalties, or closure orders to places of employment with unsafe or unhealthy conditions, and DLI may penalize businesses that retaliate against employees who raise safety and health concerns.

c. **Extension of temporary closure of bars, restaurants, and other Places of Public Accommodation**. Places of Public Accommodation are subject to the following restrictions:

    i. The following Places of Public Accommodation are closed to ingress, egress, use, and occupancy by members of the public, except as specified in this Executive Order:

        A. Restaurants, food courts, cafes, coffeehouses, and other Places of Public Accommodation offering food or beverage for on-premises consumption, excluding institutional or in-house food cafeterias that serve residents, employees, and clients of businesses, child care facilities, hospitals, and long-term care facilities.

        B. Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, clubs, and other Places of Public Accommodation offering alcoholic beverages for on-premises consumption.

        C. Hookah bars, cigar bars, and vaping lounges offering their products for on premises consumption.

        D. Theaters, cinemas, indoor and outdoor performance venues, and museums.

        E. Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, and exercise studios.

        F. Amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities.

G. Country clubs, golf clubs, boating or yacht clubs, sports or athletic clubs, and dining clubs.

H. "Establishments Providing Personal Care Services," including tanning establishments, body art establishments, tattoo parlors, piercing parlors, businesses offering massage therapy or similar body work, spas, salons, nail salons, cosmetology salons, esthetician salons, advanced practice esthetician salons, eyelash salons, and barber shops. This includes, but is not limited to, all salons and shops licensed by the Minnesota Board of Cosmetologist Examiners and the Minnesota Board of Barber Examiners.

ii. The restrictions imposed by this Executive Order do not apply to any of the following:

A. Places of Public Accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the place of public accommodation subject to the requirements of paragraph 7.c.i.

B. Health care facilities, child care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.

C. Crisis shelters, soup kitchens, or similar institutions.

D. Restaurants and food courts inside the secured zones of airports.

iii. Places of Public Accommodation, which would otherwise be ordered closed, may stay open if they have been repurposed to exclusively provide services permitted under paragraph 7.c.ii. For example, a gymnasium that has been repurposed to provide child care services is authorized to provide those essential services, subject to relevant licensing and other requirements, and applicable MDH and CDC Guidelines.

iv. Places of Public Accommodation subject to this Executive Order are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. In offering food or beverage, a place of public accommodation subject to this section may permit up to five members of the public at one time in the place of public accommodation for the purpose of picking up their

food or beverage orders, so long as those individuals are at least 6 feet apart from one another while on the premises.

v. This Executive Order does not prohibit an employee, contractor, vendor, or supplier of a Place of Public Accommodation from entering, exiting, using, or occupying such place of public accommodation in their professional capacity.

vi. Barbershops, salons, and other Establishments Providing Personal Care Services may conduct retail product sales in accordance with the requirements for Non-Critical Businesses set forth below in paragraph 7.e of this Executive Order.

vii. Barbershops, salons, and other Establishments Providing Personal Care Services may reopen to the public and resume services in accordance with the following requirements:

A. All establishments must adhere to the applicable guidance available at DEED's guidance website (https://mn.gov/deed/guidance), as well as the requirements set forth in paragraph 7.e, including development and implementation of a COVID-19 Preparedness Plan.

B. Occupancy of any indoor space must not exceed 25 percent of the normal occupant capacity as determined by the fire marshal.

C. Workers, customers, and clients must follow face-covering requirements as set forth in the applicable guidance available at DEED's guidance website (https://mn.gov/deed/guidance).

viii. Restaurants, food courts, cafes, coffeehouses, bars, taverns, brewer taprooms, micro distiller cocktail rooms, farm wineries, craft wineries, cideries, golf courses, and other Places of Public Accommodation offering food or beverages (including alcoholic beverages) for on-premises consumption, may provide outdoor service in accordance with the following requirements:

A. All establishments must adhere to the requirements set forth in paragraph 7.e of this order, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance available at DEED's guidance website (https://mn.gov/deed/guidance).

B. All establishments must ensure that the number of customers at any one time is limited to the number for whom physical distancing of 6 feet can be maintained between tables, not to exceed 50 people.

C. Workers and customers must follow face-covering requirements as set forth in the applicable guidance available at DEED's guidance website (https://mn.gov/deed/guidance).

D. All establishments must follow applicable state and local laws and regulations. Local governments are encouraged to work collaboratively with establishments to allow for outdoor service.

E. In the event of inclement weather, customers may move indoors to package food and pay bills but must exit quickly. While indoors, customers must follow social distancing rules and avoid congregating. Nothing in this Executive Order prohibits indoor sheltering in the event of severe weather.

F. The prohibition on indoor activity extends to the sale and play of lawful games as provided under Minnesota Statutes 2019, section 349.12. This does not include outdoor and on-premises sale and play.

G. Pursuant to Minnesota Statutes 2019, section 349.12, subdivision 3a, veterans or fraternal organizations may lend gambling funds to their general fund accounts for up to one year to pay for allowable expenses necessary to reopen such organizations' permitted premises as set forth in the guidance available at the Gambling Control Board's website (https://mn.gov/gcb/).

ix. Because indoor dine-in service is still prohibited at restaurants, for the purposes of Minnesota Laws 2020, Chapter 75, nothing in this Executive Order constitutes, prescribes, or should be deemed as, the expiration, termination, or rescission of the closure of restaurants as set forth in Executive Order 20-04, as modified and extended by Executive Orders 20-18 and 20-33, or any subsequent order.

x. Class A and B licensed racetracks, subject to regulation by the Minnesota Racing Commission, may open their licensed facilities for the running of regulated horse races on which legal pari-mutuel wagering is allowed. Other commercial racetracks may open their facilities to run auto, motorcycle, or other similar races otherwise permitted by law. Nothing in this Executive Order should be construed to allow for patrons or spectators at a racetrack. Facilities must adhere to the following:

A. All establishments must adhere to the requirements set forth in paragraph 7.e of this order, including development and implementation of a COVID-19 Preparedness Plan in

accordance with applicable guidance available at DEED's guidance website (https://mn.gov/deed/guidance).

B. The total number of workers facilitating the event (including all persons licensed by the Minnesota Racing Commission, owners, drivers, pit crews, or other support personnel) must not exceed 250 persons in single self-contained space.

xi. Places of Public Accommodation may open to provide space and facilities (indoor and outdoor) for Organized Youth Sports and Youth Programs pursuant to the requirements in paragraph 7.f and 7.g. Nothing in this paragraph should be construed to permit Places of Public Accommodation otherwise closed by this order to reopen to the general public.

xii. If allowed by the facility owner and operator, indoor and outdoor pools may be used by Organized Youth Sports and Youth Programs pursuant to the requirements in paragraph 7.f and 7.g. Public pools must otherwise remain closed to the general public.

d. **Critical Businesses**. Businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48 may continue to operate in the same manner as provided in Executive Order 20-48.

e. **Non-Critical Businesses**. If it has not done so already, a Non-Critical Business choosing to open or remain open must establish and implement a COVID-19 Preparedness Plan ("Plan"). Each Plan must provide for the business's implementation of guidance for their specific industry or, if there is no specific guidance, general guidance for all businesses, as well as Minnesota OSHA Standards and MDH and CDC Guidelines in their workplaces. These requirements are set forth in guidance ("Plan Guidance") available on DEED's website (https://mn.gov/deed/guidance).

i. **Required Plan content**. As set forth in the Plan Guidance, at a minimum, each Plan must adequately address the following areas:

A. **Require work from home whenever possible**. All Plans must ensure that all workers who can work from home continue to do so.

B. **Ensure that sick workers stay home**. All Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.

C. **Social distancing**. All Plans must establish social distancing policies and procedures.

D. **Worker hygiene and source control**. All Plans must establish hygiene and source control policies for workers.

E. **Cleaning, disinfection, and ventilation protocols**. All Plans must establish cleaning, disinfection, and ventilation protocols for areas within the workplace.

ii. **Customer facing businesses**. All Non-Critical Businesses that are customer facing (*i.e.*, businesses that have in-person customer interactions) must include additional Plan provisions to keep the public and workers safe as set forth in the applicable guidance available on DEED's website (https://mn.gov/deed/guidance). This includes requirements that workers and customers must maintain physical distancing of 6 feet and that store occupancy must not exceed the percentage set by the guidance of the normal occupant capacity as determined by the fire marshal. In customer facing businesses that share common areas, such as malls, all Plans must similarly include a facility occupancy that must not exceed the percentage set by the guidance of the normal occupant capacity as determined by the fire marshal and provide an enhanced sanitizing, cleaning, and disinfecting regimen consistent with Minnesota OSHA Standards and MDH and CDC Guidelines for those common areas. All Plans must also include signage in common areas to discourage congregating.

iii. **Household services businesses**. All Non-Critical Businesses that provide household services (*e.g.*, housecleaning, maid services, and piano tuners) must also develop Plan provisions intended to keep customers and workers safe as set forth in the applicable guidance available on DEED's website (https://mn.gov/deed/guidance).

iv. **Optional template**. A template COVID-19 Preparedness Plan, which covers the above requirements, is available as part of the Plan Guidance, available on DEED's website (https://mn.gov/deed/guidance).

v. **Certification and signature**. Senior management responsible for implementing the Plan must sign and certify the Plan, affirming their commitment to implement and follow the Plan.

vi. **Dissemination and posting**. Each Non-Critical Business must provide its Plan, in writing, to all workers, and the Plan must be posted at all of the business's workplaces in locations that will allow for the Plan to be readily reviewed by all workers. Where physical posting is impracticable, the Plan can be posted electronically, provided that the Plan is received by all workers and remains available for their review.

vii. **Training**. Each Non-Critical Business must ensure that training is provided to workers on the contents of its Plan and required procedures, so that all workers understand and are able to perform the precautions necessary to protect themselves and their co-workers. This training should be easy to understand and available in the appropriate language and literacy level for all workers. Businesses should also take steps to supervise workers and ensure that workers understand and adhere to necessary precautions to prevent COVID-19 transmission. Documentation demonstrating compliance with this training requirement must be maintained and made available to regulatory authorities and public safety officers, including DLI, upon request.

viii. **Compliance**. Workers and management must work together to ensure compliance with the Plan, implement all protocols, policies, and procedures, and create a safe and healthy work environment.

ix. **Availability to regulatory authorities and public safety officers**. Non-Critical Businesses do not need to submit their Plans for preapproval. Upon request, Non-Critical Businesses must make their Plans available to regulatory authorities and public safety officers, including DLI.

x. In the event of a complaint or dispute related to a Non-Critical Business's Plan, DLI is authorized to determine whether the Plan adequately implements the applicable guidance, Minnesota OSHA Standards and MDH and CDC Guidelines in its workplaces.

f. **Youth Programs**. This Executive Order intends to allow as many summer programs for youth as can safely be provided. Youth Programs intending to operate must do so in accordance with the following requirements:

i. "Youth Programs" means programs providing care or enrichment to children or adolescents such as day camps, summer activities, and recreational or educational classes that require registration and have on-site supervision. "Youth Programs" does not include licensed child care facilities or school-district summer learning programs.

ii. Youth Programs must adhere to the requirements set forth in paragraph 7.e of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with guidance for youth and student programs available on MDH's website (https://www.health.state.mn.us/diseases/coronavirus/schools/). COVID-19 Preparedness Plans must be distributed, available for review, and followed by participants and their parents or guardians.

iii. Youth Programs must comply with any public health restrictions implemented by the manager or owner of property or facilities used by

the program, including any restrictions set by school districts on the use of their facilities, and adhere to guidance for youth and student programs available on MDH's website (https://www.health.state.mn.us/diseases/coronavirus/schools/).

g. **Organized Youth Sports**. Organized Youth Sports organizations and programs intending to operate must do so in accordance with the following requirements:

   i. "Organized Youth Sports" means any sports activity where participants are children or adolescents, organized by entities, associations, clubs, or organizations providing for registration of participants and oversight on a regular basis for a defined period of time. Sports activities within this definition include all sports offered by the Minnesota State High School League as well as dance, cheerleading, and other sports traditionally offered by supplemental associations or organizations.

   ii. Entities, associations, organizations, and clubs that provide Organized Youth Sports must adhere to the requirements set forth in paragraph 7.e of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance for youth sports available on DEED's website (https://mn.gov/deed/guidance). COVID-19 Preparedness Plans must be distributed and available for review by participants and their parents or guardians.

   iii. Entities, associations, organizations, and clubs that provide Organized Youth Sports must ensure that all trainers and coaches understand their COVID-19 Preparedness Plan and related guidance.

   iv. Indoor or outdoor facilities that support Organized Youth Sports must also adhere to the requirements set forth in paragraph 7.e of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance for youth sports available on DEED's website (https://mn.gov/deed/guidance). COVID-19 Preparedness Plans must be distributed to, available for review, and followed by entities, associations, organizations, and clubs that provide Organized Youth Sports.

h. **Higher education institutions**. To the extent higher education classes cannot be provided through distance learning, higher education institutions, in consultation with their governing boards, the Office of Higher Education ("OHE"), and MDH, may offer in-person classes or activities consisting of no more than 10 individuals. Education and training programs not registered or licensed with OHE or part of the Minnesota State Colleges and Universities or University of

Minnesota systems must follow the guidance provided by the state agency or board under which they are authorized to operate.

i. **Higher education definitions**. For the purposes of paragraph 7.h of this Executive Order:

A. "Higher education institution" means all post-secondary institutions, including but not limited to institutions licensed and registered with the OHE, with a physical campus in the State.

B. "Staff and instructors" means all employees, contractors, and volunteers of a higher education institution, including but not limited to janitorial and cleaning professionals, secretarial and administrative professionals, instructors, instructor assistants, researchers, research assistants, graduate assistants, faculty, and administrators.

C. "Students" means any person enrolled at a higher education institution.

D. "Activities" includes, but is not limited to, testing, short-term training programs, student services, advising, internships, clinical rotations/placements, customized training, internships, campus visits, programs, credit and non-credit classes, and all research activities and functions.

ii. **Requirements for higher education institutions**. Before students may return to a higher education institution for in-person or on-site activities, the institution must establish and implement a higher education institution COVID-19 Preparedness Plan ("Higher Ed Plan"). Each Higher Ed Plan must provide for implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in classrooms, labs, or other areas that students and staff may visit. Such requirements, which are adaptable to higher education institutions, are set forth in the guidance available at DEED's website (https://mn.gov/deed/guidance).

A. **Required Higher Ed Plan content**. As set forth in the Plan Guidance, at a minimum, each Higher Ed Plan must adequately address the following areas:

1. **Require distance learning wherever possible**. Each Higher Ed Plan must require that distance learning continues for all students when possible. If in-person activities are required, such activities must be limited to no more than 10 individuals (including students, staff, and instructors).

2. **Ensure that sick students and institution staff and instructors stay home**. Each Higher Ed Plan must establish policies and procedures, including health screenings, that prevent sick students or institution staff and instructors from entering the institution for in-person or on-site activities.

3. **Social distancing**. Each Higher Ed Plan must implement social distancing policies and procedures set forth by the CDC and MDH. Such Plans must also include signage in common areas to discourage gathering. Each Higher Ed Plan should encourage all students, visitors, staff, and instructors to wear masks or face coverings.

4. **Cleaning and disinfection protocols**. Each Higher Ed Plan must establish cleaning and disinfection protocols for areas within the institution where students, staff, and instructors may visit and provide an enhanced sanitizing, cleaning, and disinfecting regimen consistent with Minnesota OSHA Standards and MDH and CDC Guidelines for common areas.

iii. **Certification and signature**. Institutional leadership responsible for implementing the Higher Ed Plan must sign and certify such Higher Ed Plan, affirming their commitment to implement and follow the Higher Ed Plan.

iv. **Dissemination and posting**. A higher education institution must make its Higher Ed Plan available according to applicable guidelines.

v. **Training**. Higher education institutions must ensure that training is provided to staff and instructors on the contents of their Higher Ed Plan according to applicable guidelines.

8. **Outdoor recreational activities and associated facilities**. Notwithstanding paragraph 7.c, the below facilities are permitted to be open and do business, provided that they adhere to paragraph 6 of this Executive Order and the Outdoor Recreation Guidelines available at DEED's website (https://mn.gov/deed/guidance). This permission **does not extend to** facilities and activities that involve prohibited gatherings of individuals in groups of more than 10 or in close proximity. **Indoor facilities** associated with outdoor recreational facilities covered by paragraph 7.c of this Executive Order must comply with paragraphs 7.c and 7.e of this Executive Order, as applicable. I encourage public outdoor recreational facilities to be open for families and children, and direct all individuals utilizing such facilities to follow the Outdoor Recreation Guidelines. All outdoor recreational activities and facilities must

comply with Minnesota law, including but not limited to license and permit requirements, invasive species regulations, and park rules.

a. Minnesota State Parks, Trails, State Forests, State Recreation Areas, Wildlife Management Areas, Scientific and Natural Areas, and other State managed recreational lands.

b. Locally, regionally, and privately managed parks and trails.

c. State, regional, or local public water accesses.

d. Public and private marinas and docks that provide storage, docking, and mooring services to slip owners, seasonal renters, and the general public, as well as facilities that provide safety-related services including fueling, emergency dockage, and sanitary pump-out stations.

e. Public and private golf courses and outdoor driving ranges.

f. Ski areas.

g. Off-highway vehicles, snowmobiles, and watercraft repair shops, sales facilities, and showrooms.

h. Lake service providers to install, repair, and remove docks, boatlifts, and other water related equipment or deliver boats.

i. Bait and tackle shops.

j. Outdoor shooting ranges and game farms.

k. Outdoor recreational equipment rental outlets. Equipment may be rented but only if the equipment can be effectively sanitized between uses. Such outlets must implement clear check-in and check-out procedures that minimize contact between customers and workers. Any rentals must be conducted in accordance with the Outdoor Recreation Guidelines.

l. Dispersed and remote camping sites for single household use. A dispersed campsite is a single campsite, not in a developed campground, used for overnight camping. A remote campsite is a designated backpack or watercraft campsite, not in a developed campground, used for overnight camping.

m. Public and private campgrounds that have adopted a COVID-19 Preparedness Plan in accordance with the Guidance for Campgrounds website (https://www.dnr.state.mn.us/aboutdnr/safely-opening-outdoor-recreation.html).

n. Charter boats and launches that have adopted a COVID-19 Preparedness Plan in accordance with Guidance for Charter and Launch Boats website

(https://www.dnr.state.mn.us/aboutdnr/safely-opening-outdoor-recreation.html).

o. Outdoor tournaments, competitions, practices, and sports that allow for social distancing, that do not require group gatherings prohibited by paragraph 6.c, and that adhere to the Outdoor Recreation Guidelines.

p. Small one-on-one or one-on-two person guided and instructional activities such as guided fishing, birding, or outdoor fitness training. Guided and instructional activities must be conducted in accordance with the Outdoor Recreation Guidelines.

q. Any other outdoor recreation activities and facilities that may be designated in the Outdoor Recreation Guidelines.

9. **Respect for workers.** Minnesotans must respect the efforts of employers and businesses to protect the safety of their workers and customers by complying with those businesses' social distancing and hygiene instructions. Employers and businesses must post social distancing and hygiene instructions at entrances and in locations that can be easily seen by customers and visitors.

10. **Enhanced local measures permitted**. Nothing in this Executive Order or previous Executive Orders should be construed to prohibit or prevent political subdivisions from implementing, within their jurisdictions and pursuant to applicable law and authority, restrictions beyond the restrictions contained in this Executive Order, as long as those additional restrictions have a real or substantial relation to the public health crisis caused by COVID-19. Pursuant to Minnesota Statutes 2019, section 12.32, political subdivisions may not relax or reduce this Executive Order's restrictions. In other words, to the extent that they have authority to do so, cities and other political subdivisions may take actions that are more protective of the public health but may not take actions that are less protective of the public health.

11. **Enforcement**. I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed $1,000 or by imprisonment for not more than 90 days. Any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed $3,000 or by imprisonment for not more than a year. In addition to those criminal penalties, the Attorney General, as well as city and county attorneys, may seek any civil relief available pursuant to Minnesota Statutes 2019, section 8.31, for violations of this Executive Order, including civil penalties up to $25,000 per occurrence from businesses and injunctive relief. Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on May 27, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on May 27, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed on May 27, 2020
Office of Minnesota
Secretary of State,
Steve Simon