STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-96

Restricting Social Gatherings, Celebrations, and the Hours and Operations of Bars, Restaurants, and Venues to Prevent Further Spread of COVID-19

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. Minnesota has taken extraordinary steps to prevent and respond to the pandemic. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. Since declaring the peacetime emergency, I have extended it every 30 days, with the most recent extension occurring on October 12, 2020.

As confirmed by an October 29, 2020 update from the White House Coronavirus Task Force ("Task Force"), the United States is facing a critical moment in the pandemic. The nation reported a record 132,797 new cases on November 6 and an average of over 103,657 daily cases over the first week of November. Since the United States' first confirmed COVID-19 case, the country has seen an average of over 800 COVID-19 deaths per day and the total confirmed COVID-19 death count recently topped 235,000 people. The Task Force warned that midwestern and upper midwestern states in particular "continue to see unrelenting, broad community spread" that "will require aggressive mitigation" to avoid additional increases in cases, hospitalizations, and deaths. Unfortunately, Minnesota is no exception to these trends. From November 3 to November 6, we reported four straight days of record-setting daily COVID-19 cases. Two days later, on November 8, we again reported a state record of 5,908 new cases. Deaths associated with COVID-19 have been rising at a troubling rate since mid-October, and November 6 also tragically set a new state record for COVID-19 deaths. Intensive Care Units are on the verge of dangerous capacity shortages in many areas of the state. Further, adjusted for population, Minnesota's neighbors—South Dakota, North Dakota, Iowa and Wisconsin—recorded the four largest statewide increases in case counts in the first week of November, demonstrating that the situation in our state has the potential to worsen without immediate action.

We have worked hard to strike a balance between the preservation of public health and our economy since the early days of this pandemic. Recognizing the enormous strain COVID-19 has placed on both workers and businesses—including the temporary closure of certain non-critical businesses—I issued a series of Executive Orders in April, May, and June. These Executive Orders allowed for the gradual reopening of non-critical businesses that planned for and provided a safe environment for workers and patrons. I also issued Executive Orders requiring Minnesotans to comply with public health best practices established by the Minnesota Department of Health ("MDH") and the Centers for Disease Control and Prevention ("CDC"). These directives include mandating face coverings and developing careful strategies to safely reopen schools and institutions of higher education. Additionally, MDH has been working to develop, implement, and continuously update its public health guidance, easing or tightening restrictions based on public feedback and the most current public health data. While public health and safety is an obvious goal of these response measures, these decisions serve the equally important goal of limiting COVID-19 spread to a level that allows our businesses, schools, and government institutions to keep their doors open.

Due to careful contact tracing and continuous research, we now have a far greater understanding of the ways that the pandemic spreads. Greater knowledge allows us to be more surgical in our approach to mitigation, especially when faced with the current surges. The present data points to social gatherings (including friends and family gatherings at private homes), celebrations, and bars and restaurants as the most significant source of COVID-19 spread in the state. MDH has confirmed over 193 outbreaks connected to social gatherings, events (*e.g.*, concerts, and fairs), and wedding and funeral receptions. Additionally, over 221 total outbreaks have been connected to patrons and employees of bars and restaurants. The data also shows that the late night bar and restaurant hours are particularly risky for patrons. Due to the level of community spread throughout the state, these confirmed outbreaks likely significantly understate the number of actual outbreaks and cases connected to these types of establishments and gatherings.

Social gatherings, celebrations, restaurants, and bars by their nature, allow people to gather and congregate around people from different households to eat and drink without face coverings, often for extended periods of interaction. These settings and gatherings can be loud, leading to a larger volume of respiratory droplets in the air as people talk, raise their voices to be heard, laugh, or sing. Many gatherings, celebrations, bars, and restaurants also serve or involve alcohol, which can lower inhibitions and interfere with effective social distancing. Further, we tend to let our guard down when we gather around close friends and family, even though the data shows that these gatherings are often just as risky as gathering around strangers. All of these factors elevate the potential for COVID-19 transmission and Minnesota is not alone in recognizing these risks. Many other states have implemented significant restrictions on gatherings and bars, restaurants, and similar places of congregation to limit the spread of COVID-19. These varied restrictions relate to gathering size; occupant capacity; indoor seating; seating at bars or other areas of close congregation; hours of operation; and alcohol sales. Some states have closed certain bars and clubs entirely.

Although we already restrict social gathering size and bar, restaurant, and venue capacity, the data makes clear that Minnesota must take further measures to combat our current case numbers, preserve health care facility capacity, and to protect our most vulnerable residents. Accordingly, with this Executive Order, I am further limiting social gathering and celebration size, and restricting the hours of restaurants, bars, venues, and events that serve food or alcohol for on-premises consumption. Consistent with Executive Order 20-74, these establishments and gatherings must also comply with any changes and updates to applicable guidance available at the Stay Safe Minnesota website (https://staysafe.mn.gov). I recognize and regret that this Order will affect the bottom line of businesses that have already borne a great deal of hardship due to this pandemic. With the holiday season approaching, these changes will also unfortunately affect family gatherings, and may require Minnesotans to rely on virtual and remote options to continue their holiday traditions. But as the Task Force explained, we must act quickly and implement calculated and aggressive measures. In taking these measures, we hope to avoid the need for the more drastic restrictions that we have seen in other regions, such as the recent complete closure of many bars, restaurants, and nonessential establishments in England, Germany, France, and Belgium.

In Minnesota Statutes 2020, 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 2020, 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 2020, 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 2020, 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. Effective Friday, November 13, 2020 at 10:00 p.m., individuals and businesses throughout Minnesota must comply with the following amendments to Executive Order 20-74. All other provisions of Executive Order 20-74 remain in full force and effect except as modified or superseded by this Executive Order. All businesses, places of public accommodation, and establishments providing personal care services must continue to comply with applicable guidance available at the Stay Safe Minnesota website (https://staysafe.mn.gov).

2. The definitions to key terms in Executive Order 20-74 are incorporated into this Executive Order.

3. Paragraph 6.c is amended by the following additions (indicated by underlined text) and deletions (indicated by strikethrough):

    c. **Social gatherings.** All ~~indoor~~ social gatherings of more than 10 people and all social gatherings involving members of more than 3 households (regardless of the size of the gathering) ~~and all outdoor social gatherings of more than 25 people~~ are prohibited, except as set forth below. Social gatherings are groups of individuals, who are not members of the same household, congregated together for a common or coordinated social, community, or leisure purpose—even if social distancing can be maintained. This prohibition includes planned and spontaneous gatherings as well as public and private gatherings. Prohibited gatherings do not include commercial activity by workers and customers of Critical and Non-Critical Businesses ~~and Places of Public Accommodation~~. Prohibited gatherings also do not include persons in Places of Public Accommodation that are following the requirements and limitations in paragraphs 6.c or 7.c of this Executive Order, as applicable. Organizers of prohibited social gatherings may be subject to appropriate enforcement action by city, county, and/or state authorities pursuant to paragraph 11 of this Executive Order.

4. Paragraph 6.c is amended by adding the following subparagraph vi (indicated by underlined text):

    vi. **Celebrations and Receptions.** Venues may host planned celebrations, receptions, or other social gatherings connected to private parties, weddings, funerals, life milestones (such as birthdays or retirements), family reunions, planned religious services, and other similar occasions if they develop and implement a COVID-19 Preparedness Plan in accordance with applicable venue guidance available at the Stay Safe Minnesota website (https://staysafe.mn.gov) and the following requirements:

        A. Celebrations, receptions, and gatherings under this paragraph that offer food or beverages (including alcoholic beverages) for on-premises consumption or that permit food or beverages to be consumed on-premises may not take place between the hours of 10:00 p.m. and 4:00 a.m.

        B. Effective November 27, 2020 at 10:00 p.m., celebrations, receptions, and gatherings under this paragraph that offer food or beverages (including alcoholic beverages) for on-premises consumption or that permit food or beverages to be consumed on-premises must not exceed 50 people.

C. Effective December 11, 2020 at 10:00 p.m., celebrations, receptions, and gatherings under this paragraph that offer food or beverages (including alcoholic beverages) for on-premises consumption or that permit food or beverages to be consumed on-premises must not exceed 25 people.

5. Paragraph 7.c.vi is amended by the following additions (indicated by underlined text) and deletions (indicated by strikethrough):

vi. Restaurants, food courts, cafes, coffeehouses, bars, taverns, brewer taprooms, micro distiller cocktail rooms, farm wineries, craft wineries, cideries, golf courses and clubs, dining clubs, tobacco product shops, and other Places of Public Accommodation offering food, beverages (including alcoholic beverages), or tobacco products for on-premises consumption, may provide indoor and outdoor service, provided that they adhere to the following requirements:

A. Occupancy of any indoor space must not exceed 50 percent of the normal occupant capacity as determined by the fire marshal or other state or local authorities, with a maximum of 150 ~~250~~ people ~~in a single self-contained space~~, provided that physical distancing of 6 feet is maintained between parties seated at different tables.

B. For establishments that offer outdoor seating, the combined total occupancy of all indoor and outdoor spaces must not exceed 150 people. Occupancy of any outdoor space 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 parties seated at different tables~~, not to exceed 250 people~~.

C. Workers and customers must follow face-covering requirements as set forth in the applicable guidance available at the Stay Safe Minnesota website (https://staysafe.mn.gov).

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. The capacity limitation 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.

F. 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/).

G. All establishments must close and remain closed each day for on-premises consumption between the hours of 10:00 p.m. and 4:00 a.m. Nothing in this paragraph is intended to limit or discourage delivery service, window service, walk-up service, or drive-up service offered under paragraph 7.c.iv.

6. Paragraph 7.c.ix is amended by the following additions (indicated by underlined text):

ix. Venues providing indoor events, entertainment, or recreation such as theaters, cinemas, concert halls, museums, performance venues, stadiums, arcades, and bowling alleys may open to the general public only in accordance with industry guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov). Any venue that offers food or beverages (including alcoholic beverages) for on-premises consumption or that permits food or beverages to be consumed on premises must not offer food and beverage service each day between the hours of 10:00 p.m. and 4:00 a.m. and must prohibit on-premises food and beverage consumption each day between the hours of 10:00 p.m. and 4:00 a.m.

7. Paragraph 7.c.x is amended by the following additions (indicated by underlined text):

x. Venues (including racetracks) providing outdoor events, entertainment, or recreation, paintball, go-karts, mini-golf, and amusement parks may open to the general public only in accordance with industry guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov). Any venue that offers food or beverages (including alcoholic beverages) for on-premises consumption or that permits food or beverages to be consumed on premises must not offer food and beverage service each day between the hours of 10:00 p.m. and 4:00 a.m. and must prohibit on-premises food and beverage consumption each day between the hours of 10:00 p.m. and 4:00 a.m.

8. Paragraph 11 is amended by the following additions following additions (indicated by underlined text) and deletions (indicated by strikethrough):

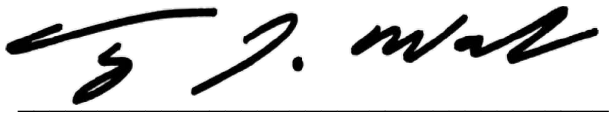
11. **Enforcement**. I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed $1,000 or 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 investigate and seek any civil relief available pursuant to Minnesota Statutes 2019, section 8.31, for violations or threatened violations of this Executive Order, including but not limited to injunctive

relief, civil penalties in an amount to be determined by the court, up to $25,000 per occurrence, costs of investigation and reasonable attorney's fees and costs, and other equitable relief as determined by the court in accordance with section 8.31 ~~from businesses and injunctive relief~~. State and local licensing and regulatory entities that inspect businesses for compliance with rules and codes to protect the public are encouraged to assess regulated businesses' compliance with this Executive Order and use existing enforcement tools to bring businesses into compliance. Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights

Pursuant to Minnesota Statutes 2020, 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 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 November 10, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on November 12, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed on November 12, 2020
Office of the Minnesota
Secretary of State,
Steve Simon