Executive Order 2020-34 (COVID-19)

EXECUTIVE ORDER

No. 2020-34

Temporary restrictions on veterinary services

Rescission of Executive Order 2020-32

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.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and

declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

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 and services to the greatest extent possible. Veterinary services are no exception; while their focus is the care of animals, the provision of these services in-person nonetheless risks spreading the virus 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 veterinary services.

Executive Order 2020-32 imposed such restrictions. This order adjusts and clarifies their scope. With this order, Executive Order 2020-32 is rescinded.

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

1. Beginning as soon as possible but no later than April 2, 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 plan must require that, in performing veterinary services, the use of personal protective equipment that could be used for the care of humans must be minimized to the fullest extent possible while the declared emergency is in effect.

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

5. For purposes of this order, “non-essential veterinary services” means all non-agricultural veterinary services other than those that are:

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

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

3. necessary to euthanize an animal, 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.

6. 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.

7. 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.

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

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

10. Executive Order 2020-32 is rescinded.

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

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