GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

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EXECUTIVE ORDER

No. 2020-112

Rescission of certain executive orders

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 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 (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. 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. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the EPGA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That

order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

Michigan's emergency response has been effective in suppressing the spread of the COVID-19. The number of new confirmed cases each day has been steadily in decline, and the strain on our health care system's operational capacity has relented. As a result of this progress, Michigan has been able to gradually resume in-person work and activities with certain safety measures in place. And on June 1, 2020, I issued Executive Order 2020-110, which moved the state to Stage 4 of the Michigan Safe Start Plan, terminating the requirement that Michiganders stay home unless critical work or activity to sustain or protect life requires it.

In light of this transition, the temporary extension of certain FOIA deadlines provided by Executive Order 2020-38 will no longer be necessary as soon as public bodies have an opportunity to plan for a return to normal FOIA response processes. And in light of the reduced strain on the state's health care system, Executive Order 2020-39's temporary relief from certain restrictions and requirements governing the provision of emergency medical services and Executive Order 2020-82's temporary enhancements to the operational capacity and efficiency of health care facilities are no longer necessary.

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

1. Effective immediately, Executive Orders 2020-39 and 2020-82 are rescinded.

2. Executive Order 2020-38 is temporarily extended and will remain in effect through June 10, 2020. Effective June 11, 2020 at 12:01 am, Executive Order 2020-38 is rescinded.

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

Date: June 3, 2020

Time: 11:58 am

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE