State of Wisconsin
Department of Health Services
Tony Evers, Governor
Andrea Palm, Secretary

EMERGENCY ORDER #36
Interim Order to Turn the Dial

WHEREAS, in December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States;

WHEREAS, on January 30, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern;

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency and directed all agencies support efforts to respond to and contain COVID-19 in Wisconsin;

WHEREAS, on March 13, 2020, President Donald Trump proclaimed a National Emergency concerning COVID-19;

WHEREAS, as of May 10, 2020, 3,917,366 people around the world have tested positive for COVID-19, including 1,300,696 in the United States and 10,219 in Wisconsin;

WHEREAS, COVID-19 is present throughout Wisconsin, with people testing positive for COVID-19 in 66 of 72 counties as of May 10, 2020;

WHEREAS, on March 24, 2020, I, Andrea Palm, Secretary-designee of the Wisconsin Department of Health Services, issued Emergency Order #12, Safer at Home Order (hereinafter "Safer at Home Order"), requiring that everyone in Wisconsin stay at their home or place of residence except in limited circumstances;

WHEREAS, on April 16, 2020, I modified and extended the Safer at Home Order to allow businesses new opportunities to get back to work and added new measures to keep employees and customers safer;

WHEREAS, on April 20, 2020, I issued Emergency Order #31, the Badger Bounce Back, outlining a plan to turn the dial down on the Safer at Home Order, including gating criteria and core public health responsibilities that we must satisfy as a state before moving to a less restricting phase in the plan;

WHEREAS, on April 27, 2020, I issued the first Interim Order to Turn the Dial on Safer at Home, allowing additional minimum basic operations available to all businesses, including curb-side drop-off services and outdoor recreational rentals;

WHEREAS, the administration continues to make significant strides in community testing capacity, contact tracing, providing necessary personal protective equipment (PPE) to health care providers and other essential workers, and ensuring our health care system can provide treatment to everyone who needs it;

WHEREAS, staying Safer at Home is still a vital piece of the battle against COVID-19, but we continue to look for ways Wisconsinites can begin to get back to work and turn the dial on Safer at Home;

WHEREAS, even as we turn the dial, we must continue to work hand-in-hand with businesses across the state to ensure their operations are safe for their employees, their customers, and the general public;

WHEREAS, to facilitate this shared objective, the Wisconsin Economic Development Corporation has developed general and industry-specific safe business practice guidelines to help businesses be partners in the collective battle against COVID-19; and

WHEREAS, in accordance with Section 3 of Emergency Order #31, Badger Bounce Back, this order reduces restrictions on certain businesses or sectors in a manner that is anticipated to have a minimal impact on the state's ability to meet its Core Responsibilities and Gating Criteria.

NOW THEREFORE, I, Andrea Palm, Department of Health Services Secretary-designee, by the authority vested in me by the Laws of the State, including but not limited to Section 252.02(3), (4), and (6) of the Wisconsin Statutes, order the following:

1. **Minimum Basic Operations.** Minimum Basic Operations is defined by Section 14 of Emergency Order #28, Safer at Home Order, and Section 1 of Emergency Order #34, Interim Order to Turn the Dial, and shall additionally include the following:

    a. **In-person retail.** Standalone or strip mall-based retail stores with an entrance or entrances to the outside may offer in-person shopping for up to five customers at a time. Any entrances through a mall or interconnected passage must be closed to the public. Stores relying exclusively on mall or interconnected passage entrances may not offer in-person retail under this section. Face

coverings are strongly encouraged for all staff and customers. Social Distancing Requirements, as defined in Section 16 of Emergency Order #28 Safer at Home Order, must be observed at all times. If the retail store is unable for any reason to observe Social Distancing Requirements between all customers and staff, the store must limit its occupancy to less than five customers to ensure observance with Social Distancing Requirements.

All stores operating under this section must comply with Sections 2.b.ii.2., 2.b.ii.3., and 2.b.ii.4. of Emergency Order #28, the Safer at Home Order. Additionally, all stores operating under this section must establish lines outside the store to regulate entry with markings indicating where customers should stand to remain six feet apart from one another while waiting to enter. Stores should also use alternatives to lines, including allowing customers to wait in their cars for a text message or phone call and scheduling pick-ups or entries to the store.

2. **Places of public amusement and activity.** The closure of places of public amusement and activity is defined by Section 4.c. of Emergency Order #28 Safer at Home Order, and shall additionally include the following exception:

    a. Drive-in movie theaters may open, with the following restrictions:

        i. Drive-in theaters may not offer outdoor seating.

        ii. Patrons may leave their vehicles to purchase or pick up food or drink from the theater or to use the restroom. Patrons must remain in their vehicles at all other times.

        iii. Any food or drink sales must comply with Section 13.d. and 13.e. of the Safer at Home Order.

        iv. Drive in theaters may deliver food to patrons waiting in their vehicles.

        v. To the extent possible, reservations and payments should be made in advance online or over the phone.

3. **Safe Business Practices.** Required safe business practices for all businesses, including Essential Businesses and Operations, is defined by Section 2.b.i. of the Safer at Home Order, and shall additionally including the following:

a. All businesses shall review the Wisconsin Economic Development Corporation guidelines on safe business practices, available here: https://wedc.org/reopen-guidelines/. Businesses must consider integrating and adopting the applicable guidelines for the operations that are currently permitted under the Safer at Home Order.

4. **Safer at Home and Badger Bounce Back remains in effect.** Emergency Orders #28, #31, and #34 remain in effect and are modified only by the specific additions described in this Order.

5. **Duration.** This Order is effective immediately and shall remain in effect for the duration of the Safer at Home Order.

6. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

7. **Supremacy.** This Order supersedes any local order that is in conflict with this order.

05/11/2020

Andrea Palm
Secretary-designee
Department of Health Services
State of Wisconsin

Date