STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 21-07

Modifying Emergency Executive Order 21-01 and Adjusting Limitations on Certain Activities and Businesses

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.

During the late fall and early winter, Minnesota experienced a significant surge in COVID-19 cases. Hospitals reported dangerous strains on their capacity and average daily deaths due to the virus were far higher than we had experienced at any point in the pandemic. To slow these devastating impacts, I called on Minnesotans to forego holiday gatherings, sports leagues, and other social activities, and temporarily closed businesses and gathering spaces that pose high risks of virus transmission. Minnesotans answered the call, made difficult personal sacrifices to change the pandemic's trajectory, and helped save their neighbors' lives. If not for our collective action to stem the rapidly rising tide of infections, the consequences could have been far worse.

Thanks to Minnesotans' compliance with these dial backs, Minnesota's daily COVID-19 case numbers began to slowly decrease. After a few weeks of measured progress, we issued Executive Orders 20-103 and 20-104, which slightly eased restrictions on social gatherings, outdoor dining and entertainment, and gyms, fitness centers, pools, and sports facilities. We also took a cautious approach to the return of organized sports, first allowing small, distanced outdoor workouts, and eventually resuming practices and games with increased precautions like face coverings. This slow turn of the dial also paid off. As case numbers continued to trend downward, we responded with Executive Order 21-01, easing restrictions further and reopening businesses for indoor entertainment and dining.

By following this careful approach, we have again reopened our economy without sacrificing our progress in managing the pandemic. Many key metrics, including deaths, new hospitalizations, daily case numbers, and test positivity rate, are below where they were at the most severe stages of our surge. Additionally, the increasing number of COVID-19 vaccinations in Minnesota is reason for cautious optimism. These recent improvements allow us to take another measured step.

While current trends are encouraging, the discovery of new COVID-19 variants confirm the need to be vigilant and cautious in our continued approach to the pandemic. The new variants are not only more contagious and communicable, but they have been shown to have reduced response to currently available vaccines. We are not out of the woods and are still at risk for further COVID-19 spread. We must also remember that, as we ease restrictions, the risk of transmission increases. As I have noted previously, some settings continue to pose more risks than others. Unpredictable settings are riskier than more predictable and controlled settings. Settings conducive to prolonged contact provide more opportunity for transmission than settings featuring more transitory interactions. Strenuous activities resulting in increased respiration pose higher risk than sedentary activities. In addition, science, data, and experience also show that the late-night bar and restaurant hours are particularly risky for patrons. Recognizing the impact of these variables, this Executive Order continues to limit certain settings more than others due to the varying levels of risk and impact on public health.

We all play an integral role in preserving the recent gains that we have made. When Minnesotans leave their homes, they must continue to follow the science and adhere to public health guidance to avoid the need for dial backs. The Centers for Disease Control and Prevention estimates that the basic measure of wearing a face covering can reduce transmission risk by 70 to 80 percent. When face coverings are paired with consistent social distancing, we can dramatically reduce transmission. I continue to ask everyone in Minnesota to support these basic measures to allow our children to return to in-person learning, keep our businesses open, preserve our hospital capacity, and protect our neighbors.

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 to carry out the provisions of the Minnesota 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 the Minnesota Emergency Management Act. 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. This Executive Order is effective as of Saturday, February 13, 2021 at 12:00 pm (noon). Individuals and businesses throughout Minnesota must continue to comply with the provisions of Executive Order 21-01, except as modified or superseded by the following amendments. All other provisions of Executive Order 21-01 remain in full force and effect.

2. Paragraph 6.a.xv of Executive Order 21-01 is amended by the following additions (indicated by underlined text) and deletions (indicated by strikethrough):

   xv. **Celebrations and receptions in venues.** Venues may host private celebrations, receptions, ~~private~~ parties, or other private events ~~social gatherings~~, including but not limited to those connected to weddings, funerals, life milestones (such as birthdays and 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). These private celebrations, receptions, ~~private~~ parties, and other similar private events must be limited to no more than 50 people and must not take place between the hours of 11:00 pm and 4:00 am if they ~~gatherings 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 take place between the hours of 10:00 pm and 4:00 am, must ensure at least six feet of separation between members of different households, and must be limited as follows:~~

      ~~A. Indoors, no more than two households, up to a maximum of 10 people.~~

      ~~B. Outdoors, no more than three households, up to a maximum of 15 people.~~

3. Paragraph 7.c.vi of Executive Order 21-01 is amended by the following additions (indicated by underlined text) and deletions (indicated by strikethrough):

   vi. Restaurants, food courts, cafes, coffeehouses, bars, taverns, breweries, microbreweries, distilleries, brewer taprooms, micro distiller cocktail rooms, tasting rooms, wineries, cideries, clubhouses, dining clubs, tobacco product shops, hookah bars, cigar bars, vaping lounges, 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 if they adhere to the applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov) and the following requirements:

A. Occupancy of any indoor space must not exceed 50 percent of the normal occupant capacity, with a maximum of ~~150~~ 250 people, provided that physical distancing of at least six feet is maintained between parties at different tables.

B. Occupancy of any outdoor space must ensure that number of customers at any one time is limited to the number for whom physical distancing of six feet can be maintained between parties at different tables, not to exceed ~~150~~ 250 people.

C. All establishments must ensure that no more than six customers are seated at one table.

D. All establishments must close and remain closed each day for on-premises consumption between the hours of ~~10:00~~ 11:00 pm and 4:00 am. 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.

E. 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.

F. The capacity limitation on indoor activity extends to the sale and play of lawful games as provided under Minnesota Statutes 2020, section 349.12.

G. Pursuant to Minnesota Statutes 2020, 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/).

4. Paragraph 7.c.vii of Executive Order 21-01 is amended by the following additions (indicated by underlined text) and deletions (indicated by strikethrough):

vii. Public pools, as defined in Minnesota Statutes 2020, section 144.1222, subdivision 4(d), may be open in accordance with the guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov/) and paragraphs 7.g and 7.h of this Executive Order. Occupancy of public pool areas must not exceed 25 percent of the normal occupant capacity, not to exceed ~~150~~ 250 people. If a pool is located within a Place of Public Accommodation that has limited occupancy under this Executive Order or applicable industry guidance—such as a fitness center—occupants of the pool must also be counted as occupants of that Place of Public Accommodation.

5. Paragraph 7.c.viii.A of Executive Order 21-01 is amended by the following additions (indicated by underlined text) and deletions (indicated by strikethrough):

    viii. Indoor gymnasiums, fitness centers, recreation centers, indoor sports facilities, climbing facilities, exercise facilities, martial arts facilities, and dance and exercise studios may be open in accordance with the applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov/) and the following requirements:

        A. Occupancy of any indoor space and the entire facility must not exceed 25 percent of the normal occupant capacity, not to exceed ~~150~~ 250 people in the entire facility.

6. Paragraph 7.c.ix of Executive Order 21-01 is amended by the following additions (indicated by underlined text) and deletions (indicated by strikethrough):

    ix. Venues providing indoor events and entertainment (whether permanent, temporary, or mobile) such as theaters, cinemas, concert halls, museums, performance venues, arcades, trampoline parks, party buses, festivals, fairs, stadiums, vendor fairs, and bowling alleys may be open in accordance with the applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov/) and the following requirements:

        A. All venues must ensure that physical distancing of at least six feet is maintained between participants from different households. Venues may not exceed 25 percent of normal occupant capacity with a maximum of ~~150~~ 250 people.

        B. Except as otherwise permitted by relevant industry guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov), any venue that offers food or 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~~ 11:00 pm and 4:00 am and must prohibit on-premises food and beverage consumption each day between the hours of ~~10:00~~ 11:00 pm and 4:00 am. Venues must also comply with relevant industry guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov), including ensuring that customers are seated when consuming food and beverage.

7. Paragraph 7.c.x of Executive Order 21-01 is amended by the following additions (indicated by underlined text) and deletions (indicated by strikethrough):

    x. Venues providing outdoor events and entertainment (whether permanent, temporary, or mobile) such as racetracks, paintball, go-karts, mini-golf, performance venues, festivals, fairs, vendor fairs, 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) and the following requirements:

A. All venues must ensure that physical distancing of at least six feet is maintained between participants from different households. Venues may not exceed 25 percent of normal occupant capacity with a maximum of 250 people.

B. Except as otherwise permitted by relevant industry guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov), any venue that offers food or 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~~ 11:00 pm and 4:00 am and must prohibit on-premises food and beverage consumption each day between the hours of ~~10:00~~ 11:00 pm and 4:00 am. Venues must also comply with relevant industry guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov), including ensuring that customers are seated when consuming food and beverage.

C. Such venues are encouraged to offer drive-in or drive-through experiences, provided that all participants remain within their own vehicles and follow the applicable guidance available at the Stay Safe Minnesota website (https://staysafe.mn.gov). Drive-in and drive-through experiences are not subject to the capacity limits or the time limitations on food and beverage service and consumption set forth above.

D. To ensure renewal of Class C licenses in a safe manner with proper social distancing and other mitigation measures to reduce the risk of virus transmission, Class C licenses issued in 2020 by the Minnesota Racing Commission under Minnesota Statutes 2020, section 240.08, are extended until March 1, 2021.

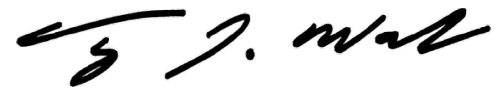
8. Paragraph 7.c.xi.M of Executive Order 21-01 is amended by the following additions (indicated by underlined text) and deletions (indicated by strikethrough):

M. Guided and instructional activities such as guided fishing or birding that adhere to social distancing requirements~~, do not involve more than one guide or instructor,~~ and are conducted in accordance with the Outdoor Recreation Guidelines. This paragraph does not apply to activities covered by paragraph 7.e or 7.f.

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 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 February 12, 2021.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on February 12, 2021:

Alice Roberts-Davis
Secretary, Executive Council