STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-04

Providing for Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation

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 presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. 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.

Confirmed cases of COVID-19 in Minnesota are rapidly increasing. On March 15, 2020, Minnesota detected the first confirmed cases caused by "community spread"—infections not epidemiologically linked to overseas travel. This development requires Minnesota to take additional proactive measures, including enhanced community mitigation, to slow the spread of this pandemic. Slowing the spread of COVID-19 is critical to ensuring that our healthcare facilities remain able to accommodate those who require intensive medical intervention.

In this time of uncertainty and peacetime emergency, Minnesotans must continue to maintain their essential activities. I encourage supermarkets, pharmacies, and other establishments providing essential retail goods and services to remain open, subject to best practices, including social distancing, established by the Centers for Disease Control and Prevention and the Minnesota Department of Health. That said, certain other public accommodations in which Minnesotans congregate pose a threat to the public health by providing environments for the spread of COVID-19.

Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 3(1), the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes, 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. Any person who willfully violates

such an order or rule 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.

For these reasons, I order as follows:

1. Beginning no later than March 17, 2020 at 5:00 pm, and continuing until March 27, 2020 at 5:00 pm, the following places of public accommodation are closed to ingress, egress, use, and occupancy by members of the public:

    a. Restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food or beverage for on-premises consumption, excluding institutional or in-house food cafeterias that serve residents, employees, and clients of businesses, child care facilities, hospitals, and long-term care facilities.

    b. Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption.

    c. Hookah bars, cigar bars, and vaping lounges offering their products for on-premises consumption.

    d. Theaters, cinemas, indoor and outdoor performance venues, and museums.

    e. Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, and spas.

    f. Amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities.

    g. Country clubs, golf clubs, boating or yacht clubs, sports or athletic clubs, and dining clubs.

2. Places of public accommodation subject to this Executive Order are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. In offering food or beverage, a place of public accommodation subject to this section may permit up to five members of the public at one time in the place of public accommodation for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.

3. This Executive Order does not prohibit an employee, contractor, vendor, or supplier of a place of public accommodation from entering, exiting, using, or occupying that place of public accommodation in their professional capacity.

4. The restrictions imposed by this Executive Order do not apply to any of the following:

    a. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the place of public accommodation subject to the requirements of section 1;

    b. Health care facilities, child care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;

    c. Crisis shelters, soup kitchens, or similar institutions; and

    d. Restaurants and food courts inside the secured zones of airports.

5. For purposes of this Executive Order, "place of public accommodation" means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

6. This Executive Order does not alter any of the obligations under law of an employer affected by this Executive Order to its employees or to the employees of another employer.

7. Pursuant to Minnesota Statutes 2019, section 12.45, a person who willfully violates paragraphs 1 of 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.

8. Local law enforcement and public health authorities are directed to monitor and enforce this Executive Order in accordance with the law.

9. The prohibitions set forth in paragraph 1 may be extended by a future Executive Order and with approval of the Executive Council.

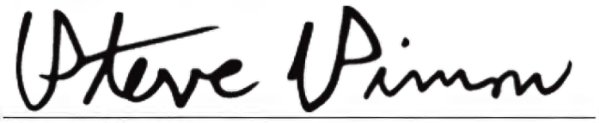
Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper 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 March 16, 2020.

Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on March 16, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed on March 16, 2020
Office of the Minnesota
Secretary of State,
Steve Simon