STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

SENATE JOURNAL
MAY 12 2020 AM8:41

EXECUTIVE ORDER

No. 2020-81

Enhanced support for deliveries

Rescission of Executive Order 2020-44

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, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, 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 Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

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 mitigate the spread of COVID-19 and to provide essential protections to vulnerable Michiganders and this state's health care system and other critical infrastructure, it is reasonable and necessary to provide limited and temporary relief from load and delivery restrictions on motor carriers and drivers engaged in the transport of essential supplies, equipment, and persons.

Executive Order 2020-12 provided this limited and temporary relief. Executive Order 2020-44 extended the duration of that relief. This order extends that duration further, because it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-44 is rescinded.

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

1. All state and local road agencies must exercise their authority on an expedited basis to issue permits that allow non-seasonal load restrictions to be exceeded. These permits must reflect bridge weight tolerances, and they must apply to deliveries that meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and the prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap, and disinfectants; (3) food for the emergency restocking of stores; (4) equipment, supplies, and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to the COVID-19 pandemic; (5) persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes; and (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 pandemic.

2. All state and local restrictions on the noise and timing of loading and deliveries are suspended for loading and deliveries that meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and the prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap, and disinfectants; (3) food for the emergency restocking of stores; (4) equipment, supplies, and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to the COVID-19 pandemic; (5) persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes; and (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19.

3. This order is effective immediately and continues through May 25, 2020 at 11:59 pm.

4. Executive Order 2020-44 is rescinded.

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

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

Date: May 11, 2020

Time: 10:03 pm

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE