STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-62

Amending Executive Order 20-56 to Allow Worship, Weddings, and Funerals to Proceed as Safely as Possible during the COVID-19 Peacetime Emergency

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. Since the World Health Organization ("WHO") characterized the COVID-19 outbreak as a pandemic on March 11, 2020, confirmed cases of COVID-19 in Minnesota have rapidly increased. On March 15, 2020, Minnesota detected the first confirmed cases caused by "community spread"—infections not epidemiologically linked to overseas travel. By March 17, 2020, all fifty states had reported a confirmed case of COVID-19, and on March 21, 2020, the Minnesota Department of Health ("MDH") announced Minnesota's first COVID-19 fatality.

The President declared a national emergency related to COVID-19 on March 13, 2020. Since then, and for the first time in history, the President has approved major disaster declarations for all fifty states and the District of Columbia. In concert with these federal actions and the actions of states across the nation, 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, endangers the lives of Minnesotans, and local resources were—and continue to be—inadequate to address the threat. After notifying the Legislature, on April 13, 2020 and again on May 13, 2020, I issued Executive Orders extending the peacetime emergency declared in Executive Order 20-01.

Our response to COVID-19 has required shared sacrifices. Early examples from other countries and states showed that, without drastic preventive measures, the virus would rapidly spread and quickly overwhelm health care resources. Slowing the virus's spread in Minnesota to allow for preparations required us to stay home and avoid cherished activities. Minnesotans have taken their responsibility seriously, and in doing so, we have protected our neighbors and saved lives.

In light of our increased preparedness to treat those most vulnerable to COVID-19, we have taken slow and deliberate steps to safely get Minnesotans back to work and their most meaningful activities. In Executive Order 20-56, while lifting a general order for Minnesotans to

stay at home, I set a limit on gatherings over ten people. This measure remains an important part of our COVID-19 mitigation strategy. Consistent with public health guidance from the Centers for Disease Control and Prevention ("CDC"), including reports of COVID-19 outbreaks in faith-based settings, the gathering limitation in Executive Order 20-56 applied generally across a variety of activities, including social, civic, community, faith-based, leisure, and recreational activities.

As I explained in Executive Order 20-56, large gatherings of people—whether secular or religious—for extended time periods raise the risk of COVID-19 transmission from household to household. This basic science has not changed, and the decision to limit gatherings was necessary to mitigate the spread of COVID-19 at a time of increasing death rates.

Before and after issuing Executive Order 20-56, I have met with faith leaders to discuss the impact of this limitation on Minnesotans. On May 22, 2020, the CDC noted that, for many, worship is an essential part of life. Our faith communities tend to many Minnesotans' mental and spiritual health and therefore play a special role in our society. In addition, worship services, weddings, and funerals offer a more predictable and controllable environment than other social settings in which people may gather. In many cases, faith communities are aware of and can monitor attendees at services and ceremonies and take appropriate actions in the event of illness.

Recognizing the unique and essential role that faith communities play in our society, the CDC revised its guidelines related to communities of faith. The CDC also reiterated the unfortunate truth that gatherings present a risk for increasing the spread of COVID-19. Acknowledging that decisions and strategies on reopening are implemented at the state, tribal, and local levels, the CDC has developed new guidance for faith communities wishing to congregate safely. Through consultation with Minnesota faith leaders, MDH has developed additional guidance for faith-based communities, places of worship, services, weddings, and funerals.

Minnesotans have made sacrifices to protect their neighbors by deferring large gatherings for in-person services and ceremonies, both religious and secular. I continue to urge all Minnesotans to limit their in-person interactions with people outside of their households. And, as I have emphasized in previous Executive Orders, I strongly urge Minnesotans at heightened risk to stay home except for essential activities, and I urge faith communities to continue to provide remote services to the maximum extent possible. And no faith community should feel compelled to open their facilities or provide services if they are not comfortable doing so. Nonetheless, to ensure the mental and spiritual health of Minnesotans, while continuing to protect the public health, it is necessary to take another step to allow for weddings, funerals, and services to continue with larger groups. To be clear, each step we take brings risk and responsibility for all. Those who disregard public health guidance endanger not only themselves, but their families and neighbors.

In Minnesota Statutes 2019, 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 2019, section 12.21, subdivision 1, the Governor has general authority to control the state's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act.

Minnesota Statutes 2019, 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 Minnesota Statutes 2019, 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

For these reasons, I order as follows:

1. Paragraph 6.c of Executive Order 20-56 is amended by adding the following sub-paragraph 6.c.v (indicated by underlined text):

    v. Effective on May 26, 2020 at 11:59 pm, places of worship, funeral homes, and other venues that offer gathering space for weddings, funerals, or planned services such as worship, rituals, prayer meetings, or scripture studies, may host such weddings, funerals, or services with over 10 people, provided that they adhere to the below requirements:

        A. In all settings, ensure a minimum of 6 feet of physical distancing between households.

        B. In indoor settings, occupancy must not exceed 25 percent of the normal occupant capacity as determined by the fire marshal, with a maximum of 250 people in a single self-contained space.

        C. In outdoor settings, gatherings must not exceed 250 individuals.

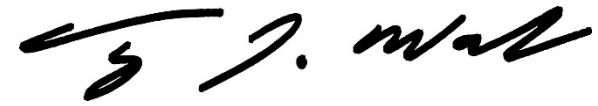
        D. Develop and implement a COVID-19 Preparedness Plan in accordance with guidance developed by the Minnesota Department of Health, available at https://mn.gov/deed/guidance

2. All other provisions of Executive Order 20-56 remain in effect.

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.

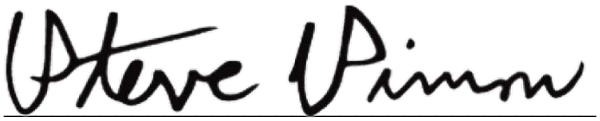
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on May 23, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on May 26, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed May 26, 2020
Office of the Minnesota
Secretary of State
Steve Simon