STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Executive Order 20-106

Rescinding Emergency Executive Order 20-34 and Executive Order 15-15

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, with the most recent extension occurring on December 14, 2020. Over the course of the pandemic, I have issued numerous executive orders to protect public health and safety. These actions have slowed the spread of the virus and have saved lives. Of course, it is important for us to assess the continued need for existing executive orders.

On April 10, 2020, I signed Executive Order 20-34, which directed the Commissioner of Health to share limited health information with the Department of Public Safety, pursuant to the Minnesota Government Data Practices Act ("MGDPA"). The MGDPA permits the disclosure of private health data to the extent necessary to control or prevent the spread of serious disease such as COVID-19. The purpose of Executive Order 20-34, issued early on in the pandemic, was to provide extra protection for first responders who faced the prospect of exposure to a novel virus with limited personal protective equipment ("PPE"). Our knowledge of the virus and its spread was limited, and I determined that limited information—the addresses where a positive COVID-19 test result has been obtained and whether the individual tested is still contagious to others—should be disclosed. After I issued Executive Order 20-34, the Department of Health ("MDH") and the Department of Public Safety ("DPS") worked collaboratively with each other and external stakeholders to develop and implement a stringent data sharing protocol to protect privacy. Governed by this protocol, the data sharing program has been utilized by first responders across Minnesota for nearly eight months.

Circumstances related to the virus have changed dramatically since April. Community spread—viral spread where we cannot determine the source of infection—has grown significantly. Total daily positive test rates dwarf those observed in April. These factors make it more difficult to

timely identify positive cases and conduct contact tracing. This reduces the efficacy of data shared with first responders. We have also stockpiled PPE accessible to first responders, reducing the overall need for the program. In addition, a recent DPS survey of first responders and 911 dispatchers showed only mixed support for the program. Some survey respondents noted that asking COVID-19 screening questions is a more effective approach. Moreover, we have received reports that the very existence of the program has tragically dissuaded some from seeking testing or treatment, despite the protocol's many privacy safeguards. In my assessment, the program's costs appear to be on the verge of outweighing its benefits. For this reason, I have decided to end the data sharing program effective January 31, 2021. This date provides ample opportunity for the Legislature to make a different policy determination, if it so chooses.

Separately, the Governor's Committee to Advise the Minnesota Pollution Control Agency was established by Governor Dayton in Executive Order 15-15 and continued in Executive Order 19-29. A wide array of other existing and newly created state councils, committees, and other entities have a similar scope and focus of work and allow for engagement with the Minnesota Pollution Control Agency. Since the work of this Committee is addressed by other entities, and in the interest of efficient governance, Executive Order 15-15 should be rescinded.

For these reasons, I order as follows:

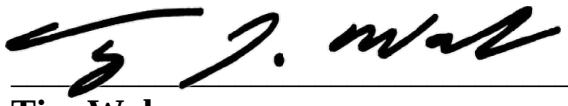
1. Executive Order 20-34 is rescinded effective on January 31, 2021.

2. I direct the Commissioners of Public Safety and Administration to communicate the process for obtaining PPE to first responders across the state.

3. Executive Order 15-15, as extended by Executive Order 19-29, is rescinded. All other provisions of Executive Order 19-29 remain in effect.

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State.

Signed on December 23, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Filed on December 23, 2020
Office of the Minnesota
Secretary of State,
Steve Simon