STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 21-11

Adjusting Limitations on Certain Activities and Taking Steps Forward

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.

The past year has required difficult decisions and substantial collective action. During the late fall and early winter of 2020, Minnesota experienced a surge in COVID-19 cases. Hospitals reported dangerous capacity shortages, and average daily deaths due to the virus were far higher than we had previously experienced. To slow these devastating impacts, I called on Minnesotans to forego gatherings, sports leagues, and other social activities, and we temporarily closed businesses and gathering spaces that posed 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.

Thankfully, our care and concern for our neighbors and community paid off, and Minnesota's daily COVID-19 case numbers began to decrease. After a few weeks of measured progress, we issued Executive Orders 20-103 and 20-104, which eased restrictions on social gatherings, outdoor dining and entertainment, 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. This slow turn of the dial worked. As case numbers continued to trend downward, we responded with Executive Orders 21-01 and 21-07, easing restrictions even further and reopening businesses for indoor entertainment and dining.

As we pass the one-year mark since the first reported case of COVID-19 in Minnesota, we can see the finish line. Because of our adherence to emergency measures and our careful approach, many key metrics are below where they were at the most severe stages of the surge, and our

children are returning to in-person learning. Over one million Minnesotans, including over 70 percent of those over the age of 65, have received at least one dose of vaccine.

Although there is reason for optimism, the pandemic is not over, and we cannot sacrifice the progress that we have made together. According to the United States Centers for Disease Control and Prevention ("CDC"), over 28.8 million people have been infected in the United States, resulting in over 527,000 deaths. The pandemic has brought enormous pain to Minnesota. We have seen over 490,000 positive COVID-19 cases and over 25,000 hospitalizations. We have now lost over 6,700 neighbors, friends, and family members to this disease. In addition, the risks posed by new COVID-19 variants reinforce the need to be vigilant and cautious in our continued approach to the pandemic.

As we ease restrictions, we must remember that 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. Experience shows that indoor activities are riskier than outdoor 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. The CDC estimates that 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 continue their 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 are suspended during the pendency of the emergency.

For these reasons, I order as follows:

1. Executive Orders 21-01 and 21-07 are rescinded as of Monday, March 15, 2021 at 12:00 pm (noon).

2. Paragraphs 6 and 7 of this Executive Order are effective as of Monday, March 15, 2021 at 12:00 pm (noon).

3. **Masks and face coverings required.** Executive Order 20-81, requiring face coverings in certain settings, remains in full force and effect except as modified by this Executive Order.

4. **At-risk persons.** All persons currently living within Minnesota who are at risk of severe illness from COVID-19, as defined by Executive Order 20-55, and have not yet been vaccinated or cannot be vaccinated, are strongly urged to stay at home or in their place of residence and follow the provisions of Executive Order 20-55.

5. **Definitions.**

    a. "Business" and "businesses" are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments.

    b. "Critical Businesses" are all businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48.

    c. "Establishments Providing Personal Care Services" are broadly defined to include tanning establishments, body art establishments, tattoo parlors, piercing parlors, businesses offering massage therapy or similar body work, spas, salons, nail salons, cosmetology salons, esthetician salons, advanced practice esthetician salons, eyelash salons, and barbershops. This includes, but is not limited to, all salons and shops licensed by the Minnesota Board of Cosmetologist Examiners and the Minnesota Board of Barber Examiners.

    d. "Home," "homes," "residence," and "residences" are broadly defined to include mobile homes, hotels, motels, shared rental units, shelters, and similar facilities, to the extent that they are used for lodging.

    e. "Non-Critical Businesses" are all businesses that are not Critical Businesses or Places of Public Accommodation.

    f. "Normal occupant capacity" means the applicable lawful capacity as established by state or local authorities in accordance with established codes and requirements. Businesses that do not have an applicable lawful capacity must calculate their normal occupant capacity according to the applicable

industry guidance on the Stay Safe Minnesota website (https://staysafe.mn.gov).

g. "Organizers" are businesses or individuals who plan, organize, host, or disseminate information encouraging people to attend prohibited social gatherings.

h. "Place of Public Accommodation" means a business, or an educational, refreshment, entertainment, 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. This definition also includes those businesses, facilities, and institutions that offer or provide shared or communal goods, services, facilities, privileges, advantages, or accommodations to members of more than a single household, regardless of whether they are made available to the public. Places of Public Accommodation include, but are not limited to, the businesses identified in paragraph 7.c of this Executive Order.

i. "Seated venues" and "seated establishments" are venues and establishments where all members of the public have an assigned seat as set forth in the applicable industry guidance on the Stay Safe Minnesota website (https://staysafe.mn.gov).

j. "Social gatherings" are groups of individuals who are not members of the same household, congregated together for a common or coordinated social, community, or leisure purpose—even if social distancing can be maintained. Social gatherings include indoor and outdoor gatherings, planned and spontaneous gatherings, and public and private gatherings.

k. "Worker" and "workers" are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers, and interns.

6. **Activities outside of the home.** Mindful that we must continue to limit social interactions to protect public health, individual activities outside of the home are subject to the limitations and guidelines set forth below. These requirements may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. Clarifications will be available for public review on the Stay Safe Minnesota website (https://staysafe.mn.gov).

   a. **Social gatherings.** Except as specifically permitted in this Executive Order, social gatherings are prohibited. Indoor social gatherings are discouraged, but indoor social gatherings up to a maximum of 15 people are permitted as long as participants adhere to the precautions for social gatherings on the Stay Safe Minnesota website (https://staysafe.mn.gov). Outdoor social gatherings up to a maximum of 50 people are permitted as long as participants adhere to the precautions for social gatherings on the Stay Safe Minnesota website (https://staysafe.mn.gov). Organizers of prohibited social gatherings may be

subject to appropriate enforcement action by city, county, and/or state authorities pursuant to paragraph 12 of this Executive Order.

i. **Activity by workers or customers.** Prohibited social gatherings do not include activity by workers or customers of businesses permitted to remain open under this Executive Order, providing that these businesses follow the requirements and limitations set forth in this Executive Order.

ii. **Places of Public Accommodation permitted to be open.** Prohibited social gatherings do not include persons in Places of Public Accommodation that are permitted to be open to members of the public under this Executive Order, provided that those Places of Public Accommodation follow the requirements and limitations set forth in this Executive Order.

iii. **Educational and care services for children and youth.** Prohibited social gatherings do not include educational and care services for children and youth, including child care, educational support services for distance and hybrid learners, and other educational services. Prohibited social gatherings do not include services in a personal home, such as family, friend, and neighbor care necessary for workers to continue to perform their duties. Individuals and programs providing educational support services must follow the applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

iv. **Care of others.** Individuals may care for a family member, friend, or pet in another household, and may transport family members, friends, or pets, including the transport of children pursuant to existing parenting time schedules or other visitation schedules pertaining to a child in need of protective services ("CHIPS") proceeding.

v. **Relocation to ensure safety.** Nothing in this Executive Order should be construed to prevent individuals whose homes or residences are unsafe or become unsafe, including individuals who have suffered or are at risk of domestic violence or for whom the safety, sanitation, or essential operations of their home or residence cannot be maintained, from leaving their home or residence, or relocating to a safe alternative home or residence.

vi. **Health and safety activities**. Nothing in this Executive Order should be construed to prevent individuals from seeking emergency services; obtaining medical services, supplies, or medications; donating blood; or visiting a healthcare or dental professional or facility, or a veterinarian.

vii. **Sobriety and mental health support groups.** Prohibited social gatherings do not include sobriety or other mental health support groups. Remote meetings are encouraged whenever possible. When remote meetings are not possible, smaller meetings of shorter duration are encouraged. Any in-person meetings must comply with applicable public health guidance, including relevant MDH guidance.

viii. **Health care and residential facilities.** Prohibited social gatherings do not include gatherings of persons in health care facilities, long-term care facilities, residential treatment facilities, residential and in-home programs licensed by the Minnesota Department of Human Services, correctional facilities, juvenile justice facilities, and shelters or drop-in centers. These facilities and settings must continue to follow applicable state and federal guidance, including guidance related to visitation. In-person visitation may not be possible under that guidance, and individuals are strongly encouraged to visit with loved ones virtually.

ix. **Displacement.** Individuals without a home are exempt from the restrictions on gatherings in this Executive Order, but they are strongly encouraged to avoid gatherings whenever possible. Executive Order 20-55, which includes provisions related to encampments, remains in full force and effect.

x. **Legislative and other governmental meetings.** The limits on gatherings in this Executive Order do not apply to legislative and other governmental meetings. Remote meetings are strongly encouraged whenever possible as permitted by state or local authority.

xi. **The Judicial Branch.** The limits on gatherings in this Executive Order do not apply to proceedings held by the Minnesota Judicial Branch. Proceedings held by the Judicial Branch are subject to the policies established by the Chief Justice and will occur as directed by court order. Individuals may appear as directed by a Minnesota state court, including to serve as a juror, appear as a party, as a witness, or as legal counsel on behalf of a party, or otherwise to comply as directed by a court order, subpoena, or summons.

xii. **Federal activities.** Nothing in this Executive Order will be construed to limit, prohibit, or restrict in any way the operations of the federal government or the movement of federal officials in Minnesota while acting in their official capacity, including federal judicial, legislative, and executive staff and personnel.

xiii. **Drive-in gatherings.** To enable safe congregation of people, drive-in gatherings are encouraged, provided that all participants follow the

applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

xiv. **Weddings, funerals, and services.** Places of worship, funeral homes, and other venues that offer gathering space for wedding ceremonies, funeral services, or other planned services such as worship, rituals, prayer meetings, or scripture studies are strongly encouraged to offer virtual alternatives to the maximum extent possible. Places of worship, funeral homes, and other venues that offer gathering space for wedding services, funeral services, or other planned services such as worship, rituals, prayer meetings, or scripture studies must develop and implement a COVID-19 Preparedness Plan in accordance with applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

xv. **Celebrations and receptions.** Private celebrations, receptions, parties, and other similar private events held in venues must follow the applicable requirements set forth in paragraph 7.c.ix. Private celebrations, receptions, parties, and other similar private events that are not held in venues must follow the limitations on social gatherings in paragraph 6.a.

b. **Outdoor recreational activity**. Individuals may engage in any outdoor activity that is dependent upon or derives its principal benefit from natural surroundings and open space, including but not limited to hunting, fishing, trapping, boating, hiking, biking, golfing, picnicking, skiing, skating, and snowshoeing, for the purposes of pleasure, rest, exercise, or relaxation, provided that they adhere to the precautions for social gatherings and the Minnesota Department of Natural Resources ("DNR") and MDH guidelines on outdoor recreation and guidelines for facilities and the public ("Outdoor Recreation Guidelines") available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

i. Outdoor recreational activities allowed by this Executive Order do not include rallies, spectator entertainment events, fairs, festivals, concerts, or other similar outdoor organized events, which are governed by paragraphs 7.c.ix (if held in a venue) or paragraph 6.a (if not held in a venue). Organized Youth and Adult Sports activities are governed by the requirements in paragraphs 7.g and 7.h.

ii. Nothing in this paragraph permits trespass upon private property, and all activities undertaken pursuant to this paragraph must be undertaken in accordance with Minnesota law, including but not limited to license and permit requirements, invasive species regulations, and park rules. Nothing in this paragraph should be construed to abrogate existing local authority to limit or restrict activities or close facilities.

c. **Voting.** Individuals are permitted and encouraged to vote in all state and local elections. Voters are also encouraged to vote by mail using an absentee ballot where feasible. Additional information is available on the Secretary of State's website.

d. **Unnecessary travel discouraged.** Consistent with federal guidance and to protect our neighbors, Minnesotans are encouraged to stay close to home and are discouraged from engaging in unnecessary travel, particularly to other states or countries.

e. **Travel advisory.** Persons arriving in Minnesota from other states or countries, including returning Minnesota residents, are strongly encouraged to follow the recommendations in MDH's Quarantine Guidance (https://www.health.state.mn.us/diseases/coronavirus/quarguide.pdf). This recommendation does not apply to individuals who must cross state or country borders for work, study, medical care, or personal safety and security. Students returning home for school breaks are strongly encouraged to follow the recommendations available at MDH's Institutes of Higher Education website (https://www.health.state.mn.us/diseases/coronavirus/schools/ihe.html).

f. **Guidelines.** Individuals engaging in activities outside of the home must follow the requirements of this Executive Order, Executive Order 20-81 (face coverings), and MDH and CDC Guidelines. Individuals engaging in outdoor recreational activities must follow the Outdoor Recreation Guidelines available at DNR's COVID-19 website (https://www.dnr.state.mn.us/covid-19.html).

g. **Tribal activities and lands.**

    i. Activities by tribal members within the boundaries of their tribal reservations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.

    ii. Activities within the boundaries of federal land held in trust for one of the 11 Minnesota Tribal Nations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.

    iii. Activities by tribal members to exercise their federal treaty rights within the boundaries of their treaty territory (also known as "ceded territory") are exempt from the restrictions in this Executive Order but may be subject to restrictions by applicable tribal authorities.

    iv. Tribal members may travel to and from their tribal reservations in accordance with applicable tribal law.

7. **Workers and businesses.** Workers and businesses are subject to the requirements set forth below. These requirements may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. Clarifications will be available for public review on the State's COVID-19 website (https://mn.gov/covid19/).

    a. **Remote work strongly recommended.**

        i. Until April 14, 2021 at 11:59 pm, employees who can work from home, must work from home.

        ii. Beginning April 14, 2021 at 11:59 pm, employers are strongly encouraged to allow employees who can work from home to continue to work from home. Employers are also strongly encouraged to implement reasonable accommodations for at-risk employees or employees with one or more members of their household who have underlying medical conditions and are not yet eligible for vaccination.

        iii. Employers must follow all existing federal and state anti-discrimination rules and statutes, including but not limited to the Minnesota Human Rights Act ("MHRA"), regarding employers' obligations to provide reasonable accommodations for qualified employees with disabilities.

    b. **Safe work.** The protections noted in Executive Order 20-54 (Protecting Workers from Unsafe Working Conditions and Retaliation) remain in full force and effect. All work must be conducted in a manner that adheres to Minnesota OSHA Standards and MDH and CDC Guidelines, including social distancing and hygiene practices. Under existing law and authority, the Department of Labor and Industry ("DLI") may issue citations, civil penalties, or closure orders to places of employment with unsafe or unhealthy conditions, and DLI may penalize businesses that retaliate against employees who raise safety and health concerns.

    c. **Places of Public Accommodation**. Places of Public Accommodation are subject to the following requirements and limitations:

        i. **All Places of Public Accommodation open under this Executive Order must adhere to the requirements set forth in paragraph 7.d of this order**, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

        ii. For the purposes of this Executive Order, the following establishments and facilities are not Places of Public Accommodation:

A. Establishments and facilities that offer food and beverage not for on-premises consumption, including grocery stores, markets, farmers markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of an establishment or facility otherwise subject to the requirements of this paragraph 7.c (*e.g.*, a restaurant at a grocery store).

B. Health care facilities, child care facilities, residential care facilities, congregate care facilities, correctional facilities, and juvenile justice facilities.

C. Crisis shelters, soup kitchens, or similar institutions.

iii. Places of Public Accommodation that would otherwise be subject to the restrictions in this Executive Order may be exempted from such restrictions if they have been repurposed to exclusively provide services permitted under paragraph 7.c.ii, subject to relevant licensing and other requirements, and applicable MDH and CDC guidelines.

iv. Places of Public Accommodation subject to this Executive Order are encouraged to offer food, beverages, and other products using delivery services, 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.

v. Barbershops, salons, and other Establishments Providing Personal Care Services must limit occupancy to the number of individuals at any one time for whom physical distancing of six feet can be maintained. Workers, customers, and clients must follow all requirements, including face-covering requirements, as set forth in the applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

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. Except as set forth below, occupancy must not exceed the following:

1. For any indoor space, occupancy must not exceed 75 percent of the normal occupant capacity, with a

maximum of 250 people, provided that physical distancing of at least six feet is maintained between parties at different tables.

2. For any outdoor space, occupancy must be limited to ensure that the 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 250 people.

B. Beginning on March 31, 2021 at 11:59 pm, establishments with indoor space and sufficient normal occupant capacity may exceed 250 people indoors in accordance with the applicable percentage limitations and guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov). Total indoor occupancy for seated establishments must not exceed 3,000 people.

C. Beginning on March 31, 2021 at 11:59 pm, establishments with outdoor space and sufficient normal occupant capacity may exceed 250 people outdoors in accordance with the applicable limitations and guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov). Total outdoor occupancy must not exceed 10,000 people.

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

E. All establishments must close and remain closed each day for on-premises consumption between the hours of 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.

F. 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.

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

H. 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/).

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.

A. Except as set forth below, capacity must not exceed 50 percent of the normal occupant capacity and must not exceed 250 people.

B. Beginning on March 31, 2021 at 11:59 pm, indoor pool areas with sufficient normal occupant capacity may exceed 250 people in accordance with the applicable percentage limitations and guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov). Total indoor occupancy must not exceed 1,500 people.

C. Beginning on March 31, 2021 at 11:59 pm, outdoor pool areas with sufficient normal occupant capacity may exceed 250 people in accordance with the applicable percentage limitations and guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov). Total outdoor occupancy must not exceed 10,000 people.

D. 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.

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. Except as set forth below, occupancy of any indoor space and the entire facility must not exceed 50 percent of the normal occupant capacity and must not exceed 250 people in the entire facility.

B. Beginning on March 31, 2021 at 11:59 pm, indoor spaces with sufficient normal occupant capacity may exceed 250 people in accordance with the applicable percentage limitations and guidance available on the Stay Safe Minnesota website

(https://staysafe.mn.gov). Total indoor occupancy for indoor spaces must not exceed 1,500 people.

C. Physical distancing requirements must be maintained as set forth in the applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov/). Organized Youth and Adult Sports must follow the specific social distancing requirements in the applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov/).

D. Notwithstanding paragraphs 10.a and 10.b of Executive Order 20-81, face coverings must be worn by all persons at all times, except when participating in activities that would involve soaking or submerging a face covering in water, such as swimming or showering.

E. These establishments may provide services permitted under paragraphs 7.e (child care) and 7.f (youth programs).

F. The establishments covered by this paragraph include shared or communal facilities serving more than one household, regardless of whether such facilities are open to the public, including but not limited to those facilities located in an apartment building, condominium, or housing complex.

ix. Venues that provide events and entertainment (whether permanent, temporary, or mobile) such as theaters, cinemas, concert halls, museums, stadiums, event and conference centers, performance venues, arcades, trampoline parks, party buses, festivals, fairs, vendor fairs, bowling alleys, paintball facilities, go-kart tracks, mini-golf establishments, and amusement parks 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 as set forth in the relevant industry guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

B. All venues must ensure that face coverings are worn as set forth in the relevant industry guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

C. Except as set forth below, occupancy must not exceed 50 percent of the normal occupant capacity and must not exceed 250 people.

D. Beginning on March 31, 2021 at 11:59 pm, venues with indoor space and sufficient normal occupant capacity may exceed 250 people indoors in accordance with the applicable percentage limitations and guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov). Total indoor occupancy for seated venues must not exceed 3,000 people. Total indoor occupancy for non-seated venues must not exceed 1,500 people.

E. Beginning on March 31, 2021 at 11:59 pm, venues with outdoor space and sufficient normal occupant capacity may exceed 250 people outdoors in accordance with the applicable percentage limitations and guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov). Total outdoor occupancy must not exceed 10,000 people.

F. 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 or beverage service each day between the hours of 11:00 pm and 4:00 am and must prohibit on-premises food and beverage consumption each day between the hours of 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).

G. Where applicable, venues are encouraged to offer drive-in or drive-through experiences, provided that all participants follow the applicable guidance available on 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.

x. **Outdoor recreational facilities**. The below facilities are permitted to be open and do business, provided that they adhere to paragraphs 6 and 7 of this Executive Order and the Outdoor Recreation Guidelines available on the Stay Safe Minnesota website (https://staysafe.mn.gov). Businesses and Places of Public Accommodation associated with outdoor recreational facilities must comply with paragraphs 6 and 7 of this Executive Order, as applicable. Public outdoor recreational facilities are encouraged to be open for all Minnesotans, including families and children, and all individuals utilizing such facilities must follow the Outdoor Recreation Guidelines. All outdoor recreational activities and facilities must also

comply with Minnesota law, including but not limited to license and permit requirements, invasive species regulations, and park rules.

A. Minnesota State Parks, Trails, State Forests, State Recreation Areas, Wildlife Management Areas, Scientific and Natural Areas, and other State managed recreational lands.

B. Locally, regionally, publicly, and privately managed outdoor parks, trails, arboretums, and gardens.

C. State, regional, or local public water accesses.

D. Public and private marinas and docks that provide storage, docking, and mooring services to slip owners, seasonal renters, and the general public, as well as facilities that provide safety-related services including fueling, emergency dockage, and sanitary pump-out stations.

E. Public and private golf courses and outdoor driving ranges.

F. Ski areas, Nordic trails, snow tubing hills, sledding hills, and outdoor skating rinks.

G. Lake service providers to install, repair, and remove docks, boatlifts, and other water related equipment or deliver boats.

H. Outdoor shooting ranges and game farms.

I. Outdoor recreational equipment rental outlets. Equipment may be rented if outlets implement clear check-in and check-out procedures that minimize contact between customers and workers. Any rentals must be conducted in accordance with the Outdoor Recreation Guidelines.

J. Dispersed and remote camping sites in accordance with the Outdoor Recreation Guidelines. A dispersed campsite is a single campsite, not in a developed campground, used for overnight camping. A remote campsite is a designated backpack or watercraft campsite, not in a developed campground, used for overnight camping.

K. Public and private campgrounds that have adopted a COVID-19 Preparedness Plan in accordance with the Guidance for Campgrounds website (https://www.dnr.state.mn.us/covid-19.html).

L. Charter boats and launches that have adopted a COVID-19 Preparedness Plan in accordance with Guidance for Charter

and Launch Boats website (https://www.dnr.state.mn.us/covid-19.html).

M. Guided and instructional activities such as guided fishing or birding that adhere to social distancing requirements 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.

N. Any other outdoor recreation activities and facilities that may be designated in the Outdoor Recreation Guidelines.

d. **Requirements for all businesses.** Since June 29, 2020, all businesses in Minnesota (whether Critical or Non-Critical) have been required to have a COVID-19 Preparedness Plan ("Plan") and implement that plan. All businesses must continue to follow the same requirements. Each Plan must provide for the business's implementation of guidance for their specific industry or, if there is no specific guidance, general guidance for all businesses, as well as Minnesota OSHA Standards and MDH and CDC Guidelines in their workplaces. These requirements are set forth in guidance ("Plan Guidance") available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

i. **Required Plan content.** As set forth in the Plan Guidance, at a minimum, each Plan must adequately address the following areas:

A. **Ensure that sick workers stay home.** All Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.

B. **Social distancing.** All Plans must establish social distancing policies and procedures.

C. **Worker hygiene and source control.** All Plans must establish hygiene and source control policies for workers.

D. **Cleaning, disinfection, and ventilation protocols.** All Plans must establish cleaning, disinfection, and ventilation protocols for areas within the workplace.

ii. **Customer facing businesses.** All businesses that are customer facing (*i.e.*, businesses that have in-person customer interactions) must include additional Plan provisions to keep the public and workers safe as set forth in the applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov). This includes requirements that workers and customers must maintain physical distancing of six feet and that store occupancy must not exceed limits set forth in the guidance. In customer facing businesses that share

common areas, such as malls, all Plans must similarly include a facility occupancy that must not exceed the limits set forth in the guidance and provide an enhanced sanitizing, cleaning, and disinfecting regimen consistent with Minnesota OSHA Standards and MDH and CDC Guidelines for those common areas. All Plans must also include signage in common areas to discourage congregating.

iii. **Household services businesses.** All businesses that provide household services (*e.g.*, housecleaning, maid services, and piano tuners) must also develop Plan provisions intended to keep customers and workers safe as set forth in the applicable guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

iv. **Optional template.** A template COVID-19 Preparedness Plan, which covers the above requirements, is available as part of the Plan Guidance, available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

v. **Certification and signature.** Senior management responsible for implementing the Plan must sign and certify the Plan, affirming their commitment to implement and follow the Plan.

vi. **Dissemination and posting.** Each business must provide its Plan, in writing, to all workers, and the Plan must be posted at all of the business's workplaces in locations that will allow for the Plan to be readily reviewed by all workers. Where physical posting is impracticable, the Plan can be posted electronically, provided that the Plan is received by all workers and remains available for their review.

vii. **Training.** Each business must ensure that training is provided to workers on the contents of its Plan and required procedures, so that all workers understand and are able to perform the precautions necessary to protect themselves and their co-workers. This training should be easy to understand and available in the appropriate language and literacy level for all workers. Businesses should also take steps to supervise workers and ensure that workers understand and adhere to necessary precautions to prevent COVID-19 transmission. Documentation demonstrating compliance with this training requirement must be maintained and made available to regulatory authorities and public safety officers, including DLI, upon request.

viii. **Compliance.** Workers and management must work together to ensure compliance with the Plan, implement all protocols, policies, and procedures, and create a safe and healthy work environment.

ix. **Exposure notification protocol.** As set forth in the general industry guidance available on the Stay Safe Minnesota website

(https://staysafe.mn.gov), businesses must establish a protocol for identifying and communicating with workers who may have been exposed to a person with COVID-19 symptoms or who has tested positive for COVID-19 while at work.

x. **Availability to regulatory authorities and public safety officers.** Businesses do not need to submit their Plans for preapproval. Upon request, businesses must make their Plans available to regulatory authorities and public safety officers, including DLI, MDH, the Minnesota Attorney General's Office, and city and county attorneys.

xi. **Complaints or disputes.** In the event of a complaint or dispute related to a business's Plan, DLI is authorized to determine whether the Plan adequately implements the applicable guidance, Minnesota OSHA Standards, and MDH and CDC Guidelines in its workplaces.

e. **Child care.** Licensed child care providers, including child care centers, certified child care centers, and family and group day care homes, as well as license exempt child care, may continue to operate and serve families. Child care providers continuing to operate must do so in accordance with the following requirements:

i. Child care providers other than family, friends, or neighbors providing license exempt care to children from only one household must adhere to the requirements set forth in paragraph 7.d of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance for schools and child care available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

ii. Child care providers must comply with any public restrictions implemented by the manager or owner of property or facilities used by the program, including any restrictions set by schools or school districts on use of their facilities.

f. **Youth Programs.** Youth programs that provide care or supervision of children can continue to operate if they can do so safely in accordance with the COVID-19 Prevention Guidance for Youth and Student Programs available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

i. "Youth Programs" means programs providing care or enrichment to children or adolescents that require registration and have on-site supervision. This includes certified child care centers, youth enrichment programs, programs exempt from licensure, community education classes, community center based programs, school age care, programs operated by public and private schools, parks and recreation

programs, art programs, and camps. "Youth Programs" does not include:

A. Licensed child care facilities or school-district summer learning programs; or

B. Organized Youth Sports organizations and programs, described in paragraph 7.g, unless the primary purpose of the program is to provide care or supervision to children or youth, and not provide sports instruction or competition.

ii. Youth Programs must adhere to the requirements set forth in paragraph 7.d of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with guidance for youth and student programs available on the Stay Safe Minnesota website (https://staysafe.mn.gov). COVID-19 Preparedness Plans must be distributed, available for review, and followed by participants and their parents or guardians.

iii. Youth Programs must comply with any public health restrictions implemented by the manager or owner of property or facilities used by the program, including any restrictions set by schools or school districts on the use of their facilities.

g. **Organized Youth Sports.** Organized Youth Sports organizations and programs intending to operate must do so in accordance with the following requirements:

i. "Organized Youth Sports" means any sports activity in which participants are children or adolescents and which is organized by an entity, association, club, or organization providing for registration of participants and oversight on a regular basis for a defined period of time. Sports activities within this definition include all sports offered by schools (public and nonpublic), the Minnesota State High School League, or similar organizations, as well as dance, cheerleading, and other sports traditionally offered by supplemental associations or organizations.

ii. Entities, associations, organizations, and clubs that provide Organized Youth Sports must adhere to the requirements set forth in paragraph 7.d of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance for youth sports available on the Stay Safe Minnesota website (https://staysafe.mn.gov). COVID-19 Preparedness Plans must be distributed and available for review by participants and their parents or guardians.

iii. Entities, associations, organizations, and clubs that provide Organized Youth Sports must ensure that all trainers and coaches understand and follow their COVID-19 Preparedness Plan and related guidance.

iv. Indoor or outdoor facilities that support Organized Youth Sports must also adhere to the requirements set forth in paragraph 7.d, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance for youth sports available on the Stay Safe Minnesota website (https://staysafe.mn.gov). COVID-19 Preparedness Plans must be distributed to, available for review, and followed by entities, associations, organizations, and clubs that provide Organized Youth Sports.

v. Notwithstanding paragraphs 10.a and 10.b of Executive Order 20-81, face coverings must be worn in accordance with applicable guidance for youth sports available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

h. **Organized Adult Sports.** Organized Adult Sports organizations and programs intending to operate must do so in accordance with the following requirements:

i. "Organized Adult Sports" means any sports activity in which participants are adults and which is organized by an entity, association, club, or organization providing for registration of participants and oversight on a regular basis for a defined period of time. "Organized Adult Sports" does not include:

A. Professional sports, meaning sports in which the athletes receive non-de minimis payment for performance. Professional sports are subject to the COVID-19 Professional Sports Guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

B. Collegiate sports, meaning any collegiate or university institution team or athlete participating in intercollegiate athletics, provided that the team or athlete follows guidance for sports activities as listed in COVID-19 Intercollegiate Sports Guidance for Higher Education available at MDH's Institutes of Higher Education website (https://www.health.state.mn.us/diseases/coronavirus/schools/sportsihe.pdf).

ii. Entities, associations, organizations, and clubs that provide Organized Adult Sports must adhere to the requirements set forth in paragraph 7.d of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable

guidance for adult sports available on the Stay Safe Minnesota website (https://staysafe.mn.gov). COVID-19 Preparedness Plans must be distributed and available for review by participants or guardians.

iii. Entities, associations, organizations, and clubs that provide Organized Adult Sports must ensure that all trainers and coaches understand their COVID-19 Preparedness Plan and related guidance.

iv. Indoor or outdoor facilities that support Organized Adult Sports must also adhere to the requirements set forth in paragraph 7.d, including the development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance for adult sports available on the Stay Safe Minnesota website (https://staysafe.mn.gov). COVID-19 Preparedness Plans must be distributed to, available for review, and followed by entities, associations, organizations, and clubs that provide Organized Adult Sports.

v. Notwithstanding paragraphs 10.a and 10.b of Executive Order 20-81, face coverings must be worn in accordance with applicable guidance for adult sports available on the Stay Safe Minnesota website (https://staysafe.mn.gov).

i. **Higher education institutions.** Higher education institutions, in consultation with their governing boards, may offer in-person classes or activities consistent with MDH guidelines for offering in-person or on-site activities and programming at higher education institutions. Higher education institutions must follow guidelines available at MDH's Institutes of Higher Education website (https://www.health.state.mn.us/diseases/coronavirus/schools/ihe.html). This includes following parameters set forth in *Recommendations for Different Levels of COVID-19 Transmission Among Higher Education Institutions*, available at MDH's Institutes of Higher Education website. Education and training programs not registered or licensed with the Office of Higher Education ("OHE") or part of the Minnesota State Colleges and Universities or University of Minnesota systems must follow the guidance provided by the state agency or governing board under which they are authorized to operate. In the absence of an applicable state agency or governing board, higher education institutions must follow MDH guidelines.

i. **Higher education definitions.** For the purposes of paragraph 7.i of this Executive Order:

A. "Higher education institution" means the Minnesota State Colleges and Universities, the University of Minnesota, private colleges and universities and all other post-secondary institutions, including but not limited to institutions licensed

and registered with OHE, with a physical campus in Minnesota.

B. "Staff and instructors" means all employees, contractors, and volunteers of a higher education institution, including but not limited to janitorial and cleaning professionals, secretarial and administrative professionals, instructors, instructor assistants, researchers, research assistants, graduate assistants, faculty, and administrators.

C. "Students" means any person enrolled at a higher education institution.

D. "Activities" includes but is not limited to, testing, short-term training programs, student services, advising, clinical rotations or placements, customized training, internships, campus visits, programs, credit and non-credit classes, and all research activities and functions.

ii. **Requirements for higher education institutions.** Higher education institutions must continue to establish and implement a higher education institution COVID-19 Preparedness Plan ("Higher Ed Plan"). Each Higher Ed Plan must provide for implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in classrooms, labs, or other areas that students and staff may visit. Such requirements, which are adaptable to higher education institutions, are set forth in the general guidance available on the Stay Safe Minnesota website (https://staysafe.mn.gov) and other applicable guidelines.

A. **Required Higher Ed Plan content.** At a minimum, each Higher Ed Plan must adequately address the following areas:

1. **Follow OHE and MDH guidance.** All in-person activities must be subject to limitations set forth in relevant OHE and MDH guidance.

2. **Ensure that sick students and institution staff and instructors stay home**. Each Higher Ed Plan must establish policies and procedures, including health screenings, that prevent sick students or institution staff and instructors from entering the institution for in-person or on-site activities.

3. **Require social distancing and face-coverings.** Each Higher Ed Plan must implement social distancing policies and procedures set forth by the CDC and MDH. Higher Ed Plans must also include signage in common areas to discourage gathering. Each Higher Ed

Plan must ensure compliance with the applicable face-covering requirements set forth in Executive Order 20-81.

4. **Implement cleaning and disinfection protocols.** Each Higher Ed Plan must establish cleaning and disinfection protocols for areas within the institution where students, staff, and instructors may visit and provide an enhanced sanitizing, cleaning, and disinfecting regimen consistent with Minnesota OSHA Standards and MDH and CDC Guidelines for common areas.

B. **Certification and signature.** Institutional leadership responsible for implementing the Higher Ed Plan must sign and certify such Higher Ed Plan, affirming their commitment to implement and follow the Higher Ed Plan.

C. **Dissemination and posting.** A higher education institution must make its Higher Ed Plan available according to applicable guidance.

D. **Training.** Higher education institutions must ensure that staff and instructors are trained on the contents of their Higher Ed Plan according to applicable guidance.

8. Effective immediately, paragraph 5 of Executive Order 20-81 is amended by the following additions (indicated by underlined text):

5. **State Legislative Branch proceedings.** This Executive Order does not apply to State Legislative Branch proceedings and meetings.

9. Effective on April 14, 2021 at 11:59 pm, paragraph 13 of Executive Order 20-82 is amended by the following additions (indicated by underlined text) and deletions (indicated by strikethrough):

13. Consistent with labor agreements, districts and charter schools must utilize available staff who are able to work during the 2020-21 school year. Districts and charter schools are strongly encouraged to implement reasonable accommodations for at-risk employees or employees with one or more members of their household who have underlying medical conditions and are not yet eligible for vaccination. Districts and charter schools must follow all existing federal and state anti-discrimination rules and statutes, including but not limited to the Minnesota Human Rights Act ("MHRA"), regarding employers' obligations to provide reasonable accommodations for qualified employees with disabilities. ~~Districts and charter schools must also provide accommodations to staff as required by applicable laws and must allow school staff whose health is at risk or who have members of their household whose health is at risk to work from home to the extent possible.~~

10. **Respect for workers.** Minnesotans must respect the efforts of employers and businesses to protect the safety of their workers and customers by complying with those businesses' social distancing and hygiene instructions. Employers and businesses must post social distancing and hygiene instructions at entrances and in locations that can be easily seen by customers and visitors.

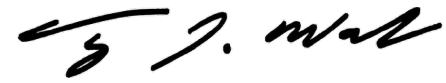
11. **Enhanced local measures permitted.** Nothing in this Executive Order or previous Executive Orders should be construed to prohibit or prevent political subdivisions from implementing, within their jurisdictions and pursuant to applicable law and authority, restrictions beyond the restrictions contained in this Executive Order, as long as those additional restrictions have a real or substantial relation to the public health crisis caused by COVID-19. Pursuant to Minnesota Statutes 2020, section 12.32, political subdivisions may not relax or reduce this Executive Order's restrictions. In other words, to the extent that they have authority to do so, cities and other political subdivisions may take actions that are more protective of the public health but may not take actions that are less protective of the public health.

12. **Enforcement.** I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2020, section 12.45, an individual who willfully violates 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. Any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed $3,000 or by imprisonment for not more than one year. In addition to those criminal penalties, the Attorney General, as well as city and county attorneys, may investigate and seek any civil relief available pursuant to Minnesota Statutes 2020, section 8.31, for violations or threatened violations of this Executive Order, including but not limited to injunctive relief, civil penalties in an amount to be determined by the court, up to $25,000 per occurrence, costs of investigation and reasonable attorney's fees and costs, and other equitable relief as determined by the court in accordance with section 8.31. State and local licensing and regulatory entities that inspect businesses for compliance with rules and codes to protect the public are encouraged to assess regulated businesses' compliance with this Executive Order and use existing enforcement tools to bring businesses into compliance. Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights.

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 March 12, 2021.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on March 15, 2021:

Alice Roberts-Davis
Secretary, Executive Council

Filed on March 15, 2021
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