**[Governor Orders Businesses To Enforce Mask Wearing Mandate](https://associationdatabase.com/aws/MFDA/pt/sd/news_article/311661/_PARENT/layout_details/true)**

On July 10, Governor Gretchen Whitmer issued an Executive Order (E.O. 2020-147) requiring that face masks be worn in any indoor public space or outdoors when unable to maintain social distancing, and requiring businesses that are open to the public to not provide service to a customer, or allow a customer to enter its premises unless that customer is wearing a face covering.  Importantly for funeral homes, the Order states that a state department, such as the Department of Licensing and Regulatory Affairs ("LARA"), that learns that a licensee is in violation of the Order will consider whether protecting public health and safety requires summary suspension of the license. Businesses that are open the public must post signs at its entrance instructing customers of the legal obligation to wear a face mask.

Under this Order, members must require those entering the premises, whether making arrangements or attending funeral and visitation services, to wear face coverings. While funeral service attendees may not be “customers” as that term is normally used, given the potential for a summary licensee suspension, members should view the order as applying to funeral homes attendees until further notice.

To prevent a federal challenge to the Order alleging infringement of the Constitutional right to free exercise of religion, no individual is subject to the misdemeanor penalty for removing a face mask while engaging in religious worship at a house of religious worship, although congregants are strongly encouraged to wear them.

The requirements to wear a face mask does not apply to:

* Are younger than five years old, though children two years old and older are strongly encouraged to wear a face covering, pursuant to guidance from the Centers for Disease Control and Prevention ("CDC");
* Cannot medically tolerate a face covering;
* Are eating or drinking while seated at a food service establishment;
* Are exercising when wearing a face covering would interfere in the activity;
* Are receiving a service for which temporary removal of the face covering is necessary to perform the service;
* Are entering a business or are receiving a service and are asked to temporarily remove a face covering for identification purposes;
* Are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
* Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel;
* Are officiating at a religious service; or
* Are giving a speech for broadcast or an audience.

Funeral celebrants, officiants, and presiders, therefore, do not have to wear masks when conducting services.

As with earlier Orders, willful violation is considered a misdemeanor.

MFDA will continue to keep you apprised of developments.

A copy of E.O. 2020-147 is available below.

[E.O. 2020-147](https://associationdatabase.com/aws/MFDA/asset_manager/get_file/474163?ver=0)