

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 21-23

Amending Emergency Executive Orders 20-51, 20-81, 21-11, and 21-21

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:

On May 6, 2021, I issued Executive Order 21-21 detailing a series of measured steps to safely end COVID-19 restrictions on social gatherings and businesses and set a timeline to safely rescind numerous other executive orders that will no longer be necessary. Since I issued Executive Order 21-21, the Centers for Disease Control and Prevention (“CDC”) released new recommendations advising that vaccinated people are not required to wear face coverings in most places. Throughout our COVID-19 response, we have followed the science and adhered to public health guidance. Consistent with that approach, we continue to urge individuals who have not been vaccinated to wear face coverings in indoor public spaces in accordance with CDC and Minnesota Department of Health (“MDH”) recommendations. Given the CDC’s new guidance, our progress on vaccine administration, and encouraging trends in our key public health risk metrics, this Executive Order lifts face-covering requirements in most settings.

For these reasons, I order as follows:

1. All people who have not been vaccinated are strongly encouraged to wear a face covering in accordance with MDH and CDC recommendations until they are fully vaccinated.
2. Notwithstanding paragraph 3 of Executive Order 21-21, paragraphs 2, 9, 10, 11, 12.c, 13, 14, and 15 of Executive Order 20-81 are rescinded immediately.
3. Individuals must continue to comply with relevant CDC Orders, as long as those orders remain in effect. This includes the CDC’s January 29, 2021 Order requiring face coverings on public transportation, available at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.
4. Paragraphs 12.a and 12.b of Executive Order 20-81, relating to child care, preschool, pre-kindergarten, and K-12 schools, remain in effect. Schools and school districts must continue to follow the face-covering requirements in the Safe Learning Plan

through the end of the 2020-21 school year, or through June 13, 2021 in the case of year-round schools.

5. Paragraphs 7.c.viii.D, 7.c.ix.B, 7.g.v, 7.h.v, 7.i.ii.A.3, and 13.vi of Executive Order 21-11, as amended by Executive Order 21-21, are rescinded immediately.
6. Paragraph 6.f of Executive Order 21-11, as amended by Executive Order 21-21, is amended by the following deletion (indicated by strikethrough):
 - 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/covid19.html>).
7. Paragraph 7.c.v of Executive Order 21-11, as amended by Executive Order 21-21, is amended by the following deletion (indicated by strikethrough):
 - 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>).
8. Paragraph 6.a.vi of Executive Order 20-51 is amended by the following addition (indicated by underlined text) and deletion (indicated by strikethrough):
 - vi. **Social distancing and other infection prevention measures.** As detailed in the Plan Guidance, the facility must implement protocols and physical measures to provide for social distancing; separate and minimize crossover between COVID-19 and non-COVID-19 areas and units to the extent possible; reduce unnecessary contact and interactions between staff, patients, and visitors; and clean and disinfect spaces; ~~and require facility patients and visitors to wear source control facemasks, which the facility must be prepared to provide when necessary.~~ The protocols and measures must include evidence-based standards for the control and prevention of infection, and the facility must train staff on the protocols and measures and conduct regular audits to ensure compliance.
9. **Enhanced 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. Likewise, and consistent with paragraph 16 of Executive Order 20-81, which remains in effect, nothing in this Executive Order or previous executive orders should be construed to prohibit or prevent businesses and other private entities, such as residential apartment buildings or places of worship, from implementing otherwise lawful policies or rules related to the conduct of their employees, tenants, congregants, or customers—including lawful face-covering requirements.

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 May 14, 2021.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on May 14, 2021:



Alice Roberts-Davis
Secretary, Executive Council

Filed on May 14, 2021
Office of the Minnesota
Secretary of State,
Steve Simon

RESOLUTION

RESOLVED, by the Executive Council of the State of Minnesota, at its emergency meeting on May 14, 2021, that it approves Emergency Executive Order 21-23 pursuant to Minnesota Statutes 12.31 and 12.32.

Amending Emergency Executive Orders 20-51, 20-81, 21-11, and 21-21.

Approved by Executive Council

DATE: May 14, 2021

BY: *A Roberts Davis*

Filed on May 14, 2021
Office of the Minnesota
Secretary of State,
Steve Simon