

## **FAQ**

### **Emergency Order #3, Limiting Public Gatherings**

On October 6, 2020, Wisconsin Department of Health Services (DHS) Secretary-designee Andrea Palm issued Emergency Order #3, Limiting Public Gatherings (“order”), to slow the rapid spread of COVID-19, effective October 8, 2020 at 8:00 a.m.

#### **Why are public gatherings being limited?**

In September and October, Wisconsin became the nation’s hot spot in the COVID-19 pandemic. During the week of September 27-October 3, Wisconsin had the third highest rate of new cases and third highest total number of new cases in the nation. This rapid surge has quickly expanded to every age group and every part of the state, especially to the Fox Valley and Northeastern Wisconsin. Every part of the state now has high or very high disease activity levels, with widespread community transmission. Public gatherings of people, even a single event, have fueled the rapid spread of COVID-19. Some Wisconsin hospitals are already struggling to keep up with care demands – both because of bed space and staffing shortages – and we have to do what we can to slow down the spread of this disease so our health care workers can keep up.

#### **What does the order prohibit?**

Nothing is shut down or closed under this order. Instead, it prevents situations where there are too many people in a single indoor public space at one time. The order prohibits large groups of people from gathering in indoor spaces that are open to the public (unless an exception applies).

The order prohibits groups larger than 25% of the indoor room’s occupancy, as determined by the local municipality. For example, if the local municipality sets a capacity limit of 100 people in a given indoor room, only 25 people would be able to be in that room.

A place is open to the public if it is accessible to the general public, such as stores, restaurants, bars, or ticketed events.

#### **How long will the order last?**

The order goes into effect at 8:00 a.m. on October 8. The order will remain in effect for two incubation cycles of COVID-19 (2 weeks per cycle), ending on November 6, 2020.

#### **Does the order apply to outdoor spaces or events?**

No, the order only applies to indoor spaces. The order does not apply to outdoor areas, such as park shelters, outdoor dining areas, or playgrounds.

### **Does the order apply to businesses?**

For businesses, the order only applies to indoor spaces that are accessible to the public, such as stores, bars, restaurants, and office lobbies. Membership or sign-up events, such as gyms or classes, are open to the public and covered by the order.

The order does not apply to a business's outdoor space, such as patios or outdoor dining areas. The order also does not apply to a business's indoor space if the indoor space is not accessible to the public. For example, most factories, warehouses, storage areas, office areas, and other business locations are not accessible to the public because they are only accessible to employees or invited guests.

### **What about indoor ticketed events?**

The order applies to ticketed events if any member of the public or any member of a group of people can get a ticket. For example, anyone can purchase a movie ticket and, as a result, the order applies to movie theaters. Similarly, a ticketed event that is specifically for lawyers must comply with the order if it is open to all lawyers.

### **Does the order apply to weddings?**

It depends on the wedding and reception.

The order **applies** to indoor, non-religious weddings or receptions that are open to the public.

The order does **not** apply to:

- Private wedding ceremonies or receptions.
- Religious wedding ceremonies.
- Outdoor weddings or receptions.

But remember, large weddings are not a good idea right now. There have been multiple examples of weddings becoming "super-spreader" events, where many people have gotten sick and even died from COVID-19 as a result of attending a wedding.

### **Does the order apply to funerals?**

It depends on the funeral.

The order **applies** to indoor, non-religious funeral gatherings that are open to the public.

The order does **not** apply to:

- Private funerals or services.
- Religious funerals or services.
- Outdoor funerals or services.

### **Does the order apply to private residences or homes?**

Private residences are exempt from the public gathering limitations, unless the residence is holding an event that is open to the public where anyone who wants to attend may attend. If a private residence holds an event that is open to the public, the event must be limited to no more than 10 people who do not live in the residence.

### **Does the order apply to the entire state?**

Yes, because COVID-19 is spreading exponentially throughout the entire state, the order applies to every part of Wisconsin.

### **What indoor spaces are exempt from the order?**

- **Schools.** All school buildings are exempt. The exemption includes any activity that occurs within the school building. However, school functions that occur in other non-school owned facilities may be covered by the order. For example, an athletic event in the school gym is exempt, but a school dance that is held at a hotel ballroom is not exempt and would have to meet the capacity limits in the order.

School districts are strongly encouraged to follow [Education Forward](#), the Department of Public Instruction's guidance for keeping their schools safe during the COVID-19 pandemic.

- **Higher education.** All higher education and university buildings are exempt. These institutions are strongly encouraged to work with local health officials and follow the Department of Health Services guidelines to ensure their operations are safe.
- **Child care.** All child care settings, after-school, before-school, and virtual learning support programs are exempt. Additionally, child welfare facilities such as foster homes and group homes are exempt.
- **Health care and public health operations.** This exemption includes hospitals, health care providers, medical equipment production, and veterinary care. For a complete list of exemptions in this category, please see [Emergency Order #3, Section 2.c.v.](#)
- **Human services operations.** This includes long-term care and assisted living facilities, shelters, and food banks. For a complete list of exemptions in this category, please see [Emergency Order #3, Section 2.c.vi.](#)

- **Public infrastructure.** This includes grocery stores, food production and distribution, airports, construction projects, and public transportation. For a complete list of exemptions in this category, please see [Emergency Order #3, Section 2.c.vii](#).
- **Government.** State and local government operations are exempt. This includes polling locations, the Department of Corrections facilities, and fire and police stations. Spaces belonging to the state legislature or state courts are also exempt, including circuit court buildings and legislative offices. Federal government facilities are also exempt.
- **First Amendment speech.** Political rallies, demonstrations, and other protected First Amendment speech are exempt from the order.
- **Churches.** Churches and places of worship are exempt from the order.

For a complete list of exemptions, please refer directly to [Emergency Order #3](#).

### **Does the order apply to Tribal Nations?**

No, as sovereign nations, the order does not apply to Tribal Nations. In addition, many Tribal Nations already have health orders in effect to prevent the spread of COVID-19.

### **Does this order supersede local orders?**

Local governments may enact local orders that are the same or more restrictive than this order. The state order only supersedes parts of a local order that are less stringent than the state order. For example, if a local order permits up to 50% capacity in an indoor space open to the public, the state order would supersede it because the state order limits capacity to 25% in an indoor space open to the public.

### **How is the order enforced?**

Local officials can issue a civil forfeiture under Section 252.25 of the Wisconsin Statutes.