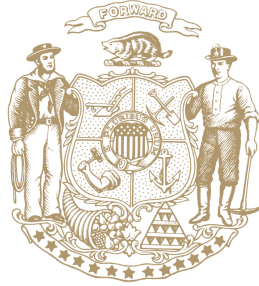


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Frequently Asked Questions About Emergency Order #3, Limiting Public Gatherings

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?

First, this order does not shut down anything. Instead, it just 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.

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.

Who is exempted from the order?

The following places and institutions are exempted from the order, even if they have indoor spaces accessible to the public:

- Child care settings, before and after school programs, virtual learning support programs, and other child welfare locations listed in the order.
- 4K-12 schools.
- Colleges and universities.
- Health care and public health operations.
- Human services operations, such as long-term care and assisted living facilities.
- Public infrastructure operations, such as food processing and production facilities, airports, construction projects, and public transportation.
- State and local government operations and facilities.
- Religious events, political events, demonstrations, and other events with protected First Amendment speech.
- State facilities under the control of the Wisconsin Supreme Court or the Wisconsin Legislature.
- Federal facilities under the control of the federal government.

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.