

Minnesota Governor Tim Walz Issues Executive Order Loosening COVID-19 Restrictions Tomorrow (May 7), Revoking Nearly All Restrictions On May 28, and Ending the Mask Mandate (Including Indoors) No Later Than July 1

This morning (on May 6, 2021), Minnesota Governor Tim Walz issued Emergency Executive Order 21-21, which adopts a three-phase plan to relax or eliminate nearly all COVID-19 restrictions on businesses and social gatherings by May 28, and end the mask mandate no later than July 1 (and possibly sooner). Today's Executive Order amends or rescinds 24 previous emergency executive orders.

All companies with operations in Minnesota should familiarize themselves with today's Executive Order, which contains significant new rules—some of which take effect as soon as tomorrow. Minnesota employers that are planning to bring employees back to work or that have employees who already work from a physical worksite should carefully review the new guidance.

Phase One: Noon on May 7

Beginning at noon tomorrow (May 7), Minnesota will relax a variety of COVID-19 restrictions, including:

- Eliminating all capacity limits for outdoor dining, events, and other outdoor gatherings;
- Rescinding the requirement that people wear masks outdoors (except at events with over 500 people);
- Ending the mandatory 11 p.m. closing time for establishments;
- For indoor spaces (e.g., restaurants and bars), increasing table and group size limits to 10 people (from 6), removing bar-seating restrictions, and eliminating capacity limits for outdoor spaces;
- Increasing occupancy and group size limits for all indoor activities and events, increasing capacity percentages, and removing overall caps (including the 3,000 person maximum for seated establishments and the 10,000 person maximum for outdoor occupancy);
- Directing fairs, parades, and other outdoor celebrations to implement best practices

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- for safety (in lieu of state-ordered restrictions); and
- Loosening restrictions for indoor pools and eliminating restrictions on outdoor pools.

Many changes effective May 7 are directed to specific types of companies, establishments, or activities.

For example, fitness centers and recreation centers will still have a 50% capacity limit (and a 250-person cap), but today's Executive Order narrows these limits to indoor workout spaces (rather than across the entire facility). In other words, although an indoor workout space within a recreation center still cannot exceed 250 people, the recreation center itself can have more than 250 total people. And the mask requirement only applies to people who are indoors; people in *outdoor* spaces at a fitness center or recreation center will no longer be required to wear a mask.

Phase Two: May 28

Next, effective at midnight on May 28 (*i.e.*, the Friday before Memorial Day), nearly all other COVID-19 restrictions will cease, including for indoor events and gatherings. However, at this phase there will still be a mask requirement applicable to indoor spaces and for outdoor events larger than 500 people.

Businesses will also still be required to have a COVID-19 Preparedness Plan that implements the requirements on the [Stay Safe Minnesota website](#), including certification, posting, and training requirements. Minnesota will also keep in place its eviction moratorium and anti-price-gouging order.

Phase Three: July 1 (or sooner)

Finally, within two business days after a determination that 70% of Minnesotans sixteen years of age and older have received at least one dose of the COVID-19 vaccination—**but no later than midnight on July 1**—the remaining requirements (*i.e.*, indoor-masking requirements and mandatory COVID-19 Preparedness Plans) will be lifted.

Guidance to Employers

Although Minnesota continues to strongly urge at-risk persons to stay home, it is eliminating the requirement that “people who can work from home must do so.” This opens the door for employers to bring employees back to the office, subject to the masking and occupancy limits described above. With indoor-occupancy limits to be lifted on May 28 and masking requirements to be lifted no later than July 1, employers now have clearer guidance on when employees can return to the office without limits.

Today's Executive Order contains substantial guidance directed to specific businesses, sectors, and events. If your business has been separately regulated in previous Executive Orders, or if you have questions about how today's Executive Order applies to you, your employees, or your customers, Dorsey & Whitney's attorneys are ready to assist you. In addition, if you are planning on bringing employees back to the office,

Dorsey & Whitney's attorneys have been guiding employers through the legal and practical issues involved in that process.