



October 7<sup>th</sup>, 2020

To the Members of Our Michigan Hockey Community:

As you know, there have been several developments in the last few days which have direct impact on the Michigan Amateur Hockey Association's return to hockey activity.

Late last Friday, October 2<sup>nd</sup>, the Michigan Supreme Court issued a decision declaring that Governor Whitmer did not have authority, under certain statutes, to issue Executive Orders after April 30, 2020. This ruling created significant confusion throughout the state, including how this could affect organized sports competition. Immediately after the release of the decision, I began receiving questions about whether participants would still be required to wear facial coverings while playing hockey.

Adding to the confusion, The Governor put out a statement indicating that the Supreme Court's decision did not take effect for a 21-day period. This is likely erroneous, and a motion is pending in the Supreme Court on that issue at this moment. The Supreme Court acted on a request for certification from a United States District Court judge in Kalamazoo, related to a case involving Governor Whitmer's authority to issue certain Executive Orders, and that case is still pending. We expect that he will release a decision, providing further guidance on the issues, very soon.

Shortly after the Governor's statement, some county health departments reacted quickly - in an effort to enforce many of the same provisions that were in the Governor's orders - by issuing their own orders. This approach was similar to what we saw happen in Wisconsin, when their Supreme Court made a similar ruling earlier this summer.

On Monday, October 5<sup>th</sup>, the Michigan Department of Health & Human Services (MDHHS) issued an [Emergency Order under MCL § 333.2253](#). This Emergency Order reinstated (almost verbatim) the Executive Orders we had been operating under, including requiring a facial covering for players on and off the ice, as well as negating the use of a tolerance exemption for those participating in sports. While the similar Executive Orders issued by the Governor are likely no longer in effect, the legal opinion we have been given states that the October 6, 2020 MDHHS Emergency Order is controlling, and sports organizers must follow it at this time.

The MDHHS Emergency Order also contains similar language to Executive Order 2020-183, which allows for increased capacity for spectators at our events. Associations can continue to enforce the 'two spectators per athlete' guideline or, alternately, they may apply the "Gatherings" section of the order which states:

*Gatherings of between 10 and 500 persons at a non-residential indoor venue are only permitted if: (1) the venue has fixed seating and attendance is limited to 20% of the seating capacity, except up to 25% in Region 6; (2) the venue does not have fixed seating and attendance is limited to 20 persons per 1,000 square feet in each occupied room,*

*except that up to 25 persons per 1,000 square feet in each occupied room are allowed in Region 6; and (3) face coverings are required.*

The net result of all of these developments is that, at this time, we are almost in exactly the same position we were in a week ago. We have an Emergency Order by the MDHHS that we must follow until rescinded, removed or changed. We understand the confusion and frustration, but MAHA and other similar sports organizers must follow existing law, whether we agree with it or not.

We are attaching our revised Return to Play Standards document, which includes the revisions outlined above. **Until there are further developments, we must continue to enforce the wearing of facial coverings, following the same guidelines in the Emergency Order and our MAHA Return to Play Standards.** There is a variety of options to choose from in the marketplace and, as manufacturers continue to replenish product inventory, it will be easier for parents to find an option that meets the requirements and best suits their player.

I know this past month has been very challenging for you... and I appreciate your efforts and patience, to try and keep your players and families safe, while playing the great sport of hockey. It has not been easy and I am sure, at times when you are being aggressively challenged, you wonder if it is all worth it. I am sure you have come to the same opinion I have, which is that it is very important to keep our youth physically active during this time, while trying to follow the government requirements to keep our ice rinks and programs open.

MAHA will continue to monitor the developments with these governmental orders and will continue to work with other associations that have similar interests to advocate for policies we feel will provide the best experience for our players while providing a safe environment.

Sincerely,

*George Atkinson*

George Atkinson

President, Michigan Amateur Hockey Association