



Emergency Order #12 and Religious Gatherings, Weddings, and Funerals

Prepared by: Melissa Schmidt, Senior Staff Attorney

[Emergency Order #12](#), also known as the “Safer at Home” order, was issued by the Department of Health Services (DHS) on March 24, 2020. The order was issued in response to the COVID-19 outbreak at the direction of Governor Tony Evers, pursuant to [s. 252.02 \(3\)](#) and [\(6\)](#), Stats., and the powers vested in DHS through [Executive Order #72](#). While the order curtails, and in some cases prohibits, activities that would otherwise be permissible, the order expressly encourages religious gatherings, weddings, and funerals to continue, with certain restrictions. This issue brief summarizes the provisions of the order that affect religious gatherings, weddings, and funerals.

EMERGENCY ORDER #12

Emergency Order #12 imposes a number of requirements on individuals, businesses, and other organizations, proclaiming that Wisconsin is in a “critical moment” relating to the COVID-19 outbreak and that “social distancing – the practice of keeping at least six feet apart from others and avoiding direct physical contact – is the only effective means of slowing the rate of infection.”

Very generally, Emergency Order #12 provides that, effective at 8:00 a.m. on Wednesday, March 25, 2020, until 8:00 a.m. on Friday, April 24, 2020, or until a superseding order is issued, all individuals within Wisconsin are required to stay at home or in their place of residence, except for expressly permitted purposes; all nonessential businesses and operations are required to cease; all public and private gatherings are prohibited, except for limited purposes permitted by the order; certain facilities are required to close; and all nonessential travel is prohibited. The order sets forth various exceptions, one of which is for “essential businesses and operations.”

Emergency Order #12 encourages “essential businesses and operations” to remain open and sets forth specific requirements for them to do so. Included in the order’s definition of essential businesses and operations are religious gatherings, weddings, and funerals. As essential businesses and operations, religious gatherings, weddings, and funerals are required, to the greatest extent possible, to use technology to avoid meeting in person. However, Emergency Order #12 also provides the ability for religious gatherings, weddings, and funerals to occur in person, as long as there is compliance with requirements related to social distancing and the number of people that may attend in a room or confined space at a time.

SOCIAL DISTANCING REQUIREMENTS

All religious gatherings, weddings, and funerals must adhere, as much as possible, to the social distancing requirements specified in Emergency Order #12, regardless of where they are being held. These social distancing requirements include all of the following:

- Maintaining social distancing of six feet between people. This restriction does not apply to family members living in a single living unit or household members.
- Washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer.
- Covering coughs or sneezes (into the sleeve or elbow, not hands).
- Regularly cleaning high-touch surfaces.

- Not shaking hands.
- Following all public health recommendations issued by DHS and the U.S. Centers for Disease Control (CDC).

LIMITATION ON THE NUMBER OF PEOPLE IN ATTENDANCE

Emergency Order #12 limits the number of people that may be in attendance at a religious gathering, wedding, or funeral that is located in a room or confined space¹ at any one time. Under the order, any gathering in a room or confined space must include fewer than 10 people at a time. This limitation applies regardless of whether the confined space is indoors or outdoors. Emergency Order #12 does not limit the number of people that may be in attendance at any one time if the religious gathering, wedding, or funeral is located in an unconfined outdoor space, including a drive-up religious gathering. However, as discussed above, all religious gatherings, weddings, and funerals must adhere to the social distancing requirements regardless of where the gathering is located.

ENFORCEMENT

Emergency Order #12 is enforced at the discretion of local law enforcement. Any violation or obstruction of the order is punishable by up to 30 days imprisonment, up to a \$250 fine, or both.²

ADDITIONAL RESOURCES

The following links provide additional information on Emergency Order #12 and guidance relating to religious gatherings, weddings, and funerals held during the COVID-19 outbreak:

- Office of Governor Tony Evers, [Safer at Home FAQs](#).
- Office of Governor Tony Evers, [Reiterated Options That are Available for Religious Gatherings and Services](#).³
- DHS, [COVID-19: Community and Faith-Based Organizations](#).
- DHS, [COVID 19: You are Safer at Home](#).
- CDC, [Resources for Community- and Faith-Based Leaders](#).

¹ The term “confined space” is not defined in Emergency Order #12.

² As authority for the penalty, the order cites s. [252.25](#), Stats., which provides for up to 30 days imprisonment, up to a \$500 fine, or both.

³ Because Executive Order #12 treats all weddings and funerals the same as religious gatherings, this document appears to contain relevant options for them as well.