

# CORONAVIRUS

## INFORMATION & UPDATES

November 4, 2020

### State and Local Jurisdictions Impose Restrictions on Gatherings and Non-Essential Businesses: Defining What Is, and Is Not, an “Essential Business” that Can Remain Open in Non-Remote Mode

Several jurisdictions recently imposed restrictions to limit the size of gatherings and close or reduce in-person operations of various “non-essential businesses,” all in order to slow the spread of COVID-19 through increased social distancing. Below, we summarize the restrictions and the exceptions for “essential businesses” applicable to dozens of jurisdictions. Because these public health recommendations (and in some cases, mandatory orders) are issued from the state and local/county/municipal levels of government, **they are not uniform across the U.S.**, and their definitions of “essential businesses” may differ from state to state and from city to city. **Close attention to the specific terms of these local and state department of health issuances is therefore critical.** We offer this compendium in order both to give some current information about these local orders, as well as to demonstrate how these orders may differ geographically. **In making operational decisions about business continuity in these jurisdictions, do not rely on this document for anything other than as a starting point – it is a work in progress, and may be outdated quickly. Please refer to the website of your local and state departments of health for the most current information.**

Attorney Team  
[PHOrdersTeam@ropesgray.com](mailto:PHOrdersTeam@ropesgray.com)

#### October 31, 2020 updates:

- **New Mexico:** Updated to reflect public health order reducing the permitted occupancy rate of places of lodging (now 60%) and the size of permitted mass gatherings (now must be four people or less), and extended self-quarantine requirement.
- **Wyoming:** Updated to reflect extended public health orders.

#### October 23, 2020 updates:

- **California:** Updated with new order from Los Angeles County.
- **Oklahoma:** Updated to reflect extended executive order.

#### October 21, 2020 updates:

- **Illinois:** Eviction moratorium extended through November 14.
- **Iowa:** Extension of business operating restrictions through November 15.

#### October 20, 2020 updates:

- **California:** Updated to reflect passage of AB-685, which requires employers to notify employees who have been exposed to COVID-19 and to report workplace outbreaks to local health departments.

#### October 16, 2020 updates:

- **New Mexico:** Updated to reflect extended executive order.
- **Wyoming:** Updated to reflect extended executive order.

#### October 15, 2020 updates:

- **Alaska:** Updated to reflect new travel order.

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- **Georgia:** Updated to reflect extended executive order.
- **Idaho:** Updated to reflect announcement that Idaho will remain in Phase 4 for two more weeks.

### October 14, 2020 updates:

- **Arkansas:** Updated to reflect extended executive order.
- **Louisiana:** Updated to reflect extended executive order.
- **Nevada:** Updated to reflect new emergency directive allowing youth and non-professional sports to resume certain activities.
- **Texas:** Updated to reflect movement into Phase 3.
- **West Virginia:** Updated to reflect rescission of Monongalia County bar closure, as well as new order allowing some live music performances.

### October 13, 2020 updates:

- **California:** Updated to reflect new orders in Los Angeles and San Diego counties, and to reflect new statewide gathering guidance.
- **Hawaii:** Updated to reflect new Emergency Proclamation.
- **Pennsylvania:** Updated to reflect amendment to gathering limits under the Order Directing Targeted Mitigation Measures.

### October 12, 2020 updates:

- **Illinois:** Updated to reflect expiration of additional restrictions in certain counties.
- **Minnesota:** Updated to reflect extension of state of emergency.
- **Florida:** Updated to reflect modification of county restrictions.

### October 7, 2020 updates:

- **Washington:** Updated to reflect new guidance allowing additional activities under the Safe Start reopening plan.
- **Wisconsin:** Updated to reflect new restrictions on indoor gatherings.

### October 5, 2020 updates:

- **California:** Updated to reflect new orders for Los Angeles City and Los Angeles County.
- **Idaho:** Updated to reflect clarification from Governor Little clarifying that, in Stage 4, Idaho is “open for businesses and there are not restrictions on businesses and other activities.”
- **Illinois:** Updated to reflect new county-based restrictions.
- **Iowa:** Updated to reflect the expiration of certain county-based restrictions.
- **Pennsylvania:** Updated to reflect Third Circuit’s stay of district court’s order holding gathering limits unconstitutional pending appeal.
- **Wyoming:** Updated to reflect extended executive orders.

### September 30, 2020 updates:

- **California:** Updated to reflect new orders in San Diego & San Francisco counties.
- **Florida:** Updated to reflect reduced restrictions in Miami-Dade, Palm Beach, and Broward counties.

### September 28, 2020 updates:

- **Florida:** Updated to reflect transition to Phase 3; expiration of certain county restrictions.

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- **Iowa:** Updated to reflect extended restrictions in certain counties.
- **Illinois:** Updated to reflect modification of Chicago business restrictions, effective October 1.
- **Oklahoma:** Updated to reflect extended executive order.

### September 24, 2020 updates:

- **Hawaii:** Updated to reflect new order.

### September 22, 2020 updates:

- **Kentucky:** Updated to reflect latest guidance for restaurants and bars.
- **Nebraska:** Updated to reflect latest guidance in new round of Directed Health Measures across all counties.
- **Ohio:** Updated to reflect the Director of Health’s Order detailing reporting requirements for K-12 schools.
- **Utah:** Updated to reflect new Public Health Orders concerning Restriction Level and Face Coverings in State Facilities.
- **Wisconsin:** Updated to reflect extension of face covering requirement for 60 days.

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### I. Federal

- The Cybersecurity and Infrastructure Security Agency (“CISA”) issued federal guidance specifically identifying which workers in the below listed industries it considers “essential.” These guidelines are not binding on states, but may be used as a template for states and localities issuing restrictive measures related to COVID-19. The CISA guidance also offers recommendations on how government and organizations can protect critical infrastructure workers and allocate scarce resources, including PPE, testing, and vaccines, to essential workers facing the highest risks. *See [Advisory Memorandum on Ensuring Essential Critical Infrastructure Workers Ability to Work during the COVID-19 Response \(dated August 18, 2020\)](#).*
  - (i) Health care/public health; (ii) law enforcement, public safety, and other first responders; (iii) education; (iv) food and agriculture; (v) energy, including electricity, petroleum, and natural gas/propane; (vi) water and wastewater; (vii) transportation and logistics; (viii) public works and infrastructure support services; (ix) communications and information technology; (x) other community- or government-based operations and essential functions; (xi) critical manufacturing; (xii) hazardous materials; (xiii) financial services; (xiv) chemical; (xv) defense industrial base; (xvi) commercial facilities; (xvii) residential/shelter facilities and services; and (xviii) hygiene products and services. *Id.*
- As of April 3, 2020, the CDC recommends—but does not require—that people wear cloth face coverings (but not N-95 respirators or surgical masks) in public settings, such as grocery stores and pharmacies, where other social distancing measures are difficult to maintain. *See [CDC Recommendations for Cloth Face Covers \(April 3, 2020\)](#).* The CDC emphasizes, however, that wearing a cloth face covering should not replace other social-distancing measures. *Id.*
- On April 8, 2020, the CDC issued new interim guidance for implementing safety measures for critical infrastructure workers who have been exposed to a person with suspected or confirmed COVID-19. The guidance advises that **critical infrastructure workers** (as described in the CISA guidance above) who have been exposed to COVID-19 but **remain asymptomatic may still go to work** if: (i) employers take their temperatures and assess their symptoms before they start a shift; (ii) the employee self-monitors for symptoms under the supervision of the employer’s occupational health program; (iii) the employee wears a face mask at work for 14 days after the last exposure; (iv) the employee practices social distancing; and (v) the workplace is regularly cleaned and disinfected. *See [CDC Interim Guidance for Implementing Safety Practices for Clinical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19 \(April 8, 2020\)](#).*
- On April 16, 2020, the CDC and the White House released nonbinding [Guidelines for Opening Up America Again](#). The Guidelines recommend a three-phased approach to easing restrictions, with states or municipalities moving from phase to phase as they demonstrate compliance with certain gating criteria.
  - In particular, to move to the next reopening phase, a state or locality should be experiencing:

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- A downward trajectory of reported influenza-like illnesses and cases with COVID-like symptoms for 14 days;
  - A downward trajectory of either the absolute number of COVID-positive cases or the proportion of positive cases (assuming a fixed or increasing volume of tests) over a 14-day period; and
  - An ability for hospitals to treat all patients without crisis care and to operate a robust testing program for at-risk healthcare workers, including emerging antibody testing.
- Throughout all phases, the Guidance recommends that **individuals** continue to practice good hygiene, strongly consider wearing a face mask in public and on mass transit, and to stay home from school or work if sick. **Employers** are urged to develop social distancing policies that include physical distancing, temperature checks, sanitation, disinfection, and contact tracing in accordance with other guidance, to monitor the workforce for symptoms, and to develop and implement contact-tracing plans. **States and localities** are tasked with increasing testing & contract tracing capabilities, maintaining and improving their healthcare system capacities (including their provision of PPE and critical medical supplies and ICU capacity), and developing plans to protect their citizens and industries and to monitor conditions and readjust reopening guidance if necessary.
  - In addition, the Guidance provides phase-specific recommendations for individuals, employers, and specific employers:
    - **Phase One**
      - Individuals: Vulnerable individuals are urged to continue to shelter in place, other individuals are encouraged to maximize physical distance and avoid social settings with more than 10 people without appropriate physical distance, and to minimize nonessential travel.
      - Employers: Employers should continue to encourage telework when possible; return to work in phases; close common areas or enforce strict social distancing protocols; minimize nonessential travel; strongly consider special accommodations for members of vulnerable populations.
      - Specific Employers: Closed schools and organized youth activities should remain closed; visits to senior living facilities and hospitals should be prohibited; large venues (sit-down dining, movie theaters, sporting venues, places of worship) can operate under strict physical distancing protocols; elective surgeries can resume on an outpatient basis; gyms can open under strict physical distancing and sanitation protocols; bars should remain closed.
    - **Phase Two**

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- Individuals: Vulnerable individuals are urged to continue to shelter in place, other individuals are encouraged to maximize physical distance and avoid social settings with more than 50 people without appropriate physical distance. Nonessential travel can resume.
- Employers: Employers should continue to encourage telework when possible; close common areas or enforce moderate distancing protocols; and continue to strongly consider special accommodations for members of vulnerable populations. Nonessential travel can resume.
- Specific Employers: Schools and organized youth activities can reopen; visits to senior living facilities and hospitals should be prohibited; large venues can operate under moderate physical distancing protocols; elective surgeries can resume on an inpatient and outpatient basis; gyms should continue to adhere to strict physical distancing and sanitation protocols; bars can reopen with diminished standing-room occupancy.
- **Phase Three**
  - Individuals: Vulnerable individuals can resume public interactions but should practice physical distancing; all individuals should minimize time in crowds.
  - Employers: Employers are encouraged to resume unrestricted workplace staffing.
  - Specific Employers: Visits to senior living facilities and hospitals can resume; large venues can operate under limited physical distancing protocols; gyms should adhere to standard sanitation protocols; bars can increase standing-room occupancy.
- On May 20, 2020, the CDC released a guidance document called [CDC Activities and Initiatives Supporting the COVID-19 Response and the President's Plan for Opening America Up Again](#).
  - The document explains the CDC's efforts and initiatives related to testing, disease and healthcare-system surveillance, and contact tracing.
  - The document also provides additional guidance on infection control and contact tracing, test usage, and the data underlying the gating criteria in the President's Plan.
  - The CDC also provides setting-specific guidance for each reopening phase for Child Care Programs, Schools and Day Camps, Employers with Workers at High Risk, Restaurants and Bars, and Mass Transit Administrators; on May 22, 2020, the CDC also released [Interim Guidance for Communities of Faith](#).
    - Most of the guidance includes general tips on cleaning, disinfecting, and ventilating work spaces; promoting social distancing by keeping communal spaces closed, staggering shifts and limiting groups, and reducing occupancy limits; and monitoring and preparing

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operations, including training employees and making plans for what to do and whether and how long to close if an employee becomes sick.

- The guidance also includes very specific industry-based recommendations. For example, during all phases of reopening, restaurants are encouraged to use single-serving condiments; communities of faith are encouraged to modify the methods used to receive financial contributions by, for example, using a stationary collection box rather than a shared collection tray or basket.
- On June 12, 2020, the CDC released guidance related to [events & gatherings](#) and [“venturing out” for activities, errands, and travel](#).
  - The guidance for events & gatherings generally recommends the following:
    - Organizers should continue to follow state and local laws related to gatherings and should assess, based infection rates in their communities, whether to postpone, change, or cancel the event.
    - Organizers should promote healthy behaviors that reduce the spread of COVID-19:
      - Encourage staff and attendees to stay home if they are symptomatic or have been in close contact with someone symptomatic;
      - Require employees to frequently wash or sanitize their hands and encourage attendees and staff to avoid handshakes, high-fives, or fist bumps;
      - Require staff to wear cloth face coverings and encourage attendees to bring and wear cloth face coverings;
      - Ensure that there are adequate supplies for healthy hygiene practices;
      - Post signs and messages about healthy practice in visible locations and include such messages in social media accounts or other advertisements promoting the event.
    - Organizers should also take steps to ensure the event space is safe:
      - Clean or disinfect high-touch areas or objects between uses or events or consider closing areas (e.g. drinking fountains) that cannot be adequately sanitized;
      - Limit the number of people allowed in the restroom at one time and ensure adequate social distancing in restroom queues;
      - Ensure that ventilation systems are functioning properly; attempt to improve outdoor air flow by opening windows and doors;

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- Take steps to ensure that water systems are functioning safely and properly, particularly if they have not been in use for an extended period of time;
- Modify the event space's layout, install physical barriers and guides, and encourage staggered use of shared spaces in order to promote appropriate physical distancing;
- Discourage people from sharing items that are difficult to clean or sanitize, and follow any guidelines related to restaurants and bars if the event will offer food or beverages.
- Organizers should also offer alternatives for vulnerable staff and attendees:
  - Consider offering vulnerable staff the option to work remotely (or implementing flexible leave policies) and offering vulnerable attendees the option to attend virtually;
  - Consider limiting event attendance to staff and guests who live in the local area;
  - Encourage employees and attendees to avoid public transit, if possible, and make it easier for attendees to drive, bike, walk, or avoid rush hour;
  - Designate a point-of-contact responsible for addressing and responding to COVID-19 concerns and encourage any staff or attendees who experience symptoms, are exposed to symptomatic or positive individuals, or receive a positive test to notify that person (subject to privacy laws).
- Organizers should also prepare to respond if someone becomes sick:
  - Isolate the sick individual and anyone who had close contact with that person;
  - Close off areas used by the sick person and clean and disinfect them;
  - Notify health officials and close contacts.
- The guidance on “venturing out” generally recommends the following:
  - The safest activities are those in which you will interact with few people, at a distance, for a limited amount of time. Vulnerable individuals should generally be more careful about venturing out.
  - Before engaging in an activity, individuals should also consider the community spread in their area, any local or state regulations or rules, and other logistics, such as whether they will need to take public transit or to travel into a different community.

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- When individuals engage in activities, they should bring a cloth face covering, tissues, and hand sanitizer.
- The guidance also provides specific tips for going to the bank; dining at a restaurant; hosting gatherings or cook-outs; using gyms and fitness centers; going to nail salons; visiting libraries; and traveling overnight. In general, the activity-specific guidelines recommend booking services in advance, calling ahead to make sure that the business or activity is practicing appropriate social distancing and hygiene protocols; avoiding high-touch items and crowded areas; bringing and using hand sanitizer; and washing hands when returning home.

### II. Alabama (Statewide)

- Alabama's reopening is paused as of June 30, 2020.
- Effective May 11, 2020, retail stores may reopen subject to certain rules:
  - Occupancy rate is limited to no more than 50 percent of the normal occupancy load. This rate must be posted in a conspicuous place, and staff must enforce this requirement at entrances and exits.
  - Employees must enforce a six feet distance between people from other households.
  - Retail stores must take reasonable steps to comply with sanitation guidelines from the CDC. *See [Safer at Home Order](#).*
- Close-contact service providers (e.g., barbers, hair salons, nail salons and spas, body art facilities, etc.), must: (i) comply with social distancing rules; (ii) require employees to wear face masks at all times while providing services within 6 feet of a client; and (iii) require employees to wash their hands thoroughly with soap and water immediately before providing services within 6 feet of a client. *Id.*
- Athletic facilities (e.g., fitness centers and commercial spas, and yoga, barre, and spin facilities) must: (i) maintain social distancing; (ii) limit facility occupancy to 50 percent of the normal occupancy load; (iii) prohibit patrons from accessing showers, hot tubs, steam rooms, lockers, or other recreational water or spa facilities; and (iv) require employees to wear face masks while in regular interaction with clients or guests. *Id.*
  - Athletic facilities may not allow: (i) sports that involve interaction with another person of closer than 6 feet; (ii) activities that require use of shared sporting apparatus and equipment; and (iii) activities on commercial or public playground equipment. *Id.*
- Restaurants, bars, breweries, and similar establishments may allow on-premises consumption, but must limit the party size at tables to no more than eight persons and maintain at least six feet of separation between people seated at different tables. *Id.*

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- Effective April 30, 2020, dental, medical, or surgical procedures may proceed unless the State Health Officer determines that performing such procedures would unacceptably reduce access to PPE necessary to diagnose or treat COVID-19. *Id.*

### III. Alaska (Statewide and Anchorage)

- Statewide
  - On May 22, 2020, Alaska entered Phases 3 and 4 of its reopening plan. All business are reopened, subject to nonbinding "advisories" (which include CDC and other federal guidance) designed to limit risk. Individuals are also encouraged to practice social distancing and good hygiene and sanitation. See [Reopen Alaska Responsibly: Phase III/IV Guidance](#).
    - The fishing and seafood processing industry remains subject to certain mandatory restrictions (which do not reference CDC guidance) and travelers entering Alaska from another state or abroad for any reason must other than an Essential Service must still quarantine for 14 days upon arrival.
    - Municipalities can implement more restrictive mitigation measures or remain in a different reopening phase.
    - As of October 16, 2020, people arriving in Alaska from another state or country face the following restrictions. See [Health Mandate 10.1 – International and Interstate Travel – Order for Self-Quarantine \(Effective 12:01 am on October 16, 2020\)](#).
      - **All international and interstate travelers:**
        - Must complete a Travel Declaration Form and a Self-Isolation Plan in the [Alaska Travel Portal](#).
        - Must not enter Alaska if they are currently positive with COVID-19, until they have been released from isolation or cleared for travel by a medical provider.
      - **All travelers entering Alaska:** must comply with one of the following options.
        - Submit through the [Alaska Travel Portal](#) negative test results from a molecular-based test for SARS-CoV2 taken within 72 hours of departure or have proof of a negative test available to show screeners.
          - Travelers with negative test results must follow strict social distancing for five days after arrival into Alaska or until they leave Alaska.
          - A second test taken between 5 and 14 days after arrival is recommended, but not required.

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- Submit proof of a molecular-based test for SARS-CoV2 taken within 72 hours of departure (but without results available yet), then self-quarantine until results arrive and upload results (positive or negative) into the Portal.
  - If the results are negative, the traveler must follow strict social distancing for 5 days after arrival. A second test taken between 5 and 14 days after arrival is recommended, but not required.
  - If the results are positive, the traveler must remain in isolation, contact the state's reporting hotline, and cannot travel.
- Non-resident travelers who do not have proof of a negative test result or proof of a test taken within 72 hours of departure must pay \$250 to take a test at the airport, then must self-quarantine until they receive results.
  - Residents may obtain a test for free.
  - All travelers with negative results must follow strict social distancing for five days after arrival into Alaska or until they leave.
  - A second test taken between 5 and 14 days after arrival is recommended, but not required.
- **Special considerations for Alaska residents:** must comply with one of the following options:
  - Self-quarantine for 14 days after arrival.
  - If the resident traveled outside Alaska for fewer than 72 hours, not test or quarantine is required, but the resident must self-monitor for symptoms for 14 days.
- **All travelers** who (i) provide proof of a previously positive result of a molecular-based SARS-CoV2 test within 90 days of departure; (ii) are current asymptomatic; and (iii) can show a note of recovery from a medical professional indicating that they have been released from isolation need not take another test or provide proof of a test when they arrive.
- **Critical infrastructure workers** arriving from outside the state and traveling for work must arrive with a letter from the employer that (i) identifies the employer and employee by name; (ii) details instructions on how the employee must travel to their job site, in accordance with the company's workforce protective plan; (iii) confirms that the traveler is following the employer's workforce protective plan.

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- On May 8, 2020 (and until rescinded or modified), Alaska enters Phase 2 of its reopening plan. Some activities and businesses that previously had been restricted or shut down under Alaska’s stay-at-home order are allowed to resume operations under specific conditions and in accordance with provided guidance; other activities and businesses that had already reopened are allowed to increase capacity or services. The order “establish[es] consistent mandates across the State.” *See [Health Mandate 016 – Reopen Alaska Responsibly Plan \(revised May 7, 2020\)](#).*
  - **Nonessential public-facing business (excluding retail)** can resume operations if they satisfy specified social distancing requirements (including limiting capacity to 50 percent occupancy), hygiene protocols, staffing guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment D). **Nonessential businesses requiring in-home services** (such as product-installation services) can resume operations if they satisfy social distancing requirements, hygiene protocols, and staffing guidelines. *See id.*
  - **Retail businesses** can resume operations if they satisfy specified social distancing requirements (including limiting capacity to 50 percent occupancy), hygiene protocols, staffing and operations guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment E). Retail businesses are encouraged to continue to provide contactless pickup and delivery and cashless and receiptless transactions. *See id.*
  - **Restaurants (but not bars)** can resume table service dining if they satisfy specified capacity limits (50 percent occupancy indoors, 25 percent of bar seating occupancy, and no more than 20 tables outside), operations requirements, hygiene protocols, staffing guidance, and cleaning and disinfecting protocols. *See id.* (Attachment F). Walk-in visitors are now permitted, so long as the restaurant maintains a sufficiently detailed visitor log. Restaurants are encouraged to continue to provide contactless pickup and delivery, cashless and receiptless transactions, and to provide separate doors for entries and exits. *See id.*
  - **Personal care services (e.g., hair salons, day spas, barber shops, tattoo shops, etc.)** can resume operations if they satisfy specified social distancing requirements (including limiting capacity to 50 percent occupancy), hygiene protocols, staffing and operations guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment G). Personal care services are encouraged to offer cashless and receiptless transactions, to provide separate doors for entries and exits, and to offer special hours for high-risk populations. *See id.*
  - **Nonessential non-public facing businesses** can resume operations if they satisfy specified social distancing requirements, hygiene protocols, staffing guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment H).
  - **Childcare and day camps** can resume operations if they satisfy specified social distancing requirements, capacity limits, hygiene protocols, staffing and operation guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment I). Individuals in high-risk populations are encouraged to avoid childcare and day camps (either as

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employees or for drop off or pick up), and facilities should provide staggered drop-off and arrival times. *See id.*

- **Day fishing charters** can resume operations if they satisfy specified social distancing requirements, capacity limits (50 percent occupancy customers are members of different households), staffing guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment J).
- **Gyms, fitness centers, and recreational facilities** can resume operations if they satisfy specified social distancing requirements (including capacity limits of 25 percent occupancy indoors and 50 percent occupancy outdoors), hygiene protocols, staffing and operation guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment K). Athletic facilities are encouraged to provide cashless and receiptless transactions and to recommend that participants wear cloth face coverings. *See id.*
- **Lodging and overnight camping (cabins, RV parks, tent sites, campgrounds, bed & breakfasts, hotels, motels, and inns)** can resume operations if they satisfy specified social distancing requirements, hygiene protocols, staffing guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment L).
- Intrastate travel and outdoor day recreation (including by mixed household groups) is permitted under specified conditions and guidelines. *See id.* (Attachment M).
- Social, religious, and other gatherings are permitted both indoors and outdoors, so long as the organizers adhere to certain restrictions, guidance, and capacity limits (no more than 50 people per gathering). *See id.* (Attachment N).
- **Libraries, museums, and archives** can resume operations if they satisfy specified social distancing requirements (including capacity limits of 25 percent occupancy), hygiene protocols, staffing guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment O). Libraries, museums, and archives are encouraged to provide cashless and receiptless transactions and to close hands-on and interactive exhibits. *See id.*
- **Swimming pools** can resume operations if they satisfy specified social distancing requirements (including capacity limits of 50 percent occupancy), hygiene protocols, staffing guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment P). Pools are encouraged to provide separate entries and exits and to promote the use of cashless and receiptless transactions. *See id.*
- **Bars** can resume operations if they satisfy specified social distancing requirements (including capacity limits of 25 percent occupancy indoors and no more than 20 tables outdoors), operational guidelines, hygiene protocols, staffing requirements, and cleaning and disinfecting protocols. *See id.* (Attachment Q). Bars are encouraged to provide

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separate entries and exits and to promote the use of cashless and receiptless transactions. *See id.*

- **Theaters** can resume operations if they satisfy specified social distancing requirements (including capacity limits of 25 percent occupancy, seating in every other row, two seats between households), hygiene protocols, staffing/operation guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment R). Theaters are encouraged to provide separate entries and exits, to provide separate hours for high-risk populations, and to promote cashless and receiptless transactions.
  - **Bowling alleys** can resume operations if they satisfy specified social distancing requirements (including capacity limits of 25 percent occupancy and staggered lanes), hygiene protocols, staffing/operation guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment S). Bowling alleys are encouraged to provide separate entries and exits, to provide separate hours for high-risk populations, and to promote cashless and receiptless transactions. *See id.*
  - **Bingo halls** can resume operations if they satisfy specified social distancing requirements (including capacity limits of 25 percent occupancy and staggered seating), hygiene protocols, staffing/operation guidelines, and cleaning and disinfecting protocols. *See id.* (Attachment T). Bingo halls are encouraged to provide separate entries and exits, to provide separate hours for high-risk populations, and to promote cashless and receiptless transactions. *See id.*
- As of March 28, 2020, at 5:00 p.m. (and to be reevaluated on April 11, 2020), **all persons in Alaska were required to stay at home**, unless they were engaged in socially-distanced outdoor activities, essential health care services, public government services, or essential business activities. **All nonessential businesses were required to cease all operations except Minimum Basic Operations**, and all employers were required to take reasonable precautions for their employees and the public and to take reasonable steps to enable employees to work from home. *See* [COVID-19 Health Mandate 11 \(issued March 27, 2020\)](#).
- According to the [Alaska Essential Services and Critical Workforce Infrastructure Order \(issued March 27, 2020\)](#), **Essential Services and Critical Infrastructure** industries and entities include (i) Healthcare Operations, such as hospitals, clinics, and pharmacies; (ii) Essential Infrastructure, including, for example, airports, ports, water, sewer, gas, and electricity; (iii) the financial services sector; (iv) first responders; (v) essential governmental functions; and (vi) Essential Business. Alaska also expressly incorporates and adopts federal guidance, including CISA's guidance. *Id.*
    - **Essential businesses** include: (i) grocery stores and supermarkets; (ii) food and agriculture cultivation; (iii) businesses that provide services for economically disadvantaged individuals; (iv) media; (v) gas stations and auto-supply and repair shops; (vi) hardware stores; (vii) plumbers, electricians, exterminators, and other service providers who provide services necessary for residences and critical

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infrastructure; (viii) business providing mailing and shipping services; (ix) educational institutions facilitating distance learning; (x) laundromats and dry cleaners; (xi) restaurants and other facilities that prepare and serve food for carryout or deliver; (xii) businesses that supply products needed for people to work from home; (xiii) businesses that supply other essential businesses with support or services; (xiv) businesses that transport essential products to retail outlets or directly to consumers; (xv) airlines, railroads, taxis, and other private transportation providers; (xvi) home-based care for seniors, adults, and children; (xvii) residential facilities and shelters for seniors, adults, and children; (xviii) professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities; (xix) childcare facilities, in compliance with hygiene and social-distancing recommendations, and to be used only by those who need childcare to work at a critical job; and (xx) all other businesses that can maintain Social Distancing Requirements and prohibit congregations of no more than 10 people in the business at a time (including employees). *Id.*

- **Minimum Basic Operations** include the minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions, and the minimum necessary activities to facilitate employees of the business being able to work remotely. *Id.*
- **Social distancing:** all employees performing Minimum Basic Operations must, *to the extent possible*, comply with Social Distancing Requirements (defined to include six-foot distancing, hand washing, and sanitizing). Essential Services and Critical Infrastructure are also *encouraged* to maintain six-foot social distancing for both employees and members of the public. *Id.*
- **Penalties:** A violation of a state-issued COVID mandate subjects a business or organization to an order to cease operations and/or a civil fine up to \$1,000 per violation. Under certain circumstances, individuals or entities that violate the COVID mandates may also be criminally prosecuted for Reckless Endangerment, a Class A misdemeanor. Class A misdemeanors are punishable by up to one year imprisonment and/or a fine of up to \$25,000 for an individual and \$2.5 million for a violation by a business organization that

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results in death or \$500,000 for a violation by a business organization that does not result in death. See [COVID-19 Health Mandate 11 \(issued March 27, 2020\)](#).

- As of March 28, 2020, at 8:00 a.m. (and to be reevaluated by April 11, 2020), **all in-state travel between communities is prohibited, except to support critical infrastructure or for critical personal needs.** See [COVID-19 Health Mandate 12 \(issued March 27, 2020\)](#).
  - **Critical infrastructure** is defined in the [Alaska Essential Services and Critical Workforce Infrastructure Order \(issued March 27, 2020\)](#), as described above. *Id.*
  - **Critical personal needs** include buying, selling, or delivering groceries or other important goods; obtaining fuel; transporting family members for out-of-home care, healthcare, or child-custody exchanges; receiving or providing healthcare; or engaging in subsistence activities. *Id.*
    - Air carriers and other travel-related businesses have no duty to verify that an individual is traveling for a permitted purpose. Air carriers must ask whether an individual is permitted to travel, but may rely on the traveler's assurance. *Id.*
- As of March 25, 2020, at 12:01 a.m., all people arriving in Alaska are required to self-quarantine for 14 days and to work from home, unless they “support critical infrastructure.” See [COVID-19 Health Mandate 10.1 \(issued March 23, 2020\)](#).
  - As defined in the Mandate, “critical infrastructure” includes: (i) healthcare operations; (ii) business providing services or work necessary to continue or maintain “Essential Infrastructure,” including, for example, airports, ports, water, sewer, gas, and electricity; (iii) financial services, such as payment, clearing, and settlement services; (iv) first responders; (v) “Essential Government Functions”; (vi) grocery stores, supermarkets, food banks, and convenience stores; (vii) food and agriculture, including farming, livestock, and fishing; (viii) businesses that provide food, shelter, and social services for economically disadvantaged individuals; (ix) media services; (x) hardware stores; (xi) services necessary to maintain the safety, sanitation, and essential operations of residences; (xii) mailing and shipping services; (xiii) educational institutions facilitating distance learning; (xiv) laundromats; (xv) restaurants and other food-service facilities providing for off-site consumption; (xvi) business that supply other businesses with products necessary to work from home; (xvii) business that supply other essential business with necessary support or supplies; (xviii) transportation of goods and people; (xix) home-based and residential care for seniors, adults, or children; (xx) professional services, such as legal or accounting services, when necessary to assist with legally mandated activities; (xxi) childcare facilities, in compliance with hygiene and social-distancing recommendations, and to be used only by those who need childcare to work at a critical job. *Id.*
  - Businesses that provide “critical infrastructure” and require workers to travel to enter Alaska must “submit [by 3:00 p.m. on March 24, 2020] a plan or protocol for maintaining

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critical infrastructure . . . outlining how [the businesses] will avoid the spread of COVID-19 and not endanger the lives of the communities in which [they] operate.” *Id.*

- **Penalty:** Failure to follow this order is punishable by a fine of up to \$25,000, imprisonment of not more than one year, or both. *Id.*
- As of March 24, 2020, at 5:00 p.m., all businesses, congregations, or gatherings in which individuals are within six feet of each other—including, for example, hair salons, day spas, nail salons, barber shops, tattoo shops, body piercing locations, massage therapy locations, and tanning facilities—must stop all operations. See [COVID-19 Health Mandate 9.1 \(issued March 23, 2020\)](#).
- As of March 24, 2020, at 5:00 p.m., no gathering of more than 10 people may take place. *Id.*
  - **Social distancing:** if such a gathering does take place, “people must be six feet apart from each other.” *Id.*
- As of March 19, 2020, all “elective” medical procedures must be cancelled or postponed for three months and all “elective” dental procedures must be postponed for one month. See [COVID-19 Health Mandate 5.1 \(issued March 19, 2020\)](#); [COVID-19 Health Mandate 6.1 \(issued March 19, 2020\)](#).
  - Rather than define “elective” procedures, the State recommends that hospitals create physician task forces to evaluate issues on a case-by-case basis. See [COVID-19 Health Mandate 5.1 \(issued March 19, 2020\)](#).
- As of March 18, 2020, at 5:00 p.m., all bars, breweries, restaurants, food and beverage kiosks or trucks, and other establishments serving food or beverages must close public dine-in service until April 1, 2020, at 5:00 p.m. See [COVID-19 Health Mandate 3.1 \(issued March 17, 2020\)](#).
  - These places of public accommodation may continue to offer food and beverages to the public using delivery, window, walk-up, or other similar services, so long as they use precautions to mitigate transmission. *Id.*
    - **Social distancing:** places of public accommodation that continue to offer food and beverages for off-site consumption “may permit up to five members of the public at one time . . . for the purpose of picking up their food or beverage orders, so long as those individuals are at least 6 feet apart from one another while on premises.” *Id.*
- As of March 18, 2020, at 5:00 p.m., all entertainment facilities, including theaters, gyms, bowling alleys, and bingo halls, must close to the public until April 1, 2020, at 5:00 p.m. *Id.*
- As of March 17, 2020, state-operated libraries, archives, and museums must close to the public through March 31, 2020. See [COVID-19 Health Mandate 2.1 \(issued March 16, 2020\)](#).
- Anchorage

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- Effective 12:00 a.m. on August 31, 2020 (and continuing indefinitely), Anchorage announced that it is returning to a modified version of Phase 2. [See Municipality of Anchorage Proclamation of Additional Emergency Order EO-14-V2 Return to Modified Version of Phase Two: Gathering Limits, Capacity Limitations at Bars, Restaurants, Gyms, and More \(issued August 28, 2020\).](#)
  - **Individuals** are required to limit outings and physical contact with those outside their household and a small chosen group of others. When individuals do leave home, they must maintain physical distancing of at least six feet whenever possible, and must wear a face mask in public. **At-risk individuals** are encouraged to take even greater precautions, including staying home. **Individuals likely to be contagious with COVID-19 must** minimize contact with others: (i) individuals who are exhibiting symptoms must stay home except to seek medical care or testing; (ii) individuals who traveled from outside Alaska must self-quarantine for 14 days, unless they obtain two negative COVID-19 tests; (iii) household members of those who are possibly contagious should exercise physical distancing outside the home and should refrain from leaving as much as possible; (iv) individuals who have been contacted by health authorities should follow their directions; (v) individuals who have tested positive must remain in isolation until cleared by a professional.
  - The modified Phase 2 order relaxes some of the restrictions on **gatherings**, though masks still must be worn and six feet of physical distancing must be maintained:
    - **Indoor gatherings:** Limited to 30 people in a single, enclosed indoor space.
    - **Outdoor gatherings:** If the gathering involves the consumption of food or drink, the gathering is limited to 50 people; if not, the gathering is limited to 100 people.
      - The gathering limitations do not apply to (i) farmer's markets or outdoor food-truck events where six-feet of physical distancing is maintained; (ii) drive-in events where groups remain within separate vehicles spaced at least six feet apart; (iii) day cares, day camps, or educational institutions for grades K-12; (iv) gatherings for the purpose of worship or political expression, where masks are worn and food & drink is not served, except that places of worship and political expression are limited to 50% capacity, must maintain physical distancing between groups, and must prepare a written mitigation plan.
  - **Hospitality industry (including bars, breweries, restaurants, and nightclubs):** May provide sit-down service at no greater than 50% capacity, and should prioritize outdoor service and takeout.
  - **Indoor gyms, bingo halls, theaters, and other recreation and entertainment facilities:** Limited to 50% of building occupancy, based on fire and building codes.
  - **Contact tracing, reporting, and quarantine:**

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- Businesses that serve customers in a sit-down or in-person appointment setting for more than 15 minutes must require customers to sign in with legible contact information, and the businesses must retain the information for contact tracing for 30 days.
- All businesses and other entities must communicate to their employees and state and local health officials if a known or probable COVID-19 exposure occurred in the workplace.
- Hotels and other lodgings must inform employees whether and to what extent the hotel or lodging is housing individuals who are in quarantine due to travel, possible exposure, or confirmed diagnosis. Management must stress that the employees keep such information confidential.
- **Employers** are strongly encouraged to have employees work from home when their work can be accomplished remotely, and employers may not knowingly permit symptomatic employees to enter the workplace or work outside the home.
- Effective 8:00 a.m. on August 3, 2020 (and continuing until 11:59 p.m. on August 30, 2020), Anchorage’s return to Phase 2 is modified and supplemented by a “Four Week Reset” order that imposes additional restrictions on activities and businesses. See [Municipality of Anchorage Proclamation of Emergency Order EO-15 “Four Week Reset” \(issued July 31, 2020\)](#).
  - **Individuals** are required to limit outings and physical contact with those outside their household and a small chosen group of others. When individuals do leave home, they must maintain physical distancing of at least six feet whenever possible, and must wear a face mask in public. **At-risk individuals** are encouraged to take even greater precautions, including staying home. **Individuals likely to be contagious with COVID-19 must** minimize contact with others: (i) individuals who are exhibiting symptoms must stay home except to seek medical care or testing; (ii) individuals who traveled from outside Alaska must self-quarantine for 14 days, unless they obtain two negative COVID-19 tests; (iii) household members of those who are possibly contagious should exercise physical distancing outside the home and should refrain from leaving as much as possible; (iv) individuals who have been contacted by health authorities should follow their directions; (v) individuals who have tested positive must remain in isolation until cleared by a professional.
  - The reset order imposes stricter limits on **gatherings**:
    - **Indoor gatherings** with more than 15 people—including business, cultural, political, and religious gatherings—are prohibited.
    - **Outdoor gatherings** (except farmer’s markets, outdoor food truck events, drive-in events, and day cares, day camps, or educational institutions) cannot exceed 25 people if they involve food or drink consumption and cannot exceed 50 people otherwise.

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- **Employers** must require employees to work from home if possible and may not knowingly permit symptomatic employees to enter the workplace.
- **Bars and nightclubs** must close, except for takeout or delivery services.
- **Restaurants and breweries** must close indoor dining; outdoor dining is permitted, but is limited to table service, and each table must be 10-feet apart from any other table.
- **Bingo halls and theaters** must close.
- **Retail and other public-facing businesses** are encouraged to prioritize telephone and online ordering and to increase the availability of curbside pickup.
- Effective on July 24, 2020 (and continuing until revoked), Anchorage announced that it is returning to a modified version of Phase Two of its reopening plan. [See Municipality of Anchorage Proclamation of Additional Emergency Order EO-14 Return to Modified Version of Phase Two: Gathering Limits, Capacity Limitations at Bars, Restaurants, Gyms, and More \(issued July 22, 2020\).](#)
  - **Gatherings:** indoor events and gatherings with more than 25 people are prohibited, and outdoor events and gatherings involving eating and drinking are limited to 50 people, with certain exceptions.
  - **Bars and nightclubs:** occupancy limited to 25% capacity both indoors and outdoors; capacity limit includes both customers and staff.
  - **Restaurants and breweries:** occupancy limited to 50% indoor capacity, including both customers and staff; outdoor areas limited to table service, with each table at least 10 feet from any other table.
  - **Indoor gyms, bingo halls, theaters, and other recreation and entertainment facilities:** occupancy limited to 50% capacity.
  - **Contact tracing, reporting, and quarantine:**
    - Businesses that serve customers in a sit-down or in-person appointment setting for more than 15 minutes must require customers to sign in with legible contact information, and the businesses must retain the information for contact tracing for 30 days.
    - All businesses and other entities must communicate to their employees and state and local health officials if a known or probable COVID-19 exposure occurred in the workplace.

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- Hotels and other lodgings must inform employees whether and to what extent the hotel or lodging is housing individuals who are in quarantine due to travel, possible exposure, or confirmed diagnosis. Management must stress that the employees keep such information confidential.
- On May 25, 2020, Anchorage issued Proclamation of Emergency Order EO-10—Phase Three: Maintenance, which modifies and replaces Anchorage’s Recovery order. See [Municipality of Anchorage Proclamation of Emergency Order EO-10 Phase Three: Maintenance \(issued May 24, 2020\)](#).
  - **Individuals** are encouraged to continue to limit contact with those outside their households, to continue to practice social distancing and recommended hygiene protocols, and to wear a cloth face mask in public; large gatherings of more than 500 people are prohibited unless the organizers receive advance permission from the Municipality. **At-risk individuals** are encouraged to take even greater precautions, and **individuals likely to be contagious with COVID-19**—including those exhibit symptoms, those who have travelled outside of Alaska, and those in households with possibly contagious members—are **required to minimize contact with others**. See *id.*
  - **All businesses** are allowed to operate if they can comply with general and industry-specific health mandates. Businesses are also encouraged to continue to promote telework.
  - As of June 29, 2020, all individuals (with certain exceptions based on age and health condition) are required to wear masks or cloth face coverings indoors in public settings (including, e.g., grocery stores and retail stores, restaurants other than when eating, public transit, communal areas of offices, and elevators and indoor common areas in buildings) or in communal spaces outside the home. See [Municipality of Anchorage Proclamation of Additional Emergency Order EO-13, Requirement for Masks or Cloth Face Coverings \(issued June 26, 2020\)](#). Employers are responsible for providing access to and ensuring their employees wear a mask or cloth face covering when in direct contact with customers, members of the public, and other employees. See *id.*
- On May 11, 2020 (and in effect until modified), Anchorage issued Proclamation of Emergency Order EO-09—Phase Two: Recovery, which modifies and replaces Anchorage’s Easing Up order. See [Municipality of Anchorage Proclamation of Emergency Order EO-09 Phase Two: Recovery \(issued May 11, 2020\)](#).
  - **Individuals** are encouraged to continue to practice social distancing, to wear a cloth face covering, to practice good hygiene, to limit outings and physical contact with others; groups of more than 50 people are prohibited. **At-risk individuals** are encouraged to take even greater precautions. **Individuals who have recently traveled outside of Alaska** are required to self-quarantine for 14 days. See *id.*

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- **Additional nonessential businesses**—indoor fitness centers and gyms; libraries, museums, and archives; swimming pools; bars; theaters; bowling alleys; bingo halls; and day camps—are allowed to resume operations in accordance with specified health mandates, social distancing protocols, and hygiene criteria. *See id.* Businesses that reopened under Anchorage’s Easing Up order are generally allowed to increase capacity and certain additional restrictions are relaxed. *See id.*
  - Businesses shall not knowingly permit symptomatic employees or others likely to be contagious with COVID-19 to work outside the home.
- On April 27, 2020 (and in effect until modified), Anchorage issued Proclamation of Emergency Order EO-07: Easing Up, which modifies and replaces Anchorage’s Hunker Down orders. *See [Municipality of Anchorage Proclamation of Emergency Order EO-07 Easing Up \(issued April 27, 2020\)](#).*
  - **Individuals** are encouraged to continue to practice social distancing, to wear a cloth face covering, to practice good hygiene, to limit outings and physical contact with others; groups of more than 20 people are prohibited. **At-risk individuals** are encouraged to take even greater precautions. **Individuals who have recently traveled outside of Alaska** are required to self-quarantine for 14 days. *See id.*
  - **Certain nonessential businesses**—retail businesses; noncritical, non-public facing businesses; noncritical, public facing businesses; personal care services; dine in food operations; childcare and day camps; outdoor fitness centers; and social religious and other gatherings—are allowed to resume operations in accordance with specific health mandates, social distancing protocols, and hygiene criteria. *See id.*
    - Businesses shall not knowingly permit symptomatic employees or others likely to be contagious with COVID-19 to work outside the home.
  - **Indoor gyms and fitness studios, theaters, bowling alleys, nightclubs, bingo halls, and indoor recreation and entertainment centers remain closed.** *See id.*
- As of 10:00 p.m. on March 22, 2020 (and until May 5, 2020), all individuals in the Municipality of Anchorage were **required to stay home as much as possible**, except to work in certain critical businesses; to buy, sell, or deliver groceries or other important goods; to receive or provide health care; or to get fresh air. Individuals with a particularly high risk from COVID-19 were encouraged to take even greater precautions. *See [Municipality of Anchorage Proclamation of Emergency “Hunker Down” Order EO-03-V2 \(reissued April 14, 2020\)](#).*
  - **Social distancing:** when individuals do leave their homes, they should, *whenever possible*, maintain social distancing of at least six feet. Critical businesses should, *as much as possible*, comply with social distancing requirements, including maintain six-foot social distancing for employees and members of the public standing in line. *Id.* Businesses

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must also allow and should strongly encourage employees to wear cloth face coverings when in close proximity to the public or other employees. *Id.*

- **Critical businesses (and nonprofits and other entities)** include (i) healthcare operations; (ii) businesses providing services or performing work necessary to the operations and maintenance of “Critical Infrastructure,” such as ports, water, sewer, and gas; (iii) first responders; (iv) Critical Government Functions; (v) defense and national security–related operations; (vi) grocery stores and supermarkets; (vii) food cultivation; (viii) businesses that provide services to economically disadvantaged individuals; (ix) media services; (x) gas stations and auto shops; (xi) banks and related financial institutions; (xii) hardware stores; (xiii) plumbers, electricians, exterminators, and other service providers who provide services necessary to maintain residences and critical businesses; (xiv) mailing and shipping services; (xv) educational institutions for the purposes of facilitating distance learning; (xvi) laundromats and dry cleaners; (xvii) restaurants, bars, and breweries, consistent with rules that require-site consumption; (xviii) businesses that supply products needed for people to work from home; (xix) businesses that supply other critical businesses with necessary support or services; (xx) businesses that ship or deliver groceries, food, goods, or services directly to residents; (xxi) transportation; (xxii) home-based care for seniors, adults, and children; (xxiii) hotels, residential facilities, and shelters; (xxiv) professional services, such as legal or accounting services, when necessary to comply with legally mandated activities; (xxv) childcare facilities, in compliance with hygiene and social-distancing recommendations, and to be used only by those who need childcare to work at a critical job; (xxvi) sewing, quilting, and fabric stores, but only for curbside pick-up and delivery. *Id.*

- Businesses not designated as “critical” under the Municipality’s Order may request an opinion from the Mayor that they are critical and should be allowed to continue to operate. *Id.*

- As of 10:00 p.m. on March 22, 2020, **critical businesses are encouraged to remain open** (and to comply with social distancing requirements), but **all other businesses and entities must close** (but may continue to allow their employees to work remotely). *Id.*

#### IV. Arizona (Statewide and Maricopa County)

- Statewide

- Effective August 10, 2020, bars, gyms, nightclubs, water parks, and indoor theaters may reopen in a limited fashion based on the degree of spread in their community. *See* [ADHS Requirements](#).
- Effective July 11, 2020 until rescinded, Arizona will re-impose certain limits on indoor dining. New restrictions include:
  - Restaurants with indoor seating must operate at less than 50% of the permitted fire code occupant load;

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- Restaurants must ensure at least six feet of separation between tables and between seats for patrons waiting to dine;
- Restaurants must eliminate all indoor standing room where patrons can congregate; and
- All buffets, cafeteria-style establishments, and self-serve food bars must be closed. See [Executive Order 2020-47: Reducing the Risk, Slowing the Spread, Limiting Indoor Dining](#).
- Effective June 29, 2020, Arizona's reopening is paused until at least July 27, 2020. New restrictions include:
  - Organized public events of more than 50 people are prohibited unless the municipal government in the area where the event is planned approves of the event;
  - Organized public events of more than 50 people are prohibited unless the municipal government in the area where the event is planned approves of the event; and
  - Organized public events of more than 50 people are prohibited unless the municipal government in the area where the event is planned approves of the event; See [Executive Order 2020-43: Pausing of Arizona's Reopening – Slowing the Spread of COVID-19](#).
- Effective May 16, 2020, Arizona's stay at home order will expire and not be extended. Nonessential businesses will be allowed to reopen if they implement federal and state guidance to promote health and safety. The order lists specific social distancing guidance:
  - Vulnerable individuals are advised to limit their time away from home, and members of households with vulnerable individuals should take precautions to protect them; and
  - Individuals in public areas should maximize physical distance from others. See [Executive Order 2020-36: Stay Healthy, Return Smarter, Return Stronger](#).
- Effective May 1, 2020, Arizona's stay at home order is extended until May 15, 2020, with the following two exceptions:
  - Beginning May 4, nonessential retailers whose businesses involve the sale of goods may offer goods through delivery, window service, walk-up service, drive-through service, drive-up service, curbside delivery, or appointment; and
  - Beginning May 8, nonessential retailers whose businesses involve the sale of goods may offer goods for in-store sales provided they establish and implement protocols to promote health and safety. See [Executive Order 2020-33: Returning Stronger \(Dated March 30, 2020\)](#).
- On May 4, 2020, Governor Ducey announced two further exceptions to the stay at home order:

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- Effective May 8, 2020, barbers and cosmetologists may resume operations; and
- Effective May 11, 2020, dine-in services may resume. See [Executive Order 2020-34: Building on COVID-19 Successes](#).
- Only businesses classified as Essential Functions may remain open and maintain operations. [Executive Order 2020-18 Dated March 30, 2020](#).
  - Essential Functions include (i) healthcare and public health operations; (ii) human services operations; (iii) essential infrastructure operations; (iv) essential government functions; (v) stores that sell groceries and medicine (vi) food, beverage, and agriculture; (vii) outdoor recreation activities; (viii) organizations that provide charitable and social services; (ix) media; (x) gas stations and businesses needed for transportation; (xi) financial institutions; (xii) hardware and supply stores; (xiii) critical trades; (xiv) mail, post, shipping, logistics, delivery, and pickup services; (xv) educational institutions; (xvi) laundry services; (xvii) restaurants for consumption off-premises; (xviii) supplies to work from home; (xix) supplies for essential businesses and operations; (xx) transportation; (xxi) home-based care and services; (xxii) residential facilities and shelters; (xxiii) professional and personal services; (xxiv) day care centers for employees exempted by this order; (xxv) manufacture, distribution, and supply chain for critical products and industries; (xxvi) hotels and motels; and (xxvii) funeral services. [Executive Order 2020-12 Dated March 23, 2020](#).
- Effective March 20, 2020 and continuing indefinitely all of the **following businesses must close**: bars, movie theaters and indoor gyms and fitness clubs. [Executive Order 2020-09 dated as of March 19, 2020](#).
- All restaurants in counties **with confirmed cases** of COVID-19 must operate on take out, delivery or drive-thru basis only. This order does not apply to cafeterias at nursing homes, hospitals and similar facilities that care for the needy. *Id.*
- Effective 8:00am on March 21, 2020, **no non-essential or elective surgeries** (including dental) that utilize personal protective equipment or ventilators may be performed at any healthcare facility in the State. [Executive Order 2020-10 dated as of March 19, 2020](#).
  - Non-essential or elective surgery means a surgery that **can be delayed without undue risk to current or future health of a patient**, in the best medical judgment of a licensed medical professional. A surgery should not be deemed non-essential or elective if it would threaten a patient's life, dysfunction or impairment of any body part, risk metastasis, or require the patient to remain hospitalized if the surgery was delayed. *Id.*
- Maricopa County
  - Effective March 16, 2020 and continuing for eight weeks, the **cancellation** any non-essential large gathering of more than ten people is **recommended, but not required**. This recommendation

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does not apply to the day-to-day operations of businesses. [Statement on Mass Gatherings dated as of March 16, 2020.](#)

### V. Arkansas (Statewide)

- All businesses, manufacturers and construction companies must implement the protocols listed below until December 12, 2020. [Executive Order 20-48 dated October 13, 2020.](#)
  - Limit the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another. *Id.*
  - At places where lines form at a facility (inside or outside), facilities should mark off six foot increments at a minimum, establishing where individuals should stand to maintain a physical distance of six feet. *Id.*
  - Employees entering a facility should wear a face covering to diminish potential spread if they are asymptomatic or pre-symptomatic for COVID-19, especially when maintaining a physical distance of six feet is not possible. *Id.*
  - Customers or members of the public entering a facility should be strongly encouraged to wear a face covering to reduce the potential for introducing COVID-19 into the facility. *Id.*
  - Employees should be screened for fever, cough, shortness of breath, sore throat or loss of taste or smell as they are entering the building at the beginning work. *Id.*
  - Provide hand sanitizer, soap and water or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is frequent employee interaction with members of the public. *Id.*
  - Retail businesses are encouraged to provide contactless payment systems or provide for the disinfection of all payment portals, pens, and styluses after each use. *Id.*
  - Regularly disinfect any high-touch surfaces. *Id.*
  - Signs must be posted at all entrances advising the public not to enter if they have fever, cough, shortness of breath, sore throat, or loss of taste or smell, and if they have had known exposure to someone with COVID-19 in the past 14 days. *Id.*
  - Signs must be posted at all building entrances advising the public that they may wish to refrain from entering if they are 65 years of age or older or have underlying health conditions including high blood pressure, chronic lung disease, diabetes, severe obesity, asthma or weakened immunity. *Id.*
  - Employees who are diagnosed with COVID-19 must be reported to the Arkansas Department of Health (“ADH”). Businesses should assist ADH staff in conducting contact tracing in their facilities in order to prevent an outbreak from occurring. *Id.*

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- Consider maintaining a log with dates and time of persons entering a facility to facilitate contact tracing in the event an outbreak occurs. *Id.*
- **Enforcement Actions:** Violation of the Order is a misdemeanor punishable by a fine of \$100 to \$500, imprisonment of up to one month or both. *Id.*
- The following businesses have reopened:
  - Gyms, fitness centers, athletic clubs and weight rooms may reopen under the conditions listed below. [Revised Directive for Gym, Fitness Center, Athletic Club and Weight Room Reopening dated June 15, 2020.](#)
    - Staff must have their temperature checked prior to entry and should wear a face covering at all times. *Id.*
    - Patrons should wear a face covering except when actively exercising. *Id.*
    - Individual training sessions, indoor group fitness classes and workouts requiring a partner must remain 12 foot spacing between each person. *Id.*
    - Staff should sanitize all exercise machines and equipment after each usage. *Id.*
    - Patrons must work out with 12 feet between each person. *Id.*
  - Outdoor venues are permitted to reopen under the conditions listed below, among others. Outdoor venues are venues for commercial, community or civic events and activities where an audience, spectators or a gathering of people are present, such as at concerts, plays, sporting events, rodeos, races, fundraisers, parades, fairs, livestock shows, auctions, carnivals and festivals. [Revised Directive Regarding Large Outdoor Venues dated June 15, 2020.](#)
    - The amount of attendees can be up to 66% capacity for the facility with a plan approved by the Arkansas Secretary of Health. 100 people or fewer in attendance is allowed without a requirement to submit a plan. *Id.*
    - Performers/players/contestants must be separated from the audience by at least 12 feet and limited in number to 50 or fewer. *Id.*
    - Lines or queues must be marked to maintain a distance of six feet between people. *Id.*
    - Seating must be arranged to maintain a six foot distance between members of the audience (except family groups, which may sit together). *Id.*
    - Every other row must be left unoccupied. *Id.*

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- Face coverings are required for anyone over the age of ten (except performers/players/contestants, who do not have to wear face coverings if they are 12 feet from other persons). *Id.*
  - Self-service refreshment operations (including salad bars, buffets and condiment bars) are not allowed. *Id.*
  - Signs must be posted advising the public not to enter if they have COVID-19 symptoms and advising vulnerable populations to consider not entering. *Id.*
- Indoor venues are permitted to reopen under the conditions listed below, among others. Indoor venues are venues for commercial, community or civic events and activities where an audience, spectators, or a gathering of people are present, such as at concerts, plays, movies, lectures, presentations, conferences, conventions, sporting events, races, fundraisers, trade shows and festivals. Indoor venues do not include places of worship, casinos or competitive or youth sports. [Revised Directive Regarding Large Indoor Venues dated June 15, 2020.](#)
- The amount of attendees can be up to 66% capacity for the facility with a plan approved by the Arkansas Secretary of Health. 100 people or fewer in attendance is allowed without a requirement to submit a plan. *Id.*
  - Lines or queues must be marked to maintain a distance of six feet between people. *Id.*
  - Seating must be arranged to maintain a six foot distance between members of the audience (except family groups, which may sit together). *Id.*
  - Every other row must be left unoccupied. *Id.*
  - Face coverings are required for anyone over the age of ten (except performers/players/contestants, who do not have to wear face coverings if they are 12 feet from other persons). *Id.*
  - Self-service refreshment operations (including salad bars, buffets and condiment bars) are not allowed. *Id.*
  - Signs must be posted advising the public not to enter if they have COVID-19 symptoms and advising vulnerable populations to consider not entering. *Id.*
- Barber shops, body art establishments, cosmetology establishments, massage therapy clinics/spas and medical spas may reopen under the conditions listed below, among others. [Revised Directive for Barber Shops, Body Art Establishments, Cosmetology Establishments, Massage Therapy Clinics/Spas, and Medical Spas dated June 15, 2020.](#)
- Vulnerable populations should consider remaining home. *Id.*

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- Clients must be pre-screened for potential symptoms prior to arrival for the appointment by answering a series of questions. Services shall not be performed on clients who show any sign of illness such as fever, cough or runny nose. Signage shall be posted informing clients about this policy. *Id.*
  - Employees/licensees must be pre-screened by answering a series of questions and undergoing a temperature check. *Id.*
  - All persons in the salon/shop/clinic are required to maintain physical distancing of at least six feet while services are not being rendered. For most entities, occupancy will be limited to no more than ten persons, including all support staff. *Id.*
  - Larger facilities (able to accommodate more than ten persons while maintaining appropriate physical distancing) shall operate no more than 66% of their stations. *Id.*
  - Employees must wear face coverings at all times. Clients must wear face coverings as services permit. *Id.*
- Restaurants may resume limited dine-in service. [Revised Directive on Resuming Restaurant Dine-in Operations dated September 9, 2020.](#)
- The number of customers must be limited to 66% of total capacity, including indoor and outdoor dining areas. Seating shall be adjusted to maintain six feet between occupied seats at adjacent tables. *Id.*
  - Management must conduct a daily health screening of all employees before they enter the restaurant. *Id.*
  - Salad bars, buffets, and other self-serve features may open, but the capacity of the buffet area will be dependent on the ability of customers to maintain six feet physical distancing from each other and masks are required for all persons within the customer self-service area. *Id.*
  - Bars housed within restaurants may operate so long as physical distancing of six feet between individuals is maintained. *Id.*
  - Tables, chairs, menus, salt/pepper shakers, condiment containers, napkin holders and other frequently contacted surfaces will be cleaned and disinfected prior to seating the next customer. Restrooms should be disinfected frequently based on customer volume. *Id.*
  - All staff who come in contact with patrons must wear a face mask. Staff in the back are encouraged to wear a face mask. Patrons must wear a face covering while in the establishment when physical distancing of six feet cannot be ensured, but can remove their face coverings when food or drink arrives. *Id.*

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- Service at bars may resume under the conditions listed below, among others. [Revised Directive on Resuming Bar of Club Operations dated June 15, 2020](#).
  - Seating shall be limited to up to 66% of total seating capacity, including both indoor and outdoor dining areas. Seating at tables shall be adjusted to maintain ten-foot physical distancing between tables so that occupied seats are six feet from seats at adjacent tables. Seating at the bar shall maintain six feet of physical distancing between individuals. *Id.*
  - Reservations should be encouraged when practical. *Id.*
  - All staff who come in contact with patrons must wear a face covering or mask that completely covers their nose and mouth. Staff in the back are encouraged to wear a face covering or mask. *Id.*
  - All staff shall be screened daily before entering the facility. Any employee with a cough, sore throat, fever or shortness of breath shall be excluded from the facility. *Id.*
  - Entertainment operations within bars (such as live music or live dancers, in-seat gaming or arcades) are permitted, effective May 19, 2020. However, dancing by patrons is prohibited. *Id.*
  - Groups at one table shall not exceed ten people. *Id.*
  - Drinks shall be served to customers in individual glasses/containers. There shall be no shared containers of drinks, such as pitchers of beer or mixed drinks. Self-service operations, including, but not limited to, bar snacks, buffets and condiment bars shall remain closed for patron access. *Id.*
- Casinos are permitted to reopen under the conditions listed below, among others. [Revised Directive for Reopening of Casinos dated June 15, 2020](#).
  - Casinos may reopen at no more than 66% capacity. *Id.*
  - Attendees must be tracked. *Id.*
  - Six foot physical distancing must be maintained. *Id.*
- All types of recreational pools, including seasonal outdoor pools for state parks, hotels, motels, apartments, subdivision/POAs, indoor pools, municipal and community pools, splash pads, aquatic centers, commercial water parks and swim beaches are permitted to reopen under the conditions listed below, among others. [Directive for Recreational Pools](#).
  - Restrict capacity to 50% of the approved bather load or capacity. *Id.*
  - Restrict pool access to fewer entrances as needed to control access and overcrowding. *Id.*

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- Maintain a log of persons entering the facility when possible. *Id.*
- Physical distancing of six feet should be maintained between people in all pool areas. However, family members may sit and enter the pool together. *Id.*
- Team sports, except intercollegiate athletic team sports, may resume under the conditions listed below, among others. [Directive for Community and School Sponsored Team Sports dated June 1, 2020](#).
  - Participants must maintain minimum physical distancing of six feet between participants at all times, except when actively participating in the sports activity. *Id.*
  - Coaches and staff must have temperature checked by digital thermometer prior to entry, and those whose temperature is greater than 100.4°F must be excluded. *Id.*
  - Face coverings that completely cover the nose and mouth are required for everyone ten years of age or older. Athletes must wear face coverings when not actively participating in the sports activity and when playing the sport, except where a face covering would be inhibitory. *Id.*
- Every person in Arkansas must wear a face covering over the mouth and nose in all indoor environments where they are exposed to nonhousehold members and distancing of six feet or more cannot be assured and in all outdoor settings where there is exposure to nonhousehold members, unless there exists ample space of six feet or more to practice physical distancing. The following shall be exempt from wearing a face covering:
  - Persons younger than ten years of age;
  - Persons with a medical condition or disability that prevents wearing a face covering;
  - Persons performing job duties where a six feet distance is not achievable, but a mask is inhibitory to the ability to safely and effectively perform the job duty;
  - Persons participating in athletic activities where a six feet distance is not achievable, but a mask is inhibitory to the activity;
  - Persons consuming food or drink;
  - Persons driving alone or with passengers from the driver's household;
  - Persons receiving services that require access to the face for security, surveillance or other purposes may temporarily remove a face covering while receiving those services;
  - Persons voting, assisting voters, serving as poll watchers, or actively performing election administration duties; however, face coverings are strongly encouraged;

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- Persons engaged in religious worship activities; however, face coverings are strongly encouraged;
  - Persons giving a speech or performance for broadcast or to an audience; however, those persons shall safely distance from nearby individuals;
  - Persons in counties where the Arkansas Department of Health has certified that risk of community transmission of COVID-19 is low. [Executive Order 20-43 dated July 16, 2020](#); [Face Coverings Directive dated August 26, 2020](#).
- All public and private gatherings of any number of people occurring outside a single household or living unit are subject to the following directives and exceptions:
- Gatherings of more than ten people in any confined indoor or outdoor space are prohibited until further notice. Gatherings include, without limitation, community, civic, public, leisure, commercial, or sporting events, concerts, conferences, conventions, fundraisers, parades, fairs and festivals.
  - This rule does not apply to gatherings of ten or more people in unenclosed, outdoor spaces such as parks, trails, athletic fields and courts, parking lots, golf courses, and driving ranges where social distancing of at least six feet can be easily achieved.
  - This rule does not apply to businesses, manufacturers, construction companies, places of worship, the Arkansas General Assembly, municipal or county governing bodies, or the judiciary; however, these entities are advised to limit person-to-person contact and maintain appropriate social distancing of at least six feet to prevent the spread of this virus. [Directive for Limitations on Gatherings dated March 26, 2020](#).

### VI. California (Statewide; Los Angeles; San Diego; San Francisco)

- California (Statewide)
- On August 28, 2020, California [announced](#) a new tier-based reopening plan called Blueprint for a Safer Economy, a “statewide, stringent and slow plan for living with COVID-19 for the long haul.” Under the new plan and accompanying [Statewide Public Health Officer Order and guidance](#), which takes effect on August 31, counties will be placed into tiers based on data on two metrics, which will be assessed weekly: (1) new cases/100,000 (7 day average, 7 day lag); and (2) testing % positive (7 day average, 7 day lag). In each county, industries and activities may reopen or remain open according to the county’s tier status. Local health jurisdictions may continue to implement or maintain more restrictive local public health measures.
    - **Initial status:** When the Order takes effect on August 31, most counties (including Los Angeles County) will begin in the “Widespread” risk-level tier; San Diego County and San Francisco County both will begin in the “Substantial” risk-level tier.

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- Counties in the Widespread tier that meet criteria for the Substantial tier on August 31 and September 8 may move to the Substantial tier without pausing for an additional week.
- **Moving to a less-restrictive tier:** To move to the next tier, the county must have been in its current tier for a minimum of three weeks and must meet the criteria for the next tier for two consecutive weeks.
- **Moving to a more-restrictive tier:** A county must return to a more restrictive tier if its adjusted case rate or test positivity has been within a more restrictive tier's ranges for two consecutive weeks. When they move to a more restrictive tier, counties will have three days to implement sector changes or closures.
- **Industries and activities in each tier:** A county's businesses and activities may reopen or remain open based on the county's [status](#). Businesses and activities should also follow the state's industry-specific guidance.
  - Critical infrastructure: Open with modifications in all tiers.
  - Limited services: Open with modifications in all tiers.
  - Hair salons & barbershops: Open indoors with modifications in all tiers.
  - All retail (including critical infrastructure, except standalone grocers): Open indoors with modifications in all tiers (capacity limited to 25% in Widespread and 50% in Substantial).
  - Shopping centers (malls, destination centers, swap meets): Open indoors with modifications in all tiers (capacity limited to 25% in Widespread and 50% in Substantial; common areas closed until Minimal; food courts closed in Widespread and with reduced capacity in Substantial, Moderate, and Minimal).
  - Personal care services: Open outdoors in Widespread; open indoors with modifications in all other tiers.
  - Museums, zoos, & aquariums: Open outdoors in Widespread; open indoors with modifications in all other tiers (indoor capacity limited to 25% in Substantial and 50% in Moderate).
  - Places of worship: Open outdoors in Widespread; open indoors with modifications in all other tiers (indoor capacity limited to lower of 25% or 100 people in Substantial, lower of 50% or 200 people in Moderate, and 50% in Minimal).

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- Movie theaters: Open outdoors in Widespread; open indoors with modifications in all other tiers (indoor capacity limited to lower of 25% or 100 people in Substantial, lower of 50% or 200 people in Moderate, and 50% in Minimal).
  - Hotels & lodgings: Open with modifications in all tiers; fitness centers can open at 10% capacity in Substantial, 25% capacity in Moderate, and 50% capacity in Minimal; indoor pools can open in Moderate; spa facilities can open in Minimal.
  - Gyms & fitness centers: Open outdoors in Widespread; open indoors with modifications in all other tiers (10% capacity in Substantial, 25% capacity plus indoor pools in Moderate, and 50% capacity plus saunas, spas, and steam rooms in Minimal).
  - Restaurants: Open outdoors in Widespread; open indoors with modifications in all other tiers (indoor capacity limited to lower of 25% or 100 people in Substantial, lower of 50% or 200 people in Moderate, and 50% in Minimal).
  - Wineries: Open outdoors in Widespread and Substantial; open indoors in Moderate (lower of 25% capacity or 100 people) and Minimal (lower of 50% capacity or 200 people).
  - Bars, breweries, and distilleries (where no meal provided): Closed in Widespread and Substantial; open outdoors in Moderate; open indoors (50% capacity) in Minimal.
  - Family entertainment centers: Open outdoors in Widespread and Substantial; open indoors for naturally distanced activities (e.g., bowling alleys and climbing walls, with 25% capacity) in Moderate; open indoors for increased risk activities (e.g. arcade games, skating, playgrounds, with 50% capacity) in Minimal.
  - Cardrooms & satellite wagering: Open outdoors in Widespread and Substantial; open indoors in Moderate (25% capacity) and Minimal (50% capacity).
  - Offices: Remote in Widespread and Substantial; open indoors with modifications (and encouraged telework) in Moderate and Minimal.
  - Professional sports: Open without live audiences and with modifications in all tiers.
- On October 9, 2020, the Department of Public Health updated its guidance on private gatherings. Private gatherings that include no more than 3 different households are now permitted. [See Guidance for Private Gatherings \(Oct. 9, 2020\)](#).
    - The Guidance defines gatherings as “social situations that bring together people from different households at the same time in a single space or place.”

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- The Guidance applies only to private gatherings; all other gatherings not covered by existing sector guidance are prohibited.
- Any persons planning to host or participate in a private gathering must comply with the following requirements (although local health jurisdictions may impose more restrictive guidance):
  - **Limit attendance:** Gatherings that include more than 3 households (including hosts and guests) are prohibited, but smaller gatherings are safer. Individuals should keep the households they interact with stable over time—participating in multiple gatherings with different households is strongly discouraged. The host should collect the name and contact information of all attendees.
  - **Gather outdoors:** Gatherings must occur outdoors (including in public parks or other outdoor spaces). Gatherings should not be coordinated so that multiple gatherings of three households are jointly organized to occur in the same place at the same time.
  - **Don't gather if you feel sick:** Individuals should not attend gatherings if they are exhibit COVID-like symptoms. Anyone who develops COVID-like symptoms after attending a gathering should notify the host of the gathering.
  - **Practice physical distancing and hand hygiene:** Everyone should maintain a six-foot distance from others and should frequently wash their hands.
  - **Wear a face covering:** Face coverings may be removed briefly to eat or drink.
  - **Keep it short:** Gatherings should not exceed 2 hours.
  - **Singing, chanting, and shouting:** These activities are strongly discouraged, but if people do sing or chant, they should wear a face covering at all times, and should maintain additional distance from others.
- On September 17, 2020, Governor Newsom signed [AB 685](#), which goes into effect on January 1, 2021. Under AB 685, employers must notify employees who may have been exposed to COVID-19 and report workplace outbreaks to the local health department. *See id.*; [Employer Questions about AB 685, California's new COVID-19 Law \(Oct. 16, 2020\)](#).
  - **Notifying workers:** Employers must provide notice that (1) an employee may have been exposed to COVID-19 (without sharing information that could identify the individual who possibly exposed the employee); (2) the employee has COVID-19 benefit options under federal, state, and local law; and (3) that the employer has a disinfection and safety plan for the worksite. *See* [Employer Questions about AB 685, California's new COVID-19 Law \(Oct. 16, 2020\)](#).

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- Written notice must be provided within 1 business day of receiving notification of potential exposure.
- All employees and employers of any subcontracted employees who were at the same worksite as the worker diagnosed with COVID-19 must be notified.
- **Notifying local health departments:** Employers must notify local health departments about a COVID-19 outbreak (defined as three or more COVID-19 cases among workers at the same site within a 14-day period). The notice must be provided within 48 hours of the worksite meeting the outbreak threshold. *See* [Employer Questions about AB 685, California's new COVID-19 Law \(Oct. 16, 2020\)](#).
- An employee qualifies as a COVID-19 case if the employee has a positive viral test, is diagnosed with COVID-19 by a licensed provider, is ordered to isolate for COVID-19 by a public health official, or dies due to COVID-19, as determined by the public health department. *See* [Employer Questions about AB 685, California's new COVID-19 Law \(Oct. 16, 2020\)](#).
- On July 13, 2020, in response to significant community spread statewide and particularly troubling rates of transmission in certain counties, California's Public Health Officer issued an order re-imposing certain restrictions. *See* [Statewide Public Health Officer Order, July 13, 2020](#).
  - **Statewide:** Effective immediately and indefinitely, bars, pubs, brewpubs, and breweries that do not serve food must cease all indoor and outdoor operations. *See id.* In addition, the following business and activities must cease indoor operations: (a) dine-in restaurants; (b) wineries and tasting rooms; (c) family entertainment centers and movie theaters; (d) indoor attractions at zoos and museums; (e) cardrooms.
  - **Counties on Monitoring List:** The state has compiled a County Monitoring List, which includes counties that show concerning levels of disease transmission, hospitalizations, insufficient testing, or other critical epidemiological markers. In counties that have been on the County Monitoring List for three or more consecutive days (as of July 16, the list includes, among others, Los Angeles, Marin, Orange, Riverside, Sacramento, and San Diego counties; for an up-to-date list, *see* [Track County Data and Monitoring Status](#)), the following additional industries and activities must close all indoor operations: (a) gyms and fitness centers; (b) places of worship; (c) protests; (d) offices for non-critical infrastructure sectors; (e) personal care services (including nail salons, massage parlors, and tattoo parlors); (f) hair salons and barbershops; and (g) malls.
- Effective June 18, 2020, people in California (with certain exceptions based on age or health) **must wear face coverings** in certain circumstances: (i) while inside of, or in line to enter, any indoor public space; (ii) while obtain healthcare services; (iii) while waiting for or riding public transit or in a ride-sharing vehicle; (iv) while engaged in work and (a) interacting in-person with the public; (b) working in a space visited by the public; (c) working in a space where food is prepared; (d) working in or passing through common areas; or (e) in any room or enclosed area

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with other people; (v) while driving or operating public transit or a ride-sharing vehicle with passengers present; (vi) while outdoors in public spaces when maintaining six feet of distance from others is not feasible. See [Guidance for the Use of Face Coverings \(released June 18, revised June 29, 2020\)](#).

- Effective May 8, 2020 and continuing indefinitely, all individuals **must stay at their place of residence, except** as needed to maintain continuity of **critical infrastructure sectors**, to work at, patronize, or otherwise engage with **re-opened sectors**, or to perform **authorized necessary activities**, such as to get food, care for a relative for friend, get necessary health care, or to go to an essential job. **If an individual must go out, the individual must keep at least 6 feet of distance.** Local health jurisdictions may be permitted to move through Stage 2 more quickly than the state as a whole. See [Order of the State Public Health Officer dated May 7, 2020](#); [Stay at Home Order Website](#); [Resilience Roadmap Website](#).
  - Critical infrastructure means the following 16 sectors identified by the federal government as vital to the United States: chemical; commercial facilities; communications; critical manufacturing; dams; defense industrial base; emergency services; energy; financial services; food and agriculture; government facilities; healthcare and public health; information technology; nuclear; transportation; and water and wastewater. See [CISA Memo on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#); [CISA Memo on Essential Critical Infrastructure Dated March 28, 2020](#); [CISA Memo on Essential Critical Infrastructure Dated April 17, 2020](#). California has also designated additional essential critical infrastructure workers and continues to add to the designated list. See [Essential Critical Infrastructure Workers List \(revised April 28, 2020\)](#).
    - On April 28, 2020, California issued a **revised list of Essential Critical Infrastructure Workers**. See [Essential Critical Infrastructure Workers List \(revised April 28, 2020\)](#). The revised list replaces the Hazardous Materials sector (which is now wrapped up in other sectors) with an Industrial, Commercial, Residential, and Sheltering Facilities & Services sector. That sector includes a broader range of construction- and building-related workers, ecommerce workers, and real-estate and property-management workers. See *id.* The revised list also updates and expands the list of workers in other sectors; many of the changes bring California's list in line with revised CISA guidance. See *id.*
  - Essential services will remain open, such as: gas stations, pharmacies, food (grocery stores, convenience stores, farmers markets, take-out and delivery restaurants); banks; laundromats/laundry services; and essential state and local government functions (such as law enforcement and providers of public programs/services). See [Stay at Home Order Website](#).
    - **Social Distancing:** when people need to leave their homes to facilitate authorized necessary activities, they should at all times practice social distancing. [Executive Order N-33-20 dated March 19, 2020](#)

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- As of May 8, the initial list of statewide **re-opened sectors** is limited to retail (curbside and delivery only) and related logistics and manufacturing. *See* [Resilience Roadmap Website](#). On May 12, the list expanded to include offices (if telework is not possible), limited personal services, and outdoor museums. Later in May, the state included childcare, in-person in-store retail, and places of worship in the list of re-opened sectors. *See id.* In June, the state announced that auto dealerships; day camps; music, film, and TV production; and professional sports (without live audiences) can also resume operations.
  - In counties that have received variances to move ahead of the state's Stage 2 reopening guidelines, dine-in restaurants; hair salons and barbershops; casinos; movie theaters and family entertainment centers; restaurants, wineries, and bars; zoos and museums; gyms and fitness centers; hotels (for tourism and individual travel); cardrooms and racetracks; and campgrounds and outdoor recreation are also allowed to reopen.
- **Enforcement Actions:** Violations of the order are punishable as a misdemeanor under Cal. Gov. Code § 8665, which allows fines not to exceed \$1,000, imprisonment not to exceed 6 months, or both. [Executive Order N-33-20 dated March 19, 2020](#).
- The healthcare delivery system will prioritize service to those who are sickest and shall prioritize resources for the providers who care for them. [Executive Order N-33-20 dated March 19, 2020](#).
- **Statewide reopening plans.**
  - On April 28, 2020, Governor Newsom provided additional details on California's reopening plans. *See* [Update on California's Pandemic Roadmap \(presented April 28, 2020\)](#). The plan includes six indicators that will guide California's decision to modify its Stay-at-Home Order, as well as a phased approach to a gradual reopening.
    - **Six Indicators for Modifying Stay-at-Home Order:**
      - Ability to test, contact trace, isolate, and support the exposed.
      - Ability to protect those at high risk.
      - Surge capacity for hospital and health systems.
      - Therapeutic development to meet the demand.
      - Ability of businesses, schools, and childcare facilities to support physical distancing.
      - Determination of when to reinstitute measures like Stay-at-Home.
    - **Resilience Roadmap Stages:**

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- Stage 1: continue to build out testing, healthcare, and contact-tracing capabilities; make essential workplaces as safe as possible; prepare sector-by-sector guidelines for expanded workplaces.
  - Stage 2: gradual reopening of some lower-risk public spaces and workplaces, including retail for curbside pickup, manufacturing, offices, and schools and childcare (in modified forms).
  - Stage 3: gradual reopening (with adaptations and limits) of higher-risk workplaces and venues, including personal care; entertainment venues (movie theaters, stadiums without a live audience); and in-person religious services.
  - Stage 4: reopening of high-risk workplaces, including concerts; convention centers; and live-audience sports.
- **Notes:**
- The transition from Stage 1 to Stage 2 will occur through a statewide modification of California's stay-at-home order. That is, counties and municipalities are *not* to transition to Stage 2 before the state. But once California moves to Stage 2, some local variations (including less strict local rules) may be possible.
    - Under [Executive Order N-60-20 \(issued May 4, 2020\)](#), the state's public health officer is directed to establish criteria to determine whether and how, once California enters Stage 2, local health officials may issue directives less restrictive than the statewide measures.
    - As of June 6, in counties that have requested and received variances, dine-in restaurants, hair salons and barbershops, and casinos may reopen. On June 12, family entertainment centers, restaurants, wineries, and bars, zoos and museums, gyms and fitness centers, hotels (for tourism and individual travel), cardrooms and racetracks, and campgrounds and outdoor recreation will be allowed to reopen.
  - On May 4, 2020, Governor Newsom [announced](#) that the state is prepared to enter the beginning phases of Stage 2 on May 8, 2020. During this phase, expanded retail (bookstores, clothing stores, florists, sporting goods, etc.) will be allowed to reopen for curbside pickup. Associated manufacturing and supply chains will also be allowed to reopen. Offices, seated dining at restaurants, and shopping malls, however, will remain closed. See [Update on California's Pandemic Roadmap \(issued May 4, 2020\)](#). On My 12, Governor Newsom announced that outdoor museums,

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limited personal services, and childcare would also be allowed to reopen statewide.

- On May 7, 2020, Governor Newsom provided additional industry-specific [guidance](#) for industries allowed to open either under the statewide early phases of Stage 2 or under local variances allowing additional Stage 2 activities.
  - As of June 12, music, film, and TV production and professional sports (without live audiences) will also be allowed to resume operations.
- Beginning at the end of June, the California Department of Public Health released a number of orders re-imposing restrictions.
- First, on June 28, 2020, the Department recommended that certain counties require brewpubs, breweries, bars, and pubs that do not offer sit-down, dine-in meals to close. *See [Proposal for Selective Sector Closing of Bars in Counties on the County Monitoring List](#).*
  - Then, on July 1, 2020, the Department required dine-in restaurants, wineries and tasting rooms, movie theaters, family entertainment centers, zoos and museums, and cardrooms to close all indoor operations in counties on the County Monitoring List for three or more consecutive days. *See [Guidance on Closure of Sectors in Response to COVID-19 \(July 1, 2020\)](#).*
  - On July 13, 2020, the Department ordered bars to cease operations statewide and ordered dine-in restaurants, wineries and tasting rooms, family entertainment centers and movie theaters, indoor attractions at zoos and museums, and cardrooms to close all indoor operations. In counties on the County Monitoring List, gyms and fitness centers, places of worship, protests, offices for non-critical infrastructure sectors, personal care services (including nail salons, massage parlors, and tattoo parlors), hair salons and barbershops, and malls, must close all indoor operations. *See [Statewide Public Health Officer Order, July 13, 2020](#).*
- **Residential and commercial tenancy.**
- Waives time limitation concerning protections against residential eviction. Protection in effect through May 31, 2020. *See Executive Order dated as of March 16, 2020.*

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- State laws that would restrict local government's exercise of police power to impose substantial limitations on residential or commercial evictions (including at Civil Code § 1940 et seq. or § 1954.25 et seq.) hereby suspended to extent it would preempt or restrict such exercise. Applies only to evictions when (i) basis for eviction is nonpayment of rent or foreclosure arising out of substantial decrease in household or business income (including substantial decrease in household income caused by layoffs or reduction in number of compensable hours of work, or substantial decrease in business income caused by reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and (ii) decrease in household or business income or out-of-pocket medical expenses was caused by COVID-19 pandemic or any governmental response to COVID-19 pandemic. *Id.* Statutory cause of action for judicial foreclosure (Code of Civil Procedure § 725a et seq.); statutory cause of action for unlawful detainer (Code of Civil Procedure § 1161 et seq.) and any other that could be used to evict residential or commercial tenant or occupant of residential real property after foreclosure suspended when meeting the factors above. Tenants not relieved of obligation to pay rent.
  - **Requests, but does not mandate, financial institutions holding home or commercial mortgages**, including banks, credit unions, government-sponsored enterprises, and institutional investors, to implement a **moratorium on foreclosures** and related evictions when arising out of substantial decrease in household or business income, or substantial out-of-pocket medical expenses caused by COVID-19 pandemic or any governmental response to COVID-19. *Id.*
    - California Public Utilities Commission requested to monitor measures taken by **public and private utility providers** to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19 and on weekly basis, report such measures. *Id.*
    - **Requests, but does not mandate**, all bars and restaurants to operate on drive-through, take-out, and delivery basis only, effective March 16, 2020. Food trucks may continue to operate. See [State Health & Emergency Officials Release Guidance to Prevent Transmission of COVID-19 in Food and Beverage Venues](#).
- Los Angeles, CA
- Effective on October 8, 2020, and continuing indefinitely, all individuals living in the City of Los Angeles are **ordered to stay in their homes and not travel except for permitted activities, all nonessential businesses and nonreopened businesses must cease operations that require in-person attendance, and all public and private gathering not explicitly permitted are prohibited**. See [Safer L.A. \(issued October 8, 2020\)](#).
    - All business in the City and County of Los Angeles that continue operating must **prepare, implement, and post a Social Distancing Protocol**. See *id.* Certain industries and types of businesses—including retailers, auto dealers, golf courses, community gardens, warehouse businesses, places of worship, and office-based businesses—must adopt

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additional sector-specific plans. If a business knows that three or more cases of COVID-19 have been identified among its employees within a span of 14 days, the business must report the outbreak to the Department of Public Health. See [County of Los Angeles Reopening Safer at Work and in the Community for Control of COVID-19: Blueprint for a Safer Economy – Tier 1, revised October 14, 2020](#).

- Under the statewide Blueprint for a Safer Economy, some additional, nonessential businesses are allowed to reopen. See [Safer L.A. \(issued October 8, 2020\)](#); [County of Los Angeles Reopening Safer at Work and in the Community for Control of COVID-19: Blueprint for a Safer Economy – Tier 1, revised October 14, 2020](#).
  - Retailers will be allowed to resume in-store operations, subject to capacity limits.
  - Indoor malls and shopping centers may reopen at 25% overall mall or shopping center capacity.
  - Businesses that manufacture retail goods will be allowed to resume operations.
  - Places of worship can resume offering outdoor services.
  - Trails, trailhead parks, and golf courses will reopen on Saturday, May 9, as long as activities adhere to distancing and sanitation protocols.
  - Hair salons and barbershops and personal care establishments (e.g. nail salons, tanning salons, etc.) can reopen for indoor and outdoor operations at 25% capacity, and restaurants and other food facilities can provide outdoor, in-person dining.
  - Music, film, and television production may reopen.
  - Day camps may reopen.
  - Fitness facilities, including private gyms, may open for outdoor operations only.
  - Museums, galleries, botanical gardens, zoos, aquariums, and other exhibition spaces may open outdoor spaces only.
  - Professional sports leagues may resume without audiences.
  - Campgrounds, RV parks, and associated outdoor activities may reopen.
  - Personal care establishments, including nail salons, tanning salons, estheticians, etc., may reopen for outdoor operations only. Electrology, tattoo parlors, and piercing shops must remain closed.
  - Cardrooms may reopen for outdoor operations only.

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- Hotels (for tourism and individual travel) and campgrounds, RV Parks, and associated outdoor activities may resume operations.
- Non-restaurant breweries and wineries may reopen for outdoor dining, if they comply with the County's protocols (including offering a bona fide meal that must be purchased along with alcohol).
  - Lounges, nightclubs, and bars; tasting rooms at breweries and wineries (for indoor operations, and if no bona fide meal is served, except that wineries may reopen for outdoor service even without meals); public entertainment venues (e.g., movie theaters, live performance theaters, theme parks, etc.); family entertainment centers (e.g., bowling alleys, arcades, miniature golf, etc.); indoor, in-person restaurant dining; satellite wagering facilities; indoor playgrounds; indoor areas of zoos and museums; hot tubs, steam rooms, and saunas.
- San Diego, CA
  - Effective October 10, 2020, individuals are required to stay home, except to travel to work at or patronize essential businesses or reopened businesses or to engage in essential activities or outdoor activities; gatherings (defined as any event or convening that brings together more than one person in a single space at the same time, other than operations at airports, essential or reopened businesses, religious services, or outdoor protects) are prohibited if they do not comply with the Department of Public Health's guidance, and any nonessential, non-reopened businesses must remain closed for in-person operations. See [Order of the Health Officer and Emergency Regulations \(Effective October 10, 2020\)](#).
    - Essential businesses are defined by reference to California's Essential Critical Infrastructure Workers list. See *id.*
    - Reopened businesses are businesses that have been allowed to reopen according to the statewide Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe and the [Blueprint for a Safer Economy Activities and Business Tiers](#) list. See *id.*
    - Permitted outdoor activities and venues include public parks and recreation areas, campgrounds, recreational boating, beaches, private and public golf courses, and swimming pools owned or operated by a homeowners' association, condominium, or apartment complex. See *id.*
    - Public, charter, and private schools and institutions of higher education may hold classes and other school activities, but only under circumstances permitted by the State and in compliance with statewide guidelines.
  - **Every business must require employees to wear a face covering. See *id.* Individuals must also wear face coverings** whenever they are inside a business or within six feet of a non-household

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member, and all individuals must have in their possession a face covering whenever they leave their place of residence. *See id.*

- All essential businesses that remain open and “that allow members of the public to enter a facility” must prepare, post, and implement a Social Distancing and Sanitation Protocol on a county-provided [form](#). The form must be visible to the public at facility entrances and must be provided to each employee performing work there. The business must comply with the protocol and provide evidence of its implementation upon demand. *See id.*
  - Any “reopened business”—a nonessential business that has reopened in conformance with the State of California’s Resilience Roadmap—excluding dine-in restaurants, must prepare and post a “[Safe Reopening Plan](#).”
    - Restaurants, bars, wineries, and breweries must prepare and post a [COVID-19 Restaurant Operating Protocol](#).
  - Essential businesses and reopened businesses must also notify and work with the County Department of Public Health if an employee is diagnosed with COVID-19, and provide notice to employees and contractors who may have been exposed to COVID-19. *See id.*
  - Outdoor recreation facilities must comply with state guidelines and prepare a safe reopening plan. Recreational boating may occur in compliance with state guidelines, and outdoor playgrounds may operate in compliance with state guidelines.
- San Francisco, CA
- As of 9:00 a.m. on September 30, 2020 (and continuing indefinitely), **all individuals are strongly reminded (and ordered, for the time being) to stay in their residences to the extent possible**, and to leave only for Essential Activities, Outdoor Activities, Additional Activities, Essential Governmental Functions, Essential Travel, to work for Essential Businesses Outdoor Businesses, or Additional Businesses, or to perform Minimum Basic Operations for non-essential businesses. All travel except essential travel is prohibited. *See* [City and County of San Francisco Order No. C19-07j \(issued September 30, 2020\)](#).
    - **All businesses, except Essential Businesses, Outdoor Businesses, and Additional Businesses must cease all activities except Minimum Basic Operations** or activities performed at home. *Id.* All **Essential Businesses are encouraged to remain open**, but they **must continue to maximize the number of workers who work remotely from their place of Residence and must prepare, post, and implement a Social Distancing Protocol at each facility that remains open**. *Id.* Business must also **notify the department of public health** if three or more personnel test positive for COVID-19 within a two-week period. *Id.*
  - **Essential Businesses** include: (i) Healthcare Operations (such as hospitals, clinics, testing locations, and pharmacies) and businesses that operate, maintain, or repair Essential Infrastructure (such as airports, utilities, roads, highways, and

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public transportations); (ii) grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments selling groceries and other consumer products, *provided that, if they sell multiple categories of products, they sell a significant amount of essential products*; (iii) food cultivation, including farming, livestock, and fishing; (iv) businesses that provide food, shelter, and social services to needy individuals; (v) construction, but only pursuant to specified Safety Protocols; (vi) newspapers, television, radio, and other media services; (vii) gas stations and auto-supply, auto-repair, and related facilities; (viii) bicycle repair and supply shops; (ix) banks and related financial institutions; (x) service providers that enable residential transactions, such as real estate agents; (xi) hardware stores; (xii) plumbers, electricians, exterminators, and other service providers necessary to maintaining safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses; (xiii) businesses providing mailing and shipping services, including post office boxes and those that ship groceries, food, and goods or services direct to residences; (xiv) educational institutions, including public and private K-12 schools, colleges, and universities, for purposes of facilitating distance learning or performing essential functions, provided that social distancing of 6 feet per person is maintained to extent possible; (xv) laundromats, drycleaners, and other laundry service providers; (xvi) restaurants, but only for delivery or carry out; schools that typically provide free food on pick-up and take-away basis only; (xvii) funeral homes and mortuaries; (xviii) businesses that supply other Essential Businesses with necessary support or supplies, *but only* to the extent they support or supply Essential Businesses; (xix) businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses; (xx) airlines, taxis and other private transportation providers providing services necessary for Essential Activities; (xxi) home-based care; (xxii) residential facilities and shelters; (xxiii) professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities; (xxiv) services to assist individuals in finding employment with Essential Businesses; (xxv) moving services that facilitate permitted moves; (xxvi) childcare facilities providing services that enable employees exempted in this Order to work as permitted; to extent possible, children should be in consistent groups of 12 children or fewer, with groups/providers for groups not mixing; and (xxvii) businesses that operate, maintain, or repair Essential Infrastructure.

- **Outdoor Businesses** mean businesses that, prior to March 16, 2020, normally operated primarily outdoors and that can fully maintain six-foot physical distancing between people. Business primarily operated outdoors, such as wholesale and retail plant nurseries, agricultural operations, and garden centers, and service providers that primarily provide outdoor services, such as landscapers, gardeners, and environmental site remediation workers are Outdoor Businesses. Outdoor Businesses *do not* include outdoor restaurants, cafes, or bars.

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- **Additional Businesses** mean those businesses identified and designated by the Health Officer. Currently, additional businesses include retail stores (including in-store retail and indoor shopping centers); retail supply-chain businesses; childcare programs and summer camps; outdoor activity equipment rental businesses and curbside pickup for low-contact retail services (e.g., dog grooming, electronic repair); outdoor activity equipment rental businesses; professional sports teams without in-person spectators (but indoor events with more than 12 people will not be approved until further notice); entertainment venues for livestreaming or broadcasting events without in-person spectators (but indoor events with more than 12 people will not be approved until further notice); dining (outdoor and indoor, at 25% capacity); outdoor fitness classes; indoor household services; offices for non-essential businesses, but only for accessory office space that is physical located within facilities of Additional Businesses allowed to operate, and only by individuals necessary for allowed operations who cannot work remotely; outdoor zoos; open air boat operators; institution of higher education and adult education; indoor and outdoor personal service providers (e.g., hair salons, barber shops, nail salons, massage, estheticians, skin care, cosmetology services, electrology, etc.), gyms and fitness centers (outdoors and indoors); indoor museums, aquariums, and zoos; outdoor family entertainment centers; open-air tour bus operators; lodging facilities for tourism; indoor movie theaters (beginning no earlier than October 7, 2020).
- **Minimum Basic Operations** includes the following, provided that, *to the extent possible*, employees comply with social distancing elements of 6 feet between persons and handwashing: (i) the minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; and (ii) the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- **Mandatory Reporting:** Businesses and governmental entities must require that all workers immediately notify the entity if they test positive for COVID-19 and were in the workplace within 48 hours before the onset of symptoms or the positive test date. If a business or entity has three or more personnel who test positive within a two-week period, the entity *must* call the San Francisco Department of Public Health.
- **Essential Activities** include: (i) activities essential to health/safety of individual, family, household members, or pets, such as obtaining medical supplies, or visiting a health care professional; (ii) activities to obtain necessary services or supplies for individual, family, and household, such as groceries and household consumer products needed to work from home or needed for safety, sanitation and essential operation of residence; (iii) caring for family member or pet in another household; (iv) attending a funeral with no more than 12 individuals present; and (v) moving residences.

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- **Outdoor Activities** include outdoor recreation (e.g., walking, hiking, bicycling, and running), with certain limitations, such as avoiding contact or the use of shared equipment.
- **Essential Travel** includes travel for any of following purposes: (i) Essential Activities, Essential Governmental Functions, Essential Businesses or Outdoor Businesses, Outdoor Activities, Additional Activities or Additional Businesses, or Minimum Basic Operations; (ii) travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons; (iii) travel to or from educational institutions to receive materials for distance learning, receiving materials, and related services; (iv) travel to a place of residence outside of jurisdiction; (v) travel required by law enforcement/court order; (vi) travel required for non-residents to return to place of residence outside the County; (vii) travel to manage after-death arrangements and burial; (viii) travel to arrange for shelter or avoid homelessness; (ix) travel to avoid domestic violence or child abuse; (x) travel for parental custody arrangements; (xi) travel to reside temporarily in a place to avoid exposure to COVID-19.
- **Essential Government Functions** means all services needed for ensuring continuing operation of government agencies and provide for health, safety, and welfare of public.
- **Additional Activities** include visiting outdoor museums, outdoor historical sites, and outdoor public gardens; engaging in outdoor recreation activities or other activities, including tennis, golf, dog parks, small outdoor special gatherings (with no more than 12 people); libraries for curbside pickup and return; other outdoor recreation and athletic activities with a low risk of transmission (e.g., pickleball, lawn bowling, etc.); outdoor swimming pools; drive-in gatherings (maximum of 100 vehicles); religious activities (maximum of 50 individuals); and political activities. *Id.*
- **Social Distancing:** When people do leave their residences for permitted purposes, they *must strictly comply* with Social Distancing Requirements. *Id.* All Essential Businesses must prepare, post, and implement a Social Distancing Protocol. *Id.* Social Distancing Requirements include maintaining physical distancing, frequently washing or sanitizing hands, covering coughs and sneezes, wearing a face covering in public, and avoiding social interactions when sick.
  - **Masks:** Individuals must wear face coverings as provided in, and subject to the limited exceptions in, Health Officer Order No. C19-12c: As of July 23, 2020 (and until further notice), **all individuals must wear a cloth face covering** outside their homes or residences at all times except when they: (i) are allowed by another Order not to wear a face covering; (ii) are outdoors alone or with a member of their household and can maintain six feet of distance from anyone outside their household *and* they have a face covering visible and immediately ready to cover the nose and mouth (people must wear face coverings in fluid situations, like on a crowded sidewalk, when distances between people change quickly); (iii) wearing other forms of PPE; (iv) alone in an enclosed space that others are not likely to be in for any amount of time in the coming days; (v) eating

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or drinking with members of their household and no one else is within 6 feet; (vi) stationary and at least 6 feet away from others; (vii) are children 12 years old or younger; (viii) they have received a medical exemption; (ix) are in a motor vehicle by themselves or with only members of their household. *See [City and County of San Francisco Order C19-12c \(issued July 22, 2020\)](#).*

- **Gatherings:** All public and private gatherings of any number of people occurring outside a single Household are prohibited, unless they are specifically permitted as an Additional Activity.
- **Quarantine:** When moving into or out of the Bay Area *or returning from travel outside the Bay Area*, individuals are urged to quarantine for 14 days if they engaged in activities outside the Bay Area that would put them at higher risk. Such activities include, for example, interacting with individuals outside your Household for more than 15 minutes or being around individuals not wearing face coverings.
- **Social Distancing Protocol:** All Essential Businesses must prepare and post an updated Social Distancing Protocol on a form substantial similar to an appendix to the order. *See [Appendix A: Social Distancing Protocol](#).* The protocol must be visible by the public and employees and must be distributed to all employees performing work at the facility. The protocol must explain how the business is: (i) limiting the number of people who can enter the facility at one time; (ii) requiring face coverings to be worn; (iii) marking six-foot increments where lines may form; (iv) providing hand sanitizer or other disinfectants at or near the facility's entrance or other areas of frequent interactions with the public; (v) providing for contactless payments or disinfecting all forms of payment; (vi) regularly disinfecting high-touch surfaces; (vii) posting a sign advising employees and customers that they should not enter if they have symptoms; (viii) implementing other social distancing measures.
- **State/local conflicts:** To the extent a local Bay Area Order conflicts with California's statewide shelter-in-place order, the *more restrictive order controls*.
  - Limitations on visit rights to hospitals. [City and County of San Francisco, Order C19-06b](#).

### VII. Colorado (Statewide)

- Colorado (Statewide)
  - Effective until July 30, 2020, the [Safer at Home Order](#) limits public gatherings to no more than 10 people, and allows a number of nonessential businesses to reopen subject to public health guidance, including:
    - **Non-Critical Retail** (e.g., stores selling clothing, home goods, appliances, sporting goods, etc.) may open at 50% capacity for in-person services.

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- **Restaurants** may continue to offer outdoor dining and curbside pickup, and may offer indoor dining of up to 50% seating capacity.
- **Critical Businesses, Critical Government Functions, Non-Critical Commercial Businesses, and Non-Critical Retail** with over 50 employees in one location can reopen, but they must follow protocols (including symptom screening and temperature checks, and additional cleaning, sanitation, and social distancing requirements) and they must make work accommodations for Vulnerable Individuals.
  - **Bars must remain closed (except for those in restaurant establishments), but may provide takeout or delivery if the alcoholic beverages are sold with food.**
- Effective July 9<sup>th</sup>, 2020, counties in Colorado may apply for certification to enter the [Protect Our Neighbors](#) phase, which allows qualifying counties to reopen further.
  - To qualify for the Protect Our Neighbors phase, counties must show that: (i) local hospitals have bed capacity to manage a 20% surge in hospital admissions or patient transfers; (ii) local hospitals have two weeks of PPE available; (iii) the region must show: (a) they have 25 or fewer new cases per 100,000 people in the past two weeks (excluding cases among residents of congregate facilities), or for regions with a population of less than 30,000 no more than 7 cases, or (b) they have a two-week average molecular test positivity rate of less than 5% and the county is meeting a minimum testing rate of .75 per 1,000 population and their two-week cumulative incidence is no greater than 50 cases per 100,000 people in the past two weeks; (iv) the region must have the capacity to test 15 people per 10,000 residents per day; (v) the local public health agency must be able to implement Colorado's case investigation and contact tracing protocol, and must have a documented surge-capacity plan.
  - Once a county qualifies for the Protect Our Neighbors phase, **businesses may reopen at 50% capacity**, but must maintain social distancing, enhanced sanitation, and employee screening guidelines.

### VIII. Connecticut (Statewide)

- **Gatherings.** Effective June 17, 2020, indoor social and recreation gatherings are limited to **25 persons**. Outdoor gatherings are permitted with up to 100 persons. *See* [Executive Order 7-ZZ dated as of June 17, 2020](#).
- Effective July 3, outdoor gathering limits will be further relaxed to permit outdoor graduation events of up to 150 persons. Outdoor organized gatherings (*e.g.*, firework displays, concerts in parks, etc.) will be permitted with up to 500 people if 15 feet of space is maintained between groups. Event organizers are responsible for compliance with gathering restrictions. *Id.*
  - *See* [Indoor Event and Gathering Rules](#) and [Outdoor Event and Gathering Rules](#).

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- Effective March 20, 2020, and revised on August 14, any person in a public place (whether indoors or outdoors) who does not maintain social distance of six feet or more must wear a mask or cloth covering that covers the mouth and nose. Coverings must be worn on public transit and in vehicles for hire (*e.g.*, taxis or ride-sharing). See [Executive Order 7-BB, dated as of April 17, 2020](#); [Executive Order 7-NNN, dated as of August 14, 2020](#).
  - Exceptions apply for children under two years old and for those whose health would be adversely affected by wearing a face covering due to a medical condition if such person provides written documentation from a medical provider or applicable state agency stating that the person qualifies for exemption. *Id.*
- Effective March 23, 2020 at 8:00pm through June 20, 2020, all businesses and not-for-profit entities in Connecticut shall employ, to extent possible, any telecommuting or work from home procedures that they can safely employ. Non-essential businesses or not-for-profit entities shall **reduce in-person workforces at any workplace locations by 100% not later than March 23, 2020**. Any essential business or entity providing **essential goods, services, or functions**, or specifically allowed to reopen pursuant to an Executive Order (*see* Reopening section below), shall not be subject to these in-person restrictions. [State of Connecticut Executive Order No. 7H dated March 20, 2020](#); [Executive Order 7-X dated as of April 10, 2020](#); [Executive Order 7-PP dated May 18, 2020](#) (extending period and reopening some businesses).
- **Essential Businesses include:** (i) any of the **essential workers identified in the CISA Critical Infrastructure guidance** (see I. Federal, above), unless otherwise addressed in a prior or future CT executive order; (ii) **essential healthcare and related operations** (*e.g.*, biotechnology therapies, consumer health products and services, doctor/dentist offices, elder care, health care plans/data, home health care workers, hospitals, manufacturing, distributing, warehouse and supplying of pharmaceuticals including research and development, medical supplies and equipment providers, pharmacies, research and laboratory services); (iii) **infrastructure** (*e.g.*, airports/airlines, commercial trucking, dam maintenance/support, e-learning functions of schools, hotels/motels, water and wastewater operations, telecommunications and data centers, transportation infrastructure, utilities and power generation, supply and transmission); (iv) **all manufacturing and corresponding supply chains**; (v) **retail** (*e.g.*, electronics/appliances, big-box or wholesale stores if they also carry groceries, convenience stores, gas stations, grocery stores, guns and ammunition, hardware and building stores, liquor stores, pharmacies, pet supply stores); (vi) **food and agriculture** (*e.g.*, farms and farmer's markets, food manufacturing, processing, storage, and distribution facilities, nurseries garden centers and agriculture supply stores, restaurants/bars on takeout/deliver basis only); (vii) **services** (*e.g.*, accounting/payroll, animal care, auto repair/towing/service, bicycle service, building cleaning/maintenance, child care, operations support for financial institutions, financial advisors, funeral services, insurance companies, laundry services, legal, mail/shipping, marinas/marine repair, news and media, real estate transactions and related services, storage for Essential Businesses, trash collection and processing, warehouse/distribution/fulfillment); (viii) **providers of basic necessities to economically disadvantaged populations**; (xiv) **construction** (*e.g.*, all skill trades, general commercial and residential construction, planning, engineering, design, bridge inspection and similar constructions support activities); (x) **services necessary to maintain safety, sanitation and essential operations of residences or other buildings** (*e.g.*, building cleaners or janitors,

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building code enforcement, disinfection, emergency management and response, general maintenance, moving services, landscaping, security services); (xi) **vendors that provide essential services or products, including logistics or technology support, child care and services needed to ensure continuing operation of government agencies and provision of goods, services or functions necessary for health, safety and welfare of public** (e.g., billboard leasing, government owned buildings, IT and information security, logistics, technology support; (xii) **defense**. *Id.*

- Businesses not described in the above list may request an opinion from DECD to be deemed essential. *Id.*
- Every workplace in the State must take additional protective measures to reduce the risk of transmission between and among employees, customers and other persons entering the workplace such as delivery and maintenance personnel. See [Executive Order 7V dated as of April 7, 2020](#).
  - State guidance on such additional measures is available [here](#).
- All children and childcare workers must be screened for observable illness and temperature (must be below 100 degrees Fahrenheit) before entering any child care facility and such facilities must enact enhanced cleaning and disinfecting practices. See [Executive Order 7-Q dated as of March 30, 2020](#).
  - Childcare facilities may provide care for up to 50 children without obtaining approval from the Commissioner of Early Childhood. Any facility caring for more than 50 children in one facility remains obligated to obtain approval from the Commissioner and demonstrate sufficient separation of groups of children within the facility. See [Executive Order No. 7-VV dated as of June 3, 2020](#) (amending Order 7-Q).
- Restaurants providing food for off-premises consumption must use all measures reasonably practicable to limit entrance of customers into their locations to the minimum extent necessary to pick up and/or pay for orders. See [Executive Order 7-N dated as of March 26, 2020](#).
- Effective April 10, 2020 and lasting at least through October 1, 2020, **no landlord of a residential dwelling may evict any tenant** except for reason of serious nuisance as defined in section 47a-15 of the Connecticut General Statutes or for the landlord's bona fide intention to use such unit as the landlord's principal residence. See [Executive Order 7-OOO dated as of August 21, 2020](#) (modifying Executive Order 7-X); [Executive Order 7-X dated as of April 10, 2020](#).
  - There is an **automatic 60-day grace period for April rent**, such that a **residential tenant** may not be considered in default of or violation of a rental agreement and may not be evicted or charged any late fees or penalties or be subject to negative credit reporting for any rent due for the month of April which is paid within 60 days of its due date. [Executive Order 7-X dated as of April 10, 2020](#).
  - Upon request, there is a **60-day grace period for May rent** on the same terms described above, for any residential tenant who on or before the ninth day May rent is due, notifies the landlord in

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writing that the tenant needs to delay payment in full or in part due to COVID-19-related full or partial unemployment, loss of revenue, or increase in costs. *Id.*

- Any **residential tenant** who has paid a security deposit in excess of one month's rent and is not enrolled in the security deposit guarantee program established by the Commissioner of Housing, and who provides to the landlord notice a COVID-19-related economic setback as described above, is entitled to have the amount of the **security deposit in excess of one month's rent credited to the rent due in April, May, June, July, August or September 2020**. No landlord complying with such request may demand the security deposit be restored to its original amount until after the end of the declared public health emergency. See [Executive Order 7-000 dated as of August 21, 2020](#) (partially modifying Executive Order 7-DDD); [Executive Order No. 7-DDD dated as of June 29, 2020](#) (partially modifying Executive Order No. 7-X).
- In addition to the above, Effective June 29, no landlord or representative or agent of any landlord may deliver a notice to quit or serve a summary process action through August 22, 2020, except for rent owed prior to February 29, 2020, for serious nuisance or for the landlord's bona fide intention to use such unit as the landlord's principal residence. See [Executive Order 7-000 dated as of August 21, 2020](#) (partially modifying Executive Order 7-DDD); [Executive Order No. 7-DDD dated as of June 29, 2020](#).
- The Commissioner of Public Health is authorized to issue restrictions on the number, category and frequency of outside visitors and applicable screening and protective measures of patients in a nursing home facility, residential care home or chronic disease hospital. [Executive Order No. 7 dated March 12, 2020](#).
  - Certain nursing facilities are designated COVID Recovery Facilities, and the regulations regarding transferring of nursing home residents and reserving beds for transferred residents are relaxed. See [Executive Order 7-Y dated as of April 11, 2020](#).
  - The Commissioner of Social Services may approve additional nursing home beds in Alternate COVID Recovery Facilities and in existing skilled nursing facilities to receive COVID-19 transfers. See [Executive Order 7-AA dated as of April 15, 2020](#).
- **Testing Staff at Certain Residential/Assisted Living Facilities.** There must be a program of mandatory weekly testing for COVID-19 of all staff members at private and municipal nursing home facilities, managed residential communities, and assisted living services. The testing requirement is effective for private or municipal nursing homes on June 14, 2020 and private or municipal managed residential communities and assisted living services agencies on June 28, 2020. See [Executive Order No. 7-UU dated as of June 1, 2020](#).
- Effective March 17 through May 20, 2020, unless extended beyond that date, **all public school classes will be cancelled**; private schools and other non-public schools are **encouraged** to follow the same schedule. See [Executive Order 7-C dated March 15, 2020](#); [Executive Order 7-L dated as of March 24, 2020](#) (extending closure); [Executive Order 7-X dated as of April 10, 2020](#) (further extending closure).

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- Any healthcare professional or health care facility is immune from civil liability for any injury or death alleged to have been sustained because of such individual's or facility's acts or omissions undertaken in good faith while providing health care services in support of the State's COVID-19 response. This immunity applies to applicable acts or omissions which occurred at any time during the public health emergency initially declared on March 10, 2020 for as long as it is in place. See [Executive Order 7-V dated as of April 7, 2020](#).
  - This includes protection from suits arising out of lack of resources attributable to the COVID-19 pandemic which rendered the professional or facility unable to provide the level or manner of care that would have otherwise been required. The Order does not extend to acts or omissions that constitute a crime, fraud, malice, gross negligence, willful misconduct, or would otherwise constitute a false claim prohibited under CT or federal law. *Id.*
  - "Health care professional" means an individual licensed, registered, permitted or certified in any state to provide health care services and any retired professional, professional with inactive license, or volunteer approved by the Dept. of Public Health. "Health care facility" means a licensed or state approved hospital, clinic, nursing home, field hospital or other facility designated by the Dept. of Public Health for temporary use to provide essential services in support of the State's COVID-19 response. *Id.*
- Effective April 5, 2020 and for the duration of the public health emergency, emergency services rendered to an insured individual by an out-of-network health care provider may be billed by such provider directly to the individual's insurance carrier and, such carrier must reimburse the provider the same amount the insured's health care plan would pay to an in-network provider for the same services. See [Executive Order 7-U dated as of March 5, 2020](#).
  - **NOTE:** This provision has been repealed in its entirety, retroactive to its initial effective date. See [Executive Order 7-CC dated as of March 21, 2020](#).
- Effective April 5, 2020 and for the duration of the public health emergency, emergency services rendered to an insured individual by an out-of-network health care provider may be billed by such provider directly to the individual's insurance carrier and, such carrier must reimburse the provider the same amount the insured's health care plan would pay to an in-network provider for the same services. *Id.*
- Effective April 5, 2020 and for the duration of the public health emergency, no hospital that has provided health care services to an uninsured patient may collect more than the cost of providing such services, except for services related to treatment and management of COVID-19, in which case no hospital may collect more than the Medicare rate for such services from the uninsured patient or patient's estate. *Id.*
  - No hospital, health system or hospital-based facility may collect a facility fee in excess of the Medicare rate for services received by an uninsured patient for the treatment or management of COVID-19. *Id.*
  - No hospital may bill any individual not covered by any public or private health plan for services received in treatment or management of COVID-19, unless and until clarified by further executive order regarding distribution of any federal funding made available. *Id.*

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- Every hospital, health system or hospital-based facility must maintain fiscal records to identify services provided to uninsured patients for treatment and management of COVID-19. *Id.*
- Effective April 7, 2020 and for the duration of the public health emergency, practice before licensure is granted to applicants and graduates for the following healthcare professions: (i) physical therapist; (ii) physical therapist assistant; (iii) radiography; (iv) registered nurse; (v) nurse practitioner; (vi) clinical nurse specialist; (vii) nurse anesthetist; (viii) marital and family therapy associate; and (ix) professional counselor associate. See [Executive Order 7-V dated as of April 7, 2020](#).
  - Effective April 22, 2020 and for the duration of the public health emergency, certain other requirements are loosened to facilitate increased provision of telehealth, the increased participation of health care trainees and out of state healthcare professionals, and more autonomy of physician assistants and advanced practice registered nurses. See [Executive Order 7-DD dated as of April 22, 2020](#).
- **Enforcement:** Pending additional guidance from the State, violators of the Orders risk being found in violation of Section 28-22, and therefore **guilty of a Class D felony**.
- **Quarantine for Travelers.** All individuals traveling from states with significant COVID-19 community spread are strongly urged to quarantine for 14 days upon arrival. The quarantine applies to individuals traveling from a state with a positive test rate higher than 10 per 100,000 residents or a positive test rate greater than 10% (each measured on a 7-day rolling average basis). See [Travel Advisory](#). Effective July 24, the quarantine will become mandatory for travelers who have spent more than 24 hours in any of the below listed states within two weeks of entering Connecticut. See [Executive Order 7-III dated July 21, 2020](#).
  - As of August 25, the affected states are Alabama, Arkansas, California, Florida, Georgia, Guam, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Virgin Islands and Wisconsin. A regularly updated list of impacted states is available [here](#).
  - Exceptions apply for workers traveling to Connecticut for work in critical infrastructure sectors, as identified by [CISA](#).
- **Reopening Order – Phase Two.** Effective June 17, 2020, Phase Two of reopening begins, during which the below listed businesses are permitted to reopen, subject to the applicable Sector Rules. Even in Phase Two, those who can work from home should continue to do so. The closure of non-essential businesses announced in Order 7-H is extended for the duration of the public health and civil preparedness emergency, except for businesses specifically reopened pursuant to an executive order. See [Executive Order 7-ZZ dated as of June 17, 2020](#).
  - **Reopened businesses** (applicable Sector Rules linked). (i) [Hotels/Lodging](#); (ii) [Restaurants](#) for on-premises, indoor dining; (iii) [Indoor Recreation](#) (e.g., theaters, bowling alleys, etc.); (iv) [Personal Services](#) (e.g. nail salons, tattoo studios, etc.) if the service can be performed without a mask being removed; (v) [Sports and Fitness Facilities](#) (e.g., gyms, pools, etc.); (vi) [Amusement](#)

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[Parks](#); [Indoor Museums, Zoos and Aquariums](#); (vii) [Libraries](#); (viii) [Outdoor Events](#); (ix) Driving schools, which may have only two persons in the car and must follow the [Office Sector Rules](#); (x) Social Clubs, which must follow sector rules applicable to specific functions (such as for Restaurants or Pools); (xi) [Film, Television and Digital Media Production](#); (xii) [Summer Camps](#); and (xiii) effective September 1, [Senior Centers](#).

- **Expanded Outdoor Dining.** [Executive Order 7-MM](#) (expanding restaurants' ability to use outdoor space for dining) and any approvals granted pursuant thereto are extended through November 12, 2020. See [Executive Order 7-OOO dated as of August 21, 2020](#).
- **Sector Rules** contain mitigation policies and operational restrictions each business must follow. These rules constitute “legally binding guidance” and violations thereof are enforceable as a public nuisance. Businesses that cannot comply with Sector Rules must refrain from opening until they can do so. Though tailored to each Phase Two sector, the Sector Rules generally contain similar requirements as apply to Phase One businesses (described below) requirements such as:
  - **Capacity limited** to 50% of normal operating capacity. Exceptions for Amusement Parks, which are limited to 25% capacity, and for Hotels/Lodging, which have no capacity restriction.
  - **Face masks** must continue to be worn in public at all times, including by employees and customers.
- **Reopening Order – Phase One.** Effective 12:01am on May 20, Phase One of reopening begins, during which the below listed businesses are permitted to reopen, subject to the [General Business Rules](#) and the applicable Sector Rules. The closure of non-essential businesses announced in Order 7-H is extended through June 20, except for businesses opened under Phase One or subsequent reopening orders. See [Executive Order 7-PP dated as of May 18, 2020](#).
  - **Reopened Businesses.** The following businesses may reopen at 50% capacity in Phase One:
    - **Offices** should continue to encourage employees to work from home where possible. If reopening, must comply with the [Office Sector Rules](#).
    - **Retail and malls** subject to the [Retail Sector Rules](#). A “Mall” is any building containing stores without egress the street or a parking lot. Mall food courts must remain closed.
    - **Restaurants** may reopen outdoor dining areas subject to the [Restaurant Sector Rules](#).
    - **Outdoor museums/zoos** may reopen subject to the [Museums and Zoos Sector Rules](#).
    - **Outdoor recreation businesses** such as boat tours, golf, tennis, etc. listed [here](#).
    - **Barbershops and hair salons** may resume in-person operations effective June 1, 2020, subject to the [Hair Sector Rules](#). See [Executive Order 7-TT dated as of May 29, 2020](#).

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- **Sector Rules** contain mitigation policies and operational restrictions each business must follow. These rules constitute “legally binding guidance” and violations thereof are enforceable as a public nuisance. Businesses that cannot comply with Sector Rules must refrain from opening until they can do so. Though tailored to each Phase One sector, the Sector Rules generally contain requirements such as:
  - Reopening Process. Limit gatherings (e.g., meetings) to five people; appoint a program administrator accountable for implementing Sector Rules; maintain a log of employees on premise over time to support contact tracing; stagger shift times; institute a training program for employee that includes the Sector Rules and proper cleaning protocols; develop cleaning checklists that incorporate the Sector Rules; begin procuring PPE for employees.
  - Physical Space. Increase ventilation rates and outdoor air circulation where possible; rearrange space to maintain six feet of space between employees or erect partitions; install visual social distancing markers and signage reinforcing policies; manage elevator traffic; segment the workplace into discrete zones and prevent movement between zones where possible (e.g. employees stay on a single floor).
  - Personal Protection. All employees are required to wear a cloth face covering; employers must provide PPE to employees (but employees may elect to wear their own); employees may remove masks when working alone in segmented spaces (e.g. private office, cubicles with walls; customers/visitors must wear face coverings in order to enter.
  - Cleaning and Disinfecting. Hand sanitizer must be made available at all entrance points and common areas; follow CDC and EPA guidelines on cleaning products and protocols.
- **Reopening Plan**. In an April 30, 2020 press conference, Gov. Lamont outlined the framework Connecticut would follow in the phased reopening of its economy, with Phase One likely beginning May 20. The plan consists of four phases, each of which will ease restrictions or open businesses based on how well social distancing and other health risk assessments can be managed. *See [Reopening Press Release](#); see also [Full Press Conference Containing Reopening Announcement](#).*
  - Before reopening can begin, certain key metrics must be met, including: (i) 14-day decline of hospitalizations, (ii) increased testing available; (iii) sufficient contact tracing capacity; (iv) protection for high-risk populations; (v) adequate healthcare capacity and PPE supply.
  - Businesses identified as potentially opening in Phase One include: restaurants (outdoor only, no bar areas), retail, offices (with continued work from home where possible), personal services (hair and nail only), outdoor museums and zoos, outdoor recreational areas, and university research programs.
    - These businesses will be subject to to-be-announced operating restrictions. During Phase One masks will be required for most activities.

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- The Reopening Plan breaks into four levels of restrictiveness based on a scoring system that considers factors such as contact proximity, contact length, number of contacts, disinfection and social distancing opportunities within the reopened business.

### IX. Delaware (Statewide)

- On July 24, 2020, Governor Carney issued an Executive Order detailing additional restrictions on certain businesses. [TWENTY-FOURTH MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE](#)
  - Food and drink establishments are required to notify patrons that they may provide their name and phone number or email address to the establishment, and that the establishment will keep the information on file for the sole purpose of allowing the Division of Public Health (DPH) to contact the patron if another patron or an employee is later found to have tested positive for COVID-19. If a patron leaves such contact information, the establishment must retain the information for twenty-eight (28) days. The establishment need not deny service to patrons who do not provide contact information for this purpose.
  - The order specified a number of additional requirements for food and drink establishments, including but not limited to, (i) tables must be 6 feet apart; (ii) other than when eating or drinking, staff and customers must wear a cloth face covering in accordance with the State of Emergency Order at all times; (iii) a table must be disinfected before each new party is seated; (iv) all patrons must have a seat, be seated, and remain seated unless going to the restroom or participating in an approved bar game activity; (v) bar games such as pool, darts, pinball machines, and the like may be played as long as participants are kept six feet apart at all times and wear face coverings at all times, as long as no equipment is shared and all equipment is disinfected between uses, and as long as any surfaces that participants touch are disinfected every fifteen (15) minutes to two (2) hours using an EPA-approved disinfectant; (vi) all condiments (salt, pepper, ketchup, mustard, mayo, sugar, etc.) must be provided directly to diners in single-use, disposable containers or reusable containers that are cleaned between uses by new parties; and (vii) cups, lids, napkins, and straws must be delivered to the table after the party has been seated.
  - Personal care services: If a customer must remove a face covering for a service to be performed (e.g. make-up application, facial, etc.) the professional providing services shall wear a face covering AND face shield during the procedure until the client is able to wear their face covering or the procedure is complete, and six feet of social distance can be maintained.
  - Senior centers, adult day centers and senior congregate nutrition programs may reopen, provided, however, that the total number of guests (excluding staff) permitted in a facility at any one time shall not exceed thirty percent (30%) of that facility's stated fire occupancy requirements, and that these business ensure social distancing of six (6) feet between individuals throughout the business' location and comply with cloth face covering orders.
    - Senior centers, adult day centers and senior congregate nutrition programs are strongly encouraged to develop a plan to support contact tracing if a positive case is associated with the business location, including to request that customers provide contact

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information (name, email address, and telephone numbers) and to record the date of service. In addition to the responsibilities for all businesses, senior centers, adult day centers and senior congregate nutrition programs must also comply with specified requirements.

- Delaware entered Phase 2 of its reopening on June 15, 2020. All businesses must follow industry-specific guidance, as well as any guidelines announced by the CDC. [Phase 2 Reopening, Effective June 15, 2020](#)
  - Gatherings or events of up to 250 people (e.g. weddings and receptions, graduations, funerals, etc.) are now permitted, subject to certain sanitation, distancing, and hygiene requirements; organizers may apply to host a larger gathering.
  - Arts & culture, museums, and historical attractions may continue operations or reopen at up to 60% capacity.
  - Food and drink establishments (including ice cream, water ice, custard, or similar shops) that offer table service may continue operations or reopen at up to 60% capacity.
  - Retail establishments may continue operations or reopen at up to 60% capacity.
  - Malls may continue operations or reopen at up to 60% capacity.
  - Personal care services (barber shops, hair salons, tanning salons, tattoo services, massage therapy services, nail care, brow care, spas, waxing services, and similar services) may continue operations or reopen subject to 30% capacity.
  - Exercise facilities may continue operations or reopen at up to 30% capacity.
  - Realty companies can host open houses, so long as visitors have 30 square feet per person.
  - Casinos and racetracks may continue operations or reopen at up to 60% capacity.
  - Parks and recreation facilities (including, for example, zoos, miniature golf courses, outdoor tennis facilities, batting cages, or other activities not explicitly prohibited) may continue operations or reopen with modifications.
  - Child care (maximum allowable group of 15 children) and summer camps (recommended allowable group of 15 children) may reopen.
  - Youth Sports and other types of physical activity for children may resume. Tournaments may not be conducted, but most competitions are permitted.
  - Commercial lodging (e.g. hotels, motels, inns, etc.) may continue operations or reopen, but occupancy of the lobby, restaurants, etc. cannot exceed 60% capacity and occupancy of the fitness center cannot exceed 30% capacity.

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- Private instruction (e.g. tutoring), auction houses, and houses of worship may continue operations or reopen at up to 60% capacity.
- Swimming facilities can continue operations or reopen at up to 60% capacity.
- Convention centers and meeting facilities can reopen at up to 60% capacity.
- Commercial offices and residential buildings with at least 50 units must adopt cleaning and disinfecting procedures in accordance with CDC guidelines.
- The following industries are not permitted to open in Phase 2:
  - Sporting facilities and venues (professional and amateur), including arcades, bowling alleys, indoor rinks, martial arts studios, dance studios, indoor tennis, etc., unless they can create an approved facility-specific plan.
  - Indoor children's play areas.
  - Water parks, unless they create a facility-specific plan (and at no more than 30% occupancy)
- On June 1, 2020, Delaware lifted its stay-at-home order. Restaurants, retail establishments, and certain other businesses can reopen at 30% capacity, with social distancing requirements and other public health guidance in place. The ban on short-term rentals and the mandatory 14-day quarantine for out-of-state travelers will both end. Additionally, fully unenclosed outdoor gatherings (e.g., outdoor weddings and receptions, outdoor graduations, funerals, etc.) of up to 250 people are now allowed, subject to complying with specified conditions. [Governor Carney Announces June 1, 2020 Phase 1 Reopening](#)
  - Food and drink establishments can reopen at 30% capacity with reservation-only dining, or outdoor seating arrangements where available, all with strict social distancing in place. Face coverings will be required for all movement within establishments, including to the bathroom. While face coverings are not required at the table, only members of the same household can be seated at each table. Bars remain closed and there is no self-service permitted.
  - Arts and culture destinations and retail establishments are permitted to open along similar guidelines. They can only admit 30% of their capacity or fire code occupancy, and must require face coverings and strict social distancing guidelines.
  - Malls are permitted to open at 30% fire code occupancy, and visitors must be wearing face coverings and follow strict social distancing. Food and drink facilities within malls must adhere to food and drink industry guidelines.
  - Retail, including but not limited to, grocery, pharmacies, clothing, shoe, jewelry, sporting goods, books, florists, and department stores, can reopen at 30% capacity. Gatherings of 10 or more are prohibited.

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- Barbershops, hair salons, and tanning salons can all open at 30% occupancy, and by appointment only. Face coverings are required, and social distancing is required when feasible.
- Exercise facilities permitted under the same rules as barbershops, hair salons and tanning salons. Classes under 10 people are permitted and cleaning and disinfecting required.
- Realty companies can host open houses with a restriction on visitors at 10 people. Face coverings, social distancing, and disinfecting all required.
- Casinos and racetracks must create and submit reopening plans with appropriate state divisions, including the State Lottery, Division of Public Health, and Department of Agriculture, where applicable. Casinos are permitted to host 30% of their occupancy, employees must receive training, and there must be thorough cleaning and disinfecting. gaming machines must be kept eight feet apart. Racetracks can't feature automobile racing in Phase I, and fans are not permitted to attend races.
- Parks can reopen with modifications and continued restrictions on gatherings and events. Shared equipment must be disinfected. Forest campsites and Redden Lodge will remain closed in Phase I until a new fee-based online reservation system is operational.
- Youth Sports and other types of physical activity for children may resume provided that participants can social distance at all times during activities (i.e., no contact between participants and/or coaches) and no competitions are held during Phase 1.
- The following industries are not permitted to open in Phase 1: (i) school-based instruction, (ii) summer camps and summer school programs; (iii) close contact personal services (including tattoo parlors, massage therapy services, nail salons, spas, facials, waxing services and similar; these services may be provided following the guidance for barber shops and hair salons only in cases where the health of the client would be jeopardized if they did not have access to the service); (iv) convention centers and meeting facilities; (v) sporting facilities and venues (professional and amateur), including but not limited to arcades, bowling alleys, indoor skating rinks (ice and non-ice), martial arts studios, dance studios, indoor tennis and similar indoor athletic facilities, unless they can create a facility specific plan to observe the industry guidance provided herein for exercise facilities (plans should be emailed to [covid19faq@delaware.gov](mailto:covid19faq@delaware.gov)); (vi) indoor children's play areas, including softscape or hardscape playground facilities, trampoline parks, and children's museums; and (vii) water parks.
- On May 8, 2020, the Governor extended the date for which all physical locations of Non-Essential Business and Limited Operation Non-Essential Businesses within the State of Delaware shall remain closed until after May 31, 2020. [Second Extension of Declaration of a State of Emergency for Delaware, dated May 8, 2020](#)
- Effective April 28, 2020, all individuals must wear a face covering, except where doing so would inhibit that individual's health or where the individual is under two years of age, while in the following places: (i) when they are a rider on public transportation, or a paratransit vehicle, taxi, private care service or ride-

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sharing vehicle; (ii) when they are a customer of any business, including, but not limited to, grocery stores, convenience stores, supermarkets, laundromats, and restaurants, both inside the business and when waiting in line outside; (iii) when they are obtaining services at any healthcare provider, including, but not limited to, hospitals, medical clinics and offices, special care facilities, medical laboratories, dentists, pharmacies, blood banks and blood drives, or facilities providing veterinary care and similar healthcare services for animals, unless otherwise directed by the healthcare provider; (iv) when they are in an outdoor public area, including state parks and golf courses, if maintain social distancing of 6 feet between individuals of different households is impracticable; or (v) when they are in any public area and are feeling sick, coughing or sneezing. [State of Delaware Thirteenth Modification of Declaration of State of Emergency dated April 25, 2020](#)

- No later than May 1, 2020 at 8:00am, all business are required to: (i) provide employees with a face covering to wear while working in areas open to the general public and areas in which coming within 6 feet of other staff are likely
  - No later than May 1, 2020 at 8:00am, all restaurants shall require all employees who interact with customers (including, without limitation, delivery personnel) to wear a face covering while working. Businesses must provide, at their expense, such face coverings as well as hand sanitizer for their employees. All employees are strongly encouraged to fashion personal face coverings per the CDC guidelines until their employer provides a face covering.
  - If a customer refuses to wear a face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point of entry, then the business must decline entry to the individual, unless the business is providing medication, medical supplies, or food, in which case the business policy should provide alternate methods of pickup and/or delivery of such goods (e.g. bringing the medication to the customer in a parking lot). If an individual declines to wear a face covering on store premises due to a medical condition that inhibits such usage, neither the essential retail business nor its staff shall require the individual to produce medical documentation verifying the stated condition.
- Businesses shall take steps to remind customers to wear face coverings by (a) posting the requirement at the entrance of the business, and (b) posting clearly visible signs inside the store to remind customers of the requirement to wear the face covering at all times when in the business.
  - Effective April 7, 2020 at 8:00pm and through May 15, 2020 (or the public health threat of COVID-19 has been eliminated), all physical locations of Non-Essential Business and Limited Operation Non-Essential Businesses within the State of Delaware shall be closed. [State of Delaware Tenth Modification of Declaration of State of Emergency dated April 6, 2020](#).
- Non-essential Businesses shall not transact business via curbside pickup. All Non-Essential or Limited Operation Non-Essential Businesses with employees or customers on the premises must comply with the Responsibilities of Essential Businesses set forth in Paragraph 5 of the Fourth Modification of the COVID-19 State of Emergency declaration ([State of Delaware Fourth Modification of Declaration of State of Emergency dated March 22, 2020](#)). Any business that fails to comply with the Declaration of State of Emergency or any modification thereto or that encourages or facilitates unauthorized interstate travel, shall be deemed in violation of the State of

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Emergency orders and subject to enforcement action. (*See the order for a revised list of Non-Essential Businesses and a list of Limited Operation Non-Essential Businesses*).

- **Enforcement Actions:** Whoever violates any provision of this Order may be fined not less than \$50 nor more than \$500, or imprisoned up to 6 months for each violation. 20 Del. C. §§ 3115 (b); 3116 (9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.
- Effective April 2, 2020 at 8:00pm, organizers and sponsors of gatherings of 10 or more people shall be cancelled and not rescheduled until after May 15, 2020, or the public health threat of COVID-19 has been eliminated. Gatherings of fewer than 10 people should only be carried out if there is strict adherence to guidelines for protecting vulnerable populations. [State of Delaware Ninth Modification of Declaration of State of Emergency dated April 1, 2020 \(further restricting social gatherings\)](#)
  - Gatherings include but are not limited to weddings, funerals and related activities.
  - Gatherings do not include regular interactions with immediate family members, members of the same household, caregivers or emergency childcare sites.
  - All businesses that permit customers onto their premises shall (i) allow no more than 20% of state fire occupancy requirements in the store at a time, (ii) shall clearly mark 6 foot spacing in checkout lines, utilize signage or ropes in any other high-traffic areas of stores, and provide similar methods to encourage adequate spacing if there are lines outside, (iii) discontinue self-serve foods and product sampling, and (iv) designate staff to count the number of customers entering and exiting the store and to enforce limits, monitor social distancing, and ensure cleaning guidelines set by the CDC are followed.
- Effective March 30, 2020 at 8:00am, any individual who enters Delaware from another state, and who is not merely passing through, must immediately self-quarantine for 14 days from the time of entry into Delaware or for the duration of the individual's presence in Delaware, whichever period is shorter. [State of Delaware Seventh Modification of Declaration of State of Emergency dated March 29, 2020 \(travelers must self-quarantine\)](#)
  - Does not apply to public health, public safety, or healthcare workers, or any other individual providing an assistance to an Essential Business or providing an emergency service related to COVID-19, individuals commuting into Delaware to work for an Essential Business or to perform Minimum Basic Operations as permitted by the Fifth Modification of the Declaration of a State of Emergency.
- Effective March 25, 2020 at 8:00am, there shall be a moratorium on evictions and foreclosure proceedings to enable Delawareans to shelter in place safely. [State of Delaware Sixth Modification of Declaration of State of Emergency dated March 25, 2020 \(moratorium on evictions\)](#)
  - **Enforcement Actions:** Whoever violates any provision of this Order may be fined not less than \$50 nor more than \$500, or imprisoned up to 6 months for each violation. 20 Del. C. §§ 3115 (b);

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3116 (9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.

- Effective March 24, 2020 at 8:00am, with the exceptions as outlined below, **all individuals currently living within the State of Delaware are ordered to shelter in place**, at their home or place of residence. To the extent individuals are using shared or outdoor space when outside their residence, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements set forth below and with the guidelines set by the CDC. **All persons may leave their homes or places of residence only for Essential Activities or Essential Travel, as defined below.** See [State of Delaware Fifth Modification of Declaration of State of Emergency dated March 22, 2020](#).
- All travel (including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, and public transit), **except Essential Travel or travel for Essential Activities**, as defined below, is prohibited. Passengers traveling by public transit must comply with Social Distancing Requirements to the greatest extent feasible. *Id.*
  - **Essential Travel** includes travel: (a) related to the provision of or access to Essential Activities or Minimum Basic Operations; (b) to care for vulnerable persons/pets; (c) to or from educational institutions for purposes of receiving materials for distance learning or meals; (d) to return to a place of residence; (e) required/authorized by law. *Id.*
    - Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements. *Id.*
  - **Essential Activities** include: (a) activities/tasks essential to one's health and safety, or that of family or household members; (b) obtaining necessary services or supplies (*i.e.*, food supplies, household consumer products); (c) outdoor activity (*i.e.*, running, biking, walking), providing the individuals comply with Social Distancing Requirements; (d) work permitted by the Fourth Modification of the Declaration of a State of Emergency; (e) caring for or transporting family member, friend, or pet. *Id.*
- “**Social Distancing Requirements**” include maintaining at least six-foot social distancing from individuals, washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (not with hands), regularly cleaning high-touch surfaces, and not shaking hands. These requirements incorporate any subsequent guidance from the CDC issued after the issuance of this Order. *Id.*
  - **Even essential businesses will be ordered to close if they are not practicing social distancing in the workplace.**
- **Enforcement Actions:** Whoever violates any provision of this Order may be fined not less than \$50 nor more than \$500, or imprisoned up to 6 months for each violation. 20 Del. C. §§ 3115 (b); 3116 (9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency. *Id.*

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### X. Florida

- Statewide (additional county-specific restrictions further below)
  - **All business restrictions lifted.** On September 25, Governor DeSantis lifted all operating restrictions on Florida businesses. [Executive Order 20-244, dated September 25.](#)
  - Additionally, local governments may not limit any establishment with a food service license to less than 50%. If a local government limits the capacity of such an establishment whatsoever, it must (1) quantify the economic impact of each limitation or requirement on those restaurants; and (2) explain why each limitation or requirement is necessary for public health
  - **Eviction Moratorium.** On August 31, the statewide moratorium on evictions and foreclosures was extended through September 30. [Executive Order 20-211, dated August 31.](#)
  - **State of Emergency.** On September 4, the state of emergency was extended through November 3. [Executive Order 20-213, dated September 4.](#)
- Alachua County
  - Face coverings are required in most public settings. Businesses are required to post certain [signage](#). Bars and restaurants must post separate [signage](#). [Emergency Order No. 2020-50, dated October 9.](#)
  - Gatherings of greater than 50 people are not permitted unless social distancing can be maintained.
- Broward County
  - Effective October 2, any business may operate in compliance with certain restrictions detailed in the order. [Broward County Emergency Order 20-27, dated September 30.](#)
  - Facial coverings are required to the greatest extent practicable at all times when near other persons who are not a member of your household. Exceptions apply as detailed in the order. Failure to comply with the requirement may result in misdemeanor charges. [Broward County Emergency Order 20-27, dated September 30.](#)
  - All establishments that conduct in-person transactions with the public must post required signage. [Broward County Emergency Order 20-23, dated July 29.](#)
  - Gatherings of more than 10 people, indoors or outdoors, are prohibited. Some exceptions apply. [Broward County Emergency Order 20-22, dated July 17.](#)
- Miami-Dade County
  - Miami-Dade County issued the following reopening protocols. [Miami-Dade County \(“MDC”\) Emergency Order 30-20, dated September 26.](#)

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- **All retail and commercial establishments:** May open in compliance with [certain restrictions](#). If an establishment does not comply with the requirements, it must close and submit [additional documentation](#) before reopening.
  - **Restaurants and food service:** May operate (1) on-premises dining during non-curfew hours, and (2) delivery, pick-up, and take-out at any time.
  - **Movie theaters, concert houses, convention spaces, auditoriums, playhouses, bowling alleys, arcades, indoor amusement facilities** may reopen in compliance with all MDC restrictions and the [New Normal Guidebook](#).
  - If an on-site employee or contractor tests positive, the establishment must close until it is deep-sanitized and certain employee isolation protocols are followed, as detailed in the order.
- Face masks are required when in public, except under certain circumstances. [Second Amendment to MDC Emergency Order 20-20, dated October 4](#).
  - The use of parks, marinas, and golf courses has been restricted. [Second Amendment to MDC Emergency Order 29-20, dated September 28](#).
  - A curfew is in effect from 12am-6am each night. Some exceptions apply. [Amendment 3 to MDC Emergency Order 27-20, dated October 10](#).
- Palm Beach County
    - On September 29, Palm Beach County repealed all prior restrictions (with the exception of its face mask requirement) and instated the following requirements: All individuals, businesses, and establishments shall adhere to CDC social distancing guidelines and enhanced cleaning protocols.
    - Through October 21, face masks must be worn by anyone visiting a business or establishment, and in public places, including public transportation and government buildings. Some exceptions apply. Businesses must post signage regarding this requirement. [PBC Emergency Order 12, dated June 24](#).

### XI. Georgia (Statewide and Atlanta)

- Georgia (Statewide)
  - On September 30, 2020, Georgia extended the Public Health State of Emergency through 11:59 PM on November 9, 2020. The Public Health State of Emergency allows for enhanced coordination across government and the private sector for supply procurement, comprehensive testing, and healthcare capacity. See [Renewal of Public Health State of Emergency](#).
  - On October 15, 2020, Governor Kemp issued a new [Empowering a Healthy Georgia Order](#). Georgia's new order continues to require social distancing, bans gatherings of more than 50 people

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unless there is six feet between each person, outlines mandatory criteria for businesses, and requires sheltering in place for those living in long-term care facilities and the immunocompromised. The order runs through 11:59 PM on October 31, 2020.

- **Restaurants** are no longer subject to a maximum party limit or an occupancy limit and can provide salad bars and buffets, so long as they are served “cafeteria style.” Restaurants should still adhere to certain sanitation, hygiene, and distancing guidelines.
- **Bars and nightclubs** may remain open subject to a number of social distancing and sanitation requirements, which now include a capacity limit of the greater of 35% occupancy or 50 people.
- Noncritical industry, commerce, organizations, and non-profits can continue operations so long as they comply with certain mandatory social-distancing measures.
- **Retail.** All retail establishments can continue operations, without capacity restrictions. Retailers should still adhere to certain sanitation, hygiene, and distancing guidelines.
- **Gyms and fitness centers** can resume group fitness classes and can reopen pools and are no longer prohibited from opening hot tubs, steam rooms, and saunas.
- **Personal Services.** Body art studios, estheticians, hair designers, massage therapists, and tanning facilities; movie theaters; and bowling alleys can continue operations (including for walk-in customers) subject to social distancing requirements and hygiene protocols, but without occupancy limits.
- **Childcare facilities** can reopen so long as they implement and comply with mitigation measures; childcare facilities are no longer subject to occupancy limits.
- **Overnight summer camps** may remain opens, subject to certain requirements (including CDC guidance, but only if the Georgia Department of Public Health adopts it), including that all staff and campers take a COVID-19 test and receive a negative result (or wait a sufficient time for symptoms to abate) and that occupancy is limited to 25 persons per overnight bunk room.
- **Amusement parks**, and traveling carnivals, water parks, circuses, and other temporary amusement rides, may resume operations, provided that they comply with specific requirements in addition to all requirements for non-critical infrastructure businesses, including limiting occupancy to allow for social distancing and to comply with the Gathering ban at all times.
- **Live performance venues** may host events, with specific requirements determined based the venue's fire-code occupancy (i.e. venues with a capacity of 999 or fewer—Tier I—are subject to different requirements than either venues that can host between 1,000 and 4,999

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persons, i.e. Tier II venues, or venues that can host 5,000 or more persons, i.e. Tier III venues).

- **Conventions** (defined as an organized event with more than 100 persons who are required to register or obtain a license to attend) may resume, subject to specific social distancing and hygiene requirements.

### ○ Atlanta

- Mayor Keisha Lance Bottoms of Atlanta, GA announced on September 11, 2020 that the City will move back to Phase II of reopening, effective immediately. See [Press Release dated September 11, 2020](#).
- During Phase II, i.e. the “Easing” Phase, the following guidelines apply:
  - **Individuals:**
    - Stay home except for essential trips;
    - Wear a face mask in public (City mandate);
    - Frequent hand washing;
    - Social distancing; and
    - Small, private gatherings of no more than 10 people, with social distancing.
  - **Businesses/Non-Profits:**
    - To-go and curbside pickups from restaurants and retail establishments;
    - Continue practicing teleworking; and
    - Frequent cleaning of public and high touch areas.
  - **City Government:**
    - Non-essential City facilities remain closed;
    - Continue moratorium on special event applications; and
    - Continue communication with local and State authorities to monitor public health metrics.

## XII. Hawaii (Statewide)

- On September 22, 2020, Hawaii issued its [Thirteenth Proclamation Related to the COVID-19 Emergency \(issued September 22, 2020\)](#). The Thirteenth Proclamation extended until October 31, 2020:
  - (i) its Act with Care phase of reopening;
  - (ii) the 14-day self-quarantine requirement and Enhanced Movement Quarantine Program for out-of-state travelers (which imposes liability on hosts—including hotels, motels, and other commercial lodgings—that do not ensure their guests abide by the mandatory self-quarantine and on car-rental and car-share companies that provide vehicles to individuals subject to self-quarantine), except that, beginning on October 15, 2020, travelers who provide written confirmation from a State-approved COVID-19 testing facility of a negative test result from a test administered to the traveler within 72 hours of the final leg of departure need not self quarantine;

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- A “State-approved COVID-19 test” means a test to determine the presence of active COVID-19 infection that has been approved by the Hawaii Department of Health. Currently, the DOH has approved the processing by licensed laboratories of specimens for nucleic acid amplification testing.
- Under the Enhanced Movement Quarantine (EMQ) program, counties can implement quarantine zones through agreements with resorts or hotel facilities. The EMQ program would allow visitors otherwise subject to the 14-day self-quarantine to move about a clearly-defined geographical area, including an adjacent shoreline, so long as they ensure limited contact with those not subject to self-quarantine.
  - (iii) the inter-island travel restriction requiring people traveling from within the state to the Islands of Kaua’i, Hawai’i, and the Islands comprising the Counties of Maui and Kalawao to self-quarantine for 14 days, beginning on the date of arrival, except that counties may adopt a negative test exception, which shall be developed in conjunction with the State and integrated with the negative test exception process for out-of-state travelers.
- On August 20, 2020, Hawaii issued its [Twelfth Proclamation Related to the COVID-19 Emergency \(issued August 20, 2020\)](#). The Twelfth Emergency Proclamation extended until September 30, 2020:
  - (i) its Act with Care phase of reopening;
  - (ii) the 14-day self-quarantine requirement for out-of-state travelers (which imposes liability on hosts—including hotels, motels, and other commercial lodgings—that do not ensure their guests abide by the mandatory self-quarantine and on car-rental and car-share companies that provide vehicles to individuals subject to self-quarantine);
    - The Twelfth Proclamation does, however, allow counties to create an Enhanced Movement Quarantine (EMQ) program through agreements with resorts or hotel facilities. The EMQ program would allow visitors otherwise subject to the 14-day self-quarantine to move about a clearly-defined geographical area, including an adjacent shoreline, so long as they ensure limited contact with those not subject to self-quarantine.
  - (iii) the inter-island travel restriction requiring people traveling from within the state to the Islands of Kaua’i, Hawai’i, and the Islands comprising the Counties of Maui and Kalawao to self-quarantine for 14 days, beginning on the date of arrival.
- On August 6, 2020, Hawaii announced that, beginning on August 11, 2020 (and continuing until August 31, 2020), all persons traveling to the Islands of Kaua’i, Hawai’i, and the Islands comprising the Counties of Maui and Kalawao must self-quarantine for 14 days, beginning on the date of arrival. *See* [Eleventh Proclamation Related to the COVID-19 Emergency: Interisland Travel Quarantine \(issued August 6, 2020\)](#).
  - Persons traveling to perform critical infrastructure functions may break quarantine only to perform their critical infrastructure functions, and must wear appropriate protective gear when they do so. *See id.*

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- On July 17, 2020, Hawaii extended its Act with Care phase of reopening (including quarantine requirements for travelers arriving from out of state) until August 31, 2020. See [Tenth Proclamation Related to the COVID-19 Emergency \(issued July 17, 2020\)](#).
- As of June 10, 2020, Hawaii has moved into its next phase of reopening, called Act with Care. See [Ninth Supplementary Proclamation Related to the COVID-19 Emergency \(issued June 10, 2020\)](#).
  - As the state transitions to the “Act With Care” phase of its reopening plan—and as many counties request approval to reopen—many nonessential businesses are permitted to resume operations, subject to following mandatory CDC, industry, and regulatory guidelines: (i) accommodations; (ii) agriculture; (iii) auto dealerships and car washes; (iv) childcare; (v) education facilities; (vi) healthcare, social assistance, and government; (vii) indoor gathering places, including places of worship; (viii) indoor exercise facilities in some counties; (ix) manufacturing and construction; (x) museums and theaters; (xi) office settings; (xii) personal services; (xiii) restaurants; (xiv) retail and repair; and (xv) shopping malls. See *id.*
  - Large venues, bars, and clubs remain closed. See *id.*
  - All persons entering Hawaii (other than those entering on recreational boats that have been at sea for at least 14 days with no sick passengers) remain subject to a mandatory 14-day self-quarantine. Hosts (including hotels, motels, and other commercial lodgings) of guests subject to the 14-day self-quarantine are legally responsible for ensuring that their guests abide by the quarantine, and car rental companies are prohibited from renting vehicles to individuals subject to the self-quarantine. See *id.*
- As of May 18, 2020, most nonessential businesses (defined as excluded from CISA's guidance) must remain closed. See [Eighth Supplementary Proclamation Related to the COVID-19 Emergency \(issued May 18, 2020\)](#).
  - Certain designated, nonessential businesses—including agriculture (non-food), such as landscape, ornamental plant growers, and nurseries; new and used auto dealerships; childcare; car washes; manufacturing and construction; office settings; pet grooming services; observatories and support facilities; retail & repair services, such as apparel, florists, watch repair, and surfboard repair; and shopping malls (with additional restrictions)—are allowed to resume operations subject to mandatory CDC guidelines, social-distancing requirements, sanitation protocols, and other industry-specific guidance
  - In the next reopening phase, called Act with Care, most businesses (other than large venues, bars, and clubs) will be permitted to reopen.
- As of March 25, 2020, at 12:01 a.m. (and continuing until May 31, 2020), all people in the State of Hawaii are ordered to stay at home, except as necessary to maintain continuity of operations of the federal critical infrastructure sectors, to engage in essential or designated businesses and operations, or to engage in permitted activities. See [Seventh Supplementary Proclamation \(issued May 5, 2020\)](#).

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- **Federal critical infrastructure sectors** are defined by reference to CISA’s updated guidance, as supplemented in the Proclamation or by Hawaii’s Emergency Management Agency (HIEMA). *Id.*
- Hawaii also defines **essential businesses and operations** by reference to CISA’s guidance, supplemented in the Proclamation to include: (i) healthcare services and facilities; (ii) stores that sell groceries and medicine; (iii) food, beverage, cannabis production and agriculture; (iv) educational institutions; (v) organizations that provide charitable and social services; (vi) media; (vii) gas stations and businesses needed for transportation; (viii) financial institutions; (ix) hardware and supply stores; (x) critical trades, such as building and construction workers; (xi) mail, post, shipping, logistics, delivery, and pick-up services; (xii) laundry services; (xiii) restaurants for consumption off-premises; (xiv) supplies to work from home; (xv) supplies for essential businesses and operations; (xvi) transportation; (xvii) home-based care and services; (xviii) residential facilities and shelters; (xix) professional services; (xx) child care services for employees allowed to work under the Proclamation; (xxi) manufacture, distribution, and supply chain for critical products and industries; (xxii) critical labor union functions; (xxiii) hotels and motels; (xiv) funeral services; and (xxv) government functions. *Id.*
- As of May 7, 2020, certain **designated businesses** (non-food related agriculture, such as landscaping, ornamental plant growers, and nurseries; new and used auto dealerships; car washes; pet grooming services; observatories and support facilities; retail and repair services, such as apparel, florists, watch repair, and surfboard repairs; and shopping malls, with additional restrictions) are also allowed to resume operations, so long as they comply with social-distancing requirements, sanitation protocols, and industry-specific guidelines:
  - There are more restrictive local orders in Honolulu City & County (retail businesses not allowed to reopen until May 15, 2020), and in Maui County (retail, repair shops, and malls must remain closed).
- **Permitted activities** include travel for health and safety; travel to engage in, receive, or obtain goods or services from essential or designated businesses and operations; travel to engage in minimum basic operations of nonessential businesses; travel to care for others; travel to an airport to leave the state; travel required by law enforcement or court order; outdoor exercise activities, including surfing; and walking pets. *Id.*
  - **Minimum basic operations of nonessential and nondesignated businesses** includes activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, and related functions, as well as activities necessary to facilitate remote work. *Id.*
  - Any **gatherings of more than ten people**, except as otherwise allowed, **are prohibited**. *Id.*
- **Social distancing:** All individuals, businesses, and operations engaged in permitted activities must, *to the fullest extent possible*, exercise social distancing and other requirements, including maintaining six-foot distances; making hand sanitizer and sanitizing products available; instituting

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separate operating hours for high-risk populations; and posting information about remote access and operating hours. *Id.*

- All customers must wear a face covering while waiting to enter and while inside an essential business. Employees of essential businesses who have contact with customers or goods to be purchased must wear a cloth face covering while at their employment. *Id.*
- **Penalties:** A knowing or intentional violation of the Proclamation is a misdemeanor, punishable by a fine of up to \$5,000, imprisonment of up to one year, or both. *Id.*
- As of March 26, 2020, at 12:01 a.m., **any person entering Hawaii**, except those individuals performing emergency responses or critical infrastructure functions as designated by Hawaii’s Director of Emergency Management, **must self-quarantine for 14 days**. See [Second Supplementary Proclamation \(issued March 21, 2020\)](#).
  - **Penalties:** A knowing or intentional violation of the Proclamation is a misdemeanor, punishable by a fine of up to \$5,000, imprisonment of up to one year, or both. *Id.*

### XIII. Idaho (Statewide)

- Governor Little announced on October 15 that the state would remain in Stage 4 for at least another two weeks, and urged individuals to wear masks and socially distance to reduce case counts. See [Gov. Little urges personal responsibility to slow COVID-19 spread \(Oct. 15, 2020\)](#).
- Governor Little announced on October 1 that the state would remain in Stage 4 for at least another two weeks, but he “emphasized that under Stage 4 Idaho is open for business and there are no restrictions on businesses and other activities. Stage 4 does include important recommendations for businesses and residents to follow in order to limit the spread of COVID-19.” See [COVID-19 vaccine distribution planning underway in Idaho \(Oct. 1, 2020\)](#).
- Governor Little announced on September 18 that the state would remain in Stage 4 for at least another two weeks. See [Idaho leads in economic rebound, Gov. Little highlights steps taken to strengthen economy \(Sept. 18, 2020\)](#).
- Governor Little announced on September 3 that the state would remain in Stage 4 for at least another two weeks. See [Gov. Little urges Idahoans to get flu shots \(Sept. 3, 2020\)](#).
- Governor Little announced on August 21 that the state would remain in Stage 4 for at least another two weeks. See [Gov. Little highlights The Idaho Foodbank and partners, announces Idaho will stay in Stage 4 \(Aug. 21, 2020\)](#).
- Governor Little announced on August 6 that the state would remain in Stage 4 for at least another two weeks. See [Idaho directing millions of dollars to the safe reopening of schools \(Aug. 6, 2020\)](#).

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- Governor Little announced on July 23 that the state would remain in Stage 4 for at least another two weeks. See [Gov. Little highlights state-local collaboration in COVID-19 response during statewide media events \(July 23, 2020\)](#).
- On June 25, 2020, Idaho's Governor Brad Little announced that Idaho would not enter its final reopening phase; instead, Idaho would remain in Stage 4, but local health districts can impose additional restrictions. See [Idaho extends Stage 4 as COVID-19 response becomes more localized across state \(June 25, 2020\)](#).
  - In response, Boise issued an emergency order incorporating Idaho's Stage 4 guidance, but requiring bars to again close to customers. See [Public Health Emergency Order No. 20-11 \(issued July 15, 2020\)](#).
- As of June 13, 2020, Idaho will enter Stage 4 of its Idaho Rebounds reopening plan. See [Stay Healthy Guidelines \(issued June 11, 2020\)](#).
  - All businesses and activities may resume but should adhere to physical distancing, sanitation, and industry-specific recommendations.
  - Vulnerable individuals may resume public interactions but should practice social distancing and wear face coverings while in public.
  - Gatherings of any size may take place but should adhere to physical distancing and sanitation recommendations.
  - All travel prohibitions are rescinded.
- As of May 30, 2020 (and continuing until the Order is extended, rescinded, superseded, or amended), Idaho will enter Stage 3 of its Idaho Rebounds reopening plan: gatherings of more than 50 people are discouraged and certain travelers entering Idaho are encouraged to quarantine, but **nearly all businesses in Idaho are allowed to resume operations**, vulnerable individuals can resume public interactions, and nonessential travel can resume. See [Stay Healthy Order \(issued May 28, 2020\)](#).
  - Nearly all businesses, including restaurant dining rooms (after submitting a reopening plan), indoor gyms and recreation facilities, close contact services (e.g., hair salons, nail salons, massage parlors, cosmetic services, etc.), bars, and movie theaters are allowed to reopen or continue in-person operations, so long as they comply with Social Distancing and Sanitation Requirements.
    - Businesses are also encouraged to comply with additional restrictions, and daycares, youth activities, places of worship, restaurants, close contact services, indoor gyms, outdoor pools & waterparks, bars, and indoor movie theaters are encouraged to comply with industry- or setting-specific recommendations, which often incorporate or refer to CDC guidance.
  - Nightclubs and large venues (e.g., concert venues, sporting venues, parades, festivals, etc.), however, must remain closed, except for Minimum Basic Operations.

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- Nonessential travel can resume.
  - Public and private gatherings of more than 50 people are still to be avoided but vulnerable individuals may resume public interactions (while practicing social distancing and wearing a face covering); certain individuals entering Idaho from out of state or from another country are encouraged (but no longer required) to self-quarantine.
  - Cities, counties, and municipalities may enact more stringent local public health orders.
- As of May 16, 2020 (and continuing until the Order is extended, rescinded, superseded, or amended), Idaho will enter Stage 2 of its Idaho Rebounds reopening plan: vulnerable individuals are still encouraged to stay home and limit their movement, and gatherings of more than 10 people are discouraged, but **nearly all businesses in Idaho are allowed to resume operations**. See [Stay Healthy Order \(issued May 14, 2020\)](#).
- Nearly all businesses and governmental agencies are allowed to resume in-person operations, so long as they comply with certain **Social Distancing and Sanitation Requirements**. See *id.*
    - Individuals are encouraged to frequently wash or sanitize their hands, to cover coughs and sneezes, to regularly clean high-touch surfaces and not shake hands, to stay home if sick, and to use face coverings while in public.
    - Employers *must* develop and implement measures to ensure physical distancing, provide adequate sanitation and personal hygiene, and frequently disinfect commonly touched and high-traffic areas. Employers are encouraged to consider whether employees and customers might use masks, face coverings, and gloves; to limit close interactions with patrons; to identify strategies for addressing ill employees; and to develop and implement other safety protocols.
  - **Bars and nightclubs and large venues remain closed**. See *id.*
  - Public and private gatherings of more than 10 people are still to be avoided and vulnerable individuals are strongly encouraged to continue to stay at home; nonessential travel is also to be avoided, and certain individuals entering Idaho from out of state are still required to self-quarantine. See *id.*
  - Cities, counties, and municipalities may enact more stringent local public health orders. See *id.*
- As of May 1, 2020 (and continuing until the Order is extended, rescinded, superseded, or amended), Idaho has entered Stage 1 of its Idaho Rebounds reopening plan: **many businesses are allowed to reopen and many restrictions on individuals are eased**. See [Stay Healthy Order \(issued April 30, 2020\)](#).
- Most businesses and governmental agencies are allowed to resume in-person operations, so long as they comply with certain **Social Distancing and Sanitation Requirements**. See *id.*

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- Individuals are encouraged to frequently wash or sanitize their hands, to cover coughs or sneezes, to regularly clean high-touch surfaces and not shake hands, to stay home if sick, and to use face coverings while in public.
- Employers *must* develop and implement measures to ensure physical distancing, provide adequate sanitation and personal hygiene, and frequently disinfect commonly touch and high-traffic areas. Employers are encouraged to consider whether employees and customers might use masks, face coverings, and gloves; to limit close interactions with patrons; to identify strategies for addressing ill employees; and to develop and implement other safety protocols.
- **Bars and nightclubs, restaurant dining rooms, indoor gyms, close contact services, and large venues remain closed.** *See id.*
- Public and private gatherings are still to be avoided and vulnerable individuals are strongly encouraged to continue to stay at home; nonessential travel is also to be avoided, and certain individuals entering Idaho from out of state are still required to self-quarantine. *See id.*
- Cities, counties, and municipalities may enact more stringent local public health orders. *See id.*
- As of March 25, 2020, at 1:30 p.m. (and continuing until April 30, 2020), **all individuals in Idaho are required to self-isolate** at their place of residence, other than to perform Essential Activities, for Essential Governmental Functions, or to operate Essential Businesses. *See* [Order to Self-Isolate \(dated March 25, 2020, amended April 15, 2020\)](#). All public and private gatherings and travel are prohibited, except activities or travel specifically identified as Essential. *Id.*
  - **Essential Activities** include tasks essential to health and safety, such as obtaining medicine or visiting a doctor; obtaining necessary services or supplies; engaging in outdoor activities, provided that the activities comply with the Social Distancing Requirements; performing work providing essential products, serving an Essential Business, or performing Minimum Basic Operations for a nonessential businesses; and caring for a family member. *Id.*
  - **Essential Government Functions** are those services needed to ensure the continuing operation of local, state, federal, or tribal government agencies. *Id.*
    - **Social Distancing:** All Essential Government Functions must, *to the extent possible*, be performed in compliance with Social Distancing Requirements, defined to include maintaining a six-foot distance between individuals, washing hands with soap and water as often as possible, covering coughs or sneezes, regularly cleaning high-touch surfaces, and not shaking hands. *Id.*
  - **Essential Infrastructure** is defined by reference to CISA's updated March 28, 2020, guidance, and includes public works construction, commercial construction and the transfer and selling of such construction, construction of housing (particularly low-income housing), airport operations, and the operation and maintenance of other utilities. *Id.*

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- **Social Distancing:** All workers performing tasks related to Essential Infrastructure should, *to the extent possible*, comply with Social Distancing Requirements. *Id.*
- **Essential Businesses** are also defined by reference to CISA's updated March 28, 2020, guidance and also include: (i) Healthcare Operations (hospitals, clinics, pharmacies, and other healthcare facilities and suppliers) and Essential Infrastructure; (ii) grocery stores and other establishments engaged in the retail sale of packaged and fresh foods; (iii) food cultivation and production; (iv) businesses that provide services for the economically disadvantaged; (v) media; (vi) gas stations and auto-repair and related facilities; (vii) banks and financial institutions; (viii) hardware stores and firearms businesses; (ix) plumbers, electricians, exterminators, landscapers, and other service providers who provide services necessary for residences, Essential Activities, and Essential Businesses; (x) mailing and shipping services; (xi) educational institutions, for purposes of facilitating distance learning; (xii) laundromats and dry cleaners; (xiii) restaurants and other facilities that prepare and serve food for consumption off premise; (xiv) hotels and motels for the purposes of housing or quarantine; (xv) businesses that supply products needed for people to work from home; (xvi) businesses that supply other Essential Businesses or Essential Government Functions with necessary support or supplies; (xvii) businesses that ship or deliver groceries, food, goods, or services directly to residences; (xviii) transportation providers providing transportation services necessary for Essential Activities; (xix) home-based care for seniors, adults, and children; (xx) residential facilities and shelter for seniors, adults, and children; (xxi) essential tribal operations; (xxii) all operations related to the Idaho National Laboratory; (xxiii) professional services, when necessary to assist in compliance with legally mandated activities; (xxiv) childcare facilities, in compliance with hygiene and social-distancing recommendations, and to be used only by those who need childcare to work at a critical job; (xxv) businesses that are able to operate through curbside services, drive in, drive through, pick up, or delivery services, so long as they maintain social distancing for customers and employees. *Id.*
- **Social Distancing:** Essential Businesses shall, *to the greatest extent feasible*, comply with the Social Distancing Requirements. *Id.*
- As of March 25, 2020, at 1:30 p.m., **all nonessential businesses are required to cease all activities except Minimum Basic Operations or work performed from home.** *Id.* All Essential Businesses are encouraged to remain open. *Id.*
  - **Minimum Basic Operations** include the minimum necessary activities to maintain the business's inventory, ensure security, process payroll and employee benefits, or perform related functions, as well as the minimum activities necessary to facilitate remote work and prepare the business to reopen at such time as deemed appropriate. *Id.*
    - **Social Distancing:** Employees performing Minimum Basic Operations should, *to the extent possible*, comply with Social Distancing Requirements. *Id.*
- As of April 15, 2020, **any individuals entering Idaho from another state or country are required to self quarantine for 14 days**, unless their travel is for an Essential Purpose (broadly interpreted to include travel for personal safety, essential work, or medical care, *but not* recreation) or because they routinely

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cross state lines. *Id.* Any individuals who have tested positive for COVID-19, are displaying symptoms of COVID-19, or are presumptively diagnosed with COVID-19 should not enter the state. *Id.*

- **Penalty:** A violation or failure to comply with the Order is a misdemeanor, punishable by up to six months' imprisonment, a fine of up to \$1,000, or both. *Id.*

#### XIV. Illinois

- Statewide (see additional restrictions for the city of Chicago and certain counties below)
  - On May 5, Governor Pritzker has announced a phased reopening plan, [Restore Illinois](#). The plan designates four regions (Northeast Illinois; North-Central Illinois; Central Illinois; and Southern Illinois) “each with the ability to independently move through a phased approach” to reopening. As of July 16, COVID-19 resurgence rates are also measured in 11 sub-regions.
    - Phase 4 – Revitalization. All regions entered Phase 4 on [July 26](#). Illinois has released [revised industry guidance](#) for the following businesses allowed to operate in Phase 4: meetings and social events, indoor and outdoor recreation, indoor and outdoor dining, museums, zoos, theaters and performing arts, youth and recreational sports, film production, manufacturing, offices, retail, service counters, health and fitness centers, personal care services, and day camps. All gatherings of up to 50 people are allowed. Face coverings and social distancing are the norm.
    - Phase 5 - Illinois Restored. With a vaccine or highly effective treatment widely available or the elimination of any new cases over a sustained period, the economy fully reopens with safety precautions continuing. Conventions, festivals and large events are permitted, and all businesses, schools, and places of recreation can open with new safety guidance and procedures in place reflecting the lessons learned during the COVID-19 pandemic.
  - Effective July 26, all regions of Illinois have entered Reopening Phase 4. In addition to more specific [DCEO guidance](#), Governor Pritzker has issued certain public health requirements for businesses, nonprofits, and other organizations. [Executive Order 2020-43, dated June 26, 2020](#).
    - **Requirements for all businesses.** (1) Evaluate which employees can work from home and encourage remote work; (2) ensure employees and visitors practice social distancing (this may include modifying employee common areas); (3) ensure that all employees wear face coverings when social distancing is not possible and encourage visitors to do the same; (4) prominently post [IDPH guidance on workplace safety](#); (5) designate 6-foot distances for employees and customers to maintain appropriate distance; (6) have hand sanitizing products readily available for employees and customers; (7) implement separate operating hours for elderly and vulnerable customers where applicable; (8) post online whether a facility is open and how best to reach the facility; (9) provide employees with face coverings and require them when 6-foot social distance is not possible.

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- **Retail stores.** Through November 14, (1) Cap occupancy at 50% store capacity; and (2) post in-store signage, deploy public service announcements and ads about social distancing and face covering requirements. [Executive Order 2020-59, dated October 16.](#)
- **Manufacturers.** Modify and downsize operations (i.e. stagger shifts, reduce line speeds, operate only essential lines) to allow for social distancing.
- **Office buildings.** (1) Consider limiting capacity where physical space does not allow for social distancing; (2) allow telework where possible; (3) post plans and signage regarding social distancing in waiting rooms, service counters, and cafeterias.
- **Meetings and events.** Indoor venues and meeting spaces may operate with the lesser of 50 attendees or 50% room capacity.
- **Restaurants and bars.** Indoor, on-premises consumption is now allowed, in addition to outdoor, on-premises consumption and delivery, drive-through, and curbside pick-up. Businesses must ensure social distancing of customers.
- **Fitness and exercise gyms and personal services facilities** may operate at 50% capacity.
- **Film production, places of public amusement, outdoor recreation, youth day camps, and youth sports** may operate in compliance with DCEO guidance.
- **Social Distancing and Gathering Requirements:** Illinois currently prohibits gatherings of greater than 50 people. While outside their residences, individuals must maintain at least 6 feet from other individuals who are not members of their household. All individuals are required to wear a face covering when in a public place (indoors and outdoors) or when working and unable to maintain this social distance. Children under age 2 and those who cannot medically tolerate a face covering are exempted. Individuals should wash hands with soap and water for at least 20 seconds as frequently as possible or use hand sanitizer, cover coughs or sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and not shake hands.
- **Evictions.** Effective March 21, 2020 and through November 14, 2020, all state, county and local law enforcement officers are instructed to cease enforcement of orders of eviction for residential premises. [Executive Order 2020-59, dated October 16.](#)
- **School operation.** Effective July 24, all public and nonpublic K-12 schools may open for in-person educational purposes. The number of people in one space must be limited to 50 or fewer, and schools must follow [IDPH school-specific guidance](#) in reopening. [Executive Order 2020-47, dated July 24.](#)
- **Enforcement.** Executive Orders may be enforced by State and local law enforcement pursuant to, inter alia, Section 7, Section 15, Section 18, and Section 19 of the Illinois Emergency Management Agency Act, 20 ILCS 3305. These provisions allow the Governor to exercise emergency powers, which include among other actions (1) taking possession of property on behalf of the state, (2)

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controlling residents' ability to leave or enter a disaster area and their movement within a disaster area, and (3) regulating the pricing of commodities.

- Chicago
  - On May 8, Chicago released its [Reopening Plan](#). Chicago entered Phase 4 of 5 on [June 26](#).
    - PHASE 4: GRADUALLY RESUME. Select entities may continue to operate in accordance with [industry-specific guidelines](#), including: Childcare centers and family childcare, parks (no contact sports), libraries and other city services, office-based jobs, professional services, real estate services, hotels, certain outdoor attractions, non-essential retail, personal services, restaurants and coffee shops, manufacturing, construction, warehousing, hospitals, dentists, community mental health centers, Federally Qualified Health Centers, transit, and gyms. The following may reopen in this phase: Bar and restaurant indoor seating, museums, zoos, performance venues, and summer camps/youth activities. Physical distancing and face coverings required. Continue to allow vulnerable residents to shelter. Residents should get tested if they have symptoms or think they have had COVID-19.
      - Effective October 23 at 6 a.m., non-essential businesses must close every night from 10 p.m. to 6 a.m. Last call for serving liquor must be at 9:00 PM. Take-out and curbside pick-up at restaurants still permitted. Bars, breweries, and taverns without a food license are prohibited from operating any indoor service. Household gatherings greater than 6 (of non-household members) prohibited. Face coverings required in all indoor and outdoor public settings.
      - Effective October 1, Chicago introduced additional guidance which supersedes Phase 4 restrictions to the extent it conflicts:
        - All establishments previously limited to 25% capacity may increase capacity to 40%. Only 50 total individuals are allowed in one room or space at one time.
        - **Bars and restaurants.** (1) Establishments that serve alcohol for on-site consumption without a retail food license may reopen indoor seating at 25% capacity or 50 people, whichever is fewer. (2) Establishments may sell alcohol for on-site or off-site consumption until 1:00 AM. (3) Maximum table occupancy is six people. (4) Customers must stay seated and cannot stay more than 2 hours. (5) If an establishment does not serve food, it must partner with a food provider so that food is available to customers at all times. (6) Customers must wear face coverings while seated at all times, except when actively eating or drinking. (7) Establishments should retain customer contact information for contact tracing.

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- Liquor stores, grocery stores and other establishments that sell alcohol to-go through a Package Goods license must continue to cease alcohol sales at 9:00 PM.
- Maximum group size for health and fitness classes is 15 individuals or 40% capacity (whichever is fewer).
- Personal services that require the removal of face coverings permitted to reopen. The employee conducting the service must always wear a face covering.
- All places of business should provide hand sanitizer for patrons and employees.
- Residential property managers should limiting guest entry to five additional people for single-member households such that total indoor gatherings and parties do not exceed six people
- Regions 1, 5, 7, 10 (specific counties viewable [here](#))
  - These counties are subject to the following additional restrictions (in addition to Phase 4 guidance above) due to increased COVID-19 positivity rates. [Executive Order 2020-60, dated October 21](#) (Region 5, effective October 22); [Executive Order 2020-61, dated October 21](#) (Region 7, effective October 23); [Executive Order 2020-62, dated October 23](#) (Region 1, effective October 25); [Executive Order 2020-63, dated October 27](#) (Region 10, effective October 28).
    - **Restaurants and bars:** (1) Must be closed from 11PM-6AM. (2) May not allow indoor consumption. (3) Outdoor tables must be spaced 6 ft. apart, and may not contain multiple parties. (4) Standing, congregating, or dancing is not permitted. (5) For contact tracing purposes, each party must have a reservation.
    - **Meetings and social events:** (1) Size is limited to the lesser of 25 people or 25% overall room capacity. (2) Attendance lists are required. (3) Party buses are prohibited.
    - **Gaming and casinos:** (1) Must be closed from 11PM-6AM. (2) Limited to 25% capacity. (3) Must follow restaurant and bar restrictions above, for those portions of their facilities.
    - **All workplaces:** (1) Must institute remote work for high risk individuals. (2) Must evaluate whether additional workers can telework.

### XV. Indiana (Statewide)

- **Reopening.** All Indiana counties shall remain in Stage 4.5 of reopening until September 25. See [Executive Order 20-36, dated July 16](#), as extended by [Executive Order 20-39, dated July 30](#) and [Executive Order 20-42, dated August 26](#)
- All gatherings and meetings are limited to no more than **250 people**. *Id.*
- **Stage 4.5 of Reopening** (See [Executive Order 20-35, dated July 1](#)):

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- All directives in the Stage 4 executive order (below) shall continue except as modified by Stage 4.5
- Youth overnight camps may commence subject to certain requirements
- Fairs, festivals and other places of public amusement may resume, and if indoor, may not exceed 50% occupancy
- Conventions may resume but are subject to the gatherings requirements of Stage 4 (up to 250 people)
- Horse racing is permitted and spectators may be present up to 50% capacity
- Public access to state government buildings is restricted to appointment only
- **Stage 4 of Reopening** (See [Executive Order 20-32, dated June 11](#)):
  - All individuals are encouraged to stay at home as much as practicable, and when outside the home, to wear face coverings and to maintain social distancing of at least 6 feet
  - Subject to the requirements of the order, businesses are allowed to be open, including retail, restaurants, professional services, personal services, cultural and entertainment, public amusement, gyms, exercise and fitness centers, sports and athletic activities, outdoor activities, child care, day camps, adult care, education, health care providers and operations, financial and insurance, social services, charitable and religious, laundry, hotels and motels, manufacturing and production, trades, shipping and delivery, transportation, industrial, labor infrastructure, media, and governmental
  - Businesses must institute employee health screening processes, employ enhanced cleaning protocols, enhance personal hygiene measures, and comply with the social distancing requirements established by the CDC
  - Retail businesses can operate at 100% occupancy but it is recommended that employees and customers wear face coverings and retail businesses should comply with social distancing measures
  - Restaurants shall limit in-person dining to 75% of seating capacity and shall place tables 6 feet apart; all employees shall wear face coverings; bars may open up to 50% of occupancy
  - All public and private meetings or gatherings may have up to 250 people provided social distancing requirements can be accomplished
  - Gyms and fitness centers shall limit occupancy to 50% and employees must wear face coverings
- **Face Coverings.** Beginning on July 27, until September 25, every individual shall wear a face covering over their mouth and nose when inside a business, public building, or other indoor place open to the public;

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in outdoor spaces where it is not feasible to maintain six feet of distancing; and using public transportation or in a taxi or ride-sharing car. See [Executive Order 20-37, dated July 24](#), as extended by [Executive Order 20-42, dated August 26](#)

- There are a number of exemptions, including children under two, those with medical conditions, those consuming food or drink, exercising, swimming, driving, or obtaining services requiring temporary removal of the face covering.

### XVI. Iowa

- Statewide (additional county restrictions below)
  - **Reopening Plans.** Effective through November 15, the following may operate without capacity restrictions, in compliance with hygiene and social distancing guidelines: restaurants, bars, fitness centers, retail establishments, casino and gaming facilities, senior citizen centers and adult daycare facilities, salons and barbershops, medical spas, theaters and performance venues, race tracks, malls, museums, aquariums, zoos, libraries, indoor playgrounds, children's play centers, swimming pools, bingo halls, bowling alleys, pool halls, arcades, amusement parks, campgrounds, tanning facilities, massage therapy establishments, tattoo establishments. [Proclamation of Disaster Emergency, dated October 16.](#)
  - **Gathering Restrictions.** Effective through November 15, social gatherings of any size are allowed in compliance with a 6-foot social distancing requirement between individual attendees or groups. Gathering organizers should also implement reasonable measures to reduce the risk of transmission, consistent with Iowa Department of Health guidance. [Proclamation of Disaster Emergency, dated October 16.](#)
  - **Nonessential or Elective Procedures; Dental Services.** Inpatient procedures/services may be conducted if delaying the procedure/service will pose a significant risk to quality of life. Outpatient procedures/services may be conducted if the hospital/provider complies with certain requirements, including CDC and Iowa Department of Public Health guidance regarding conservation of PPE. [Proclamation of Disaster Emergency, dated October 16.](#)
  - **School closures.** State agencies, school districts, and local governments are directed to prepare to resume in-person instruction for the 2020-2021 school year. Governor Reynolds has mandated that districts conduct at least 50% of classes in-person, and [has stated](#) that students will not receive credit if districts defy this mandate. Remote learning is authorized when (1) parents select this option for their child, (2) the Iowa Department of Education and IDPH approves remote learning for a particular school or district due to public health issues, (3) individual school or district determines that certain students or classrooms (but not all students in a school building) must move to remote learning due to public health issues, or (4) school district elects to move to remote learning for no more than 5 days due to inclement weather or the derecho natural disaster. [Proclamation of Disaster Emergency, dated October 16.](#)
  - **Enforcement.** In conjunction with the Department of Public Health pursuant to [Iowa Code §§ 29C.18](#) and [135C.35](#), all peace officers of the state are called upon to assist in the enforcement of

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the provisions of the Proclamations. Under these provisions, peace officers may arrest any person violating or attempting to violate the Proclamation.

### XVII. Kansas (Statewide)

- **Reopening.** On July 6, Governor Kelly recommended that local communities remain in Phase 3 of reopening. See [Press Release, dated July 6](#)
- Governor Kelly had previously transferred reopening decisions back to local health officials, which means remaining in Phase 3 is only a recommendation. Phase 3 includes the following (See [Press Release, dated June 8](#)):
  - Mass gatherings of more than 45 individuals are not recommended.
  - Individuals must adhere to personal hygiene guidelines, but may choose whether to wear cloth masks in public. Individuals should maintain 6 feet of distance from others in public.
  - On-site staffing of employees is unrestricted. All education, activities, venues and establishments may operate and should follow all public health guidelines, including maintaining 6 feet between consumers and avoiding groups of more than 45 individuals.
  - Nonessential travel may resume.
- **Face Coverings.** Beginning Friday, July 3, any person in Kansas shall cover their mouth and nose with a mask or other face covering when they are inside any indoor public space, obtaining healthcare services, using public transportation or taxis/ride-sharing cars, and while outdoors in public spaces and unable to maintain 6 feet of distance. See [Executive Order 20-52, dated July 2](#)
  - Businesses must require employees, customers and visitors to wear a mask or face covering when employees are working in any space visited by the public, working in any space where food is prepared, working in or walking through common areas, if the public is in a facility managed by the business, or employees are in any room where other people are present and unable to maintain a 6 foot distance. *Id.*
  - The following are exempt: children under 5, persons with a medical condition that prevents wearing a face covering, persons who are deaf, persons for whom wearing a face covering would create a risk related to their work, persons who are obtaining a service involving the nose or face, persons seated at a restaurant provided they maintain a distance of 6 feet, athletes who maintain a distance of 6 feet, and persons engaged in any lawful activity during which wearing a mask is prohibited by law. *Id.*
- **Schools.** When schools reopen, all K-12 public and private schools shall require all students, faculty, staff, vendors and other visitors to cover their mouth and nose with a mask or face covering at all times, except for certain exceptions for eating and safety. Individuals shall maintain a 6-foot distance except for in-person instruction in classrooms when masks are worn. Hand sanitizer shall be made available in all

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classrooms and students and faculty shall sanitize their hands at least once an hour. Individuals entering schools shall have their temperatures checked each day. See [Executive Order 20-59, dated July 20](#)

### XVIII. Kentucky (Statewide)

- **Bars & Restaurants.** Effective September 15, 2020, restaurants and bars may stay open until 12:00 AM, with last call taking place at 11:00 PM. In addition, restaurants and bars must: (i) require that all customers be seated and served at tables or booths; (ii) discontinue bar seating and bar service; (iii) limit the customers present in any given establishment to 50% of the maximum permitted occupancy or the greatest number that permits individuals not of the same household to maintain six feet of space; (iv) prohibit customer traffic except for entry, exit and restroom traffic; (v) revise floor plans for seating areas to maximize social distancing to the greatest extent practicable; and (vi) require employees who operate equipment or vehicles to limit, to the greatest extent practicable, the number of employees riding in the vehicle together. Additional operational recommendations as well as cleaning and disinfecting requirements are outlined in the [Healthy at Work Requirements for Restaurants and Bars updated September 15, 2020](#).
- **Gatherings.** Effective July 20, 2020, gatherings have been reduced from a total of 50 people to 10 people. Non-commercial gatherings of up to 10 people must maintain social distancing from individuals who are not members of the same household and wear a facing covering when indoors. See [Kentucky Guidance for Gatherings of Up to 10 People](#).
- **Travel.** The Kentucky Department for Public Health (DPH) issued an advisory for Kentuckians who have traveled to states reporting high numbers of COVID-19, including Alabama, Arizona, Florida, Georgia, Idaho, Mississippi, Nevada, Puerto Rico, South Carolina and Texas. The advisory *recommends* a 14-day self-quarantine for travelers returning from those states. See [Travel Advisory Press Release dated July 20, 2020](#).
- **Face Coverings.** For the next 30 days, Kentuckians have been ordered to wear a face covering in any situation that presents a high risk of COVID-19 transmission, including but not limited to: while indoors or waiting in line to enter any retail establishment; grocery store; pharmacy; hair salon/barbershop; nail salon/spa; tattoo parlor; child care facility; restaurant or bar (when not seated and consuming food or beverage); health care setting; while waiting for or riding on public transportation; while riding in a taxi, private car service, or ride-sharing vehicle; or in any other indoor or outdoor public space in which it is difficult to maintain a physical distance of at least six feet from all individuals who are not members of that person's household. See [Kentucky Executive Order 2020-586 dated July 9, 2020](#); [August 6, 2020 Press Release Extending the Mandate for Another 30 Days](#).
  - **Exceptions.** The following are exempt from wearing face coverings: (i) children who are age 5 or younger; (ii) any person with a disability, or a physical or mental impairment, that prevents them from safely wearing a face covering; (iii) any person who is hearing impaired, or communicating with a person who is hearing impaired; (iv) any person engaged in work that a state or federal regulator has concluded would make wearing a face covering a risk to their health or safety; (v) any person who is seated and actively consuming food or beverage at a restaurant, bar, or other establishment that offers food or beverage service; (vi) any person who is obtaining a service that requires temporary removal of the face covering in order to perform the service; (vii) any person

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who is required to temporarily remove their face covering to confirm their identity or for security or screening purposes; (viii) any person who is giving a speech or broadcast to an audience and is able to maintain a safe distance of six feet from all individuals who are not members of the person's household; (ix) any person who is in a swimming pool, lake, or other body of water; (x) any person who is actively engaged in exercise in a gym or indoor facility so long as six or more feet of separation between individuals exists, and where the gym or indoor facility engages in required cleaning; (xi) any person who is actively participating in athletic practice, scrimmage, or competition that is permitted under separate Healthy at work requirements or guidance; or (xii) any person who is engaged in a lawful activity where federal or state law prohibits wearing a face covering.

- As of July 1, 2020, most businesses have been permitted to resume operations. Industry-specific social distancing and disinfecting requirements have been posted on the state's [Healthy at Work site](#).
  - The following businesses are currently subject to a 50% capacity limit:
    - (i) auctions; (ii) barbershops/cosmetology/hair salons; (iii) bowling alleys; (iv) educational and cultural activities indoors, including aquariums, distilleries, entertainment facilities, libraries, and museums; (v) fitness centers; (vi) funeral and memorial services; (vii) government offices & agencies; (viii) massage therapy; (ix) movie theaters; (x) nail salons; (xi) office-based businesses; (xii) places of worship indoors; (xiii) retail; (xiv) tanning salons; (xv) tattoo parlors; and (xvi) venues and event spaces.
  - The remaining businesses are subject to varying capacity and social distancing requirements, as outlined in the industry-specific guidance:
    - (i) childcare (in-home programs, center-based programs, and day camps); (ii) construction; (iii) educational and cultural activities outdoors, including the Salato Wildlife Education Center; cave tours, zoos other than petting zoos, historic sites, and wineries; (iv) horse racing (without spectators); (v) horse shows; (vi) manufacturing, distribution, and supply-chain businesses; (vii) pet grooming and boarding; (viii) photography; (ix) swimming and bathing facilities; (x) vehicle and vessel dealerships; and (xi) youth sports.
  - Amusement parks (e.g. Kentucky Kingdom), music venues, waterparks, fairs, festivals, sports complexes and other convention and entertainment venues that attract large crowds **shall remain closed** until additional guidance and dates are announced. See [Requirements for Educational, Cultural, and Entertainment Facilities](#).
- **10 Rules of Reopening:** Businesses permitted to reopen should implement the following mitigation measures: (i) Continue to telework where possible; (ii) Phased return to work; (iii) Onsite temperature/health checks; (iv) Universal masks and other necessary PPE; (v) Close common areas; (vi) Enforce social distancing; (vii) Limit face-to-face meetings; (viii) Sanitizer/hand wash stations; (ix) Special accommodations; and (x) Testing plan. See [Healthy At Work Minimum Requirements](#).

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- As of May 27, 2020, in addition to outpatient surgeries and invasive procedures, **healthcare facilities** may now perform non-urgent/non-emergent inpatient procedures at a volume determine by the facility. See [Healthy at Work – Healthcare Facilities](#).

### XIX. Louisiana (Statewide)

- Effective through **November 8, 2020, places of public amusement**, including but not limited to, locations with amusement rides, carnivals, amusement parks, splash pads, water parks, trampoline parks, arcades, fairs and festivals, children’s play centers, indoor playgrounds, theme parks, concert and music halls, shall remain closed. [Proclamation 134 JBE 2020 dated October 8, 2020](#).
- Effective through **November 8, 2020**, the nonessential businesses listed below may reopen with restrictions. *Id.*
  - **Restaurants, coffee shops and cafés** with an approved food service permit from the Louisiana Department of Health (“LDH”) may open to the public for indoor table service at **75%** of their total capacity. Waiting areas must be closed and members of the public should be required to make reservations or to wait outside, while maintaining social distancing, or in vehicles. *Id.*
  - **Bars** may open for on-premises consumption if the bars are located in a parish that has a percent positivity of 5% or less for two consecutive weeks, as determined by the LDH. The governing authority of such parish must affirmatively opt-in to allow on-premises location. Should any parish that opts in subsequently exceed 10% positivity for two consecutive weeks, then bars in that parish shall then close again for on-premises consumption. Bars that open pursuant to such restrictions may operate at **25%** of their total capacity or 50 patrons, whichever is less. All service of alcoholic beverages must conclude by 11:00 PM and bars must close by 11:00 PM. All seating of patrons shall be socially distanced. Bars that cannot open for on-premises consumption may provide takeout through drive-through or curbside delivery, including alcoholic beverages.
  - **Beauty shops, salons and barber shops** may operate at **75%** of their total capacity. Waiting areas must be closed and members of the public should be required to make reservations or to wait outside, while maintaining social distancing, or in vehicles. *Id.*
  - **Shopping malls** and any stores or business establishments in shopping malls may operate at **75%** of their total capacity, counting both the number of employees and number of members of the public present in the building at one time. Mall food courts may open in line with the restaurant guidance contained in the first bullet point in this section. *Id.*
  - **Churches and other faith-based organizations** may operate at **75%** of their total capacity. Lobbies or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. *Id.*
  - **Casinos, racetracks and video poker establishments** may operate at **75%** of their total capacity. All establishments shall be required to have approved reopening plans from the Louisiana Gaming Control Board prior to reopening. Racetracks may open for races only if their reopening plans are approved by the Louisiana Racing Commission. Lobbies or other areas where members of the

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public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles. *Id.*

- **Gyms and fitness centers** may operate at **75%** of their total capacity. Waiting rooms, lobbies, or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles. *Id.*
  - **Stadiums, sports complexes and arenas hosting athletic events** (whether amateur or professional) may operate at **25%** of their total capacity, while adhering to the maximum social distancing possible between spectators, as determined by the State Fire Marshal. Alcohol sales are permitted in such venues subject to certain conditions. Face coverings are required for all attendees and spectators.
  - **Event centers and receptions halls** may operate at 50% of their total capacity. Events held at such venues may operate in line with the restaurant guidance contained in the first bullet point in this section. All service of alcoholic beverages must occur between 8:00 AM and 10:00 PM.
  - **All other businesses and organizations** shall be allowed to continue operations, subject to the following conditions: (i) no establishment may exceed **75%** of total capacity, (ii) all employees and owners of such businesses must maintain social distancing to the extent possible between themselves and members of the public and shall wear face coverings at all times if interacting with the public, (iii) waiting rooms, lobbies or other areas where members of the public may congregate (except for bathrooms) must be closed to the public and members of the public should be required to wait outside, while maintaining social distancing, or in vehicles and (iv) every business must follow the applicable guidance from the State Fire Marshal published at [opensafely.la.gov](https://opensafely.la.gov) and LDH with regard to sanitization and disinfection. *Id.*
- Effective through **November 8, 2020**, there is a crowd size limitation of 50% capacity and no more than 250 people in any single indoor space at the same time. This limitation does not apply to essential businesses, as defined by CISA, or any businesses and organizations permitted to operate at 75% capacity. *Id.*
  - Effective through **November 8, 2020**, all businesses outlined in the guidance from CISA as outlined in version 4.0 of that guidance and published at [www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce](https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce) may remain in full operation. All owners and employees at such businesses shall maintain moderate social distancing between themselves and members of the public and shall wear face coverings at all times if interacting with the public. *Id.*
  - Effective through **November 8, 2020**, every individual in Louisiana must wear a face covering when inside a commercial establishment or any other building or space open to the public, whether indoor or outdoor, and including public or commercial modes of transportation. This requirement does not apply to the following:

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- Any individual who will not come in contact with any other individual (outside of their immediate household members) or who will be able to maintain strict social distancing of six feet apart from any other individual (outside of their immediate household members);
  - Any child under the age of eight (although all children between the ages of two and seven years old are strongly encouraged to wear a face covering);
  - Any individual with a medical condition that prevents the wearing of a face covering;
  - Any individual who is consuming food or drinks;
  - Any individual seeking to communicate with someone who has or is suspected of having a communication disorder;
  - Any individual giving a speech for broadcast or to an audience;
  - Any individual temporarily removing his or her face covering for identification purposes; and
  - Any athlete participating in organized athletic activities. *Id.*
- Effective through **November 8, 2020**, all businesses or organizations, including all offices of the state of Louisiana, its political subdivisions and all other governmental offices, shall require all persons who enter the premises to wear a face covering, unless the individual is not required to wear a face covering pursuant to the exceptions listed above. *Id.*
  - **Enforcement Actions:** The Governor's Office of Homeland Security and Emergency Preparedness is directed to ensure compliance with the Order, and is empowered to exercise all authorities pursuant to [La. R.S. 29:721](#), et seq., and [La. R.S. 29:760](#), et seq. *Id.*

### XX. Maine (Statewide)

- Effective April 29, 2020, Maine's stay at home order is extended through May 31, 2020. See [An Order to Stay Safer at Home Dated April 29, 2020](#).
- Effective May 1, 2020, Stage 1 of Maine's Restarting Plan will go into effect. *See id.*
  - Stage 1 of Maine's Restarting Plan lasts through the month of May, and includes the following guidance:
    - Gatherings of more than 10 people remain prohibited; and
    - Openings that are permitted for businesses and activities that satisfy forthcoming checklist criteria include: (i) Drive-in theaters; (ii) Health care providers; (iii) Outdoor recreation, including (a) golf courses and disc golf courses; (b) hunting and fishing; (c) guided boating; (d) marinas; (e) 30 state parks and historic sites; and (f) state owned public lands trails; (iv) Barber shops and hair salons; (v) Dog grooming; (vi) Limited drive-in, stay-in-

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- your-vehicle religious services; (vii) Auto dealerships; and (viii) Car washes. *See [Restarting Maine's Economy](#).*
- Effective June 1, 2020, Stage 2 of Maine's Restarting Plan will go into effect. *See [Executive Order No. 55, An Order to Further Implement the Restarting Plan](#).*
    - Stage 2 will last at least through the month of June, and includes the following new guidance:
      - Social gatherings of up to 50 people are permitted;
      - Restrictions on restaurants will be lifted by county:
        - Dine in and outdoor service is permitted in Aroostook, Piscataquis, Washington, Hancock, Somerset, Franklin, Oxford, Kennebec, Waldo, Knox, Lincoln, Penobscot, and Sagadahoc counties;
        - Outdoor service is permitted in York, Cumberland and Androscoggin counties; and
        - Curbside pickup and delivery remain permitted in all other counties.
      - Lodging facilities are open to Maine residents and out-of-state residents who have been in quarantine for 14 days.
      - Certain outdoor recreation services may reopen, including (i) campgrounds and RV parks for Maine residents and out-of-state residents who have been in quarantine for 14 days' (ii) day camps and summer recreation services; (iii) coastal state parks; and (iv) community sports activities. *See id.*
  - Effective August 4, 2020, the limit on outdoor gathering sizes is 5 people per 1,000 feet of occupiable outdoor space or 100 persons, whichever is less. The limit on indoor gatherings remains 50 people. *See [Executive Order 6: An Order Regarding Outdoor Gatherings and Face Coverings for Children](#).*
  - Effective October 13, 2020, Maine will enter Phase Four of its reopening plan, which includes the following changes to its restrictions:
    - Businesses that serve people through seated activities (e.g., indoor dining, religious gatherings, movie theaters) may operate at 50% capacity with a maximum of 100 people.
    - Bars and tasting rooms may reopen effective November 2, 2020.
    - The mask mandate will be enforced statewide. *See [An Order to Implement Phase Four of the Restarting Maine's Economy Plan](#).*
  - Effective March 18, 2020, **gatherings of more than ten people** are prohibited. [An Order to Protect Public Health Dated March 18, 2020](#).

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- Effective March 25, 2020, **all non-essential businesses and operations** must cease activities that allow in-person contact or are at sites that require more than ten workers to convene in a space where social distancing is not possible. Non-essential businesses and operations may continue activities that: (i) do not allow in-person contact; (ii) do not require more than ten workers to convene in a space where social distancing is not possible; and (iii) are facilitated to the maximum extent practicable by employees working remotely. *See [An Order Regarding Essential Businesses and Operations Dated March 24, 2020](#).*
- **Essential businesses and operations** may continue their activities. Essential businesses and operations are those:
  - Identified in the federal government's CISA memorandum, which is incorporated to the executive order by reference; and
  - In addition, include businesses and operations involved in food processing and agriculture; fishing and aquaculture; industrial manufacturing; construction and maintenance of essential infrastructure; trash collection; grocery and household goods; forest products; essential home repair; hardware and auto repair; pharmacy and other medical, psychiatric, and long-term care facilities; group homes and residential treatment facilities; biomedical, life science, behavioral health, health care, dental care, and long-term services and supports providers and organizations; child care providers; post offices and shipping outlets; banks and credit unions; gas stations; laundromats; veterinary clinics, animal welfare, and animal feed and supply stores; truck delivery and distribution of goods; public transportation; legal, business, professional, environmental permitting, and insurance services; hotel and commercial lodging; and all utilities. *See id.*
- **Enforcement** of the order is left to the government department that regulates licenses and permits for a given business or operation. A violation of the order may be considered a violation of a license or permit, and penalties should be assessed as such. Violation of the order may also be a Class E crime carrying a maximum penalty of a \$1000 fine and/or up to 180 days in jail. *See id.*
- Restaurants and bars must close dine-in facilities, and may continue to offer carry-out, delivery, and drive through services. *See An Order to Protect Public Health.*

### XXI. Maryland (Statewide)

- Effective September 21, 2020, Governor Hogan issued an executive order amending the order allowing reopening of certain businesses, and generally requiring use of face coverings. *See [Order of the Governor of the State of Maryland, dated August 3, 2020](#), as amended by [Order of the Governor of the State of Maryland, dated September 1, 2020](#), as amended by [Order of the Governor of the State of Maryland, dated September 18, 2020](#)*
  - **Face Coverings:** All persons over the age of 5 years old must wear a Face Covering when they are: (i) in or on any Public Transportation; (ii) indoors at any location where members of the public are generally permitted; (iii) outdoors and unable to maintain at least 6 feet of distance from individuals who are not members of their household; (iv) obtaining healthcare services; and (v) engaged in work in any area where (a) interaction with others is likely, including without

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limitation, in shared areas of commercial offices; or (b) food is prepared or packaged. Please see the order for the list of exceptions to the Face Coverings requirement.

- **Fitness Centers**: Subject to applicable Local Orders, fitness centers, health clubs, health spas, gyms, aquatic centers and self-defense schools may open, limited to 50% capacity with strict health, distancing, and sanitization measures.
- **Indoor Recreational Establishments**: Indoor recreational establishments, including bingo halls, bowling alleys, pool halls, roller and ice skating rinks, and social and fraternal may open so long as occupancy does not exceed 50%.
- **Casinos, Racetracks and Simulcast Betting Facilities**: Subject to applicable Local Orders, certain specified Gaming Facilities may open, provided that persons in a Gaming Facility shall not exceed 50% maximum occupancy at any one time.
  - Subject to applicable Local Orders, the certain specified establishments may open for racing and other customary operations
- **Retail Establishments**: Subject to applicable Local Orders, retail businesses, organizations, establishments, and facilities in the State of Maryland may open to the general public, provided, however, that the total number of persons permitted in a Retail Establishment at any one time shall not exceed 75% of that Retail Establishment's Maximum Occupancy, and shopping centers that have one or more enclosed pedestrian concourses may open to the general public. All Retail Establishments shall, in good faith and to the extent possible, (i) designate with signage, tape or by other means at least 6-foot spacing for persons in line; (ii) sanitize, or provide customers with a means to sanitize, handles of carts and baskets that are available to customers; (iii) provide staff and customers with clean restrooms stocked with soap or sanitizer; and (iv) post signage at each entrance advising customers about the Face Coverings requirement.
- **Manufacturing**: Subject to applicable Local Orders, all manufacturing businesses and facilities in the State of Maryland may open.
- **Certain Personal Services**: Subject to applicable Local Orders and specified requirements, the following establishments in the State of Maryland may open to the general public: (i) beauty salons; (ii) barber shops; and (iii) tattoo parlors, tanning salons, massage parlors, and establishments that provide esthetic services or provide nail technician services. All Personal Service Establishments shall (i) provide services on an appointment basis only; (ii) limit occupancy to 50% capacity, and (iii) after providing services to each customer, clean and disinfect the area.
- **Outdoor Recreation**: Subject to applicable Local Orders, notwithstanding anything to the contrary elsewhere in this Order, the following establishments in the State of Maryland may open to the general public: (i) golf courses and driving ranges; (ii) outdoor archery and shooting ranges; (iii) marinas and watercraft rental businesses; (iv) campgrounds; (v) horse boarding and riding facilities; (vi) drive-in movie theaters; (vii) outdoor swimming pools; (viii) outdoor day camps; (ix) tour boats; (x) amusement parks; (xi) miniature golf establishments; (xii) go-kart tracks; and

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(xiii) outdoor areas of any other establishments that are subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code.

- **Religious Facilities:** Subject to applicable Local Orders, churches, synagogues, mosques, temples, and other similar religious facilities of any faith in the State of Maryland may open to the general public, provided, however, that the total number of persons permitted in a Religious Facility at any one time shall not exceed 75% of that Religious Facility's Maximum Occupancy.
  - **Foodservice Establishments:** Subject to applicable Local orders, (a) restaurants, bars, nightclubs and other similar establishments that sell food or beverages for consumption on-premises and (b) Social Clubs with dining facilities, may (i) serve food and beverages to customers for consumption in outdoor seating areas; (ii) sell food and beverages that are promptly taken from premises; (iii) deliver food and beverages to customers off premises; and (iv) serve food and beverages to customers for consumption in indoor seating areas; provided, (i) limit capacity to 75%; (ii) cannot serve food in a buffet format; (iii) not serve customers who are not seated; and (iv) must clean and disinfect each table between each seating in accordance with CDC and MDH guidelines.
  - **Theaters and Outdoor Entertainment Venues:** Theaters may open subject to a max capacity limit of the lesser of 50% occupancy or 100 persons.
  - **Other Businesses:** Unless otherwise prohibited, all nonessential businesses are allowed to reopen.
  - Business, Organizations, Establishments and Facilities Required to Remain Closed: senior citizen centers
- On June 10, 2020, Governor Hogan announced additional Phase Two reopenings, some of which will go into effect on June 12, 2020 and others of which will go into effect on June 19, 2020. <https://governor.maryland.gov/wp-content/uploads/2020/06/Gatherings-NINTH-AMENDED-June-10.pdf>.
- Effective June 12, 2020 at 5:00pm, (i) restaurants an resume indoor operations at 50 percent capacity, with appropriate distancing, and following strict public health requirements consistent with the CDC, FDA, and the National Restaurant Association, and (ii) outdoor amusements and rides, including miniature golf and go-kart tracks, may resume with appropriate health and safety protocols. Capacity restrictions at pools will be increased to 50 percent with strict safety guidelines still in place.
  - Effective June 19, 2020 at 5:00pm, the below activities can reopen, subject to complying with required guidelines and recommended best practices:
    - **Indoor Fitness Activities:** Indoor gyms, martial arts, dance, and other indoor studio fitness activities may begin to safely reopen at 50% capacity with strict health, distancing, and sanitization measures.

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- **Indoor Recreational Establishments:** Indoor recreational establishments, including bingo halls, bowling alleys, pool halls, roller and ice skating rinks, and social and fraternal may open so long as occupancy does not exceed 50%.
  - **Casinos, Arcades, Malls and Retail Establishments:** Casinos, arcades, malls and retail establishments may begin to resume operations with strict safety protocols, including not exceeding 50% occupancy.
  - **School Buildings:** School systems may begin bringing small groups of students and staff into school buildings. School systems are encouraged to prioritize summer instruction for vulnerable populations. All nonpublic special education schools may reopen to serve students with disabilities.
  - **Child Care Providers:** All child care providers may begin to reopen, and the number of individuals child care providers can have in one room has been expanded to a maximum of 15.
  - **Outdoor High School Sports:** Outdoor high school sports may begin to resume practice and training activities within the same guidelines that were previously announced for youth sports programs.
- Business, Organizations, Establishments and facilities **required to remain closed** include senior centers and theaters.
- Effective June 5, 2020, Maryland will begin to move into Stage Two of the ‘[Maryland Strong: Roadmap to Recovery](#),’ with a safe and gradual reopening of workplaces and businesses, along with additional personal services. [Order of the Governor of the State of Maryland Amending and Restating the Order of May 27, 2020, dated June 3, 2020](#)
    - As with Stage One, Stage Two will be implemented with a flexible, community-based approach that empowers individual jurisdictions to make decisions regarding the timing of reopenings. All 24 of the state’s jurisdictions have now entered Stage One.
    - To begin Stage Two, Governor Hogan announced that he will be lifting the order requiring the closure of non-essential businesses. The list of open businesses will include manufacturing, construction, large and small retail shops, speciality vendors, wholesalers, warehouses, and offices (including information technology firms, legal offices, accounting, banking and financial institutions, insurance agencies, design studios, advertising and architectural firms, and media production companies). Additionally, real estate offices, travel agencies, auto dealer showrooms, bank branches and various other offices may all safely reopen with public health and safety guidance recommendations in place, including (i) wearing face coverings whenever face-to-face interaction takes place; (ii) conducting temperature checks for workers and other personnel; (iii) limiting the proximity of employees by rotating employee hours; (iv) instituting split schedules, shifts, or shorter work weeks; and (v) staggering start, break, or shift times.

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- Personal services including nail salons, massage therapists, tanning salons, and tattoo parlors may resume operations at up to 50% capacity, by appointment only, and with appropriate health and safety guidelines.
- As additional industries and activities begin to resume, the Maryland Department of Commerce continues to develop and issue guidance and best practices to help businesses reopen safely. These resources are available at [open.maryland.gov/backtobusiness](https://open.maryland.gov/backtobusiness).
- Businesses, Organizations, Establishments and facilities **required to remain closed** include senior centers, restaurants and bars for indoor dining, fitness centers, theaters, malls, and recreational establishments (e.g., bingo halls, bowling alleys, pool halls, amusement parks, roller and ice skating rinks, miniature golf establishments, social clubs).
- Effective May 6, 2020, the March 30, 2020 stay at home order remains in place, except to conduct or participate in Essential Activities or Permitted Outdoor Activities. [Order of the Governor of the State of Maryland Amending and Restating the Order of March 20, 2020, dated May 6, 2020](#)
  - Permitted Outdoor Activities includes (i) outdoor exercise activities, such as walking, hiking running biking, or individual and small group sports such as golfing (golf courses and driving ranges), tennis and similar activities; (ii) outdoor fitness instruction; (iii) recreational fishing, hunting, shooting, and archery; (iv) recreational boating; (v) horseback riding; and (vi) visiting cemeteries. Marinas and watercraft rental business and campgrounds may also open to the public.
  - Gatherings larger than 10 persons remain prohibited.
- Effective April 18, 2020 at 7:00am, (i) riders and operators on public transit, taxis, and ride-sharing services are required to wear Face Coverings (excluding operators in a separate compartment that is off-limits to riders); (ii) all customers over the age of nine are required to wear Face Coverings while inside the enclosed area of any Retail Establishment or restaurant offering food on delivery, carry-out, or drive-through basis (“Foodservice Establishment”); (iii) adult customers accompanying children age two through nine shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice Establishment; (iv) staff at all Retail Establishments required to wear Face Coverings while working in areas open to the public and areas in which interactions with other staff are likely; and (v) staff at Foodservice Establishments who interact with customers (including delivery personnel) required to wear Face Coverings while working.
  - “Face Covering” means a covering that fully covers a person’s nose and mouth, but is not a Medical-Grade Mask. The term “Face Covering” includes, without limitation, scarves and bandanas. “Medical-Grade Mask” means an N95, KN95, surgical, or other mask that would be appropriate for a health care setting.
  - “Retail Establishments” means retail businesses, establishments, and facilities in Maryland, including: (i) grocery stores, convenience stores, farmer’s markets, and other stores engaged in retail sale of non-prepared food; (ii) pharmacies and other stores that sell medication or medical supplies; (iii) stores that sell supplies for household consumption or use, and/or products needed

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to maintain safety, sanitation, and essential maintenance of the home or residence; (iv) alcoholic beverage stores; and (v) laundromats.

- All Retail Establishments shall, in good faith and to the extent possible: (i) where any queue is expected to form, designate with signage, tape, or by other means at least six-foot spacing for persons in line; (ii) sanitize, or provide customers with means to sanitize, handles of carts/baskets available to customers; (iii) provide staff and customers with clean restrooms stocked with soap or sanitizer, and allow staff to wash their hands at least once every 30 minutes; and (iv) post signage at each entrance advising customers about requirement to wear Face Coverings.
  - **Enforcement Actions:** A person who knowingly and willfully violates this order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.
- Effective April 5, 2020, the health officer of any Maryland county and the Commissioner of Health for Baltimore City are authorized and directed to issue orders as may be necessary to (i) require a business, facility, or construction site unable or unwilling to operate without posing an unreasonable risk of exacerbating spread of COVID-19 (*e.g.*, through non-compliance with social distancing guidance) (each, an “Unsafe Facility”) to modify operations to comply with social distancing guidance, or (ii) designate all or part of the Unsafe Facility as a zone where occupancy and use of buildings may be controlled, and prohibit or limit movement of individuals and/or vehicles to or from the Unsafe Facility, including by closing the Unsafe Facility. Orders are enforceable even if the Unsafe Facility is an essential business. [Order of the Governor of Maryland Delegating Authority to Local Health Officials, dated April 5, 2020.](#)
- **Enforcement Actions:** A person who knowingly and willfully violates this order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.
  - On April 5, 2020, the Secretary of Health of Maryland issued an order requiring nursing home facilities to direct all staff who interact with residents to wear personal protective equipment, create separate observation and isolation areas for residents, and expedite all testing through the Maryland State Public Health Laboratory. [Maryland Department of Health Directive and Order Regarding Nursing Home Matters, dated April 5, 2020.](#)
- Effective March 30, 2020 at 8:00pm, all persons living in the State of Maryland are ordered to stay in their homes or places of residences (“Homes”), **except** (i) to conduct or participate in Essential Activities; (ii) staff and owners of business and organizations that are not required to close pursuant to paragraphs IV or V of the order may travel between their Homes and those businesses and organizations and to and from customers for the purpose of delivery goods or performing services; and (iii) staff and owners of non-essential businesses may travel (a) between their Homes and those non-essential businesses for the purpose of engaging in Minimal Operations; and (b) to and from customers for the purpose of delivering goods. [Order of the Governor of Maryland to Stay at Home, dated March 30, 2020.](#)
- **Essential Activities means:** (i) Obtaining necessary supplies or services for one’s self, family, household members, pets, or livestock, including, without limitation: groceries, supplies for household consumption or use, supplies and equipment needed to work from home, laundry, and

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products needed to maintain safety, sanitation, and essential maintenance of the home or residence; (ii) Engaging in activities essential for the health and safety of one's self, family, household members, pets, or livestock, including such things as seeking medical or behavior health or emergency services, and obtaining medication or medical supplies; (iii) Caring for a family member, friend, pet, or livestock in another household or location, including, without limitation, transporting a family member, friend, pet, or livestock animal for essential health and safety activities, and to obtain necessary supplies and services; (iv) Traveling to and from an educational institution for purposes of receiving meals or instructional materials for distance learning; (v) Engaging in outdoor exercise activities, such as walking, hiking, running, or biking, but only in compliance with paragraph III below and applicable social distancing guidance published by the U.S. Centers for Disease Control and Prevention ("CDC") and the Maryland Department of Health ("MDH"); (vi) Travel required by a law enforcement officer or court order; or (vii) Traveling to and from a federal, State, or local government building for a necessary purpose. *Id.*

- **Closure of Certain Specific Businesses, Organizations, and Facilities, including:** (i) senior citizen activities centers; (ii) restaurants and bars (not including take-out or drive-through or delivery); (iii) fitness centers; (iv) theaters; (v) malls; (vi) other recreational establishments including bingo halls, bowling alleys, pool halls, amusement parks, roller and ice skating rinks, all golf courses, social and fraternal clubs, campgrounds and any other establishment not listed that is subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code; and (vii) tattoo parlors, tanning salons, barber shops and beauty salons.
- **This order does not require the closure of, or prohibit the movement of any staff or volunteer traveling to, from or in connection with their duties at any:** (i) federal, State, or local government unit, building, or facility; (ii) any newspaper, television, radio or other media service; or (iii) any non-profit organization or facility providing essential services to low-income persons, including, without limitation, homeless shelters, food banks and soup kitchens.
- Gatherings larger than 10 persons are prohibited: social, community, spiritual, religious, recreational, leisure, and sporting gatherings and events ("large gatherings and events") of more than 10 people are hereby prohibited at all locations and venues, including but not limited to parades, festivals, conventions, and fundraisers. Planned large gatherings and events must be canceled or postponed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded. *Id.*
- Effective March 19, 2020, access to Baltimore-Washington International Marshall Airport is restricted to ticketed passengers and badged employees. [Governor Hogan Announces Further Actions to Slow Spread of COVID-19](#)
  - Individuals must also **stay off public transit** (MARC train, Metro, Amtrak train or a bus or any other transportation), which is reserved for emergency personnel, front-line health-care providers and workers providing essential supplies and services. *Id.*

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- **Enforcement Actions:** A person who knowingly and willfully violates this order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.

### XXII. Massachusetts (Statewide)

- Effective November 6, 2020, new restrictions are in place:
  - **Mandatory Night-Time Closing for Certain Businesses and Activities:** Certain businesses must close to the public each day from 9:30pm – 5:00am. These businesses include:
    - (i) Restaurants for table service, but not for take-out or delivery; (ii) arcades and other indoor and outdoor recreation; (iii) indoor and outdoor events; (iv) indoor and outdoor theaters, movie theaters, and performance venues; (v) drive-in movie theaters; (vi) youth and adult amateur sports activities; (vii) golf facilities; (viii) recreational boating and boating businesses; (ix) outdoor recreational experiences and educational activities; (x) casinos, horse racing tracks, and simulcast facilities; (xi) driving and flight schools; (xii) zoos, botanical gardens, wildlife reserves, and nature centers; (xiii) close contact personal services; (xiv) fitness centers and health clubs; (xv) indoor and outdoor pools; and (xvi) museums, cultural and historical facilities, and guided tours.
    - During the mandatory closing period, all sales or service of alcohol and cannabis are prohibited. *See* COVID-19 Order No. 53: [Order Requiring Early Closing for Certain Businesses and Activities, Limiting Hours for Alcohol and Adult Use Cannabis, and Modifying Chapter 138 License Renewal Requirements.](#)
  - **Gatherings:**
    - Indoor gatherings at private residence are limited to a maximum of 10 people, while indoor gatherings at event venues are limited to a maximum of 25 people.
    - Outdoor gatherings at private residences are limited to a maximum of 25 people, while outdoor gatherings at event venues are limited to 100 people in lower risk communities and 50 people in communities that do not qualify as lower risk.
    - All gatherings must end and participants must disperse by 9:30pm. *See* [COVID-19 Order No. 54: Revised Order Further Regulating Gatherings in the Commonwealth.](#)
- Effective October 5, 2020 lower-risk communities in Massachusetts will advance to Phase III, Step 2 of the reopening plan. Communities defined as lower risk are those with an average daily incidence rate of 8 or fewer COVID-19 cases per 100,000 residents. Businesses allowed to reopen include:
  - Indoor performance venues used for live performances, such as concert halls and theaters; and
  - Indoor recreational activities with greater potential for contact, such as laser tag, roller skating, trampolines, and obstacle courses.

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The start of Phase III, Step 2 also allows other businesses to relax certain restrictions. For example, gyms, museums, libraries, and driving and flight schools may increase their capacity to 50%. See [COVID-19 Order No. 51: Order Further Advancing Phase III Re-Openings in Municipalities with Reduced Incidence of COVID-19 Infection](#).

- Effective October 5, 2020, gatherings are limited as follows:
  - **Indoor Gatherings:** Indoor gatherings are limited to 25 persons in a single, enclosed indoor space.
  - **Outdoor Gatherings:** Outdoor gatherings at private residences and in private backyards are limited to 50 persons. Outdoor gatherings in settings open to the public and at event venues are limited to 100 persons in lower-risk communities, and 50 persons in communities that do not qualify as lower risk. See [COVID-19 Order No. 52: Phase III, Step 2 Order Regulating Gatherings in the Commonwealth](#).
- Effective September 17, 2020, indoor and outdoor gaming arcades are permitted to reopen. See [COVID-19 Order No. 50: Order Making Certain Phase III Adjustments](#).
- Effective August 11, 2020, gatherings are limited as follows:
  - **Indoor Gatherings:** Indoor gatherings are limited to 8 persons per 1,000 square feet of accessible, indoor floor space, and never more than 25 persons in a single enclosed, indoor space.
  - **Outdoor Gatherings:** Outdoor gatherings are limited to 25% of the maximum permitted occupancy of the facility or 8 persons per 1,000 square feet, and never more than 50 persons in a single outdoor space.

Additionally, all persons participating in gatherings of more than 10 people, whether in public or private spaces, must wear a face covering. Violators are subject to a civil fine of up to \$500 per violation. The order may be enforced by injunction. See [COVID-19 Order No. 46: Third Revised Order Regulating Gatherings Throughout the Commonwealth](#).

- Effective August 1, 2020, persons traveling into Massachusetts, including returning residents, are required to (1) complete a travel form prior to arrival, and (2) quarantine for 14 days or produce a negative COVID-19 test result that was administered up to 72-hours prior to arrival in Massachusetts. Failure to comply with these requirements may result in a \$500 fine per violation. Exceptions include:
  - (i) Those arriving from lower risk states (i.e., those with average daily cases per 100,000 below 6 and positive test rate below 5%, currently CT, HI, ME, NH, NJ, NY, RI, and VT); (ii) Those passing through Massachusetts to another state or country; (iii) Persons who regularly commute outside of Massachusetts for work or school; (iv) Patients seeking or receiving medical treatment in Massachusetts; (v) Military personnel traveling to Massachusetts at the order of a military authority; and (vi) Workers entering Massachusetts to perform critical infrastructure functions. See [COVID-19 Order No. 45: Order Instituting a Mandatory 14-Day Quarantine Requirement for Travelers Arriving in Massachusetts](#).

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- Effective July 6, 2020, Phase III, Step 1 of Massachusetts's reopening plan will begin outside of Boston, where it will begin on July 13. The order will remain in effect until further notice. See [COVID-19 Order No. 43, Order Authorizing the Re-Opening of Phase III Enterprises](#).
  - The following businesses are permitted to reopen: (i) Post-secondary, higher ed, vocational-tech, trade, and occupational schools for general operations; (ii) casino gaming floors; (iii) horse racing simulcast facilities, with no spectators; (iv) indoor recreational and athletic facilities for general use; (v) fitness centers and health clubs, excluding saunas, hot tubs, and steam rooms; (vi) museums; (vii) indoor historic spaces/sites; (viii) aquariums; (ix) outdoor theaters and performance venues of moderate capacity; (x) movie theaters; (xi) sightseeing and other organized tours; (xii) fishing and hunting tournaments and other amateur or professional derbies; (xiii) outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces; (xiv) indoor event spaces such as meeting rooms, ballrooms, and private party rooms, where used for functions permitted under sector-specific guidance; (xv) indoor non-athletic instructional classes for persons 18 years or older; (xvi) indoor recreational activities with low potential for contact; and (xvii) motion picture, television, and video streaming production.
- Effective July 6, 2020, new maximum gathering sizes will take effect. See [COVID-19 Order No. 44: Second Revised Order Regulating Gatherings Throughout the Commonwealth](#).
  - **Indoor Gatherings:** indoor gatherings are limited to 8 persons per 1000 square feet of accessible, indoor floor space, with a maximum of 25 people.
  - **Outdoor Gatherings:** outdoor gatherings in enclosed, permitted, or leases spaces are limited to 25% of the maximum permitted occupancy of the facility, or 8 persons per 1000 square feet where no occupancy limitation is on record, with a maximum of 100 people.
- Effective June 22, 2020, close-contact personal services and indoor dining at restaurants are permitted to reopen. See [COVID-19 Order No. 40: Order Further Advancing the Re-Opening of Phase II Enterprises](#). General use office spaces are permitted to reopen at 50% capacity. See [Updated Sector Specific Workplace Specific Safety Standards to Address COVID-19](#).
- Effective June 8, 2020, Phase II businesses (as defined below) are permitted to reopen. Indoor dining and close-contact personal services will be permitted to reopen later in Phase II. See [COVID-19 Order No. 37: Order Authorizing the Re-Opening of Phase II Enterprises](#).
- On June 1, 2020, Governor Baker provided a list of businesses that will be permitted to reopen during each reopening phase. See [COVID-19 Order No. 35: Order Clarifying the Progression of the Commonwealth's Phased Workplace Re-Opening and Authorizing Certain Re-Opening Preparations at Phase II Workplaces](#).
  - **Phase II** businesses include: (i) retail stores, including stores in shopping malls, with capacity limited to the greater of 8 customers per 1000 square feet of space or 40% of the store's maximum permitted occupancy; (ii) restaurants for in-person dining, with outdoor dining only permitted at

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the beginning of Phase II; (iii) hotels, motels, inns, and other short-term lodgings; (iv) limited organized youth sports and adult amateur sports activities, with no contact and no games or scrimmages; (v) professional sports practice and training programs; (vi) personal services: step one will include personal services involving no close personal contact (e.g., photography, window washers, tutoring, home cleaning), and step two will include services involving close personal contact (e.g., massage, nail salons, personal training); (vii) non-athletic instructional classes for people under 18 years old in groups of fewer than 10; (viii) driving schools and flight schools; (ix) funeral homes with increased capacity to 40% occupancy for one service at a time; (x) warehouses and distribution centers; (xi) golf facilities including outdoor driving ranges; (xii) other outdoor recreational facilities, post-secondary, higher ed, vocational-tech, trade, and occupational schools for the limited purposes of permitted students to complete a degree or program, or for summer youth programming; (xiii) day camps; and (xiv) public libraries.

- **Phase III** businesses include: (i) Post-secondary, higher ed, vocational-tech, trade, and occupational schools for general operations; (ii) casino gaming floors; (iii) horse racing simulcast facilities, with no spectators; (iv) indoor recreational and athletic facilities for general use; (v) fitness centers and health clubs, excluding saunas, hot tubs, and steam rooms; (vi) museums; (vii) indoor historic spaces/sites; (viii) aquariums; (ix) outdoor theaters and performance venues of moderate capacity; (x) indoors theaters, concert halls, and other performance venues of moderate capacity; (xi) sightseeing and other organized tours; (xii) fishing and hunting tournaments and other amateur or professional derbies; (xiii) weddings, events, and gatherings in parks, reservations, and open spaces with allowance for moderate capacity; (xiv) overnight camps; (xv) indoor non-athletic instructional classes for persons 18 years or older; and (xvi) indoor recreational businesses.
- **Phase IV** businesses include: (i) amusement parks, theme parks, indoor or outdoor water parks; (ii) saunas, hot tubs, and steam rooms at health clubs, fitness centers, and other facilities; (iii) bars, dance clubs, and nightclubs that do not provide seated food service prepared on-site; (iii) beer gardens, breweries, wineries, and distilleries not providing seated food service prepared on-site; (iv) large capacity venues for group or spectator sports, entertainment, business, and cultural events; (v) private party rooms; (vi) street festivals, parades, and agricultural festivals; (vii) road races and other large, outdoor organized amateur or professional group athletic events.
- Reopening Massachusetts Phase 1: Start will begin effective May 18, 2020. Phase 1 permits certain non-essential businesses to reopen provided that they 1) comply with state health and safety guidance, including industry-specific guidance, and 2) develop a written COVID-19 Control Plan. Violation of this executive order may result in a \$300 fine per violation, with enforcement by injunction authorized. [See COVID-19 Order No. 33, Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to Address COVID-19, Effective May 18, 2020.](#)
- Phase 1 will proceed in sub-phases:
  - Effective May 18, 2020, the following businesses and services may reopen: (i) manufacturing services; (ii) construction; (iii) houses of worship, with outdoor services encouraged; (iv) Firearms retailers and shooting ranges; and (v) hospitals and community health centers who attest to specific

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public health/safety standards may provide high priority preventative care, pediatric care, and treatment for high-risk patients.

- Effective May 25, 2020, the following businesses and services may reopen: (i) laboratory and life sciences facilities; (ii) offices outside the city of Boston at less than 25% maximum capacity, with work from home strongly encouraged; (iii) hair salons and barbershops for appointments only; (iv) pet grooming services for appointments only, with curbside pickup and drop-off; (v) car washes for exterior car washing only; (vi) recreation and outdoor services; (vii) drive-in movie theaters; and (viii) other healthcare providers who attest to specific public health/safety standards may provide high priority preventative care, pediatric care, and treatment for high-risk patients.
- Effective June 1, 2020, offices in the city of Boston may reopen at less than 25% maximum capacity, with work from home strongly encouraged. *See id.*
- Effective noon March 24 until May 19, 2020, **all businesses and other organizations in the state that do not provide Essential Services must close their physical premises to workers, customers and the public.** All businesses that do not provide Essential Services are encouraged to continue to operate through remote means to the maximum extent possible. Religious institutions may remain open but must comply with limitations on gatherings (below). *See* [COVID-19 Order No. 13 dated March 23, 2020](#); [COVID-19 Order No. 21 Extending the operation of COVID-19 Order No. 13 Dated March 31, 2020](#); [Covid-19 Order No. 30 dated April 28, 2020 Further Extending the Operation of COVID-19 Order No. 13](#); [COVID-19 Order No. 32 dated May 15, 2020 Order Temporarily Extending COVID-19 Order No. 13](#).
- **Essential Services include** the workforces engaged and working in the below production and service sectors. This list is based on federal CISA guidance, but is tailored to reflect Massachusetts' economy:
  - (i) Health care/public health/human services (including for example workers providing COVID-19 testing and clinical research needed for COVID-19 response, medical professionals, caregivers, and personnel for hospitals, laboratories, and other medical facilities, workers that manage health plans, billing, and health information, who cannot work remotely, workers providing security, incident management, and emergency operations for health care facilities that cannot work remotely, manufacturers, technicians, distributors, and others in supply chain of medical equipment, personal protective equipment, medical gases, pharmaceuticals, and cleaning supplies, manufacturer workers for health manufacturing (including pharmaceutical research and development); (ii) law enforcement, public safety, and first responders; (iii) food and agriculture; (iv) energy, including electricity, petroleum, natural gas/propane, and steam; (v) water and waste water; (vi) transportation and logistics; (vii) public works and infrastructure support services; (viii) communications and information technology; (ix) community or education based essential functions and government operations, including scientific researchers in higher education; (x) critical manufacturing; (xi) hazardous materials; (xii) financial services; (xiii) chemical; (xiv) defense industrial base; (xv) commercial facilities, including workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions; (xvi) residential/shelter

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facilities and services; (xvii) hygiene products and services; and (xviii) construction-related activities. [Massachusetts Guidance on COVID-19 Essential Services](#).

- Businesses with functions which are not covered in the list of Essential Services, but believe they are essential, **may request a designation** as such [here](#). Questions related to businesses affected by this order can be sent to: [covid19.biz@mass.gov](mailto:covid19.biz@mass.gov).
- Restaurants and bars may continue to operate on a takeout/delivery basis only. See [COVID-19 Order No. 13 dated March 23, 2020](#)
- Effective May 7, 2020, **golf courses are permitted to reopen** statewide with stringent restrictions, including:
  - (i) Security personnel must be present to enforce social distancing. There can be no other employees working at the recreational component of the golf operation; (ii) All staff must wear face coverings while on property; (iii) Course facilities including but not limited to the clubhouse, golf shop, restaurant, bag room and locker room must remain closed; (iv) No caddies allowed; (v) No golf carts allowed; (vi) Players must either carry their own bag or use a push cart; (vii) All golfers must maintain proper social distancing of at least 6 feet at all times; (viii) Groups of players are restricted to no more than 4 players at one time; (ix) Members-only clubs can allow guests as determined by the security personnel on the golf course (x) Private clubs that allow non-members to make reservations can do so at their discretion; (xi) Maintenance personnel are permitted to work on the golf course; (xii) Tee Time Policy must be 15 minutes between groups; (xiii) Golfers must stay in their car until 15 minutes before their tee time and must return to their car immediately following play; (xiv) Online and remote payment options must be utilized; (xv) All golfers must use their own golf clubs. Sharing golf clubs or rental golf clubs is not allowed; (xvi) Flagsticks must remain in the hole. Hole liners must be raised so picking a ball out of the hole doesn't occur; (xvii) Bunker rakes must be removed, and ball washers must be removed or covered; (xviii) Practice putting green, driving range, and chipping areas must be closed; and (xix) Facilities must have readily accessible hand sanitizer. See [Resources for Golf Courses/Facilities and Individual Golfers](#).
- **Gatherings of more than ten people are prohibited** throughout the Commonwealth. Gatherings include any civic, leisure, sporting, or faith-based event, conferences, weddings, or any similar activity that brings together more than ten persons in any confined indoor or outdoor space.
  - **Does not apply** to operations/activities of any organization in its provision/delivery of Essential Services, any municipal legislative body, or operation of any child care facility. *Id.*
- **Enforcement Actions:** The Order will be enforced by the Dept. of Public Health with the assistance of State or local police, if necessary. Violators may be subject to criminal penalty of imprisonment of not more than one year, a fine of not more than \$500, or both, or a civil fine of up to \$300 per violation. *Id.*
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- Effective March 17, 2020, **construction work suspended unless “essential work,”** which includes emergency utility, road or building work (e.g., gas/water leaks); new utility connections to occupied buildings; mandated building or utility work; work at public health facilities, including health care facilities and shelters; work that ensures reliability of transportation network; and other work necessary to render occupied residential buildings fully hospitable. City to review requests for exceptions on case-by-case basis. Employees should maintain necessary crews to keep sites safe and secure, prevent materials from blowing away, and prevent trespassing. Work must be complete by March 23, 2020. [City of Boston order](#).
- Effective April 5, 2020, Boston residents and visitors are advised to stay at home between the hours of 9pm and 6am unless they are actively providing or receiving COVID-19 essential services. See [Advisory of the Boston Public Health Commission Dated April 5, 2020](#).

### XXIII. Michigan (Statewide)

- On September 3, 2020, Governor Whitmer issued a second amended [Safe Start Order](#) and updated [Safeguards to Protect Michigan Workers](#). The second amended Safe Start Order enacted the following mitigation measures:
  - **Remote work.** Any work that is capable of being performed remotely (i.e. without the worker leaving his or her home or place of residence) must be performed remotely in all Regions except for 6 and 8.
    - In Regions 6 and 8, any work that is capable of being performed remotely should be performed remotely.
  - **Individual responsibility.** Any individual who leaves his or her home or place of residence must:
    - (i) Follow social distancing measures recommended by the CDC, including remaining at least six feet from people from outside the individual's household to the extent feasible under the circumstances; and
    - (ii) Follow the rules described in [Executive Order 2020-153](#) regarding the use of masks, or any order that may follow from.
  - **Public accommodation restrictions.** Subject to certain exceptions described below, the following places are closed to entry, use, and occupancy by members of the public:
    - (i) Indoor theaters, cinemas, and performance venues; (ii) Millionaire Parties licensed by the Michigan Gaming Control Board; and (iii) indoor or outdoor services or facilities involving close contact of persons for amusement or other recreational or entertainment purposes (e.g. amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, indoor dance areas, roller rinks, ice rinks, trampoline parks, carnivals or amusement rides, water parks, etc.).
  - **Exceptions:**

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- In Regions 6 and 8:
  - The above listed facilities may remain open, but only to the extent that social distancing can be maintained and the number of people is limited to 25% of maximum capacity or to 250—whichever is smaller.
  - Outdoor concert spaces, race tracks, sports arenas, stadiums, or similar outdoor venues may remain open, but only to the extent that social distancing can be maintained and the number of people in the venue is limited to 25% of maximum capacity or to 500—whichever is smaller.
- Statewide:
  - Bowling alleys, roller rinks, and ice rinks may be open for the sole purpose of serving as a venue for organized sports.
  - Services necessary for medical treatment as determined by a licensed medical provider;
  - Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;
  - Crisis shelters or similar institutions;
  - Food courts inside the secured zones of airports; and
  - Employees, contractors, vendors, or suppliers who enter, use, or occupy in their professional capacity the places described under “public accommodation restrictions.”
- **Bars.** Food or drink service establishments that earn more than 70% of their gross receipts from sales of alcoholic beverages must close for indoor service.
- **Liquor license restrictions.** Dance and topless activity permits are temporarily suspended.
- **Gatherings.** Social gatherings are only permitted to the extent that: (i) the event is designed to enable social distancing; (ii) members of different households maintain six feet of distance from one another; (iii) indoor events not exceed 10 people; and (iv) outdoor events do not exceed 100 people.
  - In Regions 6 and 8, outdoor gatherings may include a maximum of 250 people.
- **Organized Sports.** Leagues and teams may resume playing provided that: (i) live audiences are limited to guests of the athletes with each athlete designating up to 2 guests; (ii) participants maintain six feet of distance from one another to the extent compatible with the sport; and (iii) no concessions are sold. See [Safe Start Order](#) for additional guidance.

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- **Parks.** Unless otherwise prohibited by local regulation, outdoor parks and recreational facilities may be open, provided that social distancing can be maintained. Any areas in which social distancing cannot be maintained must close.
- The updated [Safeguards to Protect Michigan Workers](#) Order details the mitigation requirements on businesses by industry:
  - **Workplace safeguards for all businesses.** Any business or operation that requires its employees to leave their home or place of residence for work must implement a COVID-19 preparedness and response plan, which includes social distancing and disinfecting measures, COVID-19 training and communication, among other measures, as detailed in the [Workplace Safeguards Order](#).
  - **Outdoor work.** Businesses or operations whose work is primarily and traditionally performed outdoors must:
    - (i) prohibit gatherings of any size in which people cannot maintain six feet of distance from one another; (ii) limit in-person interactions with clients and patrons to the maximum extent possible, and bar any such interaction in which people cannot maintain six feet of distance from one another; (iii) provide and require the use of personal protective equipment such as gloves, goggles, face shields, face coverings, as appropriate for the activity being performed; and (iv) adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and ensure frequent disinfection of shared tools, equipment, and frequently touched surfaces.
  - **Construction & Manufacturing.** Businesses or operations in the construction and manufacturing industries must adopt specific mitigation measures as detailed in the [Workplace Safeguards Order](#). These include, *inter alia*, conducting daily entry screening for employees, ensuring there are sufficient handwashing or hand-sanitizing stations, and so on.
  - **Research Labs.** Research laboratories, other than laboratories that perform diagnostic testing, must implement specific mitigation measures, which are detailed in the [Workplace Safeguards Order](#). These include, *inter alia*, closing communal workspaces and break rooms, requiring the use of PPE, suspending all non-essential visitors, and so on.
  - **Retail, Libraries, and Museums.** Retail stores that are open for in-store sales, as well as libraries and museums must implement certain communication and mitigation protocol as detailed in the [Workplace Safeguards Order](#), including establishing lines to regulate entry as follows:
    - **Stores of less than 50,000 square feet** of customer floor space must limit the number of people in the store, including employees, to 25% of the total occupancy limits established by the state or local fire marshal.
    - **Stores of more than 50,000 square feet** of customer floor space must limit the number of customers in the store to 4 people—excluding employees—per 1,000 square feet and create at least 2 hours per week of dedicated shopping time for vulnerable populations (e.g. individuals over 60, pregnant women, and individuals with chronic conditions).

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- **These mandates apply to all Regions except Regions 6 and 8.**
- **Offices.** Offices are not restricted to a certain capacity limit, but must implement certain mitigation measures including, *inter alia*, assigning dedicated entry points to reduce congestion, increasing distancing between employees, restricting non-essential common space (e.g. cafeterias), using virtual meetings whenever possible, disinfecting high touch surfaces, and suspending all non-essential visitors. See [Workplace Safeguards Order](#) for complete list of requirements.
- **Restaurant and Bars** must, *inter alia*, limit capacity to 50% of normal seating, require six feet of separation between parties, require patrons to wear a face covering except when seated at their table, prohibit access to common areas, and sell alcoholic beverages only via table service. See [Workplace Safeguards Order](#) for complete list of requirements.
- **Health care.** Outpatient health care facilities, including clinics, primary care physician offices, dental offices, and veterinary clinics, must, *inter alia*, instruct patients to wear a face covering when inside, ensure social distancing in waiting areas, enable contactless sign-in as soon as practicable, and add special hours to highly vulnerable patients. See [Workplace Safeguards Order](#) for complete list of requirements.
- **In-home services.** All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like, must, *inter alia*, require their employees to perform a daily health screening prior to going to the job site, maintain an accurate appointment record to aid with contact tracing, and limit direct interaction with customers whenever possible. See [Workplace Safeguards Order](#) for complete list of requirements.
- **Personal care services.** All businesses or operations that provide barbering, cosmetology services, body art services, tanning services, massage services, or similar personal care must, *inter alia*, maintain an accurate appointment record to aid with contact tracing, post signs at store entrances informing customers not to enter if they have recently been sick, restrict entry to customers and only caregivers or dependents of those customers. See [Workplace Safeguards Order](#) for complete list of requirements.
- **Public Accommodations.** Sports and entertainment facilities (e.g. arenas, cinemas, concert halls, performance venues, sporting venues, stadiums, theaters, amusement parks, arcades, bingo halls, bowling alleys, night clubs, skating rinks, trampoline parks, and similar places of public amusement) must, *inter alia*, post signs outside of entrances informing customers not to enter if they have recently been sick, encourage or require patrons to wear face coverings, establish crowd-limiting measures to meter the flow of patrons, and use physical dividers or markers to maintain six feet of distance between persons. See [Workplace Safeguards Order](#) for complete list of requirements.
- **Sports and exercise facilities.** Gymnasiums, fitness centers, recreation centers, exercise facilities and studios, bowling alleys, roller rinks, ice rinks, and the link must, *inter alia*, use best efforts to provide opportunities for patrons to exercise outdoors, maintain accurate records of patrons visits to aid in contact tracing, mandate wearing of facial coverings at all times except when swimming,

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and limit capacity of the facility to 25% of the total occupancy limits established by the state or local fire marshal. See [Workplace Safeguards Order](#) for complete list of requirements.

- **Pools.** Swimming pools may remain open, provided that: (i) outdoor pools limit capacity to 50%; (ii) indoor pools limit capacity to 25%; and (iii) all pool decks ensure social distancing is maintained.
  - **Meat and poultry processing.** Meat and poultry processing plants must, *inter alia*, conduct daily entry screening protocol for employees, configure communal work environments to ensure social distancing, require employees to wear a face covering at all times except when eating or drinking, and install physical barriers to separate employees from each other. See [Workplace Safeguards Order](#) for complete list of requirements.
  - **Casinos.** Casinos must, *inter alia*, conduct daily entry screening protocol for everyone who enters the facility, limit and enforce patron occupancy of 15% of total occupancy limits established by the state or local fire marshal, designate entry and exit points, require patrons to wear a face covering except while eating or drinking, and prohibit smoking indoors. See [Workplace Safeguards Order](#) for complete list of requirements.
  - **Regions 6 and 8** encompass Alger, Alpena, Antrim, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Crawford, Delta, Dickinson, Emmet, Gogebic, Grand Traverse, Houghton, Iron, Kalkaska, Keweenaw, Leelanau, Luce, Mackinac, Manistee, Marquette, Menominee, Missaukee, Montmorency, Ontonagon, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford Counties.
  - **Enforcement:** A willful violation of the order is a misdemeanor.
- Michiganders have been ordered to wear face coverings (i) when in any indoor public space; (ii) when outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household; and (iii) when waiting for or riding on public transportation, while in a taxi or ride-sharing vehicle, or when using a private car service. See [Michigan Executive Order 2020-153 dated July 17, 2020](#).
- Businesses that are open to the public may not provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering as provided by this order.
  - **Exceptions.** The requirement to wear a face covering does not apply to individuals who: (i) are younger than 5 years old; (ii) cannot medically tolerate a face covering; (iii) are eating or drinking while seated at a food service establishment; (iv) are exercising when wearing a face covering would interfere with the activity; (v) are receiving a service for which temporary removal of the face covering is necessary; (vi) are entering a business or receiving a service and are asked to temporarily remove a face covering for identification purposes; (vii) are communicating with someone who is deaf, deafblind, or hard of hearing; (viii) are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a mask would seriously interfere in the performance of their public safety responsibilities; (ix) are at a polling place for purposes of voting in an election; (x) are officiating

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a religious service; or (xi) are giving a speech for broadcast or to an audience, provided that the audience is at least six feet away from the speaker.

### XXIV. Minnesota (Statewide)

- Effective May 17, the stay-at-home order ([Emergency Executive Order 20-48, dated April 30](#)) is rescinded. [Emergency Executive Order 20-56, dated May 13](#).
- **Stay Safe Plan.** Minnesota has released a 4-phase reopening plan. Through all phases, (1) face coverings are strongly recommended, (2) employees must telework if they can, (3) social distancing must be maintained, (4) all businesses must implement a [COVID-19 Preparedness Plan](#). Plans must ensure that workers who can work from home continue to do so, sick workers stay home, and social distancing, worker hygiene, and cleaning policies are implemented. All workers must be provided with training on the Plan. Plans need not be submitted for regulatory approval.
- Effective June 10, Minnesota enters reopening Phase III, and the following establishments may operate with restrictions and in adherence to [industry-specific guidance](#). [Executive Order 20-74, dated June 5](#).
  - **Gathering Restrictions.** Outdoor social gatherings are limited to 25 people or fewer. Indoor social gatherings are limited to 10 people or fewer. Public gatherings over 250 people are prohibited.
  - Barbershops, salons, and other Establishments Providing Personal Care Services may operate at 50% occupancy, with a maximum of 250 people in a contained space.
  - Restaurants, bars, tobacco shops, and other places offering food, beverages, or tobacco products for on-premises consumption may provide indoor and outdoor services. Indoors must be limited to 50% occupancy, with a maximum of 250 people in a contained space. Outdoors must be limited such that social distancing may be maintained.
  - Effective August 26, higher education institutions may offer in-person classes consistent with [Minnesota Department of Health guidelines](#). Institutions must develop and implement a Higher Ed Plan, providing for the implementation of Minnesota OSHA Standards, and MDH and CDC guidelines in any physical areas with students or staff. [Emergency Executive Order 20-85, dated August 26](#).
  - Indoor and outdoor event venues and gyms may operate at 25%. Pools may operate at 50% capacity. Youth programs, organized sports, outdoor recreational activities may resume.
  - **Critical Sector Businesses** may continue to operate in the manner provided in [Emergency Executive Order 20-48](#). Critical Sector workers include those defined in updated CISA guidance (*see* Section I, above), in addition to the categories listed below. Periodic updates on what constitutes Critical Sector work are available [here](#). Critical Sector Businesses include: (i) Health care services including reproductive health care, childbirth services, mental health care, and substance use treatment; (ii) workers supporting manufacturers and distributors of personal care, hygiene, and healthcare products; (iii) workers providing home-based care, (iv) animal control

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officers, animal shelters, and veterinarians; (v) workers who support electronic security and life-safety services; (vi) those who perform work related to residential wells and septic tanks, and who supply bottled water or home filtration systems in areas where that is a health necessity (vii) transportation services, including construction and maintenance, bicycle shops, and car sales necessary for essential travel; (viii) construction, construction material suppliers, and other critical trades; (ix) all workers who support news services; (x) election workers; (xi) workers performing government functions necessary to ensure the health, safety, and welfare of the public, to preserve the essential elements of the financial system of government (xii) tribal governments and essential staff in the judicial, executive, executive constitutional, and legislative branches of government; (xiii) faith workers; (xiv) child care providers, (xv) K-12 and post-secondary educators; (xvi) hotels, (xvii) emergency shelters and certain social service organizations, (xviii) essential legal services, workers who facilitate and finance real estate services, and notaries performing services that cannot be deferred, (xix) critical labor union functions; and (xx) laundry services and essential supply stores.

- All work should be done to the maximum extent possible in adherence to the Minnesota Occupational Safety and Health Standards and the Minnesota Department of Health and CDC Guidelines related to COVID-19. It is recommended that employers (i) implement social distancing measures by increasing physical space between workers at the worksite, staggering work schedules, decreasing social contacts in the workplace, and limiting non-essential work travel; (ii) consider conducting regular health checks of staff and visitors entering buildings; (iii) require ill workers to stay home; (iv) encourage personal protective measures among staff; (v) disinfecting frequently touched surfaces daily; and (vi) ensure hand hygiene supplies are readily available. [Minnesota Department of Health COVID-19 Guidance for Employers and Employees.](#)
- **Enforcement.**
  - **Against Businesses.** The Department of Labor and Industry (“DLI”) may issue citations, civil penalties, or closure orders to businesses with unsafe or unhealthy conditions, and may penalize businesses that retaliate against employees who raise safety and health concerns. Additionally, any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed \$3,000 or by imprisonment for not more than a year.
  - **Against Individuals.** Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates this order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000 or by imprisonment for not more than 90 days.
  - The Attorney General, as well as city and county attorneys, may seek any civil relief available pursuant to Minnesota Statutes 2019, section 8.31, for violations of this Executive Order, including civil penalties up to \$25,000 per occurrence from businesses and injunctive relief. [Executive Order 20-74, dated June 5.](#)
- **Face covering requirement.** Effective July 25, all persons except exempt individuals must wear a face covering in indoor businesses, indoor public space, when waiting outdoors to enter an indoor business or

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indoor public space, and when riding public transportation, including taxis and rideshares. [Executive Order 20-81, dated July 22.](#)

- Exempt individuals include those with certain medical conditions, children five or younger, and individuals at their workplace where a face covering would create a job hazard for the individual or others, as determined by local, state, and federal regulators. Additionally, certain educational institutions have modified face covering requirements as detailed in the Order.
  - Face coverings may be temporarily removed when (1) playing sports or at the gym, (2) testifying, speaking, or performing at a theater, news conference, legal proceeding, government meeting, presentation, or lecture, (3) playing a musical instrument that requires face covering removal, (4) when showering or swimming, (5) eating or drinking, (6) asked to remove face covering for lawful identification purposes, (7) communicating with an individual who has a medical condition that makes communication difficult with a face covering, (8) receiving a medical, dental, or personal care service of the mouth, (9) an individual is alone in a room or cubicle with walls higher than face level, or (10) a public safety worker is engaged in a public safety role where wearing a face covering
  - Face coverings are not required, but strongly encouraged, (1) during indoor and outdoor private social gatherings, (2) when riding in a private vehicle with others not in your household, (3) inside the home if experiencing symptoms of COVID-19 and residing with others who could be infected, (4) when participating in indoor and outdoor sports, where possible, (5) in outdoor public spaces and outdoor businesses where it is not possible to maintain social distancing.
  - **Business requirements.** All businesses must (1) post signage visible to all workers, customers, and visitors instructing them to wear face coverings, (2) not require customers to provide proof of a medical condition which prevents them from wearing a face covering, (3) revise their COVID-19 Preparedness Plans to address the face covering requirement, (4) make reasonable efforts to enforce the order with respect to customers and visitors.
  - **Enforcement.** Any individual who willfully violates this Executive Order is guilty of a petty misdemeanor (fine up to \$100). Any business owner, manager, or supervisor who fails to comply with this Executive Order is guilty of a misdemeanor (fine up to \$1000, or imprisonment not more than 90 days). In addition to these criminal penalties, the Attorney General, as well as city and county attorneys, may seek any civil relief available pursuant to Minnesota Statutes 2019, section 8.31, for violations of this Executive Order, including civil penalties up to \$25,000 per occurrence from businesses and injunctive relief.
- **Declaration of Peacetime Emergency.** On October 12, the Declaration of Peacetime Emergency was extended through November 12, 2020. [Executive Order 20-92, dated October 12.](#)
  - **School Closures.** For the 2020-21 school year, school districts will begin the year in either an in-person, distance learning, or hybrid model. School districts must choose a model at least two weeks prior to the start of the school year calendar. The Commissioner of Education is authorized to order a district to switch to a more restrictive model. More information on the Minnesota Safe Learning Plan can be found [here](#). [Executive Order 20-82, dated July 30.](#)

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- XXV. Mississippi (Statewide; Claiborne, Desoto, Grenada, Harrison, Hinds, Jackson, Jefferson, Madison, Quitman, Rankin, Sunflower, Washington, and Wayne Counties)
- Statewide
    - Effective May 28<sup>th</sup>, 2020, Mississippi has entered the Safer at Home phase, which allows businesses to reopen subject to certain requirements.
      - All businesses are encouraged to continue utilizing telework and work-from-home procedures if possible.
      - **Retail businesses** must limit the number of customers in their stores at any given time to 50% capacity.
      - **Restaurants and bars** may offer in-house dining, but are limited to 50% seating capacity.
      - **Fitness studios and gyms** may reopen, but are limited to 50% capacity.
      - **Personal care and personal grooming facilities** may reopen, but are subject to sanitation and screening requirements.
      - Healthcare professionals can resume performing certain non-emergent, elective medical procedures and surgeries.
      - Counties and municipalities are allowed to issue stricter local orders, so long as those orders do not impose restrictions that prevent Essential Business Operations.
    - Claiborne, Desoto, Grenada, Harrison, Hinds, Jackson, Jefferson, Madison, Quitman, Rankin, Sunflower, Washington, and Wayne Counties
      - Effective on July 20, 2020, residents of Claiborne, Desoto, Grenada, Harrison, Hinds, Jackson, Jefferson, Madison, Quitman, Rankin, Sunflower, Washington, and Wayne Counties **must wear face coverings in public.**
        - All businesses must screen employees at the beginning of their shift; all employees must report any symptoms and wear appropriate PPE throughout their shift.
        - Retail businesses must provide employees with face masks and require customers to wear face masks while inside the business.
        - Indoor gatherings are limited to a maximum of 10 people, while outdoor gatherings are limited to a maximum of 20 people.

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### XXVI. Missouri (Statewide)

- On June 16, Missouri fully reopened and entered Phase 2 of its “Show Me Strong Recovery” Plan. *See* [Press Release, dated June 11](#)
  - During Phase 2, there is no statewide health order. All statewide restrictions were lifted, though local officials still have the authority to put further rules, regulations, or ordinances in place. *Id.*
  - Despite fully reopening, Governor Parson emphasized the importance of continuing social distancing and practicing proper hygiene to prevent the spread of COVID-19. *Id.*

### XXVII. Montana (Statewide)

- Effective March 12, 2020 and running concurrent with President Trump’s national declaration of a state of emergency, there is a state of emergency declared in Montana. *See* [Executive Order No. 2-2020 dated as of March 12, 2020](#) and [Executive Order No. 3-2020 dated as of March 13, 2020](#).
- **Individuals.** Effective April 26, 2020, the individual Stay at Home Directive is **lifted**, however, **all vulnerable individuals should continue to stay at their place of residence** to the greatest extent possible. *See* [Phase Two Reopening Directive dated as of May 19, 2020](#).
- **Face Coverings.** All persons responsible for indoor spaces open to the public must require and take reasonable measures to ensure that all employees, contractors, volunteers, customers, or other members of the public wear face coverings at all times while inside the premises. Face coverings must be provided to all employees and volunteers and a sign must be posted at all entrances advising of the requirement. *See* [Mask Directive dated as of July 15, 2020](#).
  - **Outdoors.** At any organized outdoor activity where social distancing is not possible or is not observed, sponsors of such activity must require and take reasonable measures to ensure that all attendees wear a face covering. At all outdoor gatherings of 50 or more persons, regardless of whether the activity is organized, masks are required where persons cannot or are not maintaining social distance. *Note* that this requirement only applies in counties where there are four or more active cases of COVID-19. *Id.*
  - **Exceptions.** The following persons are excepted from the requirement of wearing masks while indoors: (a) children under the age of five; (b) persons consuming food or drink in a foodservice establishment; (c) persons engaged in activity that makes wearing a mask unsafe or impractical (e.g. strenuous exercise or swimming); (d) persons communicating with the hearing impaired; (e) persons giving a speech or artistic performance, provided the audience is more than six feet away; (f) persons with a medical condition precluding the safe wearing of a face covering. *Id.*
  - Businesses and others responsible for indoor spaces are entitled to reasonably rely on the good faith representations of persons claim one of the above listed exceptions.
  - **Enforcement.** The directive is enforceable only against those responsible for indoor space or for organizing an outdoor event—not against individuals. *Id.*

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- **Gatherings.** Gatherings in groups of 50 or fewer are permitted. Social distancing is recommended to continue in gatherings of any size. Groups larger than 50 people should be cancelled unless physical distancing can be maintained. See [Phase Two Reopening Directive dated as of May 19, 2020](#).
- **Businesses.** Consistent with Montana entering Phase Two on June 1, **all businesses may operate**, provided they adhere to physical distancing and conditions contained in the Phase Two Guidelines. See [Appendix A to Phase Two Reopening Directive](#). All prior distinctions between essential and non-essential businesses cease.
  - Restaurants, bars, breweries and casinos remain in the same operational status as Phase One, but with an increase to 75% capacity.
  - Gyms, indoor group fitness classes, pools and hot tubs can operate at 75% capacity if they can adhere to strict physical distancing and use frequent sanitation protocols. See [Executive Directive dated June 18, 2020](#) (revising pool guidance).
  - Concert halls, bowling alleys and other places of assembly may operate with reduced capacity consistent with the gathering guidelines.
  - Employers should continue to permit telework as much as possible.
  - Senior or assisted living facilities must continue to follow the Phase One [guidelines](#).
  - Effective May 5, 2020, all pools at licensed public accommodations (e.g. hotels, tourist homes, etc.) may be operational during Phase I under strict distancing, capacity and hygiene protocols outlined on Appendix B. See [Executive Directive dated June 18, 2020](#) (revising pool guidance); see also [Phase One Expansion Directive dated as of May 8, 2020](#).
- **Evictions.** Effective May 24, 2020, with respect to any Sheltering Individual (defined below), there may be no actions for termination of a tenancy, possession or rent of a residential dwelling tenancy and no writ, judgment or order requiring a tenant vacate such premises will be enforced. A “Sheltering Individual” is some who is a member of a vulnerable population, has suffered significant financial hardship as a result of the outbreak, and remains sheltered at home pursuant to the Phase Two directive. These protections shall continue for Sheltering Individuals until the earlier of: (i) the end of the emergency or (ii) 30 days after vulnerable individual ceases to shelter at home. See [Phase Two Reopening Directive dated as of May 19, 2020](#); See also [Directive dated as of March 30, 2020](#).
  - Landlords may not refuse to renew or extend the terms of a residential tenancy on at least a month-to-month basis, (ii) charge late fees, penalties or interests based on late or nonpayment of rent; (iii) increase the amount of rent payable under a rental agreement; (iv) request suspension of utilities provided to a tenant based on nonpayment; or (v) report a tenant to a credit bureau for nonpayment of a financial obligation. *Id.*
  - This **prohibition on residential evictions will apply when** one of the following circumstances exist and is documented by a tenant to the landlord or property owner: (i) a tenant is required to be quarantined based on a COVID-19 diagnosis; (ii) a tenant is required to self-quarantine based

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on a Directive of the Governor, advice of a healthcare provider, advice or directive of a state or local health authority or law enforcement officer, or where the tenant has reason to believe that self-quarantine is in the best interest of the public due to an exposure or high-risk activity; (iii) a tenant is over 65 or has any health condition that carries enhanced risk for COVID-19; (iv) a tenant suffers a substantial loss of income from COVID-19, including job loss, reduction in compensation, closure of place of employment, obligation to be absent from work to care for home-bound school children, or other pertinent circumstances. See [Directive dated as of April 13, 2020](#).

- A landlord is prohibited from interpreting a health and safety provision of a contract to include COVID-19 as a reason for termination of a lease or rental agreement. A landlord may not terminate a lease or rental agreement based on information provided by a tenant to satisfy a notice requirement as provided above. *Id.*
- After June 1, a Sheltering Individual who seeks eviction, foreclosure or utility disconnection protection (described below) must make a basic showing that the person: (1) is sheltering at home; (2) is a member of a vulnerable population; and (3) have been financially impacted as a result of the COVID-19 outbreak. See [Phase Two Reopening Directive dated as of May 19, 2020](#).
- **Foreclosures.** Effective May 24, 2020, there may be no involuntary sale of residential real property (meaning a structure with one to four family housing units, or individual units of condominiums or cooperatives) or action for or enforcement of foreclosure of a mortgage or other lien on residential real property, against any Sheltering Individual. These protections shall continue for Sheltering Individuals until the earlier of: (i) the end of the emergency or (ii) 30 days after vulnerable individual ceases to shelter at home. See [Phase Two Reopening Directive dated as of May 19, 2020](#). See also [Directive dated as of March 30, 2020](#).
- **Utility Disconnections.** Effective May 24, no business or political subdivision supplying utilities or internet services for use in residence may terminate that service nor charge late fees or penalties with respect to any Sheltering Individual. These protections shall continue for Sheltering Individuals until the earlier of: (i) the end of the emergency or (ii) 30 days after vulnerable individual ceases to shelter at home. See [Phase Two Reopening Directive dated as of May 19, 2020](#); See also [Directive dated as of March 30, 2020](#).
- **Self Quarantine for Travelers.** Effective June 1, 2020, Montana's policy requiring a 14-day self-quarantine for certain persons coming to Montana from another state or country expired. However, the Montana National Guard remains authorized to conduct health screenings and temperature checks at points of entry. See [Phase Two Reopening Directive dated as of May 19, 2020](#); See also [Directive dated as of March 30, 2020](#).
- **Nursing Home Visitation.** Until the end of the emergency, visitation in nursing homes is suspended for all visitors and non-essential healthcare providers, except for end of life care, in which case visitors must be screened. All nursing homes must follow [this](#) guidance from the Centers for Medicare and Medicaid Services. See [Directive dated as of March 15, 2020](#); See also [Phase One Reopening Directive dated April 22, 2020](#).

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- **Restrictions Relaxed.** Effective July 13, the above restrictions are relaxed, such that visitors are permitted at nursing homes, skilled nursing facilities and assisted living facilities if it visitors comply with and all residents and family members are notified of the following safeguards: (a) visitation is conducted in accordance with strict screening, physical distancing, sanitation, hygiene and other infection control procedures set forth in CMS and CDC guidance; (b) at assisted living facilities, all facilities must have conducted at least a single baseline COVID-19 test of all residents and staff, and must have implemented a plan for weekly retesting of all staff. *See [Executive Directive dated as of July 13, 2020](#).*
- **Schools.** On July 2, 2020, Governor Bullock released Montana’s [Plan for Reopening Safe and Healthy Schools](#). The School Plan requires each school district in the state to create a Health and Safety Plan to serve as local guidelines for all school reopening activities, and contains measures that school district officials “should consider” and “may consider” in creating their Health and Safety Plans. Local Health and Safety Plans should follow the phased reopening approach the state is employing in its general reopening efforts, such that:
  - Phase I. Schools may reopen for in-person instruction. Each district should have a plan for students who are unable to attend in-person, which addresses remote learning, access to school meals if applicable, services to students with disabilities, and other services provided in school settings.
  - Phase II. School Districts provide in-person instruction after developing a Health and Safety Plan. The district’s Phase II Health and Safety Plan should follow the same criteria set forth for Phase I.
  - Phase III. School districts will provide in-person instruction pursuant to a Phase III Health and Safety Plan, including protocols related to (i) physical and structural setup, (ii) social, emotional and behavioral training and efforts, (iii) transportation, and (iv) extracurricular activities.
- **Enforcement:** all directives issued under Executive Orders 2-2020 and 3-2020 are enforceable as public health laws by the state Attorney General, DPHHS, or a county attorney. *See [Directive dated as of March 24, 2020](#).*

### XXVIII. Nebraska (Statewide)

- Effective September 21, 2020, all counties have moved into Phase IV of reopening. *See [All Directed Health Measure Orders](#)*. In addition, Phase IV reopening guidance has been updated to incorporate the following:
  - **Gatherings** are limited to 75% of rated occupancy for indoor facilities; outdoor facilities may operate at 100% of rated occupancy.
    - **Exceptions.** A gathering does not include normal operations at airports; bus and train stations; health care facilities and services; other mental health and/or substance use treatment day programs which are not required to be licensed; shopping malls and centers; other spaces where ten or more persons may be in transit; typical office environments; factories; retail or grocery stores; events at which members of the media may need to be

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present; courts of law; public utilities; state, county, and city operations; election offices and polling places; logistics/distribution centers; family residences housing 10 or more people; and religious services.

- **Event Venues:** Venues must submit a plan for reopening to the applicable local health department. This mandate applies to venues: (i) with a rated capacity of 500 or more located in counties with a population of less than 500,000; or (ii) with a rated capacity of 1,000 or more located in counties with a population of 500,000 or more.
  - **Business Operations.** All businesses are hereby reminded to follow any COVID-19 related safety guidelines established or published by their respectively professional, regulatory, or advisory associations or agencies relating to or regarding the use of PPE.
  - **Quarantine Requirements for School Aged Children.** School aged individuals or other individuals who test positive for COVID-19 or who have had close contact with someone who tested positive for COVID-19, shall home-quarantine or home-isolate respectively, in accordance with the Quarantine and Isolation Directions attached to each Directed Health Measure Order.
  - **Employment-Based Housing.** Any employer required by law to provide housing to an employee or worker and who provides congregate or shared housing to employees or workers, must, at a minimum: (i) post signage throughout the shared or congregate housing communicating prevention measures such as proper cleaning, disinfection, handwashing, cough etiquette, and avoiding non-essential physical contact; (ii) daily clean and disinfect shared areas in such housing; (iii) perform daily verbal screening and temperature checks of all workers or employees living in said housing; (iv) provide alternative housing arrangements for any worker or employee who tests positive for COVID-19, who is exhibiting symptoms thereof, or who has come into close contact with a confirmed or suspected case of COVID-19; and (v) thoroughly clean and disinfect all housing areas where a confirmed or suspected COVID-19 case spent time.
- These Orders will remain in effect until October 31, 2020, unless renewed, extended, or terminated by any subsequent order.

### XXIX. Nevada (Statewide)

- **Reopening.** On August 14, the state implemented the Road to Recovery: Moving to a New Normal recovery plan to supplement the Nevada United: Roadmap to Recovery plan and established a Mitigation and Management Task Force. See [Declaration of Emergency Directive 030, dated August 14](#)
- The guidance lays out a plan for how Nevada will continue to respond to the ongoing COVID-19 pandemic:
  - Establishes metrics (hospital capacity, access to PPE, testing capacity, case investigation and contact tracing, protection of vulnerable populations, and enforcement) that will continued to be measured and tracked on a statewide and county-level basis.

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- Establishes three county-level metrics that will be used to assess necessary mitigation measures: (1) whether the county is averaging, over a 14-day period, fewer than 150 tests per 100,000 people per day; (2) whether the number of cases diagnosed and reported over a 30-day period exceeds 200 per 100,000 people; and (3) whether the case rate per 100,000 people is greater than 50 and testing positivity is greater than 7%. If a county satisfies two or more of the criteria, it is flagged as for assessment and review and may need to implement mitigation strategies.
  - Establishes mitigation levels: (1) baseline mitigation level = maintain compliance with statewide directives; (2) mitigation level 1 = comply with statewide directives and take targeted actions to address spread or reduce capacity to 25% in certain high-risk settings where face coverings need to be removed and limit size of public gatherings to 25 people; (3) mitigation level 2 = comply with statewide directives and take targeted actions or remove state or local business licenses or return to previous phases of reopening.
  - Creates a task force to coordinate the state's response and to monitor county progress.
- The Order also keeps Nevada in Phase 2 until further notice. *Id.*
  - **Phase 2 Reopening** (See [Declaration of Emergency Directive 21, dated May 28](#)):
    - Individuals are strongly encouraged to stay home to the greatest extent possible and to wear face coverings while in public.
    - Gatherings of more than 50 are not allowed.
    - Businesses performing non-retail services are encouraged to conduct business virtually and to work from home to the greatest extent practicable.
    - All businesses must take proactive measures to ensure compliance with social distancing and sanitation guidelines and shall require employees who interact with the public to wear face coverings.
    - Retail businesses are limited to 50% capacity.
    - Indoor malls may open.
    - Nail care salons, hair salons, and barbershops may operate with additional social-distancing and capacity limits.
    - Restaurants and food establishments, including bars and taverns licensed to serve food, must limit capacity to 50% occupancy and employees must wear face coverings.
    - Gyms, fitness facilities and fitness studios may reopen but must limit capacity to 50% and employees must wear face coverings to the maximum extent practicable.

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- Other businesses, including nightclubs, brothels, and adult entertainment facilities, must remain closed.
- On October 2, 2020, Nevada allowed youth and non-professional adult organized minimal-contact (e.g., softball, baseball, soccer, volleyball, and flag football) and non-contact (e.g., tennis, swimming, golf, cross-country, cycling, etc.) to resume, and allowed full-contact sports (e.g., football, rugby, wrestling, cheerleading, basketball, etc.) to resume for athletic conditioning, all subject to certain limitations. See [Declaration of Emergency Directive 34, dated October 2](#).
- **Face Coverings.** Effective June 25, individuals shall be required to cover their nose and mouth with a mask or face covering when in a public space, subject to certain exemptions. See [Declaration of Emergency Directive 24, dated June 24](#)

### XXX. New Hampshire (Statewide)

- Effective June 15, 2020, the Stay at Home Order will expire. Distinctions between essential and nonessential businesses will no longer be in effect, and there will no longer be a limit on gathering sizes. Most businesses still remain subject to reopening guidance specific to their industries.
- Effective March 27, 2020, all businesses and organizations that do not provide Essential Services shall close their physical workplaces and facilities to workers, customers, and the public and cease all in person operations. [Emergency Order 17 Pursuant to Executive Order 2020-04 Dated March 26, 2020](#).
- Effective May 4, 2020, Emergency Order 17 is extended through May 31, 2020. Effective May 11, 2020, **the following nonessential businesses are permitted to reopen** provided they take extensive steps to protect the health and safety of customers and employees:
  - Golf courses;
  - Cosmetology businesses, such as barbershops and salons; and
  - Drive-in movie theaters. See [Emergency Order #40 Pursuant to Executive Order 2020-04 Dated May 1, 2020](#).
- Essential services include (i) law enforcement, public safety, and first responders; (ii) food and agriculture; (iii) health care, public health, and human services; (iv) energy, including the electricity industry, petroleum workers, natural and propane gas workers, and steam workers; (v) waste and wastewater; (vi) transportation and logistics; (vii) public works; (viii) communications and information technology; (ix) other community-based essential functions; (x) manufacturing; (xi) hazardous materials; (xii) financial services; (xiii) chemical; (xiv) defense industrial base; (xv) real estate transactions, agents, and brokers; and (xvi) other retail for curbside pickup and delivery. See [Exhibit A to Emergency Order #17](#).
- Scheduled gatherings of **ten people or more** are prohibited. See [Emergency Order #16 Pursuant to Executive Order 2020-04 Dated March 23, 2020](#).

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- Effective March 16, 2020, **food and beverage sales** are restricted to carry-out, delivery, curbside pick-up, and drive-through only. No onsite consumption is permitted. See [Emergency Order #2 Pursuant to Executive Order 2020-04 Dated March 16, 2020](#).
- Effective May 11, 2020, **the following businesses are permitted to reopen** provided they take extensive steps to protect the health and safety of customers and employees:
  - Golf courses;
  - Cosmetology businesses, such as barbershops and salons; and
  - Drive-in movie theaters. See [Emergency Order #40 Pursuant to Executive Order 2020-04 Dated May 1, 2020](#).

### XXXI. New Jersey (Statewide)

- On July 2, 2020, Gov. Murphy reaffirmed the state of a public health emergency and for another 30 days, which extends the authority pursuant to which all COVID-19-related orders have been issued. While this extends the potential effective period for all COVID orders, individual orders may nonetheless be rescinded or modified while the emergency persists. See [Executive Order 162 dated as of July 2, 2020](#).
- **Stay-at-Home Order.** Effective June 9, 2020, the statewide Stay-at-Home Order contained in Executive Order 107 is lifted. See [Press Conference of the Governor on June 9, 2020](#); See also [Executive Order 107 dated March 21, 2020](#).
- **Face Coverings Mandatory.** Effective July 8, 2020, all individuals must wear a face covering when in an outdoor public space and unable to keep a six-foot social distance from others (excluding family members, caretakers, household members). Exceptions apply for: individuals under two years old or when a covering would inhibit the individual's health, including when one is engaging in high intensity exercise or is in the water. See [Executive Order 163 dated as of July 8, 2020](#).
  - The requirement does not apply when individuals are eating or drinking at outdoor dining areas or when brief removal is necessary as part of a religious ceremony. *Id.*
  - As provided in other executive orders, all individuals must continue to wear face coverings in indoor spaces that are accessible to members of the public. *Id.* See also Executive Orders 122, 125, 135, 142, 152, 154, 155, and 157 (requiring masks in such indoor situations).
- **Gatherings.** Effective June 23, indoor gatherings are permitted with up 25% of capacity of the room in which the gathering takes place. Regardless of room size, however, indoor gatherings can always occur with fewer than 10 individuals and are prohibited with more than 25 individuals. An exception applies for religious services/celebrations, political activities, and wedding or funeral/memorial services, which are limited to the smaller of 25% of the capacity of the room or 100 individuals. Outdoor gatherings of 250 or fewer persons are permitted, subject to the below listed mitigation measures. See [Executive Order 173 dated as of August 3, 2020](#) (lowering cap on permitted indoor gatherings); [Executive Order 152 dated as of June 9, 2020](#).

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- *Mitigation Measures.* All attendees at a gathering must remain six feet apart, refrain from physical contact and must not share physical items (i.e. equipment or utensils). Gathering hosts should demarcate six feet of spacing within the area to demonstrate proper social distance. When indoors, attendees must wear masks at all times. When outdoors, attendees must wear masks when social distance cannot be maintained. See [Executive Order 152 dated as of June 9, 2020](#).
- Outdoor First Amendment activity (e.g., protests and religious ceremonies) are exempt from the above mitigation measures *except* for the requirement to wear face coverings. *Id.*
- **Closure of Non-Essential Businesses.** The brick-and-mortar premises of all **non-essential retail businesses must close to the public as long as Executive Order 107 remains in effect.** *Id.* Note, however, that many business previously closed as non-essential have now been reopened by subsequent executive orders. See Reopening Section below.
  - Essential retail businesses, as fully described in Executive Order 107, are excluded from this directive and may remain open during their normal business hours *Id.*
    - **Examples of essential businesses include:** grocery/food stores, pharmacies, medical supply stores, retail functions of gas stations, convenience stores, healthcare facilities and ancillary stores within healthcare facilities, hardware and home improvement stores, retail functions of banks and other financial institutions, retail functions of laundromats and dry-cleaning services, stores that principally sell supplies for children under 5 years old, pet stores, liquor stores, car dealerships and auto mechanics, retail functions of printing and office supply shops and retail functions of mail and delivery stores.
    - Effective April 10, 2020 until revoked, **Essential Retail Businesses** permitted to maintain in-person operations under Executive Order 107 **must adopt policies** which, at a minimum: (a) limit occupancy of store to 50% of stated maximum store capacity; (b) establish hours permitting store access solely to high-risk individuals, wherever possible; (c) establish a physical barrier (e.g., shield guard) between customers and cashiers/baggers, wherever feasible; (d) require infection control practices; (e) provide employees break time for repeated hand washing; (f) arrange for contactless payment, pickup, or delivery options wherever possible; (g) provide sanitation materials to staff and customers; (h) require frequent sanitization of high-touch areas; (i) place conspicuous signage alerting staff and customers of six-foot physical distance requirement; (j) demarcate six feet of spacing in checkout lines; (k) require workers and customers to wear cloth face coverings and gloves except where doing so would inhibit the individual's health—**businesses must, at their expense, provide such face coverings and gloves to employees.** See [Executive Order 122 dated as of April 8, 2020](#).
  - All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars and all other holders of liquor license with retail consumption privileges, are permitted to operate normal business hours, **but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses.** *Id.*; But see [Executive Order 150 dated as of June 3, 2020](#) (reopening outdoor dining at food and beverage establishments)

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- Effective 8:00pm on April 13 until revoked, all such facilities must adopt mitigation policies which, at a minimum, include measures such as: (a) limiting occupancy to 10% of stated maximum, wherever feasible; (b) ensuring six feet of distance between workers and customers; (c) providing sanitization materials to staff; (d) providing at the business's expense and requiring workers to wear cloth face coverings and gloves while on the premises. See [Executive Order 125 dated as of April 11, 2020](#).
- All indoor recreational and entertainment business, including but not limited to the following list, remain closed to the public as long as Executive Order 107 remains in effect. Outdoor recreation businesses were reopened June 9 pursuant to Order 153, with limited exceptions. See [Executive Order 153 dated as of June 9, 2020](#).
  - (i) casino gaming floors, including retail sports wagering lounges, and casino concert and entertainment venues; (ii) gyms and fitness centers and classes; (iii) entertainment centers, including but not limited to, movie theaters, performing arts centers, other concert venues, and nightclubs; (iv) all indoor portions of retail shopping malls (restaurants and other stores located within shopping malls that have their own external entrances open to the public, separate from the general mall entrance, may remain open pursuant to the terms of Executive Order 107); (v) all places of amusement, including but not limited to, locations with amusement parks, water parks, aquariums, zoos, arcades, fairs, children's play centers, funplexes, theme parks, bowling alleys, family and children's attractions; (vi) facilities where personal care services are performed that, by their very nature, result in noncompliance with social distancing guidelines, including but not limited to cosmetology shops, barber shops, beauty salons, hair braiding shops, nail salons, electrology facilities, spas, massage parlors, tanning salons, tattoo parlors, and public and private social clubs; and (vii) all libraries and computer labs at public and private colleges and universities. *Id.*
  - *Note: Some of the above listed businesses may be been reopened by subsequent executive order. See Reopening section below.*
- **Manufacturing, warehousing, and construction mitigation measures.** Effective April 10, 2020 until revoked, **manufacturing, warehousing and essential construction businesses must adopt policies** which, at a minimum: (a) prohibit non-essential visitors from entering the workspace; (b) limit worksite meetings to fewer than ten people; (c) require six feet of distance between individuals at all times; (d) stagger work start and stop times and lunch break times, where practicable; (e) restrict number of individuals who can access common areas concurrently; (f) require workers and visitors to wear cloth face coverings except where doing so would inhibit the individual's health—**businesses must, at their expense, provide such face coverings and gloves to employees**; (g) require infection control practices; (h) limit sharing of tools, equipment and machinery; (i) provide sanitization materials; (j) require frequent sanitization of high-touch areas. See [Executive Order 122 dated as of April 8, 2020](#).
  - Effective April 10, 2020 until revoked, all essential retail businesses, warehousing business, and essential construction **must also adopt policies** which, at a minimum: (a) immediately separate and send home workers with COVID-19 symptoms; (b) promptly notify workers of any known

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exposure at the workplace; and (c) clean and disinfect workplace consistent with CDC guidelines. *Id.*

- **Mitigation measures, generally.** All businesses or non-profits in the State, whether closed or open to the public, must accommodate their workforce, wherever practicable, for telework or work-from-home arrangements. *Id.*
  - To the extent a business or non-profit has employees that cannot perform their functions via telework or work-from-home arrangements, the business or non-profit should make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue. *Id.*
- **Transit.** Effective July 13 until revoked, **NJ Transit** and private carriers may resume operations at 100% of stated maximum seated capacity on all trains, buses and light rail, but must continue to enforce policies that facilitate social distancing and mitigate the spread of the virus, such as: (a) arranging for contactless pay options across all modes of transportation where feasible; (b) requiring frequent sanitization of high-touch areas in stations; and (c) requiring workers and customers to wear cloth face coverings on vehicles and at all stations/platforms, and providing such masks to employees at the carrier's expense. See Executive Order 165 dated as of July 2, 2020 (relaxing capacity restrictions imposed by [Executive Order 125](#)).
- **Evictions limitations.** Effective March 19, 2020 there may be **no residential evictions, foreclosures or other removal actions** in the State. See [Executive Order 106 dated March 19, 2020](#).
- **Mitigation measures.** Owners of building used for commercial, industrial or other enterprises where such business is authorized to maintain in-person operations (e.g., warehouses, manufacturing facilities, commercial offices, airports, grocery stores, universities, hotels and residential buildings with 50+ units) **must adopt policies** which, at a minimum, implement the following cleaning protocols: (a) clean and disinfect high-touch areas routinely; (b) maintain cleaning procedures in all areas of the facility; (c) ensure facility has a sufficient number of workers to perform the above protocols effectively. See [Executive Order 122 dated as of April 8, 2020](#).
- **Utilities.** No cable or telecommunication provider may terminate residential internet or voice services for reason of non-payment, nor may such service be downgraded or reduced in quality unless if pursuant to a policy improved in writing by the Board of Public Utilities. See [Executive Order 126 dated as of April 13, 2020](#).
  - Late fees/charges or fee or charge for reconnection of voice services may only be charged pursuant to a policy approved in writing by the Board of Public Utilities. *Id.*
  - Any cable or telecommunication provider that discontinued service to a New Jersey resident after March 16, 2020 (even if for unpaid bills prior to March 16, 2020) must, at the customer's request, reconnect such service at no cost beyond the provider's actual costs incurred in doing so. *Id.*
- **Health care data reporting obligations.** Effective March 29, 2020 and continuing until revoked, all healthcare facilities designated by the Office of Emergency Management must report data concerning

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capacity and supplies on a daily basis by 10:00am to the OEM. See [Executive Order 111 dated as of March 28, 2020](#).

- **Child care.** The Commissioner of the Department of Children and Families (“DCF”) shall implement a plan, which will be effective by April 1, that **closes all childcare services except Emergency Child Care Services, which are provided for the children of “essential persons.** See [Executive Order 110 dated as of March 25, 2020](#).
  - *Note:* Executive Order 110 is rescinded effective at 6:00am on June 15, 2020. See [Executive Order 149 dated as of May 30, 2020](#).
  - Organizations may seek designation as an Emergency Child Care Center entitled to remain operating after April one by submitting the certification form to the DCF for approval by March 27, 2020. Applicants demonstrating that child care services will be provided *exclusively* to “essential persons” during the school closure period and all other standards will be followed shall be approved as an Emergency Child Care Center. *Id.*
- **Reopening Schools.** All public preschool, elementary and secondary schools will resume full-time in-person instruction in the fall. All schools must create and maintain a reopening plan. All school districts that reopen for full or part-time in-person instruction must comply with the [Checklist for Re-Opening of School 2020-2021](#) guidance, which include those listed below. See [Executive Order 175 dated as of August 13, 2020](#); See also [The Road Back: Reopening Schools Plan](#) and [Executive Summary of the Road Back Plan](#).
  - (a) Maintaining six feet of distance between individuals in all settings to the maximum extent practicable or distancing modifications such as barriers when distance cannot be achieved; (b) mandatory use of face coverings by staff, students and visors (subject to limited exceptions); (c) routine cleaning and sanitization of all spaces and high-touch areas; (d) facilitating regular student handwashing or sanitizing; (e) student and staff health screenings; (f) creating a plan for response to students and staff that exhibit COVID-19 symptom or test positive, which must include coordination with local health authorities and isolation procedures; (g) a plan to increase indoor ventilation. *Id.*
  - In-person dining is permitted at school district cafeterias or dining halls operated by degree-granting institutions, provided that social distancing can be maintained access is limited to staff and students. *Id.*
  - School districts that resume partial or full in-person instruction must permit students to engage in full-time remote learning upon the request of a parent or guardian, subject to the [Clarifying Expectations Regarding Full-time Remote Learning Options for Families in 2020-2021](#) guidance. *Id.*
  - Executive Orders 104 and 107 are superseded to the extent they require school districts to remain closed. Degree-granting higher education institutions shall continue to adhere to the requirements of Executive Order 155 and other applicable guidance. *Id.*

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- **Health care licensure.** The Dept. of Consumer Affairs (“DCA”) is authorized to reactive on a temporary basis the license of any healthcare professional previously licensed to practice in New Jersey who retired within the last five years. See [Executive Order 112 dated April 1, 2020](#).
  - DCA is authorized to issue a temporary license to practice medicine and/or surgery to any physician who is licensed and in good standing in another country, provided that physician can certify, at a minimum, that he/she has engaged in the practice for at least five years and has engaged in clinical practice within the last five years. *Id.*
  - Any individual (i) granted a temporary license, certificate or registration to practice a healthcare profession or occupation in connection with the State’s COVID-19 response; (ii) holding a license, certificate or registration to practice a healthcare profession or occupation in New Jersey who acts outside of their ordinary practice in connection with the State’s COVID-19 response; and (iii) any healthcare facility in temporary use to provide essential services in support of the State’s COVID-19 response is **immune from civil liability** for any damages alleged to have been sustained as a result of the individual’s good faith acts or omissions in the course of providing healthcare services in support of COVID-19 response. *Id.*
    - This immunity does not extend to acts or omissions that constitute a crime, actual fraud, actual malice, gross negligence or willful misconduct. *Id.*
- The Director of Emergency Management is authorized to take or use personal services and/or real or personal property, including medical resources, for the purpose of protecting and promoting the public health and welfare. Compensation for commandeered services or property will be paid in accordance with the New Jersey Disaster Control Act. See [Executive Order 113 dated April 2, 2020](#).
- **Insurance.** All property and casualty insurance companies, life insurance companies, insurance premium finance companies, health insurance companies, health maintenance organizations (“HMOs”), health service corporations or other entities issuing health or dental benefits plans **may not cancel any policy or contract as a result of nonpayment during the emergency grace period**, as defined below: See [Executive Order 123 dated as of April 9, 2020](#).
  - For property, casualty and life insurance companies and insurance premium finance companies, the period is 90 days, during which claims must be paid without regard to nonpayment of premium by the policyholder. *Id.*
  - For health insurance companies, HMOs, health service corporations or other entities issuing health and dental policies, the period is 60 days, during which claims must be paid without regard to nonpayment of premium by the policyholder. *Id.*
  - The Commissioner of the Dept. of Banking and Insurance may extend these periods further as necessary. Subject insurance entities must exercise any forbearances on collection documentation or other regulatory requirements as prescribed by the Commissioner, including with respect to late fees, interest or other charges related to nonpayment of premiums. *Id.*

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- At the conclusion of the emergency grace period, the policyholder's unpaid premium shall be amortized over a period of time directed by the Commissioner. *Id.*
- Any municipal or county government action which in anyway does, might or will conflict with Executive Order 107 or impede its achievement is invalid, including modifications to the list of Essential Retail Businesses. See [Executive Order 108 dated March 21, 2020](#).
- **Enforcement Actions:** Penalties for violation of the Order, or aiding and abetting such violation, may include 6 months of imprisonment, a fine of up to \$1,000 or both.
- **Quarantine for Travelers.** All individuals traveling from states with significant COVID-19 community spread must quarantine for 14 days upon arrival. The quarantine applies to individuals traveling from a state with a positive test rate higher than 10 per 100,000 residents or a positive test rate greater than 10% (each measured on a 7-day rolling average basis). See [Travel Advisory](#); see also [Dept. of Health FAQs for Travel Advisory](#).
  - As of August 25, the affected states are Alabama, Arkansas, California, Florida, Georgia, Guam, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Virgin Islands and Wisconsin. A regularly updated list of impacted states is available [here](#).
- **Reopening State Parks.** Effective May 2, 2020, all State Parks and Forests shall reopen to the public for passive recreational activities (*e.g.*, fishing, hiking, etc.) where social distancing can be achieved. Playgrounds similar facilities at Parks shall remain closed. Visitors must remain six feet apart from others whenever practicable, and should wear a face covering if they cannot maintain such distance. This order supersedes conflicting portions of Executive Order 118. See [Executive Order 133 dated as of April 29, 2020](#); see also [Executive Order 118 dated as of April 7, 2020](#); [Executive Order 153 dated as of June 9, 2020](#) (lifting parking restrictions)
- **Beaches Open.** All public and private beaches, boardwalks, lakes and lakeshores may open to the public as long as the spaces are used and maintained in accordance with the following recommendations and requirements. See [Executive Order 143 dated as of May 14, 2020](#).
  - At all such spaces, the following must remain closed: water fountains, playgrounds, indoor recreation areas, splash parks, arcades/amusements, etc. *Id.*
    - Playgrounds may reopen effective July 2. See [Executive Order 157 dated as of June 26, 2020](#).
  - All such spaces must impose capacity restriction measures (i.e. limit number of beach tags available), require members of the public practice social distancing, demarcating six feet separators any place where a line forms, prohibit the tying together/ "rafting up" of boats, etc. *Id.*
  - All restaurants, snack bars, food trucks and bars are limited to delivery/takeout only. *Id.*

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- **Reopening Golf Courses.** Effective May 2, 2020, golf courses may reopen to the public/members, but must adopt policies that include, at a minimum: (i) make reservations/payment arrangements available via internet or telephone wherever possible; (ii) stagger tee times to at least 16 minutes apart; (iii) limit use of golf carts to a single occupant, except for household members; (iv) require frequent sanitization of high-touch areas; (v) restricting players' ability to touch common surfaces; etc. See [Executive Order 133 dated as of April 29, 2020](#).
  - [Executive Order 147 dated as of May 18, 2020](#), relaxed restrictions on golf courses, which may now allow: tee times with up to four players; forecaddies; and club and equipment rentals limited to one person thorough cleaning occurs after each use.
- **Reopening Construction.** Effective May 18, the physical operations of all construction projects (whether previously deemed essential or non-essential) are permitted to resume. Construction projects must adopt policies to mitigate the spread of the virus, such as: (i) prohibiting non-essential visitors, (ii) limiting meetings to fewer than 10 people, (iii) requiring individuals to maintain six feet or more of distance wherever possible, (iv) staggering work schedules where practicable, and (v) providing workers with face coverings and requiring they be worn except where doing so would inhibit the individual's health. See [Executive Order 142 dated as of May 13, 2020](#).
- **Gatherings in Vehicles Permitted.** Effective May 13, it will not be considered a violation of the gathering ban in Executive Order 107 if attendees at a gathering arrive in their vehicle, remain in their vehicle the entire time and maintain closed windows/sunroof if within six feet of another vehicle or person. *Id.*
  - The exception applies to recreational or entertainment events, such as drive in movie theaters or graduation ceremonies, and allows limited individuals organizing or maintaining such events to move about outside of a vehicle if a face coverings are worn. *Id.*
- **Re-opening Non-Essential Retail.** All retail establishments may open premises to the public, regardless of whether premises are indoor or outdoor, subject to the below minimum requirements. See [Executive Order 122 dated as of April 8, 2020](#); [Executive Order 157 dated as of June 26, 2020](#).
  - (a) limit occupancy of store to 50% of stated maximum store capacity; (b) establish hours permitting store access solely to high-risk individuals, wherever possible; (c) establish a physical barrier (e.g., shield guard) between customers and cashiers/baggers, wherever feasible; (d) require infection control practices; (e) provide employees break time for repeated hand washing; (f) arrange for contactless payment, pickup, or delivery options wherever possible; (g) provide sanitation materials to staff and customers; (h) require frequent sanitization of high-touch areas; (i) place conspicuous signage alerting staff and customers of six-foot physical distance requirement; (j) demarcate six feet of spacing in checkout lines; (k) require workers and customers to wear cloth face coverings and gloves except where doing so would inhibit the individual's health—**businesses must, at their expense, provide such face coverings and gloves to employees.** *Id.*
- **Elective Surgeries.** Effective 5:00am on May 26, 2020, the suspension on elective surgeries and invasive procedures is repealed. Resumed procedures must comply with policies set forth by the Dept. of Health.

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See Executive Order 145 dated as of May 15, 2020; see also [Guidance for Hospitals](#); [Guidance for Ambulatory Surgery Centers](#).

- **Reopening Charter Fishing/Watercraft Rental.** Charter fishing and for-hire vessels may reopen to the public if they adopt policies that include: (a) requiring advanced reservations; (b) limit boat capacity to 10 persons; (c) limit occupancy to a single group (no “open boat” trips); (d) demarcate proper social distancing in waiting areas and boarding lines; (e) frequent sanitization of high-touch areas; etc. Brick and mortar facilities must remain closed to public. See [Executive Order 146 dated as of May 16, 2020](#).
  - Private and county/municipally-owned recreational campgrounds may reopen, subject to the same restrictions as the outdoor recreation businesses described above. See [Executive Order 148 dated as of May 28, 2020](#).
- **Reopening Child Care, Day Camps.** Effective June 15, 2020, child care centers and child care facilities may reopen. The State Department of Health will issue standards for health and safety in child care settings, which will supersede previous emergency guidelines. Effective July 6, youth summer day camps may operate if they comply with the DOH standards and submit an attestation to DOH more than 24 hours before the anticipated opening date. See [Executive Order 149 dated as of May 30, 2020](#).
- **Reopening Organized Sports.** Effective June 22, sporting activities (including organized team sports) are permitted in outdoor settings, provided that they do not involve person-to-person contact or routinely entail individuals interacting within six feet of one another. See [Executive Order 149 dated as of May 30, 2020](#). The DOH released [Guidance for Sports Activities](#), which separates various sporting activities into Low, Medium and High risk classes and provides detailed mitigation measures and steps necessary before practices or competitions of any kind can resume. All organized sporting activities and competitions must comply with the applicable mitigation measures and gathering limits. See [Executive Order 163 dated as of July 8, 2020](#).
  - Low Risk includes archery, individual running/cycling/swimming/rowing/diving events, golf, weightlifting, skiing/snowboarding, most track and field events, etc. Effective July 8, practices and competitions for “Low Risk” sports activities may resume in indoor and outdoor settings.
  - Medium Risk includes lacrosse, hockey, multi-person rowing/kayaking, swimming relays, fencing, cycling in a group, soccer, basketball, baseball/softball, volleyball and group sailing. Effective July 8, contact practices and competitions may resume in outdoor settings only, and non-contact practices may resume in indoor settings.
  - High Risk includes rugby, boxing, martial arts, football, group cheer and pair figure skating. Effective July 8, non-contact practices are permitted indoor or outdoor settings, but competitions or contact practices remain prohibited regardless of setting.
- **Reopening Outdoor Restaurant Dining.** Effective June 15, restaurants, bars and all food or beverage establishments may open in-person service at outdoor dining areas, subject to the below mitigation requirements. See [Executive Order 150 dated June 3, 2020](#).

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- (i) limit capacity such that patrons remain six feet apart from all patrons not sitting at their table; (ii) ensure tables are six feet apart; (iii) prohibit individuals from entering the indoor premises except for passing through to reach an outdoor dining area or for restrooms; (iv) require patrons to wear face coverings while inside; (v) prohibit smoking in any outdoor areas designated for food or beverage consumption. The Dept. of Health will issue more specific health and safety standards consistent with Order 150.
- **Delayed Reopening of Indoor Dining.** Effective June 30, 2020, New Jersey's previously announced plan to reopen indoor, on-premises dining on July 2 is delayed until further notice. Effective June 30, any business authorized to reopen its indoor premises must prohibit all eating or drinking indoors. See [Executive Order 158 dated as of June 30, 2020](#).
  - The restrictions that would have applied to indoor dining had it reopened on July 2 included: (a) limit occupancy to 25% of indoor capacity (excluding restaurant staff); (b) ensure all tables are six feet apart; (c) require patrons to wear face coverings while inside except while seated at their table; (d) patrons may only eat while seated, and only wait staff may bring food to patrons. See [Executive Order 157 dated as of June 26, 2020](#).
- **Reopening Recreational Businesses.** Effective June 9, all recreational and entertainment businesses closed by Order 107 may reopen outdoor spaces, subject to the below mitigation measures. This includes outdoor spaces at public and private social clubs. Food services at such reopened businesses must operate consistent with Order 150. See [Executive Order 153 dated as of June 9, 2020](#).
  - (i) Public is only permitted in outdoor spaces, except for restrooms or where necessary to access an outdoor area; (ii) limit total capacity to a number that ensures all individuals can remain six feet apart; (iii) require reservations and payments be made without in-person contact wherever possible; (iv) install physical barriers between employees and visitors wherever possible; (v) limit equipment provided by the business to a single visitor and sanitize between uses; (vi) demarcate and post signs indicating six feet of distance in all commonly use places and line areas; (vii) routinely sanitize high-touch areas; etc. *Id.*
  - Outdoor entertainment events such as movies, concerts, sporting events, etc. remain subject to the then-applicable gathering restrictions. *Id.*
  - Effective July 2, except for those listed below, all recreational and entertainment businesses may open indoor and outdoor premises to the public, subject to adopting the following mitigation policies. See [Executive Order 157 dated as of June 26, 2020](#).
    - (a) limit indoor occupancy to 25% of capacity (excluding staff) and outdoor occupancy as necessary to ensure six feet of separation (except for water parks, pools and amusement parks, which are limited to 50% capacity); (b) install physical barriers between customers and staff where possible; (c) require reservations and payments be made without in-person contact wherever possible; (d) post signing and markers demonstrating proper distancing; (e) require workers and customers to wear face coverings at all times while in indoor portions of the premises. See [Executive Order 157 dated as of June 26, 2020](#).

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- The following recreational and entertainment businesses may open outdoor spaces, but must keep indoor areas closed: venues where live performances are held, including movie theaters, performing arts or concert hall. *Id.*
- Effective September 1, 2020, indoor premises of amusement and waterparks may reopen at 25% of the facility's stated maximum capacity (excluding staff) and subject to additional precautions, such as: (a) requiring reservations and payments be conducted via electronic means whenever possible; (b) installing a physical barrier between customers and employees where feasible; (c) limit sharing of equipment and sanitize before and after each use; (d) routine and thorough cleaning and disinfecting protocols. See [Executive Order 181 dated as of August 27, 2020](#).
- Events where individuals are present for a specific time and purpose (e.g. birthday parties) are subject to applicable gathering limits provided in Executive Order 173.
- **Reopening Swimming Pools.** Effective June 22, outdoor swimming pools are permitted to reopen consistent with all DOH standards. See [Executive Order 153 dated as of June 9, 2020](#).
- **Reopening Personal Care Businesses.** Effective June 22, personal care businesses provided at dedicated personal care facilities may open to the public. Such businesses include cosmetology shops, barber shops/hair salons, electrology facilities, spas, massage parlors, tanning salons and tattoo studios. Such businesses must comply with forthcoming public safety guidance from the Division of Consumer Affairs and the Dept. of Health. See [Executive Order 154 dated as of June 13 2020](#).
  - Such services may not be provided outside of the personal care service or health facilities (e.g., house call services) unless specifically authorized by the Director of Emergency Management. *Id.*; See also [Administrative Order No. 2020-10](#).
  - Cosmetology schools or other institutions providing instruction for personal care services remain closed pursuant to Order 107 paragraph 13. See [Executive Order 154 dated as of June 13 2020](#).
  - Effective July 2, even those services that require a customer to remove a face covering may be performed if the customer keeps his or her covering on at all times prior to and after the service. See [Executive Order 157 dated as of June 26, 2020](#).
- **Reopening Limited Higher Education and Trade Schools.** Effective July 1, private institutions of higher education and post-secondary trade schools or training facilities may resume in-person instruction of students for curricula that require labs, technical, clinical, or hands-on instruction, subject to forthcoming Restart Standards for NJ Institutes of Higher Education. See [Executive Order 155 dated as of June 18, 2020](#).
  - Reopening institutions must submit a restart plan to the Secretary of Education, or, for trade schools, to the Director of Consumer Affairs, at least 14 days prior to their planned reopening. Each institution must post the restart plan to its website and provide it to students and staff. At a minimum, such plan must provide for:

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- (i) training students, faculty and staff on sanitation and distancing protocols; (ii) use of face coverings for all students, faculty, staff and visitors; (iii) frequent cleaning of classrooms, residences and high-touch areas; (iv) maintenance of adequate PPE and cleaning supplies; (v) social distancing in all campus buildings and spaces; (vi) capacity limits in residence halls; (vii) specific plans for addressing particular operations, such as research labs, computer labs, food services, study abroad/international travel, etc.; (viii) health screenings; *inter alia*.
- By July 2, institutions that had previously received a waiver under Orders 104 or 107 must comply with the above requirements and any other applicable health and safety standards.
- Programs, classes or institutions that are not permitted to reopen pursuant to this order remain subject to Order 107 and must continue to operate through distance learning.
- **Reopening Gyms for Individualized Training.** Effective September 1, 2020, gyms and health clubs may reopen indoor premises at 25% of the facility's stated maximum capacity (excluding staff) and subject to additional precautions, such as: (a) requiring reservations and payments be conducted via electronic means whenever possible; (b) installing a physical barrier between customers and employees where feasible; (c) limit sharing of equipment and sanitize before and after each use; (d) routine and thorough cleaning and disinfecting protocols. See [Executive Order 181 dated as of August 27, 2020](#).
  - Events where individuals are present for a specific time and purpose (e.g. fitness classes) are subject to applicable gathering limits provided in Executive Order 173.
- **Reopening Casinos.** Effective June 26, 2020, casinos, including gaming floors and retail sports wagering loungers, may reopen if they comply with Division of Gaming Enforcement requirements.
- **Reopening Plan.** On April 27, 2020 Gov. Murphy announced a blueprint that identifies six principles and benchmarks that will guide the process of re-opening New Jersey's economy. See [Press Release dated April 27, 2020](#).
  - Principle 1. Demonstrate Sustained Reductions in New COVID Cases and Hospitalizations.
    - 14-day trend lines showing appreciable and sustained drop in new cases and hospitalizations; Hospitals stepping down from crisis standards of care.
  - Principle 2. Expanding Testing Capacity.
    - At least double current diagnostic testing capacity; Prioritize testing for health care workers, essential personnel and vulnerable populations. Create a flexible testing plan accessible to all residents; Expand partnerships with higher education institutions, private labs and the federal government.
  - Principle 3. Implement Robust Contact Tracing.

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- Recruit and deploy an army of personnel who will identify and follow up with contacts; Leverage technological data and innovative solutions; Coordinate with local officials to facilitate a county/regional approach.
- Principle 4. Secure Safe Places and Resources for Isolation and Quarantine.
  - Provide individuals who test positive with a safe and free place to isolate; Ensure that quarantined contacts are provided supportive services.
- Principle 5. Execute a Responsible Economic Restart.
  - Create the Governor's Restart and Recovery Commission to advise on the re-opening process and recommend responsible and equitable decisions; Plan for a methodical and strategic return to work based on level of disease transmission risk and essential classification; Continuation of social distancing measures, requirement to wear face coverings, and work-from-home directions where feasible.
- Principle 6. Ensure New Jersey's Resiliency.
  - Learn from lessons of COVID and prepare for possible resurgence; Ensure stockpiles of PPE and ventilators are sufficient.
- **Reopening Task Force.** Governor Murphy created a reopening taskforce, which will advise the executive branch on responsible and effective reopening strategies. See [Executive Order 131 dated April 28, 2020](#).

### XXXII. New Mexico (Statewide)

- Effective through November 13, 2020, nonessential businesses may operate under the restrictions described below. [Public Health Order dated October 22, 2020](#).
  - Outdoor recreational facilities, including outdoor golf courses, public swimming pools, outdoor tennis courts, summer youth programs, youth livestock shows, horseracing tracks, botanical gardens, outdoors and New Mexico state parks, may operate, provided that they comply with the pertinent COVID-safe practices. *Id.*
  - Close-contact recreational facilities, including indoor movie theaters, museums, bowling alleys, miniature golf, arcades, amusement parks, aquariums, casinos, concert venues, sports venues, event venues, bars, dance clubs, performance venues, go-kart courses, automobile racetracks, adult entertainment venues and other places of recreation or entertainment, must remain closed. *Id.*
  - Close-contact businesses, including barbershops, hair salons, tattoo parlors, nail salons, spas, massage parlors, esthetician clinics, tanning salons, guided raft tours, guided balloon tours, gyms, and personal training services, may operate at 25% capacity. Bowling alleys may open for league play only and ice skating rinks may operate for athletic training and practice by reservation only. *Id.*

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- Houses of worship may operate at 40% occupancy. *Id.*
  - Places of lodging may operate at 60% occupancy if they complete a certified training (25% otherwise). Health care workers shall not be counted for purposes of determining maximum occupancy. *Id.*
  - Food and drink establishments may provide dine-in service at 25% occupancy. There must be six feet of distance between tables. No more than six patrons may be seated at any single table. No bar or counter seating is permitted. Dine-in service in outdoor seating areas can be provided at 75% occupancy. Any food and drink establishment that is permitted to serve alcohol must close by 10 PM. *Id.*
  - Any other nonessential business may open at 25% capacity. *Id.*
- New Mexico citizens should stay at home and undertake only those outings necessary for their health, safety or welfare. Crowds and non-essential travel should be avoided. Gatherings of more than five people are prohibited and six feet of physical distance from others must be maintained. All individuals must wear a face covering in public settings except when eating, drinking or exercising. *Id.*
  - **Travel Restrictions:** All persons who arrive in New Mexico from a state with a positive test rate higher than 80 per 1,000,000 residents or a test positivity rate greater than or equal to 5%, over a seven-day rolling average, or from outside the United States must self-isolate or self-quarantine for a period of at least 14 days from the date of their entry into the State of New Mexico or for the duration of their presence in New Mexico, whichever is shorter. All persons who arrive in New Mexico from a state with lower test rates than those described in the previous sentence are advised to self-isolate or self-quarantine, and New Mexico residents are further advised that they should be tested within five to seven days after their return to New Mexico from one of these states. The self-quarantine requirement does not apply to airline employees, those performing public safety or public health functions, military personnel and their dependents, federal employees, those employed by a federal agency or national defense contractor, emergency first responders, health care workers, New Mexico residents who left the state to obtain medical care, New Mexico residents who left the state for less than 24 hours for matters attendant to parenting responsibilities, elementary, middle or high school students who attend school in neighboring states or who commute into New Mexico to attend school, those arriving in the state pursuant to a court order and persons who are employed or contracted by an essential business. Individuals who do not comply with the self-quarantine directives are subject to involuntary isolation or quarantine by the New Mexico Department of Health. [Executive Order 2020-075 dated October 29, 2020](#).
  - **Enforcement Actions:** The New Mexico Department of Public Safety, the New Mexico Department of Homeland Security and Emergency Management, the Department of the Environment, and all other state departments and agencies are authorized to take all appropriate steps to ensure compliance. *Id.*

### XXXIII. New York (Statewide)

- Effective 8:00pm March 22, 2020, all businesses and not-for-profit entities shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. [New York Executive Order No. 202.8 dated as of March 20, 2020](#)

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- **Each employer in the state shall reduce the in-person workforce at any work locations by 100%** no later than 8:00pm on March 22 and lasting at least through July 27, 2020; *except* for businesses eligible to reopen under the NY Forward Reopening Plan (*see* reopening section below). *Id.* *See also* [Executive Order 202.14](#); [Executive Order 202.18 dated as of April 16, 2020](#); [Executive Order 202.31 dated as of May 14, 2020](#); [Executive Order 202.34 dated as of May 29, 2020](#); [Executive Order 202.45 dated as of June 26, 2020](#) (each extending the NYS on PAUSE policy).
  - **Essential businesses or entities providing essential services are not subject to the in-person restrictions.** This includes: essential health care operations (*i.e.*, research and lab services), essential infrastructure (*i.e.*, utilities, telecommunication, and transit), essential manufacturing (*i.e.*, food processing and pharmaceuticals), essential retail (*i.e.*, grocery and pharmacy), essential services (*i.e.*, trash collection, mailing/shipping), financial institutions, news media, providers of basic necessities to economically disadvantaged (*i.e.*, shelters, foodbanks, and related human service providers), construction, defense (*i.e.*, national security related operations), sanitation vendors, vendors providing essential services/products to governmental agencies, and child care services. *See* [Executive Order No. 202.6 dated as of March 18, 2020](#).
    - More details on what qualifies as an “essential” business is available per Empire State Development Corporation’s Guidance. *See* [ESDC Guidance](#).
    - Businesses not covered by the ESDC Guidance **may request an opinion to be deemed “essential” by the Empire State Development Corporation** by using [this form](#).
    - *See* reopening section below for detailed description of which businesses are reopened and applicable restrictions and guidance.
  - **Enforcement Actions:** Any violation of the in-person workforce reduction order constitutes a violation of section 12 of the Public Health Law and will result in a **civil penalty of up to \$2,000 per violation**. [New York Executive Order No. 202.8 dated as of March 20, 2020](#)
    - If a business was already fined, the penalty can be **increased up to \$5,000 for each repeat violation** if the violation was “a serious threat to the health and safety” of an individual. The penalty can further increase to **\$10,000 if the violation directly results in the serious physical harm** to any individual. *Id.*
- **Gatherings.** All non-essential gatherings of more than ten individuals for any reason are **prohibited**. *See* [Executive Order 202.33 dated as of May 22, 2020](#).
  - For regions in Phase Three or beyond, non-essential gatherings are permitted with 25 or fewer individuals, subject to social distancing and mitigation measures. *See* [Executive Order 202.42 dated as of June 15, 2020](#).
  - **Enforcement:** The maximum fine for violations of the State’s Social Distancing Protocol is increased from \$500 to \$1,000 effective April 6, 2020. *See* [Executive Order 202.14](#).

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- **Face coverings.** All individuals must wear a cloth face covering their nose and mouth when they are in public and unable to maintain social distancing. This includes all operators of and passengers in public transport or vehicles for-hire (i.e. taxis, Ubers, etc.). Exceptions: children under two years old and those who cannot medically tolerate a face covering. See [Executive Order 202.17 dated as of April 15, 2020](#).
  - Business operators and building managers are permitted to deny entry to any individual who is not wearing a face covering (exception for those under two years old or who cannot medically tolerate a covering). See [Executive Order 202.34 dated as of May 29, 2020](#).
- **Evictions and Foreclosures.** There shall be **no enforcement of either an eviction of any residential or commercial tenant** for nonpayment of rent, **or a foreclosure** of any residential or commercial mortgage for nonpayment of such mortgage during the period from March 20, 2020 through September 20. This order is limited to evictions/foreclosures against tenants or property owners who are eligible for state or federal unemployment insurance or benefits or otherwise face financial hardship as a result of the COVID-19 pandemic. See [Executive Order 202.8 dated as of March 20, 2020](#); see also [Executive Order 202.28 dated as of May 7, 2020](#) (extending the moratoria period); [Executive Order 202.57 dated as of August 20, 2020](#) (extending the moratoria period).
- **Use of Security Deposit as Rent.** Landlords and tenants or licensees of residential properties may, upon the consent of the tenant/licensee, enter into a written agreement to use the security deposit to pay rent that is in arrears or will become due. Any amounts not paid entirely by the application of the security deposit are not waived, and remain an obligation of the tenant. See [Executive Order 202.28 dated as of May 7, 2020](#).
  - This relief is available to tenants who request it and are eligible for state or federal unemployment insurance/benefits or are otherwise experiencing a financial hardship as a result of the COVID-19 pandemic. A landlord may not compel or harass a tenant to enter such an agreement. *Id.*
  - Any security deposit used as payment of rent must be replenished by the tenant/licensee no later than 90 days from the date the security deposit was applied to rent obligations by paying to the landlord 1/12 of the amount used as additional rent once a month. *Id.*
- **DMV Closed.** Effective 8:00pm March 20, 2020, any appointment that is in-person at any state or county department of motor vehicles is cancelled, and until further notice, only on-line transactions will be permitted. See [Executive Order 202.8 dated as of March 20, 2020](#).
- **Healthcare Workers Without current License.** Effective 8:00pm March 23, 2020, any healthcare facility is authorized to allow students who are in programs to become a licensed healthcare professional in NY to volunteer at such facility for educational credit without a clinical affiliation agreement. See [Executive Order 202.10 dated as of March 23, 2020](#).
  - All policies or suspensions of laws issued pursuant to Executive Order 202 which permit temporary medical practice by those without a current New York State license are extended for an additional 30 days. See [Executive Order 202.44 dated as of June 23, 2020](#).

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- No pharmacist may dispense hydroxychloroquine or chloroquine for an experimental or prophylactic use which is not connected to a state-approved clinical trial related to COVID-19. *Id.*
- The Commissioner of Health is authorized to suspend or revoke the operating certificate of any general hospital which is unable to meet the requirements of the necessary capacity directives, and may appoint a receiver to continue such hospitals operations on 24 hours' notice. *Id.*
- **Elective Procedures.** Elective procedures and surgeries at hospitals, ambulatory surgery centers and office-based practices canceled pursuant to Executive Order 202.10 may resume so long as the following criteria are met (i) in the aggregate within the county where such procedure would take place and (ii) for each hospital within that county: (a) the total available hospital inpatient capacity and ICU capacity is over 30% and (b) the total change in the number of hospitalized COVID-19-positive patients from April 17 to April 27, 2020 is fewer than 10. General hospitals not meeting these conditions can apply for a waiver. General hospitals may not perform any elective surgery or procedure until the patient has tested negative for COVID-19. See [Executive Order 202.44 dated as of June 23, 2020](#); see also Executive Order 202.10 dated as of March 23, 2020; [Press Release of May 13, 2020](#) (listing 47 counties permitted to resume non-essential surgeries/procedures).
  - **Waiver.** General hospitals that do not meet these criteria may seek a waiver by submitting a plan that considers, at a minimum, the facility capacity, physical configuration, infectious disease protocols, and staffing capacity. *Id.*
- Any health care facility licensed by the State must, as a condition of licensure, permit the attendance of one support person and/or doula who does not have symptoms of COVID-19 during labor, delivery and the duration of the patients stay. See [Executive Order 202.12 dated as of March 28, 2020](#); see also [Executive Order 202.25 dated as of April 29, 2020](#).
- The Dept. of Financial Services directs **health insurers** to take actions to alleviate the administrative and financial stress on hospitals. Such required actions include: (i) paying claims from in-network hospitals without reviewing for medical necessity; (ii) immediately processing for payment all claims for services rendered from March 7 through June 18; (iii) suspending preauthorization and concurrent review requirements for outpatient services through June 18; (iv) ceasing retrospective review of services provided at in-network hospitals until June 18. See [Supplement 1 to DFS Insurance Circular Letter No. 8](#) dated as of April 22, 2020.
- **Nursing Home Testing.** All nursing homes, adult care or assisted living facilities must make arrangements for the testing of all personnel, including employees, contractors and administrators, for COVID-19 **twice per week**, pursuant to a plan developed by the facility administrator and filed with the Dept. of Health by 5:00pm on May 13, 2020. No later than May 15, the operator and administrator of all such facilities must certify compliance with Order 202.30 and all other applicable Orders or Directives. See [Executive Order 202.30 dated as of May 10, 2020](#).
  - Personnel who refuse to be tested shall be considered to have outdated/incomplete health assessments and are prohibited from providing services to such facility until testing is performed. *Id.*

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- **Enforcement.** Any violation of the testing requirement constitutes a violation of section 12 of the Public Health Law and will result in a **civil penalty of up to \$2,000 per violation per day**. Any subsequent violation will have a penalty of \$10,000 per violation per day under section 12-b. *Id.*
- **East Coast Reopening Coalition.** New York is part of the coalition of seven east coast states coordinating reopening decisions and policies. Gov. Cuomo is the informal leader of the group. See [Press Release dated as of April 13, 2020](#).
- **Quarantine for Travelers.** All individuals traveling from states with significant COVID-19 community spread must quarantine for 14 days upon arrival. The quarantine applies to individuals traveling from a state with a positive test rate higher than 10 per 100,000 residents or a positive test rate greater than 10% (each measured on a 7-day rolling average basis). Guidance for individual subject to the quarantine requirement is available [here](#) and [FAQ guidance](#) on the policy in general is available here. See [Executive Order 205 dated as of June 24, 2020](#).
  - As of August 25, the affected states are Alabama, Arkansas, California, Florida, Georgia, Guam, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Virgin Islands and Wisconsin. A regularly updated list of impacted states is available [here](#).
  - **Enforcement.** Travelers from states subject to the quarantine order must complete the DOH Traveler Health Form upon entering New York. Airlines are distributing the form to passengers on flights into New York State, and enforcement teams stationed at airports will request proof of completion as passengers disembark their flights. Travelers who leave the airport without completing the form are subject to a \$2,000 fine and may be brought to a hearing and ordered to complete mandatory quarantine. Travelers entering New York State by other means, such as cars and trains, must fill out the [online form](#). See [DOH Emergency Health Order](#).
  - **No Paid Sick Leave.** Employees who voluntarily travel to such locations (e.g. not at the direction of their employer) are not eligible for paid sick leave or other benefits if they become ill. See [Executive Order 202.45 dated as of June 26, 2020](#).
  - **Exceptions.** Travelers who merely pass through an impacted state, remaining for less than 24 hours are not required to quarantine under this policy. Exceptions also exist for Essential Workers. See [COVID-19 Travel Advisory Webpage](#).
- **NY Forward Reopening Plan.** On May 11, 2020, New York released the NY Forward Reopening Guide, the most detailed description to-date of New York's phased reopening process. See [NY Forward Reopening Plan](#); [Executive Order 202.31 dated as of May 14, 2020](#) (giving legal effect to the reopening plan). The reopening plan (A) **divides the state into regions** to implement reopening, (B) **establishes metrics** that will determine when a region can progress through reopening, and (C) **provides detail on which businesses will open in each Phase**. For prior reopening guidance, see also [Press Release dated as of April 28, 2020](#); [Press Release dated as of April 26, 2020](#); [Press Release dated as of April 16, 2020](#).

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- **Timing.** Effective May 15, regions meeting the seven reopening criteria are eligible to progress into Phase One. A region must spend at least two weeks in a Phase before progressing. *See [Executive Order 202.31 dated as of May 14, 2020](#).*
- **A)** The plan divides the state into the following **regions**: Capital Region, Central New York, Finger Lakes, Mid-Hudson Valley, Mohawk Valley, New York City, North Country, Long Island, Southern Tier, and Western New York.
  - The State has created a [Regional Monitoring Dashboard](#), which provides regularly updated data on each region's performance in the seven reopening metrics.
  - All region have **met the criteria** necessary and have progressed to Phase Four.
  - **Businesses Remaining Closed.** Regardless of what Phase a region achieves, the following businesses must remain closed throughout the state until they are expressly allowed to resume operations pursuant to a new executive order: (i) video lottery or casino gaming; (ii) gyms, fitness centers or classes; (iii) movie theaters; and (iv) indoor and outdoor places of public amusement. *See [Executive Order 202.48 dated as of July 6, 2020](#).*
  - **Reopening Gyms and Fitness Centers.** Gyms and fitness centers are eligible to reopen at 33% capacity as early as August 24, though local officials outside of New York City may delay reopening until September 2 to allow adequate time to prepare for inspections. In New York City, Mayor DeBlasio will determine whether gyms and fitness centers should further postpone reopening. These facilities will be subject to rigorous safety protocols, including mandatory mask wearing at all times. *See [Executive Order 202.57 dated as of August 20, 2020](#); [Press Release of August 17, 2020](#).*
- **B)** Reopening can begin after May 15 when a region meets each of seven metrics listed below. After reopening has commenced, continued progression through phases will be based on continued monitoring of these metrics. A region must spend at least two weeks in a Phase before progressing. FAQ Guidance on reopening is available [here](#).
  - 1) Decline in total hospitalizations, measured by the three-day rolling average of total net hospitalizations over the course of a 14 day period.
  - 2) Decline in deaths, measured by the three-day rolling average of daily hospital deaths over the course of a 14 day period.
  - 3) New hospitalizations must be fewer than 2 per 100,000 residents, measured on a three-day rolling average.
  - 4) 30% of a region's hospital beds must be available.
  - 5) 30% of a region's ICU beds must be available.

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- 6) Average daily diagnostic testing over the past seven days must be sufficient to conduct 30 tests per 1,000 residents per month.
- 7) Region must meet contact tracer thresholds set by the Dept. of Health.
- C) Each Phase reopens business activities as described below. More detailed guidance on the businesses covered by each of the below industries is available [here](#).
  - **Phase One:** (i) construction; (ii) manufacturing and wholesale supply chain; (iii) retail for curbside pickup/drop-off or scheduled in-store pickup; and (iv) agriculture, forestry and fishing.
    - Detailed operational restrictions applicable to Phase One businesses are available [here](#).
    - Phase One is updated to also include low-risk, outdoor recreational activities and businesses, as designated by the ESDC [here](#). Such activities and businesses include tennis, non-motorized boat use and rentals, and golf and driving ranges. See [Executive Order 202.36 dated as of June 2, 2020](#).
  - **Phase Two:** (i) office-based jobs, (ii) in-store retail, (iii) vehicle sales, leases and rentals, (iv) retail rental, repair and cleaning, (v) real estate, (vi) commercial building management, (vii) hair salons and barbershops, (viii) outdoor, on-premises dining at food and beverage establishments, (ix) houses of worship may resume indoor services at up to 25% of facility capacity, and (x) local governments may allow non-essential personnel to return to work two weeks after their region enters Phase Two.
    - Detailed operational restrictions applicable to Phase Two businesses are available [here](#).
    - Phase Two is amended, effective June 4, 2020, to also allow outdoor seated dining at restaurants. Tables must be six feet apart, and all servers and non-seated customers must wear face coverings. See [Press Release dated as of June 3, 2020](#).
    - Effective June 6, houses of worship located in a geographic region that has entered Phase Two may resume in-person services at no greater than 25% of the indoor capacity of such premises without being in violation of restrictions on non-essential gatherings. See [Executive Order 202.38 dated as of June 6, 2020](#).
    - Effective June 7, local governments may allow personnel previously designated non-essential to return to work as of the date two weeks after the region in which the local government is located enters Phase Two. See [Executive Order 202.39 dated as of June 7, 2020](#).

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- **Phase Three:** indoor dining at restaurants and food service establishments at 50% capacity and personal care businesses other than hair salons and barbershops (e.g., tattoo parlors, massage service, etc.).
  - Phase Three is amended, effective June 15, to permit non-essential gatherings of 25 or fewer individuals, subject to social distancing and mitigation measures. See [Executive Order 202.42 dated as of June 15, 2020](#).
  - Detailed operational restrictions applicable to Phase Three businesses are available [here](#).
  - Phase Three will not reopen indoor, on-premises dining in the New York City region only. This does not affect other regions where indoor dining has already resumed. Indoor dining will resume in New York City pursuant to a new executive order, the anticipated timing of which remains unclear. See [Executive Order 202.48 dated as of July 6, 2020](#).
- **Phase Four:** (i) higher education, (ii) film and music production, (iii) low-risk indoor arts and entertainment, (iv) low-risk outdoor arts and entertainment, (v) professional sports without fans, and (vi) indoor common portions of retail shopping malls.
  - **Gatherings.** Nonessential gatherings are permitted with up to 50 individuals, but if occurring indoors, the gathering cannot exceed 50% of the indoor area's maximum capacity. Social distancing, face covering and cleaning protocols must be followed.
  - Phase Four is amended effective July 10, 2020 to allow the reopening of indoor common areas in retail shopping malls. See [Executive Order 202.50 dated as of July 10, 2020](#) (partially superseding [Executive Order 202.48](#)).
  - Effective August 14, bowling alleys throughout New York may reopen at 50% capacity, with alternating lanes closed. Face coverings must be worn at all times and patrons must remain with their party at the assigned lane. Food service must follow applicable state guidelines (as such, food and beverage service will not be allowed inside New York City bowling alleys). See [Executive Order 202.57 dated as of August 20, 2020](#); [Press Release of August 14, 2020](#).
  - Effective August 24, low-risk cultural institutions may reopen in New York City, subject to applicable guidance, including restricting capacity to 25% of maximum occupancy. Such venues include museums, aquariums and other low-risk indoor cultural arts. See [Executive Order 202.57 dated as of August 20, 2020](#); [Press Release of August 14, 2020](#).
  - On August 28, 2020, the Governor announced additional restrictions for higher education, requiring that colleges and universities switch operations for two weeks to remote learning with limited on-campus activities if the college has 100

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cases or the number of cases equal 5% or more of the college population. While the restrictions are in place, athletic and other extracurricular activities must be suspended and dining halls must move to take-out only service. After the two week period, local health departments may require the restrictions to continue for a longer period if they conclude a college cannot contain the number of cases. *See [Press Release dated as of August 27, 2020](#).*

- Detailed operational restrictions applicable to Phase Four businesses are available [here](#).
- **Business Safety Plan.** Every business (including essential businesses) must prepare a Business Safety Plan, which they are required to adhere to must make available to Dept. of Health Inspectors. Safety Plans must outline how a workplace will prevent the spread of COVID-19. A template is available [here](#).
- **Reopening Racetracks.** Effective June 3, 2020, auto racetrack licensees or franchisees may resume in-person activities, provided that only essential personnel and no spectators or visitors are allowed on site. *See [Executive Order 202.36 dated as of June 2, 2020](#).*

### XXXIV. North Carolina (Statewide)

- North Carolina (Statewide)
  - Effective June 26<sup>th</sup>, 2020, North Carolina has entered into Phase 2 of its reopening, allowing certain businesses to reopen with certain restrictions. *See [Executive Order No. 147](#).*
    - **Retail businesses** may reopen subject to the following requirements: (i) limit customer occupancy to no more than 50% capacity; (ii) enforce social distancing requirements; (iii) perform frequent disinfection protocols in high-touch areas; (iv) conduct daily screening of workers.
    - **Restaurants and bars** may allow indoor dining, but must: (i) limit customer occupancy to no more than 50% capacity; (ii) keep customers six feet apart; and (iii) limit customers at tables so that no more than ten people are seated together.
    - **Personal care, grooming, and tattoo businesses** may reopen, but must limit customer occupancy to no more than 50% capacity.
    - **Entertainment and fitness facilities must remain closed.**
  - **Face coverings must be worn in public where social distancing is not possible.**

### XXXV. North Dakota (Statewide)

- North Dakota has not issued a stay-at-home order.

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- However, until further notice, all individuals who test positive for COVID-19 and their household members are required to self-quarantine in their homes for 14 days and may not leave without prior approval from the Department of Health. [Executive Order 2020-21, dated April 6, 2020](#). On April 10, the order was modified in order to allow health care workers to enter the homes of self-quarantined individuals. [Executive Order 2020-21.1, dated April 10, 2020](#).
- **Enforcement.** Pursuant to [North Dakota Century Code 23-07.6](#), persons who do not obey the self-isolation order are guilty of a class B misdemeanor. Similarly, anyone who enters a quarantined household, and is not authorized to do so, is guilty of a class B misdemeanor.
- **“ND Smart Restart.”**
  - Beginning May 1, restaurants and bars, fitness centers, personal services, and movie theaters may reopen in compliance with the [ND Smart Restart Standards for All Industries, Executive Order 2020-06.4, dated April 29](#). North Dakota is currently in the “Green – Low Risk Level.” In this level, in addition to [industry-specific guidance](#) for large gatherings, restaurants and bars, fitness centers, personal services, and pools, employers must (1) post [this signage](#) at all facility entrances, (2) encourage employees to wear cloth face coverings when they are within 6 feet of another person for more than 10 minutes, (3) provide for contactless payment if feasible, (4) provide an effective disinfectant near facility entrances, (5) maintain public restrooms with heightened cleaning standards, (6) regularly disinfect high-touch surfaces (7) develop procedures for identification of sick employees, (8) encourage customers to download the [Care19 App](#) to increase success levels with contact tracing.
  - Effective May 15, recreational and sports arenas and music and entertainment venues may also reopen. These businesses are encouraged but not required to adopt the [ND Smart Restart: Large Gatherings Protocol](#) and the ND Smart Restart Standards for All Industries. [Executive Order 2020-06.6, dated May 15](#).
- **School Closures.** The 2020-2021 school year may be in-person or virtual depending on the school. [North Dakota K-12 Smart Restart Fall 2020](#).

### XXXVI. Ohio (Statewide)

- **K-12 Reporting of COVID-19 Cases.** The Director of Health issued the following COVID-19 case reporting requirements on September 3, 2020, applicable to all schools that provide K-12 instruction:
  - (i) All K-12 schools shall maintain a reporting system for parents to report positive tests and/or cases of COVID-19.
  - (ii) Effective September 8, 2020, parents or guardians of students and school staff who have been diagnosed with COVID-19 are encouraged to notify their school no later than 24 hours after receiving a diagnosis.
  - (iii) School districts or schools shall name a COVID-19 coordinator to facilitate reporting of case information and provide that individual’s information to their local health department.

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- (iv) Within 24 hours of becoming aware of a student, teacher, staff member, or coach who has tested positive or been diagnosed with COVID-19, a school shall notify all parents or guardians of students of the existence of the case in writing.
  - (v) Within 24 hours of becoming aware of a student, teacher, staff member, or coach who has tested positive or been diagnosed with COVID-19, a school shall report the case to their local health department.
  - (vi) Effective September 15, 2020, local health departments shall report to the Ohio Department of Health the number of newly reported and cumulative positive tests or diagnosed COVID-19 cases in each school or school district for the previous week.
  - (vii) The Ohio Department of Health shall publish aggregate weekly and cumulative case data by school or school district, including a breakdown by students and staff.
- **Facial Coverings.** The Director of Health issued an order on July 23, 2020 requiring facial coverings to be worn statewide. Under this order, facial coverings are required at all times when (i) in any indoor location that is not a residence; (ii) outdoors and unable to consistently maintain a distance of six feet from individuals who are not members of their household; and (iii) waiting for, riding, driving, or operating public transportation, a taxi, a private car service, or a ride-sharing vehicle. See [Director's Order for Facial Coverings throughout the State of Ohio](#).
- **Exceptions.** The requirement to wear a facial covering does not apply when: (i) the individual is under 10 years of age; (ii) a medical condition or disability contraindicates wearing a face mask; (iii) the individual is hearing impaired or communicating with someone who is hearing impaired; (iv) alone in an enclosed space such as an office or the individual is separated by at least six feet in all directions from other individuals in a space that is not intended for use or access by the public; (v) actively engaged in exercise in a gym or indoor facility so long as six feet of space is maintained; (vi) participating in athletic practice, scrimmage, or competition that is permitted under a separate Department of Health order; (vii) actively engaged in a public safety capacity including, but not limited to, law enforcement, firefighters, or emergency medical personnel; (viii) seated and actively consuming food or beverage in a restaurant or bar; (ix) facial coverings are prohibited by law or regulation or otherwise in violation of a documented industry standard or business safety policy; (x) actively participating in broadcast communications; (xi) officiating a religious service; or (xii) in an industrial or manufacturing facility and employees are separated by at least six feet in all directions or by a barrier in a manufacturing line or work area.
  - **Schools and Childcare.** Pursuant to a new Department of Health Director's Order dated August 13, 2020, all students, faculty, and staff in any child care setting, school building, or other location that provides care or education to any child in kindergarten through grade twelve in the State of Ohio shall wear facial coverings at all times when: (i) in any indoor location; (ii) outdoors on school property and unable to maintain at least six feet of distance from individuals who are not members of their household; (iii) waiting for a school bus outdoors and unable to maintain at least six feet of distance from individuals who are not members of their household; or (iv) riding a school bus.

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- **Exemptions.** The requirement to wear a facial covering does not apply when: (i) the individual has a medical condition that contraindicates the wearing of a facial covering; (ii) the individual is hearing impaired or seeking to communicate with someone who is hearing impaired; (iii) the individual is actively participating in outdoor recess or physical activity where students are able to maintain six feet of distance or more; (iv) the individual is seated and actively consuming food or beverage; (v) students and staff can maintain distancing of at least six feet and removal of the facial covering is necessary for instructional purposes (*e.g.* instruction in a foreign language, English language instruction for non-native speakers, playing an instrument); (vi) students are able to maintain a distance of six feet or more and a mask break is deemed necessary by the educator supervising the educational setting; (vii) the individual is alone in an enclosed space such as an office; or (viii) an established, sincerely held religious requirement exists that does not permit a facial covering.
- This order is effective August 14, 2020 and shall remain in effect until the State of Emergency declared by the Governor no longer exists or until this order is rescinded or modified. *See* [Director's Order Requiring the Use of Facial Coverings in Child Education Settings](#).
- **Reopening Plan.** The Director of Health issued a series of industry-specific reopening orders. These orders include the Governor's phased reopening of most sectors of the economy. *See* [Ohio Public Health Orders](#).
  - Most business and operations in the state have been permitted to reopen so long as workplace safety standards are met. The industries and activities designated below have already been permitted to resume operations, subject to heightened social distancing and disinfecting requirements by industry:
    - (i) All nonessential outpatient medical procedures at hospitals, including dental and veterinary procedures.
    - (ii) Construction, manufacturing, distribution operations, and general office environments. Businesses should strongly encourage as many employees as possible to continue working from home and follow the guidance laid out in the [Director's Updated and Revised Order for Business Guidance and Social Distancing](#).
    - (iii) Retailers and service companies.
    - (iv) Personal care services such as hair salons, barbershops, day spas, nail salons, and tanning facilities, subject to the safety standards laid out in the [Director's Order Reopening Personal Services](#).
    - (v) All restaurants, bars, banquet and catering services, subject to the safety standards laid out in the [Director's Amended Dine Safe Ohio Order](#). Banquet halls and catering venues

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are limited to a maximum capacity of 300 people. No more than 10 people may be seated at a table.

- (vi) Sports and recreational activities, subject to the safety standards laid out in the [Director's Second Amended Order Providing Guidance for Sports Activities](#).
  - (vii) Gyms, dance instruction studios, and other personal fitness venues, subject to the safety standards laid out in the [Director's Order Reopening Gyms](#).
  - (viii) Campgrounds, subject to the safety standards laid out in the [Director's Camp Safe Ohio Order](#).
  - (ix) Child care services, subject to certain exceptions and restrictions laid out in the [Director's Order to Reopen Child Care Facilities](#).
  - (x) County fairs and animal exhibitions, subject to certain exceptions and restrictions laid out in the [Director's Amended Order Limiting County Fairs and Animal Exhibitions](#).
  - (xi) Youth day camps and residential camps, subject to certain exceptions and requirements laid out in the [Director's Order Updating and Revising Requirements and Guidance for Youth Day Camps](#).
- **Business not permitted to reopen.** As of August 3, 2020, the following businesses and operations remain closed:
    - (i) K-12 schools; (ii) older adult day care services and senior centers; (iii) adult day support or vocational habilitation services in congregate settings; (iv) rooming and boarding houses; (v) workers' camps; and (vi) certain entertainment and recreation sites (e.g., auditoriums, stadiums, arenas, performance theaters, indoor concert halls, music halls, parades, fairs, festivals, carnivals, certain spectator sports, sports tournaments, organized recreational sports leagues, and some public and private pools).
  - **Minimum Basic Operations.** All businesses, even those which are to remain closed, are permitted to engage in Minimum Basic Operations, including: (i) the minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions; and (ii) the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
  - **Mass Gatherings.** Gatherings of more than 10 people are prohibited under this Order, unless exempted. Exemptions include weddings, funerals, religious gatherings, first amendment protected speech, any activities by the media, as well as gatherings between houses or living units and their connected properties. Whereas weddings are exempt, wedding receptions are still subject to a 10-person limitation.

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### XXXVII. Oklahoma (Statewide)

- Effective through November 24, 2020, all businesses should adhere to the statewide Open Up and Recover Safely (“OURS”) Plan as provided on the Oklahoma Department of Commerce website. The OURS Plan is a statewide three-phased reopening plan. [Sixth Amended Executive Order 2020-20 dated October 24, 2020](#); [OURS Plan Guidance](#).
- OURS Plan
  - Phase 1
    - The following business may **reopen on April 24, 2020**: (i) personal care businesses (including hair salons, barbershops, spas, nail salons and pet groomers, all of which can reopen for appointments only, must adhere to sanitation protocols and follow guidelines posted on the Oklahoma Department of Commerce website regarding social distancing) and (ii) state parks and outdoor recreation. Grocery stores should continue to maintain hours for vulnerable populations. *Id.*
    - The following businesses may **reopen on May 1, 2020**: (i) dining, entertainment, movie theaters and sporting venues, all of which should follow CDC-recommended social distancing and sanitation protocols, (ii) gyms, which should follow CDC-recommended social distancing and sanitation protocols, (iii) places of worship, which should follow CDC-recommended social distancing and sanitation protocols, follow the recommended guidelines by the Oklahoma Department of Commerce and leave every other row or pew open and (iv) tattoo parlors, which can reopen for appointments only and must adhere to sanitation and social distancing protocols. *Id.*
    - Individuals over 65 or part of a vulnerable population should continue to follow the stay-at-home guidelines described above. All individuals should maximize social distance from others in public, avoid socializing in groups or facilities that do not readily allow for appropriate social distancing and minimize non-essential travel. *Id.*
  - Phase 2 (starting **May 15, 2020**).
    - Bars may operate with diminished standing-room occupancy and under social distancing and sanitation protocols. *Id.*
    - Organized sports activities can reopen and operate under proper social distancing and sanitation protocols. *Id.*
    - Funerals and weddings can resume under social distancing protocols. *Id.*
    - Children’s nursery areas in places of worship may reopen. *Id.*

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- Individuals over 65 or part of a vulnerable population should continue to follow the stay-at-home guidelines described above. All individuals should maintain social distance from others in public, avoid socializing in groups that do not readily allow for appropriate social distancing and consider resuming non-essential travel. *Id.*
- Phase 3 (starting **June 1, 2020**).
  - Hair salons, barbershops, spas, nail salons, tattoo parlors, body piercing shops, pet groomers, and similar businesses may now accept walk-ins. *Id.*
  - Overnight summer camps may now resume. *Id.*
  - There are no limits to group sizes, provided businesses, event organizers and local officials consider social distancing. *Id.*
  - Businesses may resume unrestricted staffing at worksites. *Id.*
  - Visits to senior care facilities and hospitals are prohibited unless there is an end-of-life situation. *Id.*
- Unless otherwise specified in OURS Plan, individuals should follow CDC guidelines for social distancing and gathering in groups. *Id.*
- All persons who enter the state of Oklahoma from another state or country must follow CDC travel guidelines found at <https://coronavirus.health.ok.gov/travel>. *Id.*

### XXXVIII. Oregon (Statewide)

- On May 7, 2020, Governor Brown announced [Reopening Oregon: Details on Restarting Public Life and Businesses](#), which was later codified in an executive order. See [Executive Order No. 20-27 \(issued June 5, 2020\)](#). Under the reopening plan, certain statewide restrictions will be eased on May 15, 2020, and counties that satisfy certain prerequisites will be allowed to begin Phase I of reopening. *See id.*
  - Beginning on May 15, **some stay-at-home restrictions were lifted statewide**:
    - **Previously closed stand-alone retail** (furniture stores, art galleries, jewelry shops, and boutiques) reopened.
    - **Childcare, summer school, summer camps, and other youth programs** reopened with certain continuing restrictions.
  - Also beginning on May 15, certain counties began to move further into Oregon's phased reopening plan:

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- **Prerequisites:** declining COVID-19 prevalence; minimum testing regimen; contact tracing system; isolation/quarantine facilities; finalized statewide sector guidelines; sufficient healthcare capacity; sufficient PPE supply
  - **Phase 1:** During Phase I, restaurants and bars will be allowed to resume limited sit-down operations with additional restrictions; personal care (salons and gyms) will be allowed to reopen with social distancing, sanitation, and other requirements; indoor and outdoor malls can reopen; subject to additional guidance; and other sectors may also resume operations.
  - **Phase 2:** After 21 days in Phase I, counties that continue to satisfy the prerequisites (as well as implementing a timely contact-tracing regime), can continue to Phase II, during which some office work and expanded travel may resume, larger in-person gatherings will be permitted, limited nursing-home visits will be allowed, and venues (including theaters and places of worship), outdoor paid recreational activities (e.g., jetboats, mini golf, and batting cages), and pools and sports courts may resume operations, subject to additional guidance.
  - **Phase 3:** During this phase (which likely will not begin until at widely accessible and effective therapeutics or a vaccine are available), concerts, conventions, festivals, and live audience sports will resume.
- On July 15, 2020, the Oregon Health Authority released statewide guidance imposing further restrictions on the size of gatherings and requiring individuals to wear and businesses to require face coverings in most public spaces:
    - For counties in phase 1, the maximum gathering size is 25 people indoors or outdoors. For counties in phase 2, the maximum gathering size is 50 people indoors and 100 people outdoors. But statewide, indoor social get-togethers are limited to 10 people. [See Statewide Gatherings, Indoor Social Get-Together Guidance \(effective July 15\)](#).
    - Statewide, individuals must wear and businesses must provide and ensure that customers, visitors, and employees wear, face coverings in most indoor and outdoor spaces. [See Statewide Mask, Face Shield, Face Covering Guidance \(effective July 15\)](#).
  - As of July 24, 2020, Oregon announced additional requirements and restrictions. [See Governor Kate Brown Announces New Requirements for Face Coverings and Businesses to Stop Spread of COVID-19 \(July 22, 2020\)](#):
    - **Face coverings:** All Oregonians five and up must wear face coverings in indoor public spaces and outdoors (including during physical exertion) when six feet of distance cannot be maintained.
    - **Restaurants and bars:** Statewide, restaurants and bars must stop serving customers at 10:00 p.m.; indoor capacity is limited to 100 staff and customers.

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- On July 31, 2020, Oregon announced that Morrow County would regress from Phase 2 to Phase 1, and that Umatilla County would regress from Phase 2 to Baseline. *See* [County Status](#); [Governor Kate Brown Announces Changes to County Reopening Status for Umatilla and Morrow Counties Due to Rapid Spread](#). On August 13, 2020, Oregon announced that Malheur County would also regress from Phase 2 to Phase 1. *See* [Governor Kate Brown Announces Change to Reopening Status for Malheur County](#). On August 21, Umatilla County will progress from the Baseline Phase to Phase 1. *See* [Governor Kate Brown Announces Change to Reopening Status for Umatilla County](#). On September 11, Umatilla County advanced to Phase 2. *See* [Governor Kate Brown Announces Updates to the County Watch List, Umatilla County Moves to Phase 2](#). On September 18, Morrow County advanced to Phase 2. *See* [Governor Kate Brown Announces Updated to the County Watch List, Morrow County Approved for Phase 2](#).
  - Oregon also announced the criteria for being included on the “Watch List”: a county is placed on the Watch List when COVID-19 is spreading quickly (case rate of 50 or more per 100,000 people in the last two weeks) and public health officials cannot trace the spread to a specific source. Counties remain on the Watch List for a minimum of three weeks.
- On March 23, 2020, after “some Oregonians [did] not adhere[] to social distancing guidance provided by the Oregon Health Authority,” Oregon implemented additional measures to “reduce person-to-person interaction with the goal of slowing transmission.” *See* [Executive Order No. 20-12 \(issued March 23, 2020\)](#).
  - As of March 23, nonessential social and recreational gatherings are prohibited, regardless of size, if individuals cannot maintain a distance of at least six feet. Individuals may engage in non-contact outdoor recreational activities, but only to the extent that they can maintain appropriate six-foot social distancing. *Id.*
    - **Social distancing:** if individuals do need to leave their homes or residences, they should, *to the greatest extent possible*, maintain social distancing of at least six feet.
      - Individuals are also directed to minimize travel, other than essential travel.
      - Pools, skate parks, outdoor sports courts, and playground equipment areas must close, and recreational areas that remain open must prominently display signs requiring social distancing.
  - As of March 23, a list of businesses—including, for example, amusement parks, barber shops, gyms and fitness studios, indoor and outdoor malls, spas, museums, skating rinks, and theaters—“for which close personal contact is difficult or impossible to avoid” are closed. *Id.*
    - Restaurants, bars, and cafes can remain open to provide for offsite consumption. *Id.*
    - Indoor and outdoor malls and other prohibited businesses that provide food, groceries, health care, medical, pharmacy, or pet store services may continue to operate. *Id.*

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- As of 12:01 a.m. on March 24, 2020, other retail businesses may not operate “unless the business designates an employee or officer to establish, implement, and enforce social distancing policies, consistent with guidance from the Oregon Health Authority.” *Id.*
  - **Social distancing:** Retail businesses that provide groceries, health care, medical, or pharmacy services are encouraged, but not required, to comply with social distancing guidelines. *Id.*
- As of March 25, 2020, all businesses and nonprofits must, to the maximum extent possible, facilitate employees to telework or work from home. *Id.*
  - If an employee can work remotely, the employee is prohibited from working in an office. *Id.*
  - **Social distancing:** If telework and work-from-home options are not available, businesses and nonprofits must “designate an employee or officer to establish, implement, and enforce social distancing policies” and “address how the business or non-profit will maintain social distancing protocols for business-critical visitors.” *Id.*
- From March 25, 2020, until April 28, 2020, childcare facilities can continue operating only if they provide services to groups of ten or fewer children in classrooms that cannot be accessed by other children and prioritize the childcare needs of first responders, emergency workers, and health care professionals. *Id.*
- **Penalties:** Individuals found to be in violation of the Executive Order are subject to the penalties for a Class C misdemeanor (up to 30 days’ imprisonment and/or a \$1,250 fine). Business and nonprofits that fail to comply with the Executive Order will be closed until they demonstrate compliance.
- Effective May 1, 2020 (and in effect until the Order is terminated), **elective and non-urgent medical, dental, and veterinary procedures** that utilize PPE are allowed, but only to the extent they comply with guidance or administrative rules issued by the Oregon Health Authority. See [Executive Order 20-22 \(issued April 27, 2020\)](#).
- Effective March 23, 2020, and lasting 90 days, **all elective and non-urgent procedures** across all care settings that utilize PPE (including dental and veterinary), **shall be canceled or rescheduled** no earlier than June 15, 2020. See [Executive Order No. 20-10](#).
  - A procedure/surgery is **exempt if a three-month delay in the procedure/surgery would put the patient at risk of irreversible harm**. Criteria for determining whether irreparable harm exists include: (i) threat to patient’s life; (ii) threat of irreversible harm to patient’s mental or physical health; (iii) threat of permanent dysfunction of an extremity or organ system; (iv) risk of metastasis; (v) risk of rapidly worsening symptoms. *Id.*

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- There may be no non-essential visitors to hospitals or ambulatory surgical centers. The Oregon Health Authority will provide guidance on limitation and screening requirements by March 23, 2020. *Id.*
- **Penalty:** This executive order will be enforced as a public health law under ORS 431A.010 (which methods include subpoenas, administrative orders, and civil penalties of up to \$500 per violation per day). Any person who knowingly violates shall be **guilty of Class C misdemeanor**, as described in ORS 401.990.

### XXXIX. Pennsylvania (Statewide)

- On October 6, 2020, Governor Wolf signed an order (effective October 9, 2020), amending the July 15, 2020, Order Directing Targeted Mitigation Measures to allow for venues hosting events or gatherings to determine permitted attendance based on the venue's occupancy limit. See [Amendment to the Order of the Governor of the Commonwealth of Pennsylvania Directing Targeted Mitigation Measures \(issued Oct. 6, 2020\)](#).
- Venues hosting events or gatherings must (1) determine their established occupancy limit as defined by the National Fire Protection Association Life Safety Code, and then (2) apply the attendee calculator to determine how many attendees are permitted.

Maximum Occupancy	Allowable Indoor Rate	Allowable Outdoor Rate
0 – 2,000 people	20% of Maximum Occupancy	25% of Maximum Occupancy
2,001 – 10,000 people	15% of Maximum Occupancy	20% of Maximum Occupancy
Over 10,000 people	10% of Maximum Occupancy, up to 3,750 people	15% of Maximum Occupancy up to 7,500 people

- Venues must still require attendees to comply with six-foot distancing, to wear masks or face coverings, and to implement best practices, including timed entry, multiple entry points, and to comply with CDC guidelines.
- On September 17, 2020, Governor Wolf signed an order (effective September 21, 2020), requiring (i) all sale or dispensing of alcoholic beverages for on-site consumption to cease at 11:00 p.m. and prohibiting any patron from possessing an alcoholic beverage within a restaurant or bar after midnight; and (ii) allowing restaurants and bars otherwise permitted to operate to increase their occupancy to 50% of the stated fire code maximum for indoor dining if the establishment enrolls in and complies with the Open & Certified Pennsylvania program. See [Amendment to the Order of the Governor of the Commonwealth of Pennsylvania Directing Targeted Mitigation Measures \(issued Sept. 17, 2020\)](#).

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- On September 14, 2020, the United States District Court for the Western District of Pennsylvania held that the provision in Governor Wolf's July 15, 2020, Order limiting the size of gatherings, and the previous (and expired) orders closing "non-life-sustaining" businesses violated the United States Constitution. *See [County of Butler v. Wolf, No. 2:20-cv-00677-WSS, Dkt. No. 79 \(W.D. Pa. Sept. 14, 2020\)](#)*.
  - The plaintiffs did not challenge and so the Court did not address the provisions in Governor Wolf's orders that allow businesses to reopen, but only subject to certain restrictions and occupancy limits.
  - Governor Wolf announced that his administration will appeal the District Court's decision.
  - On October 1, 2020, the Third Circuit issued an [order](#) staying the district court's decision pending appeal.
- On July 16, 2020, Governor Wolf announced additional targeted mitigation measures. [Order of the Governor of the Commonwealth of Pennsylvania Directing Targeted Mitigation Measures, dated July 16, 2020](#)
  - Bars may operate only if offer sit-down, dine-in meals, and alcohol may be served for on-premise consumption only in the same transaction as a meal. All service must be at a table or booth (not at a bar), and capacity is limited to 25% occupancy.
  - Indoor dining at restaurants is limited to 25% occupancy (including staff), customers being served must be seated at a table, and social distancing, masking, and other mitigation measures must be employed.
  - Nightclubs may not operate.
  - Events and gatherings cannot exceed 25 people indoors and 250 people outdoors.
  - Unless not possible, all businesses are required to conduct their operations through individual teleworking by their employees; if teleworking is not possible, employees may conduct in-person operations, but the business must comply with all guidance from the commonwealth and the CDC.
  - Gyms and fitness facilities may continue indoor operations, but must prioritize outdoor physical activities, with appropriate masking and distancing.
- On June 3, 2020, Governor Wolf announced that he will allow his stay-at-home order to expire, allowing the last 10 counties under the stay-at-home order, including Philadelphia, to be partially reopened. In addition to Philadelphia, the other nine counties that will move to the yellow phase include Berks, Bucks, Chester, Delaware, Lackawanna, Lancaster, Lehigh, Northampton and Montgomery. [Gov. Tom Wolf Lets Stay-at-Home Order End June 4](#)
  - Effective June 4, 2020, at 11:59pm, the following counties will enter the green phase: Allegheny, Armstrong, Bedford, Blair, Butler, Cambria, Clinton, Fayette, Fulton, Greene, Indiana, Lycoming,

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Mercer, Somerset, Washington and Westmoreland. 34 of the state's 67 counties will be in the green phase.

- The Governor renewed the disaster declaration he originally signed on March 6, 2020, which was set to expire today, for an additional 90 days. The disaster declaration provides the Governor with broad powers to increase support to state agencies involved in the response to the coronavirus and recovery efforts.
- On May 26, 2020, Governor Wolf announced: (i) the first group of counties that will be moving from the yellow phase of reopening to the green phase on May 29 (Bradford, Cameron, Centre, Clarion, Clearfield, Crawford, Elk, Forest, Jefferson, Lawrence, McKean, Montour, Potter, Snyder, Sullivan, Tioga, Venango and Warren); the counties that remained in the red phase will move to the yellow phase on May 29 (Dauphin, Franklin, Huntingdon, Lebanon, Luzerne, Monroe, Pike and Schuylkill); and (iii) the remainder of the state still in the red phase will move into the yellow phase by June 5, 2020. [Pennsylvania Counties and Their Phases of Reopening \(May 26, 2020\)](#)
- On May 7, 2020, Governor Wolf signed a new executive order extending the red phase counties' stay-at-home order to June 4, 2020. The red phase stay-at-home order extension does not mean that other counties won't move to the yellow phase in advance of June 4, 2020. [Executive Order Extending Stay at Home Order Through June 4, 2020](#)
- Effective 12:01 a.m. on Friday May 15, 2020, the following 13 Pennsylvania counties will move to the yellow phase of reopening: Allegheny, Armstrong, Bedford, Blair, Butler, Cambria, Fayette, Fulton, Greene, Indiana, Somerset, Washington and Westmoreland. (<https://www.governor.pa.gov/newsroom/gov-wolf-announces-13-counties-will-move-to-yellow-phase-of-reopening-on-may-15/>)
- On May 1, 2020, Governor Wolf announced the reopening of 24 counties in the northwest and north-central regions of the state, moving them from red to yellow beginning at 12:01 a.m., Friday, May 8. The counties are: Bradford, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, Lycoming, McKean, Mercer, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union, Venango and Warren. [Gov. Wolf Announces Reopening of 24 Counties Beginning May 8](#)
  - The prohibition on dine-in facilities including restaurants and bars that previously had been ordered remains in effect; businesses that offer carry-out, delivery and drive-through food and beverage service may continue, so long as social distancing and other mitigation measures are employed to protect workers and patrons.
  - The following categories of businesses operating in these 24 counties are authorized to commence in-person operations as outlined below, provided that the businesses fully comply with all substantive aspects of: the Order of the Secretary of Health providing for building safety measures, issued April 5, 2020; the Order of the Secretary of Health providing for business safety measures (to keep employees and customers safe), issued April 15, 2020; and any other future applicable Department of Health (DOH) and Centers for Disease Control and Prevention (CDC) guidance:

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- Businesses that have not been able to conduct in-person operations in whole or in part under the Order directing the “Closure of All Businesses That Are Not Life Sustaining” issued March 19, 2020, as subsequently amended, because the functions of such businesses are not conducive to working remotely are authorized to commence such in-person operations (**except for the following businesses:** indoor recreation, health and wellness facilities and personal care services (such as gyms, spas, hair salons, nail salons, massage therapy providers), and all entertainment (such as casinos, theaters), **all of which shall remain closed**);
- Businesses that were permitted to conduct in-person operations under the Order directing the “Closure of All Businesses That Are Not Life Sustaining” issued March 19, 2020, as subsequently amended, including: (i) those listed as life sustaining according to the Governor’s and Secretary’s Non-Life Sustaining Business Closure Orders (as amended); (ii) those that received an exemption from those Orders from the Department of Community and Economic Development; or (iii) those permitted to conduct in-person operations pursuant to a subsequent applicable Order or amendment to those Orders from the Governor and Secretary including, the construction industry (subject to the Guidance issued by the Department of Health to the Construction Industry, issued April 19, 2020); vehicle dealerships (subject to the Guidance issued by the Governor regarding Vehicle Transactions, issued April 20, 2020); and real estate industry (subject to the Guidance issued by the Department of State to the Real Estate Industry, reissued April 28, 2020).
- Large gatherings of more than twenty-five (25) people are prohibited in these 24 counties.
- The administration will utilize a three-phase matrix (designated red, yellow and green) to determine when counties and/or regions are ready to begin easing some restrictions on work, congregate settings, and social interactions.
  - The red phase, which currently applies to the whole state, has the sole purpose of minimizing the spread of COVID-19 through strict social distancing, closures of non-life sustaining business, school closures, and building safety protocols.
  - As regions or counties move into the yellow phase, some restrictions on work and social interaction will ease while others, such as closures of schools, gyms, and other indoor recreation centers, hair and nail salons, as well as limitations around large gatherings, remain in place.
  - The green phase eases most restrictions by lifting the stay at home and business closure orders to allow the economy to strategically reopen while continuing to prioritize public health. While this phase will facilitate a return to a “new normal,” it will be equally important to continue to monitor public health indicators and adjust orders and restrictions as necessary to ensure the spread of disease remains at a minimum.
  - All reopening decisions follow six standards: (i) data-driven and quantifiable criteria to drive a targeted, evidence-based, regional approach to reopening; (ii) clear guidance and recommendations for employers, individuals, and health care facilities and providers for assured accountability; (iii) adequate and available personal protective equipment and diagnostic testing; (iv) a monitoring and surveillance program that allows the commonwealth to deploy swift actions for containment or mitigation; (v) protections for vulnerable populations such as limitations on

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visitors to congregate care facilities and prisons; and (vi) limitations on large gatherings unrelated to occupations.

- Effective April 1, 2020 at 8:00pm, and through April 30, 2020, the stay at home order expanding counties is further amended to apply to all individuals residing in the Commonwealth, who are hereby ordered to stay at home except as needed to access, support, or provide life-sustaining business, emergency, or government services. [Executive Order dated as of April 1, 2020 \(Order for Individuals to Stay at Home\)](#)
  - For employees of life-sustaining businesses that remain open, the following child care services may remain open: group and family child care providers in a residence; child care facilities operating under a waiver granted by the Department of Human Services Office of Child Development and Early Learning; and, part-day school age programs operating under an exemption from the March 19, 2020, business closure Orders.
  - Individuals leaving their home or place of residence to access, support, or provide life-sustaining services for themselves, another person, or a pet must employ social distancing practices as defined by the Centers for Disease Control and Prevention. Individuals are permitted to engage in outdoor activities; however, gatherings of individuals outside of the home are generally prohibited except as may be required to access, support, or provide life-sustaining services as outlined above.
- The stay at home order dated March 23, 2020 has been amended on March 24, March 25, March 27 and March 28, 2020, for the purpose of expanding the counties affected by the stay at home order, and extending the order through April 30, 2020. [Executive Order dated as of March 30, 2020](#)
  - The order now includes these 26 counties: Allegheny, Beaver, Berks, Bucks, Butler, Carbon, Centre, Chester, Cumberland, Dauphin, Delaware, Erie, Lackawanna, Lancaster, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Washington, Wayne, Westmoreland and York counties.
- Effective March 23, 2020 at 8:00pm, and through April 6, 2020, **all individuals residing in the below counties are ordered to stay at home except as needed to access, support, or provide life sustaining business, emergency, or government services:** Allegheny County, Bucks County, Chester County, Delaware County, Monroe County, Montgomery County, and Philadelphia County. [Executive Order dated as of March 23, 2020](#)
- **Allowable individual activities and allowable essential travel include:**
  - (i) Tasks essential to maintain health and safety, or the health and safety of their family or household members (including pets), such as obtaining medicine or medical supplies, visiting a health care professional, or obtaining supplies they need to work from home; (ii) getting necessary services or supplies for themselves, for their family or household members, or as part of volunteer efforts, or to deliver those services or supplies to others to maintain the safety, sanitation, and essential operation of residences; (iii) engaging in outdoor activity, such as walking, hiking or running if they maintain social distancing; (iv) to perform work providing essential products and services at a life-sustaining business; (v) to care for a family member or pet in another household;

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(vi) any travel related to the provision of or access to the above-mentioned individual activities or life-sustaining business activities; (vii) travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons; (viii) travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services; (ix) travel to return to a place of residence from an outside jurisdiction; (x) travel required by law enforcement or court order; and (xi) travel required for non-residents to return to their place of residence outside the commonwealth.

○ **The following operations are exempt:**

- Life Sustaining Business Activities; (ii) health care or medical services providers; (iii) access to life-sustaining services for low-income residents, including food banks; (iv) access to child care services for employees of life-sustaining businesses that remain open as follows: child care facilities operating under the Department of Human Services, Office of Child Development and Early Learning waiver process; group and family child care operating in a residence; and part-day school age programs operating under an exemption from the March 19, 2020 business closure Orders; (v) news media; (vi) law enforcement; (vii) the federal government; and (viii) religious institutions

- For employees of life sustaining businesses that remain open, the following child care services may remain open: group and family child care providers in a residence; child care facilities operating under a waiver granted by the Department of Human Services Office of Child Development and Early Learning; and, part-day school age programs operating under an exemption from the March 19, 2020 business closure Orders. *See* list of life sustaining businesses here: [Industry Operating Guidance updated March 24, 2020](#).

- **Social Distancing:** Individuals leaving their home or place of residence to access, support, or provide life sustaining services for themselves, another person, or a pet must employ social distancing practices as defined by the Centers for Disease Control and Prevention. Individuals are permitted to engage in outdoor activities; however, gatherings of individuals outside of the home are generally prohibited except as may be required to access, support or provide life sustaining services as outlined above.

- Effective March 19, 2020 at 8:00pm and continuing indefinitely, **no person or entity may operate a business that is not a Life Sustaining Business**, regardless of whether that business is open to members of the public. The order **does not apply to businesses that can operate on a virtual/teleworking basis**. *See* [Executive Order dated as of March 19, 2020](#).

- Generally, Life Sustaining Businesses include certain businesses in natural resources and mining, manufacturing, trade, transportation and utilities, information, financial services, professional business services, education and health services, leisure and hospitality, and some other services like automotive and electronic repair, death care services, religious organizations and social advocacy organizations. For a very detailed list of closed businesses, *see* [Industry Operating Guidance updated March 24, 2020](#).
- This order supersedes any prior business closure orders/guidance. *Id.*

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- Life Sustaining Businesses may continue to operate but must follow social distancing and other mitigation procedures defined by the CDC. *Id.*
- **Waivers and agency outreach.** Businesses designated as Non-Life Sustaining may request a waiver to keep their location open by contacting: [RA-dcexemption@pa.gov](mailto:RA-dcexemption@pa.gov). All waiver decisions will be communicated by email and will balance public health, safety, and the security of industry supply chains supporting Life-Sustaining Businesses. For guidance on the decision of whether a business is required to close, contact: [ra-dcedcs@pa.gov](mailto:ra-dcedcs@pa.gov).
- **All restaurants and bars may continue to** operate take out, delivery or drive through services only. *Id.*
- **Enforcement actions** against non-Life Sustaining Businesses that are in violation of this order will begin at 12:01am on March 21, 2020. *Id.* Enforcement actions could include: citations, fines, or license suspensions; loss of eligibility for any applicable disaster relief aid; and/or administrative actions such as termination of state loans or grant funding. See [Press Release of the PA Governor dated as of March 19, 2020](#).
- Information regarding working capital loans for businesses affected by the COVID-19 shutdown will be posted [here](#).

### XL. Rhode Island (Statewide)

- Effective October 28, 2020, Phase III of Rhode Island's reopening plan is extended through November 27, 2020. The maximum indoor and outdoor gathering size is reduced to 10 people. See [Executive Order 20-88: Phase III Re-Opening](#).
- Effective September 28, 2020, Phase III of Rhode Island's reopening plan is extended through October 28, 2020. See [Executive Order 20-79: Extension of Executive Order](#).
- Effective August 29, 2020, Phase III of Rhode Island's reopening plan is extended through September 28, 2020. See [Executive Order 20-67: Phase III Reopening](#).
- Effective July 29, 2020, Phase III of Rhode Island's reopening plan is extended through August 28, 2020. Indoor gathering sizes are limited to 15 people. See [Executive Order 20-58: Phase III Reopening](#).
- Effective June 30, 2020, Rhode Island will enter Phase III of its reopening plan. New details include:
  - **Domestic Travel:** Only visitors traveling from certain states with a positivity rate of COVID-19 greater than 5% must self-quarantine for 14 days while in Rhode Island or produce proof of a negative test.
  - **Gathering Sizes:** Indoor gatherings are limited to 25 people, except that indoor gatherings in a restaurant or with a licensed caterer on-site (e.g., weddings) may have up to 50 people provided that sector-specific rules for restaurants are followed. Outdoor gatherings are limited to 50 people, except that outdoor gatherings at a restaurant or with a licensed caterer on-site (e.g., weddings) may have up to 100 people provided that sector-specific rules for restaurants are followed.

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- **Venues of Assembly:** Indoor venues of assembly (e.g., convention centers, concert halls, performance venues, and theaters) may operate at up to 66% of capacity or 1 person per 100 square feet, with a maximum of 125 people. Outdoor venues of assembly (e.g. fairs, festivals, concerts, and performances) may operate at up to 66% of capacity or 1 person per 100 square feet, with a maximum of 250 people.
  - **Office Spaces:** Office-based businesses may allow up to 66% of workers to work on site, provided they implement social distancing and sanitation protocols.
  - **Retail:** Retail businesses may allow up to one customer per 100 square feet of store area.
  - **Personal Service Businesses:** Personal service businesses (e.g., hair salons, barbershops, nail salons, tattoo parlors, tanning parlors, estheticians, and massage therapists) may allow up to one customer per 100 square feet.
  - **Summer Camps:** Summer camps may open. See [Executive Order 20-50: Phase III Reopening](#).
- Effective June 1, 2020, more businesses are allowed to reopen under Phase II of Rhode Island's reopening plan. The new executive order eases a number of restrictions:
- **Office-Based Businesses:** Up to 33% of workers or up to 15 workers, whichever is greater, may work on site in office-based businesses that were previously closed. These offices must adhere to state guidelines on social distancing and employee health and safety, and must develop a COVID-19 control plan.
  - **Non-Critical Retail Businesses:** Non-critical retail businesses may allow one customer per 150 square feet of store area for in-person shopping. These businesses must develop a COVID-19 control plan.
  - **Restaurants and Bars:** Restaurants may begin indoor dining at 50% of normal capacity, in addition to outdoor dining. The combined indoor and outdoor seating may not exceed a restaurant's normal capacity. Bar seating is permitted, but standing room space is prohibited.
  - **Personal Service Businesses:** Personal service businesses including hair salons and barbershops, nail salons, tattoo parlors, tanning parlors, estheticians, and massage therapists may reopen subject to state guidance. All personal service businesses where masks cannot be worn continuously are prohibited.
  - **Gyms, Fitness Centers, and Small Group Fitness Classes:** Gyms and fitness centers may reopen with capacity limited to 1 person per every 150 square feet. Small group fitness classes are limited to 15 individuals as long as social distancing requirements can be enforced.
  - **Social Gathering Limit:** The maximum social gathering size is increased to fifteen people.

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- Effective May 9, 2020, some businesses are allowed to reopen under [Reopening Rhode Island Phase I](#). Phase I will remain in place until at least May 31, 2020. The following businesses and services may reopen with new workplace guidelines:
  - (i) Non-critical retail with capacity limits; (ii) restaurants for pickup, delivery, and drive-through only; (iii) manufacturing, construction, and service-based businesses; (iv) childcare; (v) elective medical procedures; (vi) religious ceremonies limited to five people or fewer, with funerals limited to ten people or fewer; and (vii) office-based businesses may begin to allow limited on-site visits for staff who have been working remotely.
- Effective March 30, 2020, all non-critical retail businesses must cease in-person operations. Critical retail businesses include, but are not limited to, (i) food and beverage stores; (ii) pharmacies and medical supply stores; (iii) compassion centers; (iv) pet supply stores; (v) printing shops; (vi) mail and delivery stores and operations; (vii) gas stations; (viii) laundromats; (ix) electronics and telecommunications stores; (x) office supply; (xi) industrial and agricultural/seafood equipment and supply stores; (xii) hardware stores; (xiii) funeral homes; (xiv) auto repair and supply; (xv) banks and credit unions; (xvi) firearms stores; (xvii) healthcare and public safety professional uniform services; and (xviii) other stores and businesses identified as critical by the Department of Business Regulation. [Amended Eleventh Supplemental Emergency Declaration Dated March 28, 2020](#).
  - The Department of Business Regulation's [list of essential businesses](#) matches that of the executive order.
- Effective March 16, 2020, **restaurants and bars** may only offer food and non-alcoholic beverages for take-out and delivery, and may not permit on-premises consumption of food and drink. See [Second Supplemental Emergency Declaration Dated March 16, 2020](#).
- Effective March 22, 2020, all **gatherings of more than ten people** are prohibited. See [Seventh Supplemental Emergency Declaration Dated March 22, 2020](#).
- All **public recreation and entertainment establishments** must cease in-person operations. *See id.*
  - These include, but are not limited to, theaters, cinemas, sporting events, bowling alleys, concert venues, museums, and zoos. *See id.*
- All **close-contact businesses** (i.e., those that cannot maintain social distancing with their customers) must cease in-person operations. *See id.*
  - These include, but are not limited to, gymnasiums, fitness centers and similar exercise facilities, hair salons and barbershops, nail salons, spas and tattoo parlors.
- All businesses remaining open must implement CDC guidance to ensure social distancing, including: (i) maintaining a distance of at least 6 feet between persons; (ii) ensuring employees practice appropriate hygiene measures, including hand-washing; (iii) ensuring sick employees remain home; and (iv) regularly cleaning and disinfecting frequently touched objects and surfaces. *See id.*

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- All business service personnel that can work from home are required to do so. These include, but are not limited to, accountants, lawyers, human resources, and procurement professionals. *See id.*
- Employers should consider providing personnel who are not involved in critical operations with assignments they can complete from home. *See id.*

### XLI. South Carolina (Statewide)

- Statewide
  - South Carolina's State of Emergency is extended through July 26<sup>th</sup>, and businesses are still subject to the requirements of the Safer at Home order. *See* [Executive Order No. 2020-36](#).
    - **Retail stores** may reopen to the public subject to social distancing practices and CDC guidance.
    - **Restaurants** may resume on-premises dining, subject to industry sanitation guidelines prepared by the CDC.
      - The sale or consumption of beer, wine, or liquor on the licensed premises of persons or businesses authorized to sell beer, wine, or liquor (including bars, breweries, and restaurants) is prohibited between the hours of 11:00 pm and 10:00 am the following day.

### XLII. South Dakota (Statewide)

- South Dakota has not issued a stay-at-home order, nor has it closed any businesses.
- **“Back to Normal” Plan.** On April 28, South Dakota issued [Executive Order 2020-20](#), rescinding prior [Executive Order 2020-12, dated April 6, 2020](#), which had directed all South Dakota businesses to follow CDC hygiene practices such as social distancing and encouraging staff to work remotely. The new “Back to Normal” Plan encourages individuals and employers to continue to follow hygiene best practices.
- On July 7, the state of emergency was extended until December 30, 2020. [Executive Order 2020-30, dated July 7](#).

### XLIII. Tennessee (Statewide)

- **Reopening.** Certain aspects of Tennessee's reopening order are extended until September 30. *See* [Executive Order No. 38, dated May 22](#), as extended by [Executive Order No. 59, dated August 28](#)
  - Every person is strongly urged to maintain at least 6 feet of separation from others and social gatherings of 50 or more remain prohibited. *Id.*
  - All persons are strongly encouraged to wear face coverings in public in accordance with CDC guidelines. *Id.*

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- Persons with COVID-19 or symptoms must stay at home. *Id.*
  - Employers shall not require or allow an employee who the employer knows has tested positive for COVID-19 to report to work until that employee has satisfied the conditions for discontinuing home isolation under CDC guidelines. *Id.*
  - Bars, night clubs, and limited services restaurants may only serve customers seated at tables, and must appropriately space tables. Drive-through, pickup, or delivery is highly encouraged. *Id.*
  - The six counties with local health departments (Davidson, Hamilton, Knox, Madison, Shelby and Sullivan) have authority to issue additional orders which may permit or restrict to a greater degree the opening of businesses. *Id.*
- **Face Coverings.** Persons are strongly urged to wear face coverings in public places, particularly where social distancing is difficult to maintain. However, authority to issue orders requiring the wearing of face coverings is delegated to the county mayors in the 89 counties that do not have a locally run county health department. See [Executive Order No. 54, dated July 6](#), as extended by [Executive Order No. 59, dated August 28](#)
- Any such orders must be consistent with the provisions of the executive order, including that there will be no requirement to wear a face mask in one's own residence or automobile, for children under 12, by someone who has trouble breathing due to a health condition, while eating or drinking, while outdoors unless they cannot maintain social distancing, while working under social distancing measures, while voting, or in situations where wearing a mask poses a safety or security risk. *Id.*

### XLIV. Texas (Statewide)

- Every business establishment in Texas may operate at no more than 75% of the total listed occupancy of the establishment, subject to the exceptions listed below. [Executive Order GA-32 dated October 7, 2020](#).
- There is no occupancy limit for the following:
    - any services listed in the CISA Guidance on the Essential Critical Infrastructure Workforce, Version 4.0 or any subsequent version;
    - religious services, including those conducted in churches, congregations and houses of worship;
    - local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation and document-filing services, as determined by the local government;
    - child-care services;

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- youth camps, including all summer camps and other daytime and overnight camps for youths;
  - recreational sports programs for youths and adults;
  - any public or private schools, and any public or private institutions of higher education, not already covered above;
  - drive-in concerts, movies, or similar events, under guidelines that facilitate appropriate social distancing, that generally require spectators to remain in their vehicles, and that minimize in-person contact between people who are not in the same household or vehicle;
  - outdoor areas, events or establishments (except the 75% (or 50%, if in an area with high hospitalizations) limit shall apply to amusement parks, swimming pools, water parks, museums and libraries and zoos, aquariums, natural caverns and similar facilities);
  - as long as they operate with at least six feet of social distancing between work stations, (i) cosmetology salons, hair salons, barber shops, nail salons/shops and other establishments where licensed cosmetologists or barbers practice their trade; (ii) massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and (iii) other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services; and
- All indoor and outdoor professional, collegiate or similar sporting events, including rodeos and equestrian events, may operate at 50% capacity.
  - Only restaurants that have less than 51% of their gross receipts from the sale of alcoholic beverages, and whose customers eat or drink only while seated, may offer dine-in services.
  - Indoor bars and similar indoor establishments that are not restaurants and that hold a permit from the Texas Alcoholic Beverage Commission (“TABC”) may open for dine-in service at 50% capacity if the bar or similar establishment is not in an area with high hospitalizations and the county judge in which the bar or establishment is located files the requisite form with the TABC. Outdoor areas are not subject to the occupancy limit.
  - “Areas with high hospitalizations” means any Trauma Service Area that has had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of all hospitalized patients exceeds 15%, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of all hospitalized patients is 15% or less. A current list of areas with high hospitalizations will be maintained at [www.dshs.texas.gov/ga3031](http://www.dshs.texas.gov/ga3031). *Id.*

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- Outdoor gatherings in excess of 10 people, other than those set forth above, are prohibited unless the mayor or county judge approves of the gathering. Such approval can be made subject to certain conditions or restrictions not inconsistent with the statewide executive order. *Id.*
  - Staff members are not included in determining operating levels, except for manufacturing services and office workers. *Id.*
  - Facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed. *Id.*
  - People shall not use commercial rafting or tubing services, including rental of rafts or tubes and transportation of people for the purpose of rafting or tubing. *Id.*
- Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:
- any person younger than 10 years of age;
  - any person with a medical condition or disability that prevents wearing a face covering;
  - any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
  - any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
  - any person while the person is driving alone or with passengers who are part of the same household as the driver;
  - any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal care service involving the face, but only to the extent necessary for the temporary removal;
  - any person while the person is in a swimming pool, lake, or similar body of water;
  - any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
  - any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
  - any person while the person is giving a speech for a broadcast or to an audience; or

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- any person in a county (a) that meets the requisite criteria promulgated by the Texas Division of Emergency Management (“TDEM”) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards. *Id.*

### ○ Enforcement Actions:

- Following a verbal or written warning for a first-time violator of the face covering requirement, a person’s second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation. *Id.*
- No law enforcement or other official may detain, arrest or confine in jail any person for a violation of the executive order related to face coverings or for related non-violent, non-felony offenses that are predicated on a violation of such executive order; provided, however, that any official with authority to enforce such executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner. Confinement in jail as a penalty is prohibited for the violation of any face covering order by any jurisdiction. *Id.*
- Failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, and may be subject to regulatory enforcement. *Id.*

### XLV. Utah (Statewide)

- Pursuant to [Utah Public Health Order 2020-13](#), with certain exceptions detailed below, a majority of the state is currently operating at a Yellow (*i.e.* low) level of risk under the [Phased Health Guidelines](#). This order will remain in effect through October 19, 2020. A yellow risk level carries the following restrictions:
  - Gatherings are limited to up to 50 people.
  - All businesses are open. Employers should take reasonable precautions, including but not limited to the following:
    - Provide accommodations to high-risk employees, such as allowing them to work remotely, minimizing face-to-face contact, and assigning these individuals tasks that allow them to maintain six feet of distance from other employees and customers;
    - Implement flexible work hours or staggered shifts;
    - Symptom-checking in business interactions;
    - Face coverings worn in settings where other social distancing measures are difficult to maintain, ensuring that face coverings are available;

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- Encourage remote work when possible and exercise discretion with returning to onsite work;
  - Ensure workplaces comply with distancing and hygiene guidelines;
  - Limit unnecessary travel and require employees to self-quarantine when returning from high-risk areas;
  - Evaluate workforce strategy and concerns and enact strategies to minimize economic impact; and
  - Prevent individuals under isolation or quarantine from coming to work at any time unless authorized by the local health department.
- Beaver, Box Elder, Carbon, Daggett, Duchesne, Emery, Garfield, Kane, Millard, Piute, Sevier, Uintah, and Wayne counties have been moved to a Green, i.e. new normal, level of risk. Green guidelines apply to both individuals and businesses in these counties, and are summarized [here](#).
- **Face Coverings:**
    - **State Facilities.** All individuals are now required to wear a face covering in state facilities. A state facility means any portion of a building or structure, including any part thereof that is owned or leased by the state or state governmental entity. See [Utah Public Health Order 2020-12](#).
      - **Exceptions.** This order does not apply to (i) children in a child care setting; (ii) children under the age of three; (iii) children older than three if the parent or guardian cannot place the face covering safely on the child's face; (iv) individuals with a medical condition, mental health condition, or disability that prevents wearing a face covering; (v) any individual who is deaf or hard of hearing or who is communicating with an individual who is deaf or hard of hearing; (vi) any individual who is receiving or providing a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service; (vii) any individual who is outdoors; (viii) any individual in a vehicle; (ix) any individual who is actively engaged in an indoor recreational activity who maintains a physical distance of six feet is maintained from all other individuals who are not members of the same household; (x) individuals who are actively eating or drinking; and (xi) state employees who are not speaking with another individual in person and who are either seated, stationary, or occupying a fully enclosed or partially enclosed space, so long as a physical distance of six feet is maintained from all other individuals who are not members of the same household.
    - **Schools.** All students, employees, and visitors in Utah's public schools are now ordered to wear a face covering when on school property or on a school bus. This order shall remain in effect through December 31, 2020. See [State Public Health Order Regarding Face Coverings in Schools dated August 14, 2020](#).

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- **Exceptions.** This order does not apply to: (i) any individual maintaining a distance of six feet from any other individual when outdoors; (ii) any individual who is eating or drinking while indoors and maintaining a physical distance of at least six feet from any other individual; (iii) a child who is younger than three years of age; (iv) any individual with a medical condition, mental health condition, or disability that prevents wearing a face covering; (v) any individual who is deaf or hard of hearing or who is communicating with an individual who is deaf or hard of hearing; (vi) any individual who has an Individualized Education Program under the Individuals with Disabilities Education Act, or an accommodation under Section 504 of the Rehabilitation Act of 1973 that would necessitate exempting the individual from wearing a face covering; (vii) any individual who is receiving or providing a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service; or (viii) any individual participating in a school-sponsored activity or physical education class as long as the individual complies with Appendix C of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation.

### XLVI. Vermont (Statewide)

- Effective March 24, 2020, Vermonters are directed to stay at home and leave only for essential reasons, including personal safety, shopping for groceries or medicine, curbside pick-up of goods, medical care, exercise, care of others, and permitted work. See [Addendum 6 to Executive Order 01-20 Dated March 24, 2020](#).
- All businesses and non-for-profit entities must suspend in-person operations, **with the exception of those deemed critical to public health and safety, as well as economic and national security.** See *id.*
- Entities deemed critical to public health and safety, as well as economic and national security, include those that perform the following functions:
  - (i) Health care operations such as COVID-19 testing and clinical research, healthcare providers, public health workers, laboratory services, caregivers, logistics, technology, security, and custodial support, blood and plasma donors, and mortuary services; (ii) law enforcement, public safety, and first responders; (iii) critical infrastructure including utilities, telecommunications, airports, and transportation infrastructure; (iv) critical manufacturing, including food and animal feed manufacturing, processing and supply, and pharmaceuticals; (v) construction necessary to support the COVID-19 response and maintain critical infrastructure; (vi) grocery stores, pharmacies, and other retail that sell essential supplies; (vii) fuel products and supply; (viii) hardware stores; (ix) transportation and agricultural equipment parts, repair, and maintenance; (x) trash collection and disposal; (xi) agriculture and farms, animal shelters, production and delivery of seed, chemicals, and fertilizers, CSAs and veterinarians; (xii) lodging necessary to support that COVID-19 response, critical infrastructure, and national security; (xiii) other building and property services for the safety and operations of residences and businesses; (xiv) mail and shipping services; (xv) news media; (xvi) banks and financial institutions; (xvii) providers of necessities and services to economically disadvantaged populations; and (xviii) others necessary to support the COVID-19 response, critical infrastructure, and national security. See *id.*

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- Vermont adopted its own list of essential businesses independent of the CISA guideline, although there is overlap.
- Violation of an emergency order is punishable by a fine not exceeding \$500, imprisonment not exceeding six months, or both. *See* 20 V.S.A. § 24.
- Effective April 20, 2020, **certain businesses may resume activities provided that they implement health and safety requirements.** *See* [Addendum 10 to Executive Order 01-20, Work Smart & Stay Safe – Restart VT: Phase I dated April 17, 2020](#).
  - Throughout the state of emergency, included the phased restart of the economy, businesses that operate must implement the following health and safety requirements: (i) Employees shall not report to, or be allowed to remain at, work or job site if sick or symptomatic; (ii) Employees must observe strict social distancing of 6 feet while on the job; (iii) Employees must wear non-medical cloth face coverings over their nose and mouth while in the presence of others; (iv) Employees must have easy and frequent access to soap and water or hand sanitizer during the duration of work, and handwashing or hand sanitization should be required before entering and leaving job sites. All common spaces and equipment must be cleaned and disinfected at the beginning, middle, and end of each shift and prior to transfer from one person to another; and (v) No more than two people shall occupy one vehicle when conducting work. *See id.*
  - Effective April 20, 2020, the following business activities may resume:
    - Outdoor work or construction work in unoccupied structures, with no more than two persons per location/job. Supporting operations may resume with the minimum number of employees necessary to support curbside pickup and delivery services;
    - Commercial retail operations with the minimum number of employees necessary to support curbside pickup, delivery services, and warehouse or distribution operations in support of curbside or delivery. No in-store transactions are allowed; and
    - Services operating with a single worker, so long as no more than two persons are present at one time. *See id.*
- Effective April 27, 2020, certain other businesses may resume activities provided that they implement health and safety requirements. *See* [Addendum 11 to Executive Order 01-20, Work Smart & Stay Safe – Restart VT: Phase II dated April 24, 2020](#).
  - The following business activities may resume: (i) Micro-crews of no more than five persons per location/job, to perform outdoor work and construction work in unoccupied structures; (ii) Manufacturing and distribution operations with a maximum of five employees in any location if they are low-density and ensure employees are at least six feet apart at all times; (iii) Supporting operations with the minimum number of employees necessary to support curbside pickup and delivery services; (iv) In-person shopping at outdoor retail operations, such as garden centers and greenhouses offering mulch, stone, plant, tree, and seed sales, provided that these operations shall

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not permit more than ten total people including customers and staff; and (v) Libraries for curbside pickup and lending. *See id.*

- In addition, effective May 1, 2020, farmers markets may open using limited in-person operations provided that they: (i) Adhere to all municipal ordinances and permitting requirements prior to opening; (ii) Alter their business practices to eliminate crowds and reduce contacts between vendors and customers, transitioning from shopping and social events to a food distribution system; and (iii) Use a “pre-order, local food pick-up” model to the extent possible. *See id.*
- Effective May 4, 2020, certain other businesses may resume activities provided that they implement health and safety requirements, including a health and safety training plan. *See [Addendum 12 to Executive Order 01-20, Work Smart & Stay Safe – Restart VT: Phase III, Effective May 4, 2020](#).*
  - The following activities may resume:
    - Small crews of no more than ten persons per location/job, to perform outdoor work and construction work in unoccupied job sites; and
    - Manufacturing and distribution operations with a maximum of ten employees in any location if they are low-density and ensure employees are at least six feet apart at all times.
  - Effective May 7, 2020, certain outdoor recreation activities may reopen provided that they implement health and safety requirements. *See [Addendum 13 to Executive Order 01-20, Play Smart and Play Safe: Restart Phase V, Effective May 7, 2020](#).*
    - The following businesses and activities may resume:
      - (i) State and municipal parks; (ii) recreation associations; (iii) trail networks; (iv) golf courses; (v) big game check stations; and (vi) guided expeditions.
    - The following businesses and activities must remain closed:
      - (i) Campgrounds; (ii) marinas; and (iii) beaches.
  - Effective May 15, 2020, there will be a limited resumption of lodging operations, including hotels, motels, bed and breakfasts, inns, short term rentals, parks for recreational vehicles and campgrounds, and all public and private camping facilities. However, lodging may only be provided for the following purposes:
    - (i) Housing vulnerable populations as arranged through the state; (ii) providing accommodations for health care workers, other workers deemed necessary to support public health, public safety or critical infrastructure and workers entering the state for authorized work; (iii) Use of lodging properties as quarantine facilities as arranged by the state; and (iv) Lodging for Vermont residents and others who certify self-quarantine for a minimum of 14 days prior to lodging overnight in Vermont. *See [Addendum 14 to Executive Order 01-20, Extension of Emergency Declared March 13, 2020; Be Smart/Stay Safe, Effective May 15, 2020](#).*

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- Effective May 18, 2020, **Vermont will begin a limited, incremental and phased resumption of nonessential businesses.** The Vermont Agency of Commerce and Community Development (“ACCD”) will periodically update guidance on the resumption of different business operations. See [Amendment to Addendum 6 to Executive Order 01-20 – Stay Home/Stay Safe: Restart Phase VI](#).
  - Under the [ACCD guidance](#), non-essential retail and drive-in operations may resume business subject to restrictions:
  - Retail:
    - (i) Non-essential retail operations are limited to 25% (twenty-five percent) of approved fire safety occupancy; or 1 customer per 200 square feet; or 10 total customers and staff combined, whichever is greater; (ii) Cashless/touch-less transactions are strongly preferred; and (iii) Curbside pickup remains the preferred method of operation. When possible, retailers should take steps to schedule or stage customer visits, such as waiting in cars or outside, to ensure lower contact operations.
  - Drive-in Operations
    - Drive-in operations include, but are not limited to, movie theaters, restaurants, religious services, and graduations ceremonies. Requirements for these operations include: (i) Vehicles must be spaced a minimum of 6 (six) feet apart; (ii) No gatherings outside vehicles are allowed; (iii) Cashless/touch-less transactions are strongly preferred; (iv) Restrooms on site must be cleaned regularly; (v) Any concessions on site must be done via takeout or delivery or pursuant to any future food service guidance.
- Effective May 22, 2020, restaurants and bars may begin offering limited outdoor service if they comply with the following requirements:
  - (i) Reservations or call ahead seating is required; (ii) Ordering via phone or electronic means is preferred; (iii) Takeout service rather than table side delivery of food is preferred; (iv) Cashless/touch-less transactions are strongly preferred; (v) Tables must be spaced a minimum of 10 feet apart; (vi) Members of only 2 households and 10 total people may be seated at the same table; (vii) Operators must limit the total number of customers served/seated at one time to 50 or their maximum licensed seating capacity, whichever is less; (viii) Disposable menus are required; (ix) Disposable/single use condiment packets are encouraged. Multi-use condiments and all other items for general use must be cleaned and sanitized between customers; and (x) Operators must maintain an easily accessible log of customers and their contact information for 30 days in the event contact tracing is required by the Health Department. See [Addendum 15 to Executive Order 01-20: Outdoor Restaurants, Bars, and Other Establishments that Offer Food and Drink](#); see also [ACCD Guidance](#).
- Effective June 1, 2020, social gatherings of up to 25 people are permitted. All occupancy limits for businesses established pursuant to the reopening plan are not affected by this change. See [Addendum 16 to Executive Order 01-20: Close Contact Businesses; Large Social Gatherings](#).

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### XLVII. Virginia (Statewide)

- Effective July 1<sup>st</sup>, 2020, Virginia has moved into Phase 3 of its reopening plan. Most businesses may reopen subject to social distancing guidelines. See [Amended Order of Public Health Emergency Seven](#).
  - Restaurants may remain open for outdoor, indoor, and takeout service, but **bars may not reopen with Phase 3**.
  - Retail stores and personal care and personal grooming services may reopen subject to social distancing guidelines.
  - Fitness centers and exercise facilities may operate at 75% capacity.

### XLVIII. Washington (Statewide)

- On July 24, 2020 (and continuing indefinitely), Washington extended Safe Start—Stay Healthy, with certain modifications. See [Proclamation 20-25.7 by the Governor Amending Proclamations 20-05 and 20-25, et seq. \(issued July 24, 2020\)](#).
  - Individuals must wear face coverings at work (except when working alone or when the job involves no in-person interaction), and must not appear in any indoor or outdoor public setting (including a business) without wearing a face covering.
  - Employers may not:
    - Operate, allow customers to enter, or employ employees unless the employer: (i) cooperates with public health authorities in investigating cases, suspected cases, and suspected outbreaks of COVID-19; (ii) cooperates with the implementation of infection control measures; (iii) complies with all public health orders and directives; (iv) complies with all Department of Labor guidance, regulations, and rules.
    - Operate, allow customers to enter a business, or conduct business with a customer in an inside or outdoor space unless the customer is wearing a face mask.
    - Operate, unless it notifies the local health jurisdiction within 24 hours if the employer suspects COVID-19 is spreading in the workplace, or if the employer is aware of 2 or more employees who develop confirmed or suspected COVID-19 within a 14-day period.
  - All counties in Washington have moved into at least modified Phase 1, but as of July 2, the state has paused applications to advance to new phases until at least July 28, and will return applications to any counties that submitted them. See [County status and Safe Start application process](#).
  - On October 6, Governor Inslee [announced](#) several updates to the Safe Start reopening plan:
    - Libraries can resume some indoor activities in Phase 2 at 25% capacity

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- Requirements for youth and adult sports will align school-related and non-school-related guidance.
  - Movie theaters can increase occupancy to 25% in Phase 2 and 50% in Phase 3.
  - In Phases 2 and 3, restaurants can serve alcohol until 11 PM, the household-member restriction for indoor dining will be removed, and the maximum table size will increase from six to eight.
  - Wedding receptions can have up to 50 guests in Phase 3.
  - Retail events (craft sales shows, etc.) can take place outdoors in Phase 3 only, with up to 200 people.
  - Real estate open houses can take place, with the attendance limited by the counties' gathering size limit.
  - Outdoor recreation races, tours, and rides can take place with more than 12 participants, subject to certain restrictions.
- On September 16, 2020, Governor Inslee announced that, in counties in Phase 2 and Phase 3, wedding ceremonies, wedding receptions, and funerals may resume, subject to certain restrictions. [See Phase 2 & Phase 3 Wedding Ceremonies, Wedding Receptions and Funerals COVID-19 Requirements \(issued September 16, 2020\)](#).
    - Indoor and outdoor occupancy is limited to the lesser of 30 guests or 25% of maximum occupancy, whichever is less (excluding vendors or their staff). Wedding receptions are limited to 3 hours, and alcohol service and consumption must end at 10:00 p.m.
    - Wedding and funeral vendors and guests must comply with other specific requirements.
  - On September 11, 2020, Governor Inslee announced that, in counties in Modified Phase 1, indoor fitness and training facilities can operate under Phase 2 guidance. [See Safe Start Washington Phased Reopening County-By-County \(updated September 11, 2020\)](#).
  - On July 23, Governor Inslee announced further reductions and changes to the “Safe Start” program. [See Inslee announces rollbacks to some activities to slow COVID-19 exposure \(July 23, 2020\)](#).
    - **Weddings and funerals (effective August 6 → modified by updated guidance):**
      - Ceremonies remain permitted, but receptions will be prohibited.
      - Maximum indoor occupancy for any ceremony is the lesser of 20% of the venue’s capacity or 30 people.

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- **Restaurants and bars (effective July 30):**
  - Parties must now be members of the same household to dine together indoors (outdoor dining and take-away remain available for small parties from different households).
  - For counties in Phase 3, the maximum table size will be reduced to five people and total occupancy will be reduced from 75% to 50%.
  - Restaurants must close gaming and social areas (e.g. pool tables, dart boards, and video games).
  - Bars must close for indoor service (outdoor service is still permitted), and all alcohol sales must end by 10:00 p.m.
- **Fitness centers (effective July 30):**
  - For counties in Phase 2, only 5 individuals (not including staff) will be allowed for indoor fitness services (including gyms, fitness studios, indoor pools, ice rinks, volleyball courts, and tennis facilities) at one time.
  - For counties in Phase 3, maximum occupancy will be reduced to 25% and group fitness classes will be limited to 10 people, not including the instructors.
- **Entertainment**
  - Indoor family entertainment and recreation centers (e.g., mini golf, bowling alleys, and arcades) and card rooms may not reopen.
  - For counties in Phase 3, indoor movie theater occupancy will be reduced from 50% to 25%.
- **Face coverings (effective July 25):**
  - An expanded face covering order will require face coverings in all common spaces (e.g. elevators, hallways, lobbies) in apartment buildings, dorms, hotels, and nursing homes. *See* [Order 20-03.1 of the Secretary of Health Amending Order 20-03 \(issued July 24, 2020\)](#).
    - Face coverings remain required any time a person is outside their house, mobile home, apartment, condominium, hotel or motel room, or other dwelling unit.
  - As of June 1, 2020 (and continuing through July 1, 2020, at 11:59 p.m.), Washington has transitioned from Stay Home – Stay Healthy to Safe Start – Stay Healthy. Under the new Proclamation, counties are allowed to reopen in four phases. *See* [Proclamation 20-25.4: Transition from “Stay Home – Stay Healthy” to “Safe](#)

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[Start – Stay Healthy” County-by-County Phased Reopening \(issued May 31, 2020\)](#); *see also* [Safe Start Washington: Phased Reopening County-By-County \(issued May 31, 2020\)](#).

- Each county will begin in its current phase. (For reference, King, Snohomish, and Pierce Counties (home to the Seattle/Tacoma/Bellevue metropolitan area) remain in Stage 1.) Any county that has been in Stage 1 or Stage 2 for three weeks may apply to the Secretary of Health to move in whole or in part to the next phase. The Secretary of Health will evaluate the application based on target metrics.
  - The target metrics track COVID-19 disease activity, health care system readiness, testing capacity and availability, case and contact investigations, and the ability to protect high-risk populations.
  - The metrics are targets, not hardline prerequisites.
- The Secretary of Health may approve a county's application in whole or in part, or may permit only certain activities or changes.
  - For example, a “modified Phase 1” might allow in-store retail operations to resume, but with stricter capacity and time-per-customer limits than Phase 2.
  - Likewise, “modified Phase 1” might allow restaurants to reopen outdoor dining at 50% capacity, but continue to prohibit in-restaurant dining.
- During each phase, individuals should continue to engage in social distancing and to practice appropriate sanitation and hygiene behaviors.
- As of June 8, when on the job, all employees must wear an employer-provided facial covering, except when working alone or when the job has no in-person interactions.
- As of March 23, 2020 (and through May 31, 2020 at 11:59 p.m.), individuals are prohibited from leaving their homes, except to engage in essential activities, to perform work as an essential employee of an essential business, or to carry out minimum basic operations for a nonessential business. *See* [Proclamation by the Governor Amending Proclamation 20-05 \(issued March 23, 2020\)](#); [Proclamation by the Governor Amending Proclamations 20-05 and 20-25 \(issued April 2, 2020\)](#); [Proclamation by the Governor 20-25.3: Adjusting and Extending Stay Home – Stay Healthy to May 31, 2020 \(issued May 4, 2020\)](#).
  - Essential activities are limited to obtaining necessary supplies and services, engaging in activities essential for health and safety, caring for others, and engaging in outdoor exercise activities. *Id.*
    - **Social distancing:** Individuals may engage in outdoor exercise activities only if they follow appropriate social distancing practices. *Id.*
  - All public and private gatherings, regardless of size, are prohibited if they involve individuals from more than one household or residential living unit. *Id.*

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- **Essential businesses** are identified in the “[Essential Critical Infrastructure Workers](#)” list. *Id.*
  - The list largely adheres to (but does not reference) CISA’s and DHS’s guidance, and includes positions in the Healthcare/Public Health, Emergency Services, Food & Agriculture, Energy, Water & Wastewater, Transportation & Logistics, Communications & Information Technology, Other Community-Based Government Operations & Essential Functions, Critical Manufacturing, Hazardous Materials, Financial Services, Chemical, and Defense Industrial Base sectors. See [Essential Critical Infrastructure Workers](#); [Guidance Bulletin – Proclamation 20-25](#).
  - Businesses **can clarify their status or petition to be added** to the Essential Critical Infrastructure Workers list by emailing [business@mil.wa.gov](mailto:business@mil.wa.gov).
- As of May 4, 2020 (and through May 31, 2020), individuals are **permitted to engage in additional low-risk activities**, including **certain outdoor activities** (hunting, fishing, golfing, boating, and hiking) and **drive-in religious services**, so long as the services comply with requirements to be issued by May 15, 2020, and so long as each vehicle contains only one household. See [Proclamation by the Governor 20-25.3: Adjusting and Extending Stay Home – Stay Healthy to May 31, 2020 \(issued May 4, 2020\)](#).
- As of midnight on March 25, 2020, **all nonessential businesses (with limited exceptions) must cease operations, except for performing basic minimum operations**. See [Proclamation by the Governor Amending Proclamation 20-05 \(issued March 23, 2020\)](#); [Proclamation by the Governor 20-25.3: Adjusting and Extending Stay Home – Stay Healthy to May 31, 2020 \(issued May 4, 2020\)](#). The Proclamation does not, however, prevent employees from working from home or apply to businesses consisting exclusively of workers performing business activities from their homes and without in-person contact with clients. *Id.*
  - **Minimum basic operations** are defined as the “minimum activities necessary to maintain the value of the business’ inventory, preserve the condition of the business’ physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions.” *Id.*
- Essential businesses are “encouraged to remain open and maintain operations,” but they **must** “establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Washington State Department of Health Guidelines.” *Id.*
  - **Social distancing:** Essential businesses are “prohibited from operating” unless they establish and implement social distancing measures. *Id.*
  - **Penalty:** A violation of the Proclamation is punishable as a gross misdemeanor, which allows the State to imprison the violator for up to 364 days, to fine the violator up to \$5,000, or both. *Id.*
- Beginning on May 5, 2020, **certain low-risk, nonessential businesses (including landscaping and lawn care, vehicle and vessel sales, pet walking, curbside retail, and car washes) are allowed to reopen**, so long as they comply with industry-specific requirements that will be issued by May 15, 2020. See

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[Proclamation by the Governor 20-25.3: Adjusting and Extending Stay Home – Stay Healthy to May 31, 2020 \(issued May 4, 2020\).](#)

○ **Reopening Orders:**

- On May 4, 2020, Governor Inslee announced [Safe Start Washington: A Phased Approach to Recovery.](#)
  - **Washington will reopen in four phases**, each of which will last at least 3 weeks.
    - To determine whether to move to the next phase, remain in the current phase, or return to a previous phase, the state will track data on five metrics: COVID-19 Disease Activity; Health Care System Readiness; Testing Capacity and Availability; Case and Contact Investigations; and Risk to Vulnerable Populations. The state will aggregate the data underlying each metric and display the state's progress on a series of dashboards.
    - Some smaller counties with fewer than 75,000 people and no confirmed COVID-19 cases for the past three weeks may be permitted to move from Phase I to Phase II before the rest of the state. To do so, the county must submit a variance request.
  - During each phase, restrictions on individuals and businesses will gradually ease:
    - **Phase I (May 5 – May 31):** gatherings still prohibited, but some outdoor recreation and drive-in spiritual services allowed to resume; essential businesses remain open; existing construction, landscaping, auto/RV/boat/ORV sales, curbside retail, car washes, and pet walkers allowed to resume.
    - **Phase II:** gatherings and outdoor recreation with up to 5 non-household members per week permitted; remaining manufacturing and additional construction resume; in-home/domestic services, in-store retail (with restrictions), real estate, office-based professional services (though telework still strongly encouraged), hair and nail salons/barbers, pet grooming, and restaurants (50% capacity, table size no larger than 5) allowed to reopen.
    - **Phase III:** gatherings and outdoor recreation with up to 50 non-household members permitted, recreational facilities (gyms and pools) allowed to reopen at 50% capacity, and professional sports allowed to resume without audience participation; restaurants/taverns allowed to increase capacity to 75% and table size to 10 (with bar capacity at 25%); movie theaters (50% capacity), libraries, and museums allowed to reopen; customer-facing government services resume (though telework still strongly encouraged); all other businesses (except for nightclubs and events with more than 50 people) allowed to reopen.
    - **Phase IV:** All recreational activities and gatherings of more than 50 people permitted; nightclubs, concert venues, and large sporting events reopened;

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unrestricted staffing of worksites permitted (with continued physical distancing and hygiene).

- Across all phases, individuals are expected to continue to practice physical distancing and good hygiene and sanitation, and employers are required to maintain physical-distancing protocols, limit close interactions between employees and customers, adequately sanitize the workplace and provide opportunities and supplies for individual hygiene, and adopt workplace- or industry-specific strategies to further reduce risks.
- As of April 29, 2020 (and continuing while the Stay Home, Stay Healthy order remains in effect), **existing, low-risk construction projects** can resume, so long as the projects comply with specific social-distancing requirements and sanitation and cleanliness protocols, screen workers before shifts, and provide a COVID-specific site supervisor and training. *See* [Implementation of Phase 1 Construction Restart – Proclamation 20-25 \(issued April 29, 2020\)](#).
  - Authorized construction includes construction that was previously allowed by the Stay Home, Stay Healthy order, as well as construction that was “in existence” (needed to fulfil a contractual obligation made effective before March 23, 2020 or authorized by a government permit issued before March 23, 2020) before March 23, 2020. *See id.*
- As of May 5, 2020, **recreational hunting, fishing, and boating; day-use activities at public parks and public lands; and golfing** are allowed to resume, subject to certain social-distancing requirements, sanitation protocols, and capacity restrictions. *See* [Proclamation by the Governor 20-25.2 Adjusting Stay Home – Stay Healthy to May 4, 2020](#).

### XLIX. Washington, D.C.

- Effective July 27, 2020, anyone coming into Washington, DC from a high-risk state (see list below) (within the prior 14 days) who was traveling for non-essential activities will be required to self-quarantine for 14 days from their arrival in the District. Individuals traveling from high-risk states after essential travel or arriving in the District for essential travel are required to self-monitor for symptoms of COVID-19 for 14 days and, if they show signs or experience symptoms of COVID-19, they are to self-quarantine and seek medical advice or testing. [Mayor’s Order 2020-081: Requirement to Self-Quarantine After Non-Essential Travel During the COVID-19 Public Health Emergency](#)
  - **High-risk States include:** Arkansas, Arizona, Alabama, California, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Washington and Wisconsin.
- On July 22, 2020, Mayor Bowser of Washington D.C. announced requirements related to wearing masks indoors and outdoors in Washington, DC. Under the new Mayor’s Order on masks, people must wear a mask when they leave their homes if they are likely to come into contact with another person for more than a fleeting moment. Exceptions are listed in the Mayor’s Order, and common exceptions include: children under the age of three; a person who is in an enclosed office that no one else is allowed to enter; a person who is actively eating

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or drinking; and a person who is engaged in vigorous outdoor exercise and is maintaining social distance of at least six feet from other people. [Mayor Bowser Issues New Mayor's Order on Masks, July 22, 2020](#)

- On June 22, 2020, Mayor Bowser of Washington D.C. announced the start of Phase Two. [Washington, D.C. Begins Phase Two](#)
  - Gathering size increased to 50 people, with exceptions detailed in the order
  - Restaurants and other licensed food establishments, including taverns, nightclubs, and mixed-use facilities that serve food, may continue to operate with seated outdoor eating and drinking, and may open for indoor dining following specified minimum safeguards
  - In addition to the minimum basic operations, and outdoor pickup and delivery options authorized previously, nonessential retail businesses may open to customers for indoor shopping, provided that the establishment meet specified guidelines
  - Gyms, health clubs, yoga, dance and workout studios, including those in hotels, apartments, condominiums, and cooperatives, may open with capacity limits of 5 persons per 1,000 square feet, provided such establishments meet specified guidelines
  - In addition to the barbershops and hair salons that already may operate with the conditions set forth in section III.2 of Mayor's Order 2020-067, tanning, tattoo, waxing, threading, electrolysis, cryotherapy, facial and other skin services, and nail salons may open under the same conditions as barbershops and hair salons
  - Places of worship may operate with expanded capacity limits. In no event shall attendance at any service exceed 50% of the capacity of the facility or space where the service is occurring as set forth in its Certificate of Occupancy, or 100 persons, whichever is fewer. Groups of persons attending together shall not exceed 10 persons. Each group must be seated at least 6 feet from each other group.
  - Childcare centers may resume operations with the same staff/child ratios as applicable prior to the COVID-19 pandemic, with enhanced social distancing and hygiene practices as may be prescribed by the Office of the State Superintendent of Education or DOH.
  - **Businesses and Activities that Remain Closed:** (i) Hookah bars, cigar bars, and any other business operating pursuant to an exemption from the anti-smoking laws of the District of Columbia; (ii) hot tubs, saunas, and steam rooms at gyms, in freestanding facilities, or in apartments, condominiums, and cooperatives; (iii) bars, nightclubs and mixed-use facilities, except to the extent that they are serving food consistent with prior Mayor's Orders and are operating pursuant to endorsements from the Alcoholic Beverage Regulation Administration; (iv) all high contact sports and organized club team sport activities remain closed in District parks and fields; and (vi) spray parks.

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- On May 27, 2020, Mayor Bowser of Washington D.C. signed an order lifting her previous stay-at-home order and permitting certain businesses and activities to reopen under specified conditions. The order will go into effect at on May 29, 2020. [Phase 1 of Washington D.C. Reopening \(May 27, 2020\)](#)
  - During Phase One, (i) individuals living in, working in, and visiting Washington, DC are no longer ordered to stay at their residences; (ii) when leaving their residence, all individuals must continue to maintain a distance of at least 6 feet from persons not in their household, except if such distance is impossible to maintain; (iii) large gatherings of more than 10 individuals continue to be prohibited.
  - Nonessential retail businesses may open to customers for: (i) outdoor pickup by customers of items ordered online or over the phone, (ii) delivery of items ordered online or over the phone; (iii) indoor shopping and indoor pickup of items continues to be prohibited at nonessential retail businesses; and (iv) minimum basic operations of nonessential retail businesses may continue.
  - Barbershops and salons may operate as follows: (i) services may be provided by appointment only and these businesses are encouraged to keep customer information related to these appointments, including which barber or stylist saw which customer, for use by contact tracers should that become necessary; (ii) no waiting inside the shop is permitted; (iii) services such as waxing, electrolysis, threading and nail care are not yet authorized; and (iv) open customer stations of all types must be at least 6 feet from each other.
  - Restaurants will be allowed to serve people at outdoor seating. Tables must be at least 6 feet apart and no more than six people can be seated at one table. Customers must be seated when they place orders and when they are served. For restaurants that don't have outdoor seating areas, the city is working on "a process to reimagine sidewalks and roads." Restaurants are asked, but are not required to, keep a log with the name and phone number of every customer so that if someone tests positive, others can be informed of their exposure. Restaurants are encouraged to use disposable items and one-time-use menus.
  - Parks, dog parks, golf courses, tennis courts, and track and field spaces will reopen. Playgrounds, public pools and recreation centers will remain closed.
  - Houses of worship can only allow groups of 10 people or fewer.
  - Non-essential businesses that must **remain closed** except for minimum business operations, curbside pickup or delivery, or home-based services include, fitness establishments (gyms; health clubs; spas; massage parlors; workout studios); tanning, tattoo, waxing, electrolysis, cryotherapy, facials, and nail salons; sporting venues; bowling alleys, skating rinks and gaming arcades; gymnastics, yoga, and dance studios; sauna and hot-tub showrooms or facilities; rock climbing centers; indoor racquet and squash courts; cigar and hookah bars and head shops; jewelry and watch stores; clothing stores; cosmetics stores; mattress stores; party supply stores; florists; gift, pen, and award shops; card/stationery stores; photography studios; toy stores; book stores; candle shops; sunglasses shops; home goods stores; pottery making or glassblowing workshops; party venues; frame stores; camping, skiing and other outdoor gear stores; weigh-in/weight loss centers and vitamin/supplement stores; tasting rooms and cooking demonstration facilities; theaters,

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cinemas and auditoriums; museums and galleries; bars, nightclubs, mixed use facilities and private social clubs, except those licensed to serve food and permitted by the Alcoholic Beverage Regulation Administration (ABRA); travel agencies; test preparation/tutoring centers; and professional services other than those provided to essential businesses and grantmaking.

- Contact sports including basketball, football and soccer will not be allowed.
- On May 21, 2020, Mayor Bowser announced that D.C. could begin a phased reopening on May 29, 2020, barring unexpected spikes in infections. The Mayor is set to make her final decision on Tuesday. <https://wtop.com/coronavirus/2020/05/dc-could-begin-phased-reopening-next-friday-mayor-says/>
  - The city has met most metrics the Mayor set out for reopening, and is three days away from a two-week decline in community spread of the virus.
  - A task force Mayor Bowser formed to advise her on how to reopen D.C. issued a comprehensive report, highlighting, among other things, 4 proposed stages for reopening. [Reopen D.C.: Recommendations to the Mayor](#)
  - The task force recommended no mass gatherings of 250 or more people until a vaccine or cure is available. They also recommended that the first batch of reopenings include barbershops and hair salons by appointment, outdoor restaurant dining, parks, fields, golf courses and tennis courts, worship services with no more than 10 people, and curbside service for nonessential retailers. The group does not recommend reopening summer camps, pools, gyms, indoor entertainment venues, bars and nightclubs, and museums. [Reopen D.C.: Recommendations to the Mayor](#)
- Effective May 16, 2020, the Mayor of D.C. extended the stay at home order through June 8, 2020. [DC Mayor Extends Stay at Home Order \(May 13, 2020\)](#)
  - D.C., in accordance with guidance from the CDC, will reopen its economy after assessing: (i) extensive COVID-19 testing, including capacity to test individuals who are symptomatic, in essential roles, and have had close contacts with individuals who have tested positive for COVID-19; (ii) contact tracing for all COVID-19 cases and their close contacts; (iii) capacity in the healthcare system to safely care for all patients; and (v) sustained decrease in community spread for 14 days.
  - D.C. is launching a pilot program for stores that sell educational and academic goods, whereby waivers will be granted to locally-owned stores in the city that sell educational items, such as books, for curbside and front-door pickup. Before a waiver is granted, stores will need to agree to share data and information about their sales, hours, and operations. [https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page\\_content/attachments/Situational-Update-Presentation\\_051520.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Situational-Update-Presentation_051520.pdf)
- Effective 12:01am on April 1, 2020, all individuals living in Washington, DC, are ordered to stay at their place of residence, except as otherwise specified by this order. [DC Mayor Stay at Home Order 2020-54 \(March 30, 2020\)](#).

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- Individuals may leave their residences only to engage in Essential Activities including obtaining medical care that cannot be provided through telehealth and obtaining food and essential household goods; to perform or access Essential Governmental Functions; to work at Essential Businesses; to engage in Essential Travel; or engage in Allowable Recreational Activities.
- Essential Activities means (i) engaging in activity or performing a task essential to an individual's own health or safety, or to the health or safety of the individual's family or household members, including pets, (ii) obtaining services or supplies for an individual's own self or the individual's family or household members, (iii) performing work providing essential products and services at Essential Businesses or otherwise carrying out activities specifically permitted in this order, including Minimum Basic Operations, (iv) caring for a family member or pet in another household or serving as a caregiver providing essential services to another, (v) providing or obtaining services at a Health Care Operation (hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other health care facilities, health care suppliers, home health care and assisted living services, mental health providers, or any related and/or ancillary health care services, veterinary care and all health care services provided to animals), and (vi) providing any services or performing any work necessary to the operations and maintenance of Essential Infrastructure.
- When engaging in Essential Travel, (i) individuals using public transportation must comply with the Social Distancing Requirements; (ii) drivers of ride-sharing vehicles must have disinfecting wipes in their vehicles and must wipe down all surfaces potentially touched by a passenger after each ride; (iii) individuals using shared personal mobility devices such as scooters and bicycles are strongly encouraged to bring their own disinfecting wipes and wipe down the parts of the device they touch before and after riding; and (iv) public and private transit officials shall make provisions for frequently disinfecting buses, subway cars, and any other vehicles they operate, to the highest feasible standards.
- The provisions of Mayor's Order 2020-53 regarding which business are essential and Minimum Basic Operations of Non-Essential Businesses remain in effect. Essential Businesses and Essential Government Functions are defined in Mayor's Order 2020-53 (see below).
- **Enforcement Actions:** Any individual who willfully violates this order may be guilty of a misdemeanor and upon conviction subject to a fine not exceeding \$5,000, imprisonment of not more than 90 days, or both.
  - Non-essential Businesses conducting Minimum Basic Operations pursuant to Mayor's Order 2020-53 may be asked to show their operational plan and why the activities they are conducting, and how they are conducting them, fit within the allowable limits.
  - Effective March 25, 2020 at 10:00pm, and through April 24, 2020, **all non-essential businesses are ordered closed** and in-person customer service at the Department of Motor Vehicle and other city offices must stop. [DC Mayor Order 2020-53 \(March 24, 2020\)](#)

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- **Non-essential businesses include:** (i) tour guides and touring services; (ii) gyms, health clubs, spas, and massage establishments; (iii) theaters, auditoriums and other places of large gatherings; (iv) nightclubs; (v) hair, nail, and tanning salons and barbershops; (vi) tattoo parlors; (vii) sales not involved in essential services; (viii) retail clothing stores; and (ix) professional services not devoted to assisting essential business operations.
- **Essential businesses included in the following categories are strongly encourage to remain open:** (i) healthcare and public health operations; (ii) essential infrastructure; (iii) food and household products and services; (iv) social services providing the necessities of life; (v) communications and information technology; (vi) energy and automotive; (vii) financial services; (viii) educational institutions; (ix) transportation and logistics; (x) construction and building trades; (xi) housing and living facilities; (xii) professional services; and (xiii) childcare facilities. *Id.* See the Order dated March 24, 2020 for specific businesses deemed to be included in these categories.
- **All Essential Government Functions shall continue, including:** (i) first responders, including police, firefighting, and emergency medical services, emergency management, 911/311 call center; (ii) law enforcement functions; (iii) services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public performed by the District of Columbia or federal government of their contractors; (iv) the District of Columbia Courts, and inter-governmental commissions and entities performing such functions, including judicial and elections functions.
- Large gatherings of ten or more persons are prohibited anywhere in the District of Columbia. *Id.*
  - **Prohibition does not include:** (i) Essential Businesses and groups performing Essential Government Functions; (ii) gatherings of people in multiple, separate enclosed spaces in a single building, so long as ten people are not present in any single space at the same time; (iii) the use of enclosed spaces where ten or more people may be present at different times during the day, so long as ten or more people are not present in the space at the same time; (iv) gatherings on property within the District of Columbia owned by the federal government; (iv) spaces associated with public transit; (v) spaces where ten or more persons may be in transit or waiting for transit such as buses, bus stops, bus terminals, sluglines, or subway cars, and subway stations; and (vi) office space, hotels, or residential buildings (excluding conferences or large gatherings at hotels; hotels and residential buildings may remain open for guests and as residences).
- **Social Distancing Requirements** include: (i) maintaining at least 6 feet of distance from other individuals; (ii) washing hands with soap and water for at least 20 seconds or using hand sanitizer frequently; (iii) covering coughs or sneezes; (iv) regularly cleaning high-touch surfaces; and (v) not shaking hands.
- **Enforcement Actions:** Any individual or entity that knowingly violates this Order shall be subject to all civil, criminal and administrative penalties authorized by law, including sanctions or penalties for violating D.C. Official Code 7-2307, including \$1,000 fines, summary suspension or revocation of licensure. *Id.*
- **Waiver:** The Mayor may grant a waiver to a business or nonprofit through the District of Columbia Homeland Security and Emergency Management Agency. *Id.*

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### L. West Virginia (Statewide)

- **Reopening.** Effective May 4, the [stay at home order](#) is amended to declare a general safer at home order, which provides that individuals are **safer at home**. All individuals are under a general safer at home order and are **strongly encouraged to stay at home** unless performing an essential activity. See [Executive Order No. 32-20 dated April 30, 2020](#).
  - **Non-essential businesses and operations must generally continue to temporarily cease operations, but certain small businesses may resume operations with appropriate precautions.** *Id.*
  - Small businesses that have 10 or less employees and which have limited customer traffic of approx. 50 customers per day may operate, but must ensure that proper social distancing and hygiene practices are maintained, and must limit occupancy to no more than 2 individuals per 1,000sqft at any time. *Id.*
  - Restaurants may open for outdoor service and consumption, or for consumption off-premises (e.g., take-away, delivery, or drive-through). *Id.*
  - Barber shops, nail salons, and hair salons may operate but must ensure all employees wear masks and that appointments are scheduled in advance. Dog groomers may also operate. *Id.*
  - All gatherings of more than 25 people are prohibited. *Id.*
- Effective May 18, **fitness centers**, gyms, recreation centers and similar businesses may reopen, but must ensure that social distancing and proper hygiene practices are maintained. See [Executive Order No. 37-20 dated May 15, 2020](#)
- Effective May 21, **retail businesses** may resume operations to maintain inventory, preserve the physical plant and equipment, ensure security, process payroll and employee benefits, and the minimum necessary activities to facilitate the employees being able to work remotely. See [Executive Order No. 39-20 dated May 19, 2020](#)
- Further, on-premises consumption of food and/or drinks at **restaurants** is permitted, provided that indoor seating capacity is limited to 50%. *Id.*
- Effective May 26, on-premises consumption of food and/or drinks at **bars** is permitted, provided that indoor seating capacity is limited to 50%. Museums and zoos may resume operations, but must ensure that social distancing and proper hygiene is maintained. See [Executive Order No. 40-20 dated May 22, 2020](#)
- Effective May 30, **spas** and massage businesses, swimming pools, **places of indoor amusement**, and video lottery retailers may resume operations, but must ensure that proper social distancing and hygiene practices are maintained. See [Executive Order No. 41-20 dated May 29, 2020](#)
- Effective June 5, movie theaters and casinos may resume operations, but must ensure that proper social distancing and hygiene practices are maintained. See [Executive Order No. 42-20 dated June 4, 2020](#)

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- Effective July 14, the **gathering size restriction is decreased from 100 people to 25 people**, and fairs and festivals are no longer permitted. See [Executive Order No. 51-20 dated July 13, 2020](#)
- Effective September 2 (and expiring on October 13, 2020), all **bars in Monongalia County** (home of Morgantown) were prohibited from allowing on-premises consumption of food or drink. See [Executive Order No. 65-20 dated September 2, 2020](#). As of October 13, 2020, bars in Monongalia County are allowed to resume on-premise consumption of food and drink, so long as they reopen in strict compliance with applicable guidelines. See [Executive Order No. 75-20 \(issued October 13, 2020\)](#).
- Effective October 6, certain additional activities are permitted. See [Executive Order No. 74-20 dated October 5, 2020](#).
  - Live music may be performed indoors, but only for simulcast or other broadcast to remote audiences, where no audience is physically present where such live music is being performed indoors. Carnivals, fairs, concert and music halls, adult entertainment venues, and other similar businesses shall remain closed, and indoor live music performances shall otherwise generally be prohibited.
  - The Hatfield McCoy Trail System may reopen.
  - Outdoor recreation outfitters may reopen.
  - Whitewater rafting businesses may resume operations.
  - Ziplining businesses may resume operations.
- **Schools** may resume in-person operations no sooner than September 8, 2020, provided that social distancing and other safety practices are maintained. See [Executive Order No. 56-20 dated July 24, 2020](#).
  - Private and public pre-K through grade 12 schools are required to follow the County Alert System's county-by-county color-coded system maintained by the West Virginia Department of Health as it relates to any limitations or prohibitions on occupancy of such educational institutions for in-person instruction and/or athletic or extracurricular activities. See [Executive Order No. 68-20 dated September 4, 2020](#)
- Effective September 16, the **gathering size restriction is decreased from 25 people to 10 people** for all counties in the Red, Orange or Gold categories. See [Executive Order No. 70-20 dated September 15, 2020](#)
- **Face Coverings.** Starting July 7, all individuals age 9 and over shall wear an adequate face covering when in confined, indoor spaces, other than when in one's residence or when actively engaged in the consumption of food and/or beverages. See [Executive Order No. 50-20 dated July 6, 2020](#).
  - Following CDC guidance, anyone younger than two, anyone with trouble breathing, and anyone who is unconscious or incapacitated should not wear face coverings and are therefore exempt from the order. *Id.*

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- For children aged 2-8, parents/guardians should use their best judgment. *Id.*

### LI. Wisconsin (Statewide)

- **Indoor gatherings limited.** Effective October 8 through November 6, public gatherings are limited to 25% of the total occupancy limits for the room or building, as established by the local municipality. Public gatherings in private spaces are limited to 10 people. [Emergency Order #3, dated October 6](#).
  - **Exemptions:** Health care and public health operations, human services operations, public infrastructure operations, government operations and facilities (federal, state, and local), places of religious worship, speech protected by the First Amendment, 4K-12 schools, higher education institutions, child care settings, youth residential care centers such as foster homes and homeless shelters, activities on Tribal reservations, and activities on any federal land held in trust for a federally recognized Tribe. Additional details provided in the order and [FAQ guidance](#).
  - **Enforcement.** Violation of this order may result in a fine up to \$500. [Wis. Stat. § 252.25](#); *Legislature v. Palm*, 2020 WI 42.
- **Face coverings required.** Effective August 1 through November 21, all individuals age 5 and older must wear a face covering if (1) the person is indoors or in an enclosed space other than a private residence, and (2) another person who is not a member of the individual's household is present in the same space. [Emergency Order 1, dated July 30](#); [Executive Order 82, dated September 22](#). Individuals are discouraged from using N95 and other medical-grade supplies.
  - Face coverings may be temporarily removed in the following circumstances: (1) eating or drinking, (2) communicating with an individual who is deaf or hard of hearing, (3) obtaining a service that requires temporary face covering removal, such as dental services, (4) sleeping, (5) swimming or lifeguarding, (6) single individual giving a presentation for an audience while maintaining a 6-foot distance from other individuals, (7) engaging in work where face covering creates risk to the individual as determined by government safety guidelines, (8) when necessary to confirm individual's identity, (9) when federal or state laws or regulations prohibit wearing a face covering.
  - The following individuals are exempt from the face covering requirement: (1) individuals who have trouble breathing, are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance, (2) individuals with certain conditions, disabilities, or sensitivities that prevent them from wearing a face covering, (3) incarcerated individuals.
  - **Enforcement.** This order is enforceable by civil forfeiture of not more than \$200. Wis. Stat. § 323.28.
- On July 30, Governor Evers declared a Public Health Emergency, directing the Department of Health Services to take all necessary and appropriate measures to prevent and respond to the recent spike in COVID-19 infections. The Emergency will remain in effect for 60 days. [Executive Order 82, dated July 30](#).

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- Wisconsin had issued a stay-at-home order ([Emergency Order #28 Safer at Home Order, dated April 16, 2020](#)), but it was [declared unlawful, invalid, and unenforceable](#) by the Supreme Court of Wisconsin on May 13. The same day, Governor Evers encouraged Wisconsinites to stay safer at home, practice social distancing, and limit travel. [Press release, dated May 13.](#)

### LII. Wyoming (Statewide)

- Effective through November 15, 2020, the places of public accommodation listed below must operate as outlined below. [Fifteenth Continuation of Statewide Public Health Order Closing Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities and Trade Schools Statewide dated October 30, 2020](#); [Fifteenth Continuation, and Modification, of Statewide Public Health Order #3: Temporary Closure of Nail Salons, Hair Salons, Barber Shops, Massage Therapy Services, Tattoo, Body Art and Piercing Shops, and Cosmetology, Electrology, and Esthetic Services dated October 30, 2020.](#)
  - Places of public accommodation (e.g., restaurants and bars) may provide service indoors and outdoors if, among other restrictions, tables are limited to groups of six, the tables are at least six feet apart, physical distancing guidelines are maintained while customers enter and remain on premises, staff wear face coverings when within six feet of customers or other staff and the business maintains a record of staff working hours by date and time. *Id.*
  - Gymnasiums may operate if, among other restrictions, close-contact activities are prohibited, group workout classes must be limited to 50 participants and each participant must be six feet apart from other participants, workout equipment must be at least six feet apart and cleaned by staff in between each patron use and the overall number of patrons in the entire facility must not exceed one person per 120 square feet. *Id.*
  - Movie theaters, performance theaters, opera houses, concert halls and music halls may operate if, among other restrictions, groups of patrons seated together are limited to six people, a six foot distance is maintained between individual groups at all times, staff wear face coverings if within six feet of customers or other staff and the facility is cleaned between performances. *Id.*
  - Childcare facilities may operate under certain restrictions. *Id.*
  - K-12 schools, colleges, universities and trade schools may provide limited on-site instruction to students who need specialized assistance or services or for technical courses that require specific equipment for instruction if, among other restrictions, groups are limited to 50 people in each separate room or up to 250 people in larger rooms (e.g., cafeterias, auditoriums) if six feet of separation between individuals can be strictly maintained. *Id.*
  - Nail salons, hair salons, barber shops, massage therapy services, tattoo, body art and piercing shops and cosmetology, electrology and esthetic services may operate under restricted conditions, including serving patrons at stations that are at least six feet apart from other stations serving patrons, screening staff at the beginning of their shifts for signs of illness, requiring patrons to wear face coverings as much as possible, requiring staff to wear face coverings when within six

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feet of customers or other staff and requiring the facility to maintain adequate records of its staff working hours for purposes of COVID-19 tracing. *Id.*

- Effective through November 15, 2020, all gatherings of **50 or more people** are prohibited. [Fifteenth Continuation of Statewide Public Health Order #2: Forbidding Gatherings of Fifty \(50\) People or More dated October 30, 2020](#).
  - **Exemptions:** (i) Hotels and motels for lodging purposes, (ii) livestock auctions, (iii) groups of workers being transported to a location for their jobs, (iv) government business, military and National Guard facilities, law enforcement, jails, secure treatment centers and correctional facilities, (v) state and local government facilities, (vi) relief facilities, including food pantries and shelter facilities, (vii) residential buildings, (viii) grocery stores, markets, convenience stores, pharmacies and drug stores, (ix) truck stops, gas stations and auto-repair facilities, (x) **retail or business establishments, where more than 50 people may be present but are generally not within six feet of one another**, (xi) healthcare facilities, (xii) alcohol and drug treatment centers (xiii) long-term care and assisted living facilities that are complying with guidance and directives from the CDC, the Wyoming Department of Health and appropriate licensing and regulatory agencies, (xiv) religious or faith based organizations and funeral homes and (xv) parades. *Id.*
  - Events not specifically identified by name or type in the paragraph above may allow indoor gatherings of more than 50 people but no more than 250 people. Events not specifically identified by name or type in the paragraph above may allow outdoor gatherings of more than 50 people but no more than 50% of venue capacity (or 250, whichever is greater), with a maximum of 1,000 people. *Id.*
- **Enforcement Actions:** Any person or legal entity that violates the Order shall be subject to criminal prosecution under [Wyo. Stat. Ann. §§ 35-1-105 and -106](#). The penalty for violations is a misdemeanor punishable by a fine of not more than \$1,000, imprisonment for not more than one year or both. *Id.*

Send questions to [PHOrdersTeam@ropesgray.com](mailto:PHOrdersTeam@ropesgray.com).