

Response to COVID-19: State Executive Orders

Update of June 30, 2020

As COVID-19 spread across the United States, forty-seven states and the District of Columbia signed executive orders instructing non-essential businesses to close. The U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (“CISA”) released guidelines recommending to states which industries and categories of workers should be considered essential and permitted to work during the pandemic. CISA issued three iterations of these guidelines, the first on March 19, 2020, a revised version on March 28, 2020, and a so-called [Version 3.0](#) on April 17, 2020.

The majority of states chose to adopt the CISA guidelines in their entirety, although many added additional categories of workers and employees that they consider essential. There is significant overlap between which workers are considered essential by the states that have put forth their own rules and by CISA. Certain differences can be attributed to the unique needs or priorities of residents of particular states; for example, states in which medical marijuana is legal often enumerate it as an essential service, and certain states with a strong religious base have exempted religious institutions. The March 28 CISA guidelines were released after numerous states had already enacted their orders regarding essential businesses and appeared to incorporate many categories of businesses and employees that were originally added by states to supplement the March 19 CISA guidelines. Examples include real estate services, laundromats, hardware stores, and services providing work from home solutions.

States are now considering how to reopen their economy, balancing the desire to permit businesses to operate with the need to continue to slow the spread of COVID-19. Some states have begun issuing further orders permitting previously closed businesses to reopen, often subject to certain conditions, such as social distancing requirements.

Below is an overview of the CISA guidelines and relevant state orders both closing and reopening certain businesses.



	State	Does the Executive Order Incorporate or Include Federal CISA Guidelines?	Duration
1.	Alabama	Yes	April 30, 2020 at 5:00 pm
2.	Alaska	Yes	April 21, 2020
3.	Arizona	No	May 15, 2020 at 11:59 pm
4.	California	Yes	Until further notice
5.	Colorado	No	April 26, 2020
6.	Connecticut	Yes	May 20, 2020
7.	Delaware	Yes	May 31, 2020
8.	District of Columbia	Yes	May 29, 2020 at 12:01 am
9.	Florida	Yes	April 30, 2020
10.	Georgia	Yes	April 30, 2020
11.	Hawaii	Yes	May 31, 2020 at 11:59 pm
12.	Idaho	Yes	April 30, 2020 at 11:59 pm
13.	Illinois	Yes	May 29, 2020
14.	Indiana	Yes	May 1, 2020 at 11:59 pm
15.	Iowa	No	April 30, 2020 at 11:59 pm
16.	Kansas	No	May 3, 2020 at 11:59 pm
17.	Kentucky	Yes	Until either the Order or the State of Emergency is terminated
18.	Louisiana	Yes	May 15, 2020
19.	Maine	Yes	April 30, 2020
20.	Maryland	Yes	May 15, 2020 at 5:00 pm
21.	Massachusetts	Yes	May 18, 2020
22.	Michigan	Yes	June 1, 2020
23.	Minnesota	Yes	May 18, 2020
24.	Mississippi	Yes	April 27, 2020 at 8:00 am
25.	Missouri	Yes	May 3, 2020 at 11:59 pm
26.	Montana	Yes	April 24, 2020
27.	Nebraska	No	May 3, 2020
28.	Nevada	Yes	May 15, 2020
29.	New Hampshire	Yes	May 4, 2020 at 12:01 am
30.	New Jersey	No	June 9, 2020
31.	New Mexico	No	May 15, 2020
32.	New York	No	July 26, 2020
33.	North Carolina	Yes	May 8, 2020 at 5:00 pm
34.	North Dakota	No	May 1, 2020 at 8:00 am
35.	Ohio	Yes	May 1, 2020 at 11:59 pm
36.	Oklahoma	Yes	April 30, 2020
37.	Oregon	No	Until terminated by the Governor
38.	Pennsylvania	No	May 8, 2020 at 12:01 am
39.	Rhode Island	No	May 8, 2020
40.	South Carolina	Yes	May 4, 2020
41.	Tennessee	Yes	April 29, 2020 at 12:01 am
42.	Texas	Yes	April 30, 2020
43.	Vermont	No	May 15, 2020 at 12:00 am

	State	Does the Executive Order Incorporate or Include Federal CISA Guidelines?	Duration
44.	Virginia	No	May 14, 2020
45.	Washington	No	May 31, 2020
46.	West Virginia	Yes	May 4, 2020 at 12:01 am
47.	Wisconsin	Yes	May 26, 2020 at 8:00 am*
48.	Wyoming	No	April 30, 2020

* Ruled unenforceable by the Wisconsin state supreme court on May 13, 2020.

CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response

In response to the spread of COVID-19, CISA promulgated guidance to develop an initial list of “Essential Critical Infrastructure Workers” to help state and local officials deal with potential closures.

- CISA’s guidance lists sixteen critical infrastructure sectors. The sectors are as follows:
 - i. Chemical Sector
 - ii. Commercial Facilities Sector
 - iii. Communications Sector
 - iv. Critical Manufacturing Sector
 - v. Dams Sector
 - vi. Defense Industrial Base Sector
 - vii. Emergency Services Sector
 - viii. Energy Sector
 - ix. Financial Sector
 - x. Food and Agriculture Sector
 - xi. Government Facilities Sector
 - xii. Healthcare and Public Health Sector
 - xiii. Information Technology Sector
 - xiv. Nuclear Reactors, Materials, and Waste Sector
 - xv. Transportation Systems Sector
 - xvi. Water Sector
- In its March 19, 2020 guidance, CISA further identified fourteen categories of the Essential Critical Infrastructure Workforce within those sectors, which are as follows:
 - i. Healthcare/Public Health
 - ii. Law Enforcement, Public Safety, First Responders
 - iii. Food and Agriculture
 - iv. Energy
 - v. Waste and Wastewater
 - vi. Transportation and Logistics
 - vii. Public Works

- viii. Communications and Information Technology
- ix. Other Community-Based Government Operations and Essential Functions
 - x. Critical Manufacturing
 - xi. Hazardous Materials
 - xii. Financial Services
 - xiii. Chemical
 - xiv. Defense Industrial Base
- In its updated March 28, 2020 [Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#), CISA expanded its guidance to include the following three new categories of Essential Critical Infrastructure Workforce, bringing the total to seventeen:
 - xv. Commercial Facilities
 - xvi. Residential/Shelter Facilities and Services
 - xvii. Hygiene Products and Services

CISA additionally renamed the following categories to encompass additional workers:

- i. Law Enforcement, Public Safety, First Responders → Law Enforcement, Public Safety, and Other First Responders
 - ii. Public Works → Public Works and Infrastructure Support Services
 - iii. Other Community-Based Government Operations and Essential Functions → Other Community Or Government-Based Operations and Essential Functions
- In CISA's April 17, 2020 update, the categories of Essential Critical Infrastructure Workforce remain unchanged. The updated guidance does, however, provide further details as to which workers fall under each category (e.g., Food and Agriculture now includes workers selling products for home gardens; Residential/Shelter Facilities and Services now includes home movers).

1. Alabama

On March 27, 2020, Alabama enacted [Order of the State Health Officer Suspending Certain Public Gatherings Due to Risk of Infection by COVID-19](#) instructing certain enumerated categories of non-essential businesses to close to non-employees as of 5:00 pm on March 28, 2020. The Order also closed all restaurants and bars for on-premises consumption, schools, and beaches, and postponed certain dental, medical, and surgical procedures. On April 3, 2020, Alabama issued an [Amended Order](#) and a [Proclamation](#) expanding the list of businesses ordered to close and instructing Alabama residents to stay at home except as necessary to perform essential activities took effect.

- Duration: The Order expired at 5:00 pm on April 30, 2020.

- Penalty: The Orders are enforceable pursuant to Alabama law, including but not limited to, Ala. Code § 22-2-14, the violation of which is punishable by a fine of not less than \$25 nor more than \$500, with additional fines imposed for each day of a continuing violation.
- Essential Businesses: The Amended Order adopted the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) and added its own categories. The Order also empowers the Alabama Department of Public Health and the Alabama Emergency Management Agency to designate further essential business or operations. The additional categories are as follows:
 - i. Government operations
 1. Public safety and first responders
 2. Law enforcement
 3. Fire prevention
 4. Courts and court personnel
 5. Military
 6. Emergency management personnel
 7. Corrections, probation and parole
 8. Child protection and child welfare
 9. EMTs, 9-1-1 call centers
 10. All workers and vendors that support law enforcement and emergency management operations and services and other federal, state, tribal, or local officials or employees
 - ii. Health-care providers and caregivers
 1. Physicians and dentists, hospitals/clinics
 2. Mental health workers
 3. Nurses
 4. Chiropractors
 5. Clinical staff
 6. Nursing homes, residential health care facilities, adult day care centers, congregate-care centers, assisted living facilities, elder care
 7. Blood banks
 8. Medical supply and equipment manufacturers and providers
 9. Medical waste and hazardous waste disposal
 10. Physical therapists
 11. Veterinarians
 - iii. Infrastructure operations
 1. Electrical, natural gas, nuclear and other generating facilities
 2. Water utilities

3. Utility poles and components
4. Fuel pipelines and transmission systems
5. Petroleum producers
6. Telecommunications and data centers
7. Electronic security and life safety services
8. Wireless communication companies
9. Communications sales and customer support
10. Cybersecurity operations
11. Flood control, aviation, dams, airports, ports, roads, highways and mass transit
12. Automotive sales and repair
13. Vehicle rental and taxi services
14. Network providers (such as Uber and Lyft)
15. Freight and passenger rail
16. Motor carriers
17. Hotels and commercial lodging services
18. RV parks
- iv. Manufacturing facilities
 1. Food processing and production
 2. Pharmaceuticals
 3. Food additives
 4. Medical equipment, devices and supplies
 5. Technology and biotechnology
 6. Automotive production and suppliers
 7. Airplane, ship and space vehicle or rocket manufacturers
 8. Companies involved in steel, energy, fuel and petroleum exploration and production, lubricants, greases and engine oils
 9. Mining-related manufacturing
 10. Manufacturing for national defense
 11. Production of sanitary and cleaning products, household products, personal care products
 12. Companies that produce products for other Essential Businesses or operations
- v. Agricultural operations and farms
 1. Food cultivation and farmers' markets
 2. Livestock, cattle, poultry and seafood operations
 3. Transportation of agricultural products
 4. Livestock auctions and dealers and brokers of livestock
 5. Feedlots, feed stores and feed processing
 6. Repairers and suppliers of agricultural equipment
 7. Companies involved with aquaculture, horticulture

8. Chemical production and distribution, including pesticides, herbicides and fertilizers
9. Forest products
10. Meat processing and other rendering facilities and transporters
11. Veterinary services
- vi. Essential retailers
 1. Supermarkets and other food stores, including food-delivery
 2. Beverage stores, including liquor stores
 3. Warehouse clubs
 4. Convenience stores
 5. Office-supply stores
 6. Bookstores
 7. Computer stores
 8. Hardware, home improvement and building materials stores
 9. Electrical, plumbing and heating materials stores
 10. Gun stores
 11. Gas stations
 12. Auto, farm, bicycle, motorcycle and boat supply and repair stores
- vii. Restaurants and bars
- viii. Essential personal services
 1. Tash collection
 2. Mail and shipping services
 3. Home and automotive sales and repair
 4. Warehouse
 5. Distribution and fulfillment centers
 6. Kennels and animal shelters
 7. Laundromats, laundry service and drycleaners
 8. Childcare facilities
 9. Public transportation
 10. Businesses services, including security and payroll
 11. Mortuary services
- ix. Media operations, including newspapers, digital news, television and radio
- x. Education operations that facilitate distance-learning and meal distribution
- xi. Financial services, including banks, credit unions and payday lenders
- xii. Professional services, including legal, accounting, insurance and real estate services
- xiii. Providers of basic necessities to economically disadvantaged populations
- xiv. Construction and construction-related services
 1. Lumber, building materials and hardware businesses
 2. Electricians, plumbers, exterminators and other skilled trades
 3. Cleaning and janitorial services

- 4. Painting
 - 5. Moving and relocating services
- xv. Essential public services
- xvi. Military or defense operations, including contractors and subcontractors
- xvii. Essential services or product providers
 - 1. Logistics
 - 2. Transportation
 - 3. Technology support
 - 4. Child care programs and services
- xviii. Religious entities
 - 1. Drive-in worship services
 - 2. Religious worship service, wedding or funeral that involves fewer than 10 people who maintain six feet of distance from one another
- xix. Support operations for Essential Businesses and operations

The Order specifically states that the following Non-Essential Businesses must close:

- i. Entertainment venues
 - 1. Night clubs
 - 2. Bowling alleys
 - 3. Arcades
 - 4. Concert venues
 - 5. Theaters, auditoriums, and performing arts centers
 - 6. Tourist attractions (including museums and planetariums)
 - 7. Racetracks
 - 8. Indoor children's play areas
 - 9. Adult entertainment venues
 - 10. Casinos
 - 11. Bingo halls
 - 12. Venues operated by social clubs
- ii. Athletic facilities and activities
 - 1. Fitness centers and commercial gyms
 - 2. Spas and public or commercial swimming pools
 - 3. Yoga, barre, and spin facilities
 - 4. Spectator sports
 - 5. Sports that involve interaction with another person of closer than 6 feet
 - 6. Activities that require use of shared sporting apparatus and equipment
 - 7. Activities on commercial or public playground equipment
- iii. Close-contact service providers
 - 1. Barber shops
 - 2. Hair salons

3. Waxing salons
 4. Threading salons
 5. Nail salons and spas
 6. Body-art facilities and tattoo services
 7. Tanning salons
 8. Massage-therapy establishments and massage services
- iv. Retail stores
1. Furniture and home-furnishings stores
 2. Clothing, shoe, and clothing-accessory stores
 3. Jewelry, luggage, and leather goods stores
 4. Department stores
 5. Sporting goods stores
 6. Book, craft, and music stores

2. Alaska

Alaska enacted [COVID-19 Health Mandate 011](#), instructing all Non-Essential Businesses to cease in-person operations effective beginning March 28, 2020 at 5:00 pm.

- Duration: The Order expired April 21, 2020. On April 21, 2020, Alaska's Governor announced [Phase One](#) of Alaska's reopening plan, which extended the business closings until April 24, 2020, before permitting Non-Essential Businesses to reopen subject to limitations, including certain social distancing, hygiene, staffing, and cleaning protocols.
- Penalty: A violation of an Alaska COVID-19 Mandate may subject a business or organization to an order to cease operations, a civil fine up to \$1,000, or both. Additionally, a person or organization that fails to adhere to an Alaska COVID-19 Mandate can be charged with criminal reckless endangerment pursuant to Alaska Statute 11.41.250, a Class A misdemeanor punishable either or both up to one year imprisonment and a fine up to \$25,000 for an individual, \$500,000 for an entity where the offense does not result in death and \$2,500,000 for an entity where the offense results in death.
- Essential Businesses: Alaska has adopted the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response); however, Alaska has an additional list of Essential Businesses in a separate [Order](#), which permits all businesses that can maintain Social Distancing Requirements and prohibit more than 10 people in the business at a time, including employees, to continue to operate. Alaska's other Essential Businesses are as follows:
 - i. Healthcare operations, including veterinary care and healthcare services provided to animals

- ii. Essential infrastructure
 - 1. Public works construction
 - 2. Housing construction
 - 3. Airport operations
 - 4. Water and sewers
 - 5. Gas
 - 6. Electrical
 - 7. Oil production
 - 8. Mining
 - 9. Logging
 - 10. Roads and highways
 - 11. Public transportation
 - 12. Solid waste collection and removal
 - 13. Internet, telecommunication systems and web-based services
- iii. Financial services
 - 1. Payment, clearing and settlement services
 - 2. Wholesaled funding
 - 3. Insurance services
 - 4. Capital markets activities
 - 5. Consumer banking and lending services (including ATMs)
 - 6. Armored cash carriers
 - 7. Support systems for financial operations
 - 8. Appraisals and titling
 - 9. Key third-party providers
- iv. First responders, including court and law enforcement personnel
- v. Food and agriculture
 - 1. Grocery stores and supermarkets
 - 2. Food banks
 - 3. Convenience stores
 - 4. Stores providing household consumer products, including cleaning and personal care products
 - 5. Agriculture, including farming, livestock, fishing and processing
- vi. Businesses providing food, shelter, social services and other necessities to economically disadvantaged individuals
- vii. Gas stations, auto-supply, auto-repair and bicycle repair stores
- viii. Hardware stores
- ix. Plumbers, electricians, exterminators
- x. Mailing and shipping services
- xi. Restaurants providing delivery or take-out operations
- xii. Businesses that supply products needed for people to work from home

- xiii. Businesses that supply other essential businesses with the support or supplies necessary to operate
 - xiv. Businesses that transport goods
 - xv. Airlines, railroads, taxis and other private transportation services
 - xvi. Home-based care for seniors, adults or children
 - xvii. Professional services including legal and accounting services
 - xviii. Childcare facilities
- Minimum Basic Operations: So long as employees follow Social Distancing Requirements, Non-Essential Businesses are permitted to continue to carry out Minimum Basic Operations, which are defined as:
 - 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.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

3. Arizona

Arizona enacted [Executive Order 2020-18](#), instructing residents to limit their time away from their homes and closing all Non-Essential Businesses beginning March 31, 2020 at 5:00 pm.

- Duration: The Order expired May 15, 2020, at 11:59 pm.
- Penalty: The Order is enforceable pursuant to Arizona law, including but not limited to, A.R.S. §26-317, the violation of which is a Class 1 misdemeanor and is punishable by a fine of up to \$2,500, up to six months imprisonment, or both.
- Critical Businesses: Arizona has elected not to adopt the CISA guidelines and instead, in a previous Order, [Executive Order 2020-12](#), defined Essential Businesses to include the following:
 - i. Healthcare and Public Health Operations
 - ii. Human Service Operations
 - iii. Essential Government Functions
 - iv. Essential Infrastructure Operations
 - v. Stores that sell groceries, medicine and non-grocery products necessary to maintaining safety and sanitation for residences and Essential Businesses
 - vi. Food, beverage and agriculture, including support services like cultivation, marketing, production and distribution

- vii. Outdoor recreational services (provided social distancing measures can be implemented)
- viii. Organizations that provide charitable and social services
- ix. Media, including newspapers, television and radio
- x. Gas stations and businesses needed for transportation
- xi. Financial services
- xii. Hardware and supply stores that sell electrical, plumbing and heating materials
- xiii. Critical trades, including construction, plumbing, electricians and sanitation
- xiv. Mail, post, shipping, logistics, delivery and pick-up services
- xv. Educational institutions facilitating distance learning
- xvi. Laundry services
- xvii. Restaurants for consumption off-premise
- xviii. Supplies to work from home and for Essential Business operations
- xix. Home-based care and services
- xx. Residential facilities and shelters
- xxi. Professional and personal services, such as legal, accounting and insurance services
- xxii. Day care centers for employees exempted by the Order
- xxiii. Manufacture, distribution and supply chain for critical products and industries
- xxiv. Hotels and motels
- xxv. Funeral and mortuary services

4. California

California enacted [Executive Order N-33-20](#), instructing all Californians to stay at home beginning March 19, 2020, except as needed to maintain the continuity and operation of the federal critical infrastructure sectors, outlined by CISA.

- Duration: The Order is in effect until further notice. Governor Newsom has [announced](#) that on May 8, 2020 bookstores, clothing stores, toy stores, florists and similar retailers will be allowed to reopen for curbside pickup. Manufacturers that support those retailers will also be allowed to resume production, subject to additional restrictions.
- Penalty: The Order is enforceable pursuant to California law, including but not limited to, Government Code section 8665, the violation of which is a misdemeanor and is punishable by a fine of up to \$1,000, up to six months imprisonment, or both.
- Essential Businesses: California adopted the CISA guidelines regarding which businesses are considered essential and permitted to stay open (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response).

5. Colorado

Colorado enacted [Executive Order D 2020-017](#) requiring all individuals living in Colorado to stay home and requiring all Non-Critical Businesses to cease their on-premises work, beginning March 26, 2020 at 6:00 am and expiring April 26, 2020. Since the Order's expiration, Colorado has instituted a [Safer-at-Home plan](#).

- Duration: Executive Order D 2020-017 expired April 26, 2020. The Safer-at-Home plan permits curbside retail delivery from April 27, 2020, through May 1, 2020, at which point retail and personal service businesses (e.g., salons) may reopen if implementing certain precautionary measures. Beginning May 4, 2020, offices are permitted to reopen at 50% reduced capacity.
- Penalty: The penalty for failure to comply with Executive Order D 2020-017 is a fine of up to \$1,000 and imprisonment in the county jail for up to one year, pursuant to 25-1-114, C.R.S.
- Critical Businesses: Colorado has elected not to adopt the CISA guidelines and instead, in an accompanying [Amended Public Health Order 20-24](#), defines Critical Businesses to include the following:
 - i. Healthcare Operations
 - ii. Critical Infrastructure
 - iii. Critical Manufacturing
 - iv. Critical Retail
 - v. Critical Services
 - vi. News media
 - vii. Financial and Professional Institutions
 - viii. Providers of Basic Necessities to Economically Disadvantaged Populations
 - ix. Construction
 - x. Defense
 - xi. Critical Services Necessary to Maintain the Safety, Sanitation and Critical Operations of Residences or Other Critical Businesses
 - xii. Vendors that Provide Critical Services or Products, Including Logistics and Technology Support, Child Care and Services
 - xiii. Educational Institutions that Provide Critical Services to Students and the General Public (provided that social distancing requirements are observed)
 - xiv. Critical Government Functions

- Minimum Basic Operations: Businesses that are not Critical Businesses may continue to carry out Minimum Basic Operations, so long as they comply with Social Distancing Requirements. Minimum Basic Operations are the minimum necessary activities to:
 - i. Maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; or
 - ii. Facilitate employees of the business being able to continue to work remotely from their residences.

6. Connecticut

Connecticut enacted [Executive Order No. 7H](#), instructing all Non-Essential Businesses to reduce their in-person workforce at any workplace location by 100% effective beginning March 23, 2020 at 8:00 pm. Connecticut allows for Non-Essential Businesses to maintain staff on-site to the extent necessary to provide security, maintenance, and receipt of mail and packages, provided that they only offer remote ordering, curbside pick-up, or delivery.

- Duration: The Order expired May 20, 2020.
- Penalty: The Order is enforceable pursuant to Connecticut law, including but not limited to, CT Gen Stat 19a-131-131i, the violation of which is punishable by a fine up to \$1,000, up to one year imprisonment, or both.
- Essential Businesses: Connecticut has adopted the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) and has added its own. Businesses seeking to apply for a designation as Essential can use the form found [here](#). The additional categories, as clarified by [Executive Order No. 7J](#), are as follows:
 - i. Healthcare and related operations, including:
 - 1. Biotechnology therapies
 - 2. Consumer health products and services
 - 3. Doctor and dentist offices
 - 4. Medical marijuana dispensaries and producers
 - 5. Physical therapy and chiropractic offices
 - 6. Veterinary and animal health services
 - ii. All manufacturing and corresponding supply chains, including aerospace, agriculture, and related support businesses
 - iii. Retail, including:
 - 1. Appliances, electronics, computers and telecom equipment

2. Any big-box or wholesale stores, provided they also sell groceries, consumer health products or operate a pharmacy
3. Guns and ammunitions
4. Hardware, paint, and building material stores, including home appliance sale/repair
5. Liquor/package stores and manufacturer permittees
6. Pet and pet supply stores
- iv. Food and agriculture, including:
 1. Farms and farmer's markets
 2. Nurseries, garden centers, and agriculture supply stores
- v. Services, including:
 1. Accounting and payroll services
 2. Animal shelters or animal care/management (i.e. grooming, walking, sitting)
 3. Financial advisors
 4. Insurance companies
 5. Laundromats/dry cleaning
 6. Legal and accounting services
 7. Marinas and marine repair and service
 8. Real estate transactions (i.e. residential leasing and renting, moving services, closing- and appraisal-related services)
 9. Storage for Essential Businesses

7. Delaware

Delaware enacted the [Fourth](#) and [Fifth](#) Modifications of the Declaration of a State of Emergency for the State of Delaware, instructing all Delaware residents to shelter in place of residence unless undertaking an Essential Activity or Essential Travel and instructing all Non-Essential Businesses to close except for Minimum Basic Operations, effective March 24, 2020 at 8:00 am.

- Duration: The Orders expired May 31, 2020.
- Penalty: The Order is enforceable pursuant to Delaware law, including but not limited to, 20 Del. §3125, the violation of which is a misdemeanor punishable by a fine up to \$500 or up to six months imprisonment.
- Essential Businesses: Delaware defines Essential Businesses as those that employ or use workers in the fourteen categories of the March 19 Essential Critical Infrastructure Workforce identified in the CISA guidelines (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). Delaware added additional detailed categories of which workers and establishments are considered

Essential Businesses and invited businesses to submit an [email](#) petition for designation as an Essential Business. The current list of Essential Businesses includes:

- i. Construction
 1. Workers who are engaged in the construction of residential, nonresidential structures, or infrastructure, and any workers who provide critical maintenance to residential or non-residential structures.
 2. Businesses that supply materials and hardware to those engaged in the construction of residential or non-residential structures.
 3. Workers involved in activities related to the design and apportionment of residential and non-residential structures.
- ii. Necessary Product Retailers, including those providing:
 1. Medical and hygiene supplies
 2. Dry goods
 3. Agricultural supplies (commercial and residential)
 4. Pet and animal food and supplies
 5. Hardware
 6. Products and technological equipment or the maintenance of such products or equipment necessary for people to work from home
 7. Alcohol, beer and wine, and any wholesalers or distributors of those products
 8. Any other household consumer products or other products necessary to maintain the safety, sanitation, and essential operations of residences
- iii. Necessary Retail and Services Establishments:
 1. Businesses that sell or supply Necessary Products Retailers or other Necessary Services Establishments.
 2. Businesses that ship, sell, or deliver groceries, food, goods or services directly to residences, Necessary Products Retailers or other Necessary Services Establishments, and businesses that may act as wholesalers to those retail establishments.
 3. Appliance repair, electricians, exterminators, home repair, plumbers, or any other service providers who provide services or equipment that is necessary to maintaining the safety, sanitation, and essential operation of residences, Necessary Products Retailers, or Necessary Services Establishments.
 4. Automobile and bicycle repair facilities or those engaged in the sale or distribution of equipment or parts necessary for the repair of automobiles and bicycles.
 5. Lawn and garden retail facilities or those engaged in the distribution of lawn and garden product.
 6. Businesses that sell or distribute gasoline or road-use diesel in any form.

7. Businesses that provide for the warehousing and storage of large quantities of goods.
 8. Courier or other express delivery services and any postal services.
 9. Businesses that provide support services for the scientific, technical, or information technology fields.
 10. Certain outdoor recreational activities such as marinas and similar facilities.
 11. Educational institutions (subject to the requirements of the social distancing requirements of the prior modified declarations of the COVID-19 State of Emergency, which requirements are not affected here).
 12. Houses of worship and other place of religious expression or fellowship (subject to the requirements of existing emergency orders, which requirements are not affected by this Order).
 13. Social service providers.
 14. Home-based care for senior, adults, or children.
 15. Residential facilities and shelters for seniors, adults or children.
 16. Childcare facilities.
 17. Chiropractic care facilities.
 18. Physical therapy facilities.
 19. Banks, credit unions, insurance providers, or other financial institutions.
 20. Professional services, such as legal, registered agent, or accounting services and associated support services.
 21. Businesses providing temporary employment placement services.
 22. Laundromats provided they limit occupancy to less than 10 people in the facility and require social-distancing among patrons, dry cleaners or other laundry service providers.
 23. Hotel and commercial lodging for Essential Guests.
 24. Taxi or for hire transportation (provided that ride-sharing services are not permitted).
 25. Business, professional, labor, or other similar businesses that act in an organizing capacity, provided they attempt to limit large gatherings to less than 10 members in person.
 26. Pet sitters.
- iv. Open Air Recreation Facilities, apart from swimming facilities

Delaware further defined Non-Essential Businesses to include the following:

- i. Hospitality and Recreation Facilities
- ii. Concert halls and venues
- iii. Theaters and performing arts venues
- iv. Sporting event facilities and venues

- v. Golf courses and shooting ranges, unless they conform with Social Distancing Requirements
- vi. Realtors of both residential and non-residential structures
- vii. Certain Business support services such as customer service call centers and telemarketing
- viii. Shopping malls
- ix. Retail stores not included within the definition of Essential Businesses

Beginning May 8, 2020, Governor John Carney has [announced](#) that, subject to additional requirements, jewelry stores may reopen by appointment only, hair care services may be offered for workers at essential businesses, and the following small business retailers may reopen for curbside service:

- i. Clothing stores
 - ii. Shoes stores
 - iii. Sporting goods, hobby, musical instruments
 - iv. Book, periodical, music stores
 - v. Department stores
 - vi. Tobacco and vape
 - vii. Other general merchandise
 - viii. Office supply, stationery, and gift stores
 - ix. Used merchandise stores
 - x. Consumer goods rental
- Minimum Basic Operations: Provided that employees comply with Social Distancing Requirements, employees of Non-Essential Businesses are permitted to carry out on-premises:
 - 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.
 - ii. The minimum necessary activities to facilitate employees of the business being able to work remotely or continue to work remotely from their residences.

8. District of Columbia

Washington D.C. enacted [Mayor's Order 2020-053](#), ordering all Non-Essential Businesses to close, apart from Minimum Basic Operations, effective beginning March 25, 2020 at 10:00 pm and enacted [Mayor's Order 2020-063](#) extending the earlier Order effective April 17, 2020 at 12:01 am.

- Duration: The Order [expired](#) on May 29, 2020 and was replaced with Phase One of the city's reopening plan.

- Penalty: The Order is enforceable pursuant to all civil, criminal and administrative penalties authorized by D.C. law, including but not limited to, D.C. Official Code §7-2307, the violation of which is punishable by a fine up to \$1,000 as well as revocation, suspension or limitation of the violating entity's license, permit or certificate of occupancy.
- Essential Businesses: Washington D.C. has adopted the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) and has added its own. The Washington D.C. Homeland Security and Emergency Management Agency accepts waiver applications from businesses seeking permission to continue operations [online](#). The additional categories of Essential Businesses are as follows:
 - i. Healthcare and Public Health Operations:
 - 1. Dentists and dental clinics
 - 2. Mental health providers
 - 3. Medical marijuana dispensaries
 - 4. Veterinary care
 - ii. Essential Infrastructure
 - 1. Road, sidewalk and street lighting
 - iii. Food and Household Products and Services
 - 1. Licensed farmers' markets
 - 2. Liquor stores
 - 3. Wholesale suppliers and distributors
 - 4. Laundromats, dry cleaners and laundry service providers
 - 5. Medical marijuana cultivation centers
 - iv. Social services Providing the Necessities of Life
 - v. Communications and Information Technology
 - vi. Energy and Automotive
 - 1. Auto repair and mechanic shops
 - 2. Auto supply stores
 - vii. Educational Institutions
 - 1. Operations that facilitate distance learning
 - 2. Operations that modify facilities to support COVID-19 infrastructure needs
 - viii. Transportation and Logistics
 - 1. Taxis, ride-sharing and other private transportation services necessary for Essential Businesses
 - 2. Bicycle sales, management and repair operations
 - ix. Construction and Building Trades
 - 1. Plumbers

2. Pipefitters
 3. Steamfitters
 4. Electricians
 5. Boilermakers
 6. Exterminators
 7. Roofers
 8. Carpenters
 9. Bricklayers
 10. Welders
 11. Elevator mechanics
 12. Businesses selling materials for maintenance of residential buildings and homes, including ‘big box’ supplies
 - x. Housing and Living Facilities
 1. University housing
 2. Hotels
 3. Animal shelters
 - xi. Professional Services (only when necessary to assist in compliance with legally mandated activities, Essential Businesses or Essential Government Functions)
 1. Legal service
 2. Insurance services
 3. Notary public services
 4. Tax preparation and accounting services
 - xii. Childcare facilities (prioritizing services for children of essential employees)
- Minimum Basic Operations: Businesses required to close are still permitted to undertake Minimum Basic Operations, which are defined as:
 - i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, and related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to work remotely from their residences.
 - iii. The minimum necessary activities to facilitate teleworking or the remote delivery of services formerly provided in-person by the business; to provide cleaning and disinfection of a business’s facilities; and to provide employee supervision of contractors or employees providing essential maintenance.

9. Florida

Florida enacted [Executive Order Number 20-91](#) instructing all Florida residents to limit their movement outside their homes to only those necessary to obtain or provide Essential Services or conduct Essential Activities effective April 3, 2020.

- Duration: The Order expired April 30, 2020. On April 29, 2020, Governor DeSantis announced his '[Safe. Smart. Step-By-Step Plan](#)' to reopen Florida beginning May 4, 2020. Governor DeSantis also [announced via Twitter](#) that barber shops and salons were permitted to reopen May 11, 2020.
- Penalty: The Order is enforceable pursuant to Florida law, including but not limited to, Fla. Stat. § 252.20, the violation of which is punishable as a misdemeanor of the second degree by a term of imprisonment not exceeding 60 days, a fine not to exceed \$500, or both.
- Essential Businesses: The Order adopts the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). [Executive Order Number 20-89](#) and the further add the following businesses:
 - i. Healthcare providers
 - ii. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products
 - iii. Food cultivation
 - iv. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals
 - v. Newspapers, television, radio, and other media services
 - vi. Gas stations and auto-supply, auto-repair, and related facilities
 - vii. Banks and related financial institutions
 - viii. Hardware stores, contractors and other tradesmen, appliance repair personnel, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and other structures
 - ix. Businesses providing mailing and shipping services
 - x. Private colleges, trade schools, and technical colleges, but only as needed to facilitate online or distance learning
 - xi. Laundromats, dry cleaners, and laundry service providers
 - xii. Restaurants and other facilities that prepare and serve food, but subject to the limitations and requirements of Emergency Order 3-20
 - xiii. Businesses that supply office products needed for people to work from home
 - xiv. Businesses that supply other essential businesses with the support or supplies necessary to operate, and which do not interact with the general public

- xv. Businesses that ship or deliver groceries, food, goods, or services directly to residences
- xvi. Airlines, taxis, and other private transportation providers providing transportation services via automobile, truck, bus, or train
- xvii. Home-based care for seniors, adults, or children
- xviii. Assisted living facilities, nursing homes, and adult day care centers, and senior residential facilities
- xix. Professional services when necessary to assist in compliance with legally mandated activities
- xx. Landscape and pool care businesses
- xxi. Childcare facilities providing services that enable employees exempted in this Order to work as permitted
- xxii. Businesses operating at any airport, seaport, or other government facility
- xxiii. Pet supply stores
- xxiv. Logistics providers
- xxv. Telecommunications providers
- xxvi. Provision of propane or natural gas
- xxvii. Office space and administrative support necessary to perform any of the above listed activities
- xxviii. Open construction sites, irrespective of the type of building
- xxix. Architectural, engineering, or land surveying services
- xxx. Factories, manufacturing facilities, bottling plants, or other industrial uses
- xxxi. Waste management services
- xxxii. Any business that is interacting with customers solely through electronic or telephonic means, and delivering products via mailing, shipping, or delivery services

10. Georgia

Georgia enacted an [Executive Order](#) instructing all resident and visitors of Georgia to practice social distancing and requiring all businesses that are not Critical Infrastructure to only engage in Minimum Basic Operations.

- Duration: The Order expired April 30, 2020.
- Penalty: Any person who violates this Order shall be guilty of a misdemeanor which is punishable by a fine of up to \$1000 and/or up to a year in jail.
- Essential Businesses: Georgia has adopted the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure

Workers During COVID-19 Response) and added that the following categories of Essential Businesses:

- i. Suppliers which provide essential goods and services to the critical infrastructure workforce
 - ii. Legal services
 - iii. Home hospice
 - iv. Non-profit corporations or non-profit organizations that offer food distribution or other health or mental health services
- Minimum Basic Operations: All Non-Critical Infrastructure Entities are permitted to continue to carry out Minimum Basic Operations, so long as employees comply with Social Distancing Requirements to the extent possible. Additionally, beginning April 24, 2020, gyms, fitness centers, bowling alleys, body art studios, estheticians, hair designers, and persons licensed to practice massage therapy – previously required to cease all in-person operations and close to the public – may begin in-person Minimum Basic Operations, as defined below:
 - i. The minimum necessary activities to maintain the value of a business, provide services, manage inventory, ensure security, process payroll and employee benefits, or for related functions. Such minimum necessary activities include remaining open to the public, so long as the business complies with social distancing and other safety measures.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
 - iii. Instances where employees are working outdoors without regular contact with other persons, such as delivery services, contractors, landscape businesses, and agricultural industry services.

11. Hawaii

Hawaii enacted the [Third Supplementary COVID-19 Proclamation](#), instructing Hawaiians to stay at home except as necessary to maintain critical infrastructure sectors and Essential Businesses or operations effective beginning March 25, 2020 at 12:01 am. Hawaii enacted the [Sixth Supplementary COVID-19 Proclamation](#) on April 25, 2020, extending the stay-at-home order and expanding the list of essential businesses.

- Duration: The Order expired May 31, 2020, at 11:59 pm.

- Penalty: The Order is enforceable pursuant to Hawaii law, including but not limited to, Third Supplementary Proclamation Section F, the violation of which is a misdemeanor, punishable by a fine up to \$5,000, up to one year imprisonment, or both.
- Essential Businesses: Hawaii has adopted the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) and has added its own. Businesses seeking designation as Essential can apply for a waiver with the Director of the Hawaii Emergency Management Agency. The additional categories are as follows:
 - i. Stores that sell groceries and medicine
 - ii. Food, beverage, cannabis production and agriculture
 - iii. Organizations that provide charitable and social services
 - iv. Media
 - v. Gas stations and businesses needed for transportation
 - vi. Financial institutions
 - vii. Hardware and supply stores
 - viii. Critical trades
 - ix. Mail, post, shipping, logistics, delivery, and pick-up services
 - x. Laundry services
 - xi. Restaurants for consumption off-premises
 - xii. Supplies to work from home
 - xiii. Supplies for essential businesses and operations
 - xiv. Transportation
 - xv. Home-based care and services
 - xvi. Residential facilities and shelters
 - xvii. Professional services
 - xviii. Child care services for employees exempted by the order.
 - xix. Manufacture, distribution, and supply chain for critical products and industries
 - xx. Critical labor union functions
 - xxi. Hotels and motels
 - xxii. Funeral services
 - xxiii. Government functions

Hawaii's [Seventh Supplementary COVID-19 Proclamation](#) permits the reopening of the following businesses on May 7, 2020, at 12:01 am, subject to certain restrictions:

- i. Agriculture, such as landscape, ornamental plant growers, and nurseries
- ii. Auto dealerships (by appointment)
- iii. Car washes
- iv. Pet grooming services
- v. Observatories and support facilities
- vi. Retail and repair services
- vii. Shopping malls, limited to retail and repair services

12. Idaho

Idaho enacted the [Order to Self-Isolate for the State of Idaho](#), instructing all individuals living in Idaho to self-isolate except to conduct Essential Activities, Essential Government Functions, or to either operate Essential Businesses or maintain Minimum Basic Operations for Non-Essential Businesses effective beginning March 25, 2020 at 1:30 pm.

- Duration: The Order expired at 11:59 pm on April 30, 2020.
- Penalty: The Order is enforceable pursuant to Idaho law, including but not limited to, Idaho Code § 56-1003(7)(c), the violation of which is a misdemeanor, punishable by a fine up to \$1,000, imprisonment in a county jail not exceeding six months, or both. Violation of a public health order may also be punishable by administrative or civil enforcement action under Idaho Code § 56-1009.
- Essential Businesses: Idaho has adopted the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) and has added its own additional categories. While Idaho does not have an formal process through which a business can request to be designated as Essential, an [FAQ](#) promulgated by the state regarding the Order acknowledges the possibility that business owners may continue to operate if they feel they have an argument for why they should be considered exempt from closing. The additional categories of Essential Businesses listed in the Idaho Order are as follows:
 - i. Healthcare Operations, including veterinary care and all other healthcare services provided to animals
 - ii. Food cultivation and production
 1. Farming
 2. Livestock
 3. Fishing
 4. Food processing

- iii. Organizations that provide food, shelter, social services and other necessities to economically disadvantaged individuals
- iv. Newspapers, television, radio, and other media services
- v. Gas stations, auto-supply, auto-repair and related facilities
- vi. Financial institutions
 - 1. Processing and maintaining systems for processing financial transactions and services
 - 2. Payment clearing and payment settlement services
 - 3. Wholesale funding
 - 4. Insurance services
 - 5. Capital markets activities
 - 6. Banks and credit unions
- vii. Hardware stores and firearms businesses
- viii. Plumbers, electricians, exterminators, landscapers, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences
- ix. Businesses providing mailing and shipping services, including post office boxes
- x. Educational institutions facilitating distance learning
- xi. Laundromats, dry cleaners and laundry service providers
- xii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out.
- xiii. Hotels, motels, shared rental units and similar facilities for purposes of housing or quarantining individuals engaged in Healthcare Operations, Essential Activities, Essential Government Functions, Essential Infrastructure or Essential Business operations
- xiv. Businesses that supply products needed for people to work from home
- xv. Businesses that ship or deliver goods or services directly to residences
- xvi. Public and private transportation providers facilitating Essential Activities
- xvii. Home-based care for seniors, adults, or children
- xviii. Essential tribal operations
- xix. All operations related to the Idaho National Laboratory
- xx. Professional services
 - 1. Legal services
 - 2. Accounting services
- xxi. Childcare facilities for employees exempted by the Order
- xxii. Businesses that are able to operate via curbside services, drive in, drive through pick up, mailed services or delivery services.

- Minimum Basic Operations: For all Non-Essential Businesses, Idaho permits Minimum Basic Operations to continue to be performed, so long as employees comply with Social Distancing Requirements to the extent possible. Minimum Basic Operations are:

- i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, and related functions.
- ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- iii. The minimum necessary activities to prepare the business to reopen at such time as deemed appropriate, including but not limited to, sanitization, obtaining personal protective equipment, and setting up procedures to ensure compliance with social distancing requirements.

13. Illinois

Illinois enacted [Executive Order in Response to COVID-19 2020-10](#), which permits only two types of work: (1) those performing work providing essential products and services at Essential Businesses or Operations, or (2) those carrying out Minimum Basic Operations at non-essential work places. The Order was effective beginning March 21, 2020 at 5:00 pm.

- Duration: The Order was superseded by [Executive Order 2020-38](#) on May 29, 2020.
- Penalty: The Order states that it may be enforced by State and local law enforcement. Under Illinois law, the Order is enforceable pursuant, but not limited to, 20 ILCS 2305 (8.1), the violation of which is a Class A misdemeanor, punishable by a fine up to \$2,500, up to one year imprisonment, or both.
- Essential Businesses: Although Illinois has devised its own guidelines for Essential Businesses and Operations, the Order states that they are meant to encompass the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). Illinois permits businesses to submit questions via [email](#) if they are unsure of whether their business falls into an Essential Business Category. Any designation request or question should include the following [information](#):
 1. General industry
 2. Goods manufactured/services provided
 3. Remote-work capacity
 4. Number of employees
 5. Physical layout of facility
 6. An explanation of why the business should fall within one of the Essential Business categories

Illinois defines Essential Businesses and Operations to mean Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, and the following:

- i. Businesses that support Essential Activities
 1. Healthcare and Public Health Operations
 2. Human Services Operations
 3. Essential Services
 4. Essential Governmental Functions
- ii. Other Essential Business and Operations
 1. Stores that sell groceries and medicine
 2. Food, beverage, and cannabis production and agriculture
 3. Organizations that provide charitable and social services
 4. Media
 5. Gas stations and businesses needed for transportation
 6. Financial institutions
 7. Hardware and supply stores
 8. Critical trades (electricians, janitorial staff, HVAC repair and installation, painting, moving and relocation services and other services required to maintain safety, sanitation and essential operation of residences, Essential Activities and Essential Business and Operations)
 9. Educational institutions
 10. Laundry services
 11. Restaurants for consumption off-premises
 12. Supplies to work from home and for Essential Businesses and Operations
 13. Transportation
 14. Home-based care and services
 15. Residential facilities and shelters
 16. Professional services (legal services, accounting services, insurance services and real estate services, such as appraisal and title services)
 17. Day care centers for employees exempted by the Order
 18. Manufacture, distribution and supply chain for critical industries
 19. Critical labor union functions
 20. Hotels and motels
 21. Funeral services
- iii. Essential Infrastructure
 1. Food production, distribution, and sale
 2. Construction
 3. Building management and maintenance
 4. Airport operations
 5. Operation and maintenance of utilities, including water, sewer, and gas

6. Electrical distribution centers
7. Oil and biofuel refining
8. Roads, highways, railroads, and public transportation
9. Ports
10. Cybersecurity operations
11. Flood control
12. Solid waste and recycling collection and removal
13. Internet, video, and telecommunications systems

Effective May 1, 2020, greenhouses, garden centers, and nurseries may re-open as essential businesses and non-essential retail may re-open to fulfill telephone and online orders through pick-up outside the store and delivery.

- Minimum Basic Operations: For all other businesses not included as Essential, Illinois permits Minimum Basic Operations to continue to be performed, so long as employees comply with Social Distancing Requirements. Minimum Basic Operations are:
 - i. The minimum necessary activities to maintain the value of the businesses' inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residence.

14. Indiana

Indiana enacted [Executive Order 20-08](#), instructing Non-Essential Businesses and establishments to close effective March 24, 2020 at 11:59 pm. [Executive Order 20-18](#) permits Non-Essential retail businesses to remain open for online or call-in ordering with delivery or curbside pickup.

- Duration: The Order expired May 1, 2020 at 11:59 pm. On May 1, 2020 [Executive Order 20-26](#) was issued, announcing a phased reopening plan wherein the Executive Order 20-22 would be extended until May 4 at 11:59 pm, 2020. After May 4, 2020, every county with the exception of Cass, Lake, and Marion will be permitted to progress to Stage 2, which marks the beginning of a gradual reopening of Non-Essential Businesses.
- Penalty: The Order is enforceable pursuant to Indiana law, including but not limited to, IN Code § 10-14, the violation of which is a Class B misdemeanor, punishable by a fine up to \$1,000, imprisonment in a county jail not exceeding 180 days, or both.
- Essential Businesses: Indiana defines Essential Businesses and Operations to encompass the CISA guidelines (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) and then further specifies that Essential Businesses and Operations include Healthcare and Public Health Operations,

Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, as well as the following:

- i. Retail businesses providing the necessities of life including:
 - 1. Grocery stores, supermarkets, supercenters, specialty food stores, certified farmer's markets, farm and produce stands
 - 2. Convenience stores
 - 3. Gas stations
 - 4. Pharmacies
 - 5. Auto sales, auto supply, and auto maintenance
 - 6. Farm equipment
 - 7. Construction
 - 8. Bicycle shops
 - 9. Hardware and supply stores
 - 10. Office supply stores
 - 11. Pet supply stores
 - 12. Club stores
 - 13. Building material and supplies stores
 - ii. Food, beverage, and agriculture
 - iii. Organizations that provide charitable and social services
 - iv. Religious entities
 - v. Media
 - vi. Financial and insurance institutions
 - vii. Critical trades
 - viii. Mail, post, shipping, logistics, delivery, and pick-up services
 - ix. Educational institutions
 - x. Laundry services
 - xi. Restaurants for consumption off-premises
 - xii. Transportation
 - xiii. Home-based care and services
 - xiv. Residential facilities and shelters
 - xv. Professional services
 - xvi. Manufacture, distribution, and supply chain for critical products and industries
 - xvii. Critical labor union functions
 - xviii. Hotels and motels
 - xix. Funeral services
 - xx. Sale of firearms and ammunition
- Minimum Basic Operations: For all other businesses not included as Essential, Indiana permits Minimum Basic Operations to continue to be performed, so long as employees comply with Social Distancing Requirements. Minimum Basic Operations are:

- i. The minimum necessary activities to maintain the value of the businesses' inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
- ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residence.

15. Iowa

Iowa expanded its [Proclamation of Disaster Emergency](#) to order that certain Non-Essential Businesses close beginning March 26, 2020 at 10:00 pm. On April 6, 2020, Iowa [further expanded](#) the list of Non-Essential Businesses that must remain closed.

- Duration: The Order expired at 11:59 pm at April 30, 2020, and expired for the 22 counties for which the Order was further [extended](#) on May 15, 2020 at 11:59 pm.
- Penalty: The Order is enforceable pursuant to the laws of the State of Iowa.
- Essential Businesses: The Order does not define Essential Businesses, but rather enumerates Non-Essential Businesses which are required to close. Although Iowa does not provide an online waiver application, the Iowa Department of Public Health invites businesses with questions to call 211. Iowa initially only ordered The Non-Essential Retail Businesses to close, but expanded the list in its April 6, 2020 Order. The businesses instructed to close are:
 - i. Malls
 - ii. Tobacco or vaping stores
 - iii. Toy, gaming, music, instrument, movie, or adult entertainment stores
 - iv. Social and fraternal clubs
 - v. Amusements
 - vi. Museums, libraries, aquariums, and zoos
 - vii. Race tracks
 - viii. Skating rinks and parks
 - ix. Playgrounds
 - x. Campgrounds
 - xi. Door-to-door sales
 - xii. Bookstores
 - xiii. Clothing stores
 - xiv. Shoe stores
 - xv. Jewelry stores
 - xvi. Luggage stores
 - xvii. Cosmetic, beauty, or perfume stores

- xviii. Florists
- xix. Furniture and home furnishing stores
- xx. Restaurants and bars
- xxi. Fitness centers
- xxii. Swimming pools
- xxiii. Salons
- xxiv. Medical spas
- xxv. Barbershops
- xxvi. Tattoo establishments
- xxvii. Tanning facilities
- xxviii. Massage therapy establishments
- xxix. Theaters
- xxx. Casinos and gaming facilities
- xxxi. Senior citizen centers and adult daycare facilities
- xxxii. Mass gatherings

16. Kansas

Kansas enacted [Executive Order No. 20-16](#) requiring all individuals living in Kansas to stay home unless performing an essential activity, which includes working at business identified in the Kansas Essential Function Framework. The Order is effective as of 12:01 am on March 30, 2020.

- **Duration:** The Order expired May 3, 2020, at 11:59 pm. On April 30, 2020, Kansas issued [Executive Order No. 20-29](#), putting forth a reopening plan permitting business formerly closed businesses to reopen with certain COVID-19 measures in.
- **Penalty:** The Order provides significant leeway regarding penalty, stating that law enforcement officers should use their discretion and consider the totality of the circumstances as they determine appropriate enforcement action.
- **Critical Businesses:** Rather than adopting CISA's guidance, Kansas has put forth its own guidelines for what constitutes an Essential Business. Kansas also provides an Essential Functions Request [form](#) for businesses seeking designation as Essential. The Kansas Essential Function Framework focuses on four functional areas – connect, distribute, manage and supply. Businesses that fit within those four functional areas are permitted to continue to operate. The Kansas Essential Function Framework is as follows:
 - i. Connect
 - 1. Operate Core Information Technology Networks
 - 2. Provide Cable Access Network Services
 - 3. Provide Internet Based Content Information and Communication Services
 - 4. Provide Internet Routing, Access, and Connection Services

5. Provide Positioning, Navigation, and Timing Services
6. Provide Radio Broadcast Access Network Services
7. Provide Satellite Access Network Services
8. Provide Wireless Access Network Services
9. Provide Wireline Access Network Services
- ii. Distribute
 1. Distribute Electricity
 2. Maintain Supply Chains for Essential Functions and Critical Infrastructure
 3. Transmit Electricity
 4. Transport Cargo and Passengers by Air
 5. Transport Cargo and Passengers by Rail
 6. Transport Cargo and Passengers by Road
 7. Transport Cargo and Passengers by Vessel
 8. Transport Materials by Pipeline
 9. Transport Passengers by Mass Transit
- iii. Manage
 1. Conduct Elections
 2. Operate Media Outlets
 3. Develop and Maintain Public Works and Support Services for Essential Functions
 4. Educate and Train Essential Functions Personnel
 5. Enforce Law
 6. Maintain Access to Medical Records
 7. Manage Hazardous Materials and Waste
 8. Manage Wastewater
 9. Operate Government
 10. Perform Cyber Incident Management Capabilities
 11. Prepare for and Manage Emergencies
 12. Preserve Constitutional or Legal Rights
 13. Protect Sensitive Information
 14. Provide and Maintain Critical Infrastructure
 15. Provide Capital Markets and Investment Activities
 16. Provide Consumer and Commercial Banking Services
 17. Provide Funding and Liquidity Services
 18. Provide Identity Management and Associated Trust Support Services
 19. Provide Insurance Services
 20. Provide Medical Care and Services, Including Mortuary Services
 21. Provide Payment, Clearing and Settlement Services
 22. Provide Public Safety
 23. Provide Wholesale Funding
 24. Store Fuel and Maintain Reserves

25. Support Community Health and Mental Health Services
- iv. Supply
 1. Exploration and Extraction of Fuels
 2. Fuel Refining and Processing Fuels
 3. Generate Electricity
 4. Manufacture Equipment Used for Essential Functions or Critical Infrastructure
 5. Produce and Provide Agricultural Products and Services
 6. Produce and Provide Human and Animal Products and Services
 7. Produce Chemicals
 8. Provide Metals and Materials
 9. Provide Housing
 10. Provide Information Technology Products and Services
 11. Provide Material and Operational Support to Defense
 12. Research and Development
 13. Supply Water

17. Kentucky

Kentucky enacted [Executive Order 2020-257](#), instructing all businesses that are not Life-Sustaining to cease operations, except as needed to maintain Minimum Basic Operations, effective beginning March 26, 2020 at 8:00 pm. This Order expanded upon a previously issued Order, [Executive Order 2020-246](#), which instructed all in-person *retail* businesses that are not life-sustaining or providing solely local delivery and curbside service to close effective beginning March 23, 2020 at 8:00 pm.

- Duration: The Order is in effect for the duration of the State of Emergency or until the Order is rescinded by further order or by operation of law. Phase One of the reopening plan, [Healthy at Work](#), commenced on May 11, 2020.
- Penalty: The Order is enforceable pursuant to Kentucky law, including but not limited to KRS Chapter 39A, the violation of which is a Class A misdemeanor punishable by a fine up to \$500, up to one year imprisonment, or both. The Order further states that failure to comply with the Order could subject a business to closure.
- Essential Businesses: Kentucky has adopted the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) and has added its own additional categories:
 - i. Life-Sustaining Retail (consistent with Executive Order-246)
 1. Automotive parts, repair, accessories, and tire stores
 2. Auto, truck and van rental
 3. Building material and garden equipment and supplies dealers

4. Banks, credit unions, check cashing, wire transfer and other financial services
 5. Food and beverage stores
 6. Pharmacies and drug stores
 7. Gasoline stations and convenience stores
 8. General merchandise stores, including warehouse clubs and supercenters
 9. Pet and pet supplies stores
- ii. Food, beverage and agriculture (including livestock and fishing)
 1. Manufacturing
 2. Production
 3. Processing
 4. Cultivation
 5. Provision of food, shelter and other necessities of life for animals
- iii. Organizations that provide charitable and social services, including food banks and shelters
- iv. Media, including newspapers, television and radio
- v. Gas stations and businesses needed for transportation
 1. Auto-supply
 2. Auto-repair
 3. Farm equipment
 4. Construction equipment
 5. Boat repair
 6. Bicycle repair shops
 7. Motorcycle repair shops
- vi. Financial services
 1. Depository institutions, including banks and credit unions
 2. Non-depository institutions, including consumer, industrial and mortgage loan companies, mortgage loan brokers, originators and processors, deferred deposit, check cashers and payday lending companies, title pledge lenders and money transmitters
 3. Securities transmitters, including brokers, agents, advisers, issuers, appraisers
 4. Pawnbrokers, to the extent they provide check-cashing services or selling firearms or ammunition
- vii. Housing, buildings and construction
 1. Plumbers
 2. Electricians
 3. Exterminators
 4. Cleaning and janitorial staff, including sanitation
 5. Security staff
 6. Operating engineers

7. HVAC
8. Painting
9. Landscaping
10. Moving and relocation services
- viii. Mail, post, shipping, logistics, delivery and pick-up services
- ix. Laundry services, including dry-cleaners and industrial laundry services
- x. Restaurants for consumption off-premises
- xi. Supplies for Life-Sustaining Businesses
 1. Video electronics
 2. Household appliances
 3. IT and telecommunication equipment
 4. Hardware, paint and flat glass
 5. Electrical, plumbing and heating material
 6. Sanitary and personal hygiene products
 7. Optics and photography equipment
 8. Diagnostics
- xii. Transportation
 1. Airlines
 2. Taxis and transportation network providers
 3. Vehicle rental services
 4. Paratransit and public transit
 5. Commercial transit
- xiii. Home-based care and services
- xiv. Professional services
 1. Legal services
 2. Accounting services
 3. Insurance services
 4. Real estate services, including appraisal and title services
- xv. Manufacture, distribution and supply chain for critical products and industries
- xvi. Critical labor union functions, including health and welfare fund administration
- xvii. Hotels and motels, to the extent used for lodging and take-out service
- xviii. Funeral and mortuary services

The Order further notes that nothing within it should prevent the lawful sale of firearms or ammunition.

- Minimum Basic Operations: Non-Essential Businesses are permitted to continue Minimum Basic Operations, which were defined as 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, facilitate telecommuting and other related functions.

18. Louisiana

Louisiana enacted [Proclamation number 33 JBE 2020](#), instructing all residents to stay at home beginning March 23, 2020 at 5:00 pm, except as needed to perform an essential activity.

- Duration: The Order expired May 15, 2020.
- Penalty: The Order is enforceable pursuant to Louisiana law, including but not limited to La. R.S. 29:721-767, the violation of which is punishable by a fine up to \$500, up to six months imprisonment, or both.

Essential Businesses: Louisiana has [adopted](#) the CISA guidelines regarding Essential Workers (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). Non-Essential Businesses are permitted to conduct necessary activities such as payroll, cleaning services, maintenance or upkeep as necessary. The Order further adds that any job function necessary to provide the following goods or services is considered Essential:

- i. Food, medicine or similar goods
- ii. Non-elective medical care and treatment and other vital services

The Order further lists the following categories of businesses as Non-Essential:

- i. All places of public amusement
- ii. All personal care and grooming businesses
- iii. All malls

19. Maine

Maine enacted [Executive Order No. 19](#) ordering all Non-Essential Businesses and Operations to cease activities at sites that are public facing or at sites that require more than 10 workers to convene in space where social distancing is not possible beginning March 25, 2020 at 12:01 a.m.

Additionally, Maine enacted [Executive Order No. 28](#), effective at 12:01 am on April 2, 2020, requiring Essential Retail Businesses and Operations to implement certain additional restrictions on customer occupancy and Social Distancing Requirements.

- Duration: The Order was originally in effect until April 8, 2020, but has been extended by [Executive Order No. 28](#) through April 30, 2020. The stay at home order was [extended](#) through May 31, 2020 with respect to individuals, but its restrictions as to businesses expired

on April 30, 2020. Maine implemented the first phase of its reopening plan for businesses on May 1, 2020.

- Penalty: The penalty for failure to comply with the Order is both a violation of any “license, permit and other authorization to which pertinent penalties may be assessed” as well as of 37-B M.R.S. § 786, which is a Class E crime and carries a maximum penalty of up to a \$1000 and/or a jail sentence of up to 180 days. Non-compliance with Executive Order No. 28 may result in further on-site restrictions or closure until the violations of the Order are remedied.
- Essential Businesses: Maine has adopted the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) and has added additional guidelines of its own. Maine clarifies that the following businesses may continue their activities:
 - i. Food processing and agriculture
 - ii. Fishing and aquaculture
 - iii. Industrial manufacturing
 - iv. Construction and maintenance of essential infrastructure
 - v. Trash collection and transfer stations
 - vi. Grocery and household goods (including convenience stores)
 - vii. Forest products
 - viii. Essential Home repair, hardware, and auto repair
 - ix. Pharmacy and other medical, psychiatric, and long-term care facilities
 - x. Group homes and residential treatment facilities
 - xi. Biomedical, life science behavioral health, health care, dental care, and long-term services and support providers and organizations
 - xii. Child care providers
 - xiii. Post offices and shipping outlets
 - xiv. Banks and credit unions
 - xv. Gas stations and laundromats
 - xvi. Veterinary clinics, animal welfare and animal feed and supply stores
 - xvii. Truck delivery and distribution of goods
 - xviii. Public transportation
 - xix. Legal, business, professional, environmental permitting and insurance services
 - xx. Hotel and commercial lodging
 - xxi. All utilities such as electricity, water, wastewater, and telecommunications

Executive Order No. 28 requires that Essential Retail Businesses and Operations undertake the following additional Social Distancing Requirements:

- i. Prioritize and advertise opportunities to offer remote orders and curbside pickup;

- ii. Implement and enforce social distancing requirements in and around their facilities, including in any customer lines outside the store;
- iii. Prominently post signage reminding customers to remain six feet apart from others;
- iv. Mark every customer line with signage and floor-lines to impose social distancing;
- v. Disinfect the handles of every used cart and basket;
- vi. Take all reasonable steps to minimize customer handling of unpurchased merchandise;
- vii. Offer separate shopping hours for customers over 60 or with health problems;
- viii. Implement protective shields between customers and pharmacy personnel in certain large stores; and
- ix. Limit the number of customers in a store at any one point in time pursuant to the following guidance:
 1. Stores with a retail space of less than 7,500 square feet can have up to 5 customers at once;
 2. Stores with a retail space of more than 7,500 and less than 25,000 square feet can have up to 15 customers at once;
 3. Stores with a retail space of more than 25,000 and less than 50,000 square feet can have up to 50 customers at once;
 4. Stores with a retail space of more than 50,000 and less than 75,000 square feet can have up to 75 customers at once;
 5. Stores with a retail space of more than 75,000 can have up to 100 customers at once.

20. Maryland

Maryland instituted [Order of the Governor of the State of Maryland Number 20-03-23-01](#), prohibiting gatherings larger than 10 persons and closing all Non-Essential Businesses to the general public as of 5:00 pm on March 23, 2020.

- Duration: Per Governor Hogan's [announcement](#), the Order expired at 5:00 pm on May 15, 2020.
- Penalty: Violation of the Order is a misdemeanor subject to imprisonment not exceeding one year or a fine not exceeding \$5,000, or both.
- Essential Businesses: Maryland has defined Non-Essential Businesses as those that are not identified in the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). Maryland specifically excludes from closure any newspaper,

television, radio, or other media service as well as any non-profit organization or facility provision essential services to low-income persons, such as homeless shelters.

In addition, the Order specifically calls for the close of:

- i. Senior centers
- ii. Restaurants and bars, except for consumption off-premises
- iii. Fitness centers
- iv. Theaters
- v. Malls
- vi. Other recreational establishments
- vii. Tattoo parlors, tanning salons, barber shops, and beauty salons
 - 1. The Maryland Office of Legal Counsel has recommended that enforcement action not be taken against barbers and salons that provide services to employees of Essential Businesses, subject to certain conditions.

On March 23, Maryland further specified that the additional businesses may remain open:

- i. Businesses and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of pharmaceuticals, biotechnology therapies, and medical devices, diagnostics, equipment, and services
- ii. Auto and truck dealerships
- iii. Bicycle shops
- iv. Private security firms
- v. Day cares (subject to requirements from the State Superintendent of Schools)
- vi. Companies providing moving and storage of household items
- vii. Printers and sign shops
- viii. Companies and organizations providing support for persons with intellectual or developmental disabilities
- ix. Engineering, surveying, architectural, and interior design firms
- x. Title companies
- xi. Motorcycle parts stores and repair shops
- xii. Companies that provide portable tents, portable flooring, portable lighting, portable toilets, portable handwashing stations, portable HVAC and other related equipment
- xiii. Companies that rent tools and/or equipment

On March 24, Maryland further specified that the additional businesses may remain open:

- i. Facilitating remote working (“telework”) by other staff
- ii. Maintaining essential property
- iii. Performing essential administrative functions, including without limitation, picking up mail and processing payroll

- iv. Preventing loss of, or damage to property, including without limitation, preventing spoilage of perishable inventory
- v. Caring for live animals
- vi. Continuing to sell products on a delivery or “curbside” pick-up basis

21. Massachusetts

Massachusetts instituted [COVID-19 Order No. 13](#), instructing all businesses and other organizations that do not provide COVID-19 Essential Services to close their physical workplaces and facilities to workers, customers, and the public as of 12:00 pm on March 24, 2020.

- Duration: The Order expired May 18, 2020.
- Penalty: The penalty for failure to comply with the Order is punishable by a civil fine of up to \$300 per violation or may result in a criminal penalty pursuant to Section 8 of Chapter 639 of the Acts of 1950, which provides for a fine of not more than \$500, imprisonment of not more than one year, or both.
- Essential Businesses: Massachusetts has designated certain production and service sectors as COVID-19 Essential Services, although businesses that are not covered by the guidance may request designation as an Essential Business [here](#). Restaurants, bars, and other establishments that sell food or beverage may also remain open for take-out and delivery. [Exhibit A](#) of the Order, as updated March 31, 2020, provides significant guidance on which employees or businesses are considered COVID-19 Essential Services. Although Exhibit A notes that the guidance has been amended to reflect Massachusetts’ unique needs, the guidance is based upon and very closely follows the fourteen categories of Essential Workers contained in the March 19 CISA guidelines (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response).

22. Michigan

Michigan enacted [Executive Order 2020-21](#), broadly prohibiting in-person work that is not necessary to sustain or protect life or conduct minimum basic operations and instructing all Michiganders to stay home unless undertaking an essential activity, effective March 24, 2020 at 12:01 am. Effective April 24, 2020, at 11:00 am, Michigan rescinded and replaced its prior Order (Executive Order 2020-42) with a similar order, [Executive Order 2020-59](#).

- Duration: The Order was rescinded on June 1, 2020 by [Executive Order 2020-110](#).
- Penalty: The penalty for failure to comply with the Order may be imposed under, among other provisions, the Department of Health and Human Services April 2, 2020, [Emergency Rules](#), which provides that a violation is subject to a penalty of up to \$1,000 for each violation or day that a violation continues.

- Essential Businesses: Michigan has adopted the CISA Guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) and has further added its own. The additional categories are as follows:
 - i. Child care
 - ii. Designated suppliers and distribution center workers, only to the extent necessary to enable, support or facilitate critical infrastructure
 - iii. Insurance workers
 - iv. Food, shelter and other necessities of life for economically disadvantaged individuals
 - v. Critical labor union functions
 - vi. Retail stores selling groceries, medical supplies, and products necessary to maintain the safety, sanitation, and basic operation of residences, including convenience stores, pet supply stores, auto supplies and repair stores, hardware and home maintenance stores, and home appliance retailers
 - vii. Laundromats, coin laundries, and dry cleaners
 - viii. Hotels and motels, provided they do not offer additional in-house amenities
 - ix. Motor vehicle dealerships facilitating remote and electronic sales or leases

Additionally, the following activities/businesses are permitted to resume, subject to certain restrictions identified in [Executive Order 2020-59](#):

- i. Process or fulfill remote orders for goods for delivery or curbside pick-up
- ii. Perform bicycle maintenance or repair
- iii. Garden stores, nurseries, and lawn care, pest control, and landscaping operations workers
- iv. Maintenance and groundskeepers who are necessary to maintain the safety and sanitation of places of outdoor recreation not otherwise ordered closed
- v. Moving or storage operations

[Executive Order 2020-77](#) adds the following categories of businesses that may resume on May 11, 2020 subject to additional restrictions in the Order:

- i. Work traditionally done outdoors
 - ii. Construction
 - iii. Real estate
 - iv. Manufacturing
 - v. Training for first responders and health-care workers
 - vi. Suppliers, distribution centers, or service providers necessary to support resumed operations
- Minimum Basic Operations: For businesses not considered Essential, Michigan permits workers to continue performing Minimum Basic Operations. Workers permitted to perform Minimum Basic Operations are those whose in-person presence is strictly necessary to allow the business or operation to maintain the value of inventory and

equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely. Businesses must determine which employees are necessary to conduct Minimum Basic Operations and inform them of their designation.

23. Minnesota

Minnesota enacted [Emergency Executive Order 20-20](#), instructing all persons living within the State of Minnesota to stay at home or in their residence except to engage in certain exempted activities or for Critical Sector work beginning 11:59 pm on March 27, 2020. Beginning April 26, 2020, at 11:59pm, [Executive Order 20-40](#) permits workers in industrial and manufacturing businesses and workers in office-based businesses to return to work so long as they are unable to work from home and their businesses satisfy certain requirements included in the Order.

- Duration: The Order expired May 18, 2020.
- Penalty: The Order is enforceable pursuant to Minnesota Statutes 2019, section 12.45, the violation of which is a misdemeanor and punishable by a fine of up to \$1,000 or imprisonment for not more than 90 days.
- Essential Businesses: Minnesota adopted the revised CISA guidelines (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) as a baseline for its definition of Critical Sector work and [further specified](#) the following categories:
 - i. Healthcare and certain tribal and government work
 - ii. Federal employees and certain National Guard members
 - iii. Faith leaders and workers
 - iv. Education
 - v. Construction and critical trades
 - vi. Child care providers
 - vii. Hotels, residential facilities and shelters
 - viii. Shelters for displaced individuals
 - ix. Charitable and social services organizations
 - x. Legal services and notaries, with certain restrictions
 - xi. Critical Labor Union Functions
 - xii. Laundry services
 - xiii. Animal shelters and veterinarians
 - xiv. Real Estate Transactions
 - xv. Essential Supply Stores
 - xvi. Outdoor Recreational Facilities
- Minimum Basic Operations: For all other businesses not encompassed by the definition of Essential, Minnesota permits Minimum Basic Operations to continue to be performed,

so long as employees comply with Social Distancing Requirements. Minimum Basic Operations are:

- i. The minimum necessary activities to maintain the value of the businesses' inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
- ii. The minimum necessary activities to facilitate remote work by workers from their residences.

24. Mississippi

Mississippi enacted [Executive Order No. 1465](#) instructing all Non-Essential Businesses in Lauderdale County to cease operations beginning at 10:00 pm on March 31, 2020. Businesses may still make curbside, delivery, or drive-through sales. On April 1, 2020, Mississippi enacted [Executive Order No. 1466](#) extending that restriction statewide.

- Duration: The stay-at-home order expired at 8:00 am on April 27, 2020. On April 27, 2020, at 8:00 am, [Executive Order No. 1477](#) took effect, permitting all but select businesses to reopen, and expired, as well, on May 11, 2020, at 8:00 am.
- Penalty: The Order is enforceable pursuant to Mississippi law, including but not limited to Miss. Code Ann. § 33-15-43, the violation of which is a misdemeanor and is punishable by a fine of up to \$500, up to six months imprisonment, or both.
- Essential Businesses: Mississippi defines [Essential Businesses or Operations in Executive Order No. 1463](#) to encompass the CISA guidelines, as they may be amended (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response), and then further specifies that Essential Businesses or Operations include essential government functions, essential healthcare operations, essential infrastructure, as well as the following:
 - i. Manufacturing
 - ii. Agriculture and farms
 - iii. Essential retail
 - iv. Essential services
 - v. Media
 - vi. Education
 - vii. Financial services
 - viii. Professional services
 - ix. Providers of basic necessities to economically disadvantaged populations
 - x. Construction and construction related services

- xi. Essential services necessary to maintain the safety, sanitation, and essential operations of residences and essential businesses and essential business operations
- xii. Defense Industrial Base
- xiii. Vendors that provide essential services or products
- xiv. Religious entities
- xv. Other categories as may be identified and deemed essential by the Mississippi Department of Health, the Mississippi Emergency Management Agency and/or the other appropriate agencies of the State of Mississippi

Under Executive Order No. 1477, businesses except for the following, may reopen:

- i. Places of amusement and recreation (e.g., amusement parks, museums, playgrounds)
 - ii. Movie theaters
 - iii. Bowling alleys
 - iv. Social clubs
 - v. Fitness and exercise gyms, except for retail sales by drive-through, curbside and/or delivery services
 - vi. Dance studios, except for retail sales by drive-through, curbside and/or delivery services
 - vii. Clubs, except for retail sales by drive-through, curbside and/or delivery services
 - viii. Tattoo parlors, spas, salons, barber shops, and all other personal care and personal grooming facilities, except for retail sales by drive-through, curbside and/or delivery services
 - ix. On-premises dining at restaurants and bars
- Minimum Basic Operations: Non-Essential Businesses are permitted to carry out Minimum Basic Operations, which include those activities necessary for the business or operation to maintain the condition of facilities, premises and equipment, value of business inventory, payroll, employee benefits, security, and to facilitate employees of the business or operation to continue to work remotely from their residences.

25. Missouri

Missouri enacted [Stay Home Missouri Order](#) instructing all individuals residing in Missouri to stay at home beginning at 12:01am on April 6, 2020, and requiring any entity that does not employ individuals performing essential worker functions to limit social gatherings to 10 and maintain social distancing of six feet.

- Duration: The Order expired May 3, 2020 at 11:59 pm.

- Penalty: The Order is enforceable pursuant to Missouri law, including but not limited to, section 192.320, RSMo, the violation of which is a class A misdemeanor and is punishable by a fine of up to \$2,000, up to one year imprisonment, or both.
- Essential Businesses: Missouri adopted the revised March 28, 2020, CISA guidelines (see CISA Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). Businesses not meeting those criteria may submit an [Essential Business Waiver Request](#) for permission to continue operating.

26. Montana

Montana enacted [Directive Implementing Executive Orders 2-2020 and 3-2020](#) instructing individuals to stay at home and requiring all businesses and operations in the State of Montana, except Essential Businesses and Operations, to cease all activities besides Minimum Basic Operations and working from home, effective as of 12:01 am on March 28, 2020.

- Duration: The Order expired April 24, 2020. On April 24, 2020, the Order expired, and Montana initiated a [phased reopening](#), which allows most businesses to reopen under certain restrictions. The restrictions and requirements contained in Phase One of the reopening plan are in place until the Governor announces that the state is entering Phase Two.
- Penalty: Failure to comply with the Order may be enjoined by the attorney general or a county attorney pursuant to § 50-1-103(2), MCA, or punished as a misdemeanor pursuant to § 50-1-104, MCA.
- Essential Businesses: As a part of the reopening plan, Montana no longer restricts businesses on the basis of whether they are essential or non-essential businesses. Instead, Phase One of the reopening imposes the following restrictions:
 - i. Restaurants, bars, breweries, distilleries, and casinos must remain closed until May 4, 2020, at which time they may resume limited operations.
 - ii. Main street and retail businesses may operate under reduced capacity and with strict physical distancing protocols as of April 27, 2020.
 - iii. Other places of assembly must remain closed (e.g., movie and performance theaters, concert halls, bowling alleys, bingo halls, and music halls).

27. Nebraska

Nebraska enacted a [Directed Health Measure](#), requiring the immediate closure of several categories of businesses. In certain counties, the Order also barred the onsite consumption of food and

beverage, limited gatherings over 10 individuals, and required fitness centers and health spas to maintain social distancing.

- Duration: The Order expired May 3, 2020; however, theaters, gentlemen's clubs, and bottle clubs were required to remain closed through May 31, 2020.
- Penalty: The Order is enforceable pursuant to Nebraska law, including but not limited to, Neb. Rev. Stat. § 71-502, the violation of which is a Class V misdemeanor, punishable by a fine up to \$100. The Order also notes it may be enforced through civil remedies.
- Essential Businesses: Rather than define Essential Businesses, Nebraska's Order instead mandates the following business closures:
 - i. Beauty/nail salons
 - ii. Barber shops
 - iii. Massage therapy services
 - iv. Indoor theaters
 - v. Tattoo parlors/studios
 - vi. Gentlemen's clubs
 - vii. Bottle clubs

28. Nevada

Nevada enacted [Declaration of Emergency Directive 003](#), closing Non-Essential Businesses effective March 20, 2020 at 11:59 pm. In [Declaration of Emergency Directive 010](#), Nevada states that individuals may leave their residences to, among other limited reasons, continue Essential Infrastructure operations.

- Duration: The Directive expired May 15, 2020.
- Penalty: Those that do not comply with the Directive, after receiving written notice, can be punished pursuant to the laws of Nevada, including under NRS 202.595, which is punishable as a gross misdemeanor or, in the event the noncompliance act results in the substantial bodily harm or death of a person, a category C felony, punishable by 1-5 years in prison and a fine of up to \$10,000.
- Essential Businesses: Essential Infrastructure, as defined by [Section 1\(b\) of the March 20, 2020 Emergency Regulations](#), includes:
 - i. Essential healthcare operations
 - ii. Essential infrastructure operations

- iii. Grocery stores
- iv. Retailers that sell food items and other household consumer products for cleaning and personal care
 - v. Businesses that ship or deliver goods directly to residences
 - vi. Businesses that sell or rent medical supplies
- vii. Licensed Cannabis entities
- viii. Pet supply stores
- ix. Animal shelters
- x. Banks and Financial Institutions
- xi. Pawnbrokers
- xii. Restaurants and food establishments that offer meals on a take-out, curbside pickup, delivery, or drive-through basis only
- xiii. Businesses and other entities that provide food, shelter, or social services for economically disadvantaged individuals, vulnerable populations, or victims of crime
- xiv. Hardware stores
- xv. Auto-supply, automobile repair facilities, and tire shops
- xvi. Laundromats and dry cleaners
- xvii. Warehouse and storage facilities
- xviii. Transportation services, including taxicabs and rideshare services
- xix. Mail and shipping services
- xx. Businesses that supply products necessary for people to work from home on a curbside pickup or delivery to consumer basis only
- xxi. Plumbers, electricians, exterminators, home security, and other service providers
- xxii. Professional or technical services including legal, accounting, tax, payroll, real estate, and property management services
- xxiii. Child care facilities
- xxiv. Residential facilities and shelters for seniors, adults, and children
- xxv. Newspapers, television, radio, and other media services
- xxvi. Hotels, motels, or short-term rentals, RV parks, campgrounds, dormitories, and commercial lodging
- xxvii. Gas stations

29. New Hampshire

New Hampshire enacted [Emergency Order #17](#) instructing all New Hampshire citizens to stay at home, with limited exceptions, and all businesses or other organizations that do not provide Essential Services, excluding houses of worship, to close their physical workplaces and facilities to workers, customers, and the public as of 11:59 pm on March 27, 2020.

- Duration: The Order expired May 4, 2020 at 12:01 am.
- Penalty: The Order is enforceable pursuant to New Hampshire law, including but not limited to NH Rev. Stat. § 642:1 (2015), the violation of which is a misdemeanor and is punishable by a fine of up to \$2,000, up to one year imprisonment, or both.
- Essential Businesses: Businesses and other organizations providing Essential Services may remain open but must develop protocols consistent with guidance provided by the CDC and the Division of Public Health. Although New Hampshire does not explicitly evoke the CISA guidelines, its [definition of Essential Services](#) is simply the fourteen categories of the Essential Critical Infrastructure Workforce that are defined in the March 19 CISA guidelines (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). Businesses can request to be designated as Essential via an [email](#) which should include basic contract information and a brief justification.

30. New Jersey

New Jersey enacted [Executive Order 107](#), effective March 21, 2020 at 9:00 pm, instructing all New Jersey residents to stay home unless undertaking an essential activity, such as going to work, as well as the closing of certain Non-Essential Businesses.

- Duration: Governor Murphy [announced](#) the immediate revocation of the Order on June 9, 2020, which was originally in effect until revoked or modified.
- Penalty: The penalty for failure to comply with the Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50, the violation of which is a disorderly conduct violation and is punishable by a fine up to \$1,000, up to six months imprisonment, or both. On April 2, 2020, Governor Murphy announced an intent to impose penalties including fines of up to \$10,000 and up to eighteen months imprisonment for violations of the Order.
- Essential Businesses: Unlike the CISA guidelines, New Jersey's Executive Order does not identify Essential Businesses but rather denotes the closure of all recreational and entertainment businesses, as well as only permitting restaurants to serve food for consumption off-premises. All businesses or non-profits in the state are ordered to accommodate their workforce where practicable to telework or work from home and make their best efforts to reduce the size of on-site staff.

The Order further calls for the closure of the premises of all non-essential retail businesses. The Order then enumerates the following retail businesses which are considered essential and permitted to continue operating on-premises:

- i. Grocery stores, farmer's markets and farms that sell directly to customers, and other food stores, including retailers that offer a varied assortment of foods comparable to what exists at a grocery store
- ii. Pharmacies and alternative treatment centers that dispense medicinal marijuana
- iii. Medical supply stores
- iv. Retail functions of gas stations
- v. Convenience stores
- vi. Ancillary stores within healthcare facilities
- vii. Hardware and home improvement stores
- viii. Retail functions of banks and other financial institutions
- ix. Retail functions of laundromats and dry-cleaning services
- x. Stores that principally sell supplies for children under five years old
- xi. Pet stores
- xii. Liquor stores
- xiii. Car dealerships, but only to provide auto maintenance and repair services, and auto mechanics
- xiv. Retail functions of printing and office supply shops
- xv. Retail functions of mail and delivery store

In subsequent guidance, New Jersey deemed the below to also be Essential Businesses:

- xvi. Mobile phone retail and repair shops
- xvii. Bicycle shops, but only to provide service and repairs
- xviii. Livestock feed stores
- xix. Nurseries and garden stores
- xx. Farming equipment stores
- xxi. Essential construction projects
 - 1. Projects necessary for delivery of health care services
 - 2. Transportation projects, including roads, bridges, and mass transit facilities or physical infrastructure, including work done at airports or seaports
 - 3. Utility projects, including those necessary for energy and electricity production and transmission, and any decommissioning of facilities used for electricity generation
 - 4. Residential projects that are exclusively designated as affordable housing
 - 5. Projects involving pre-k–12 schools
 - 6. Projects already underway involving individual single-family homes or an individual apartment unit where an individual already resides, with a construction crew of 5 or fewer individuals
 - 7. Projects already underway involving a residential unit for which a tenant or buyer has already entered into a legally binding agreement to occupy

the unit by a certain date and construction is necessary to ensure the unit's availability by that date

8. Projects involving facilities at which the manufacture, distribution, storage, or servicing of goods or products that are sold by online retail businesses or essential retail businesses takes place
9. Projects related to facilities that are critical to a business's ability to function
10. Projects ordered by federal, state, county or municipal government
11. Any project required to physically secure the site of a non-essential project
12. Any emergency repairs to ensure the health and safety of residents

31. New Mexico

New Mexico instituted the [Public Health Emergency Order Closing All Businesses and Non-Profit Entities Except for those Deemed Essential and Providing Additional Restrictions on Mass Gatherings Due to COVID-19](#), closing all Non-Essential Businesses.

- Duration: The Order expired May 15, 2020. On May 15, 2020, a new [Public Health Order](#) instituted Phase One of the state's phased reopening plan. Many of the same restrictions remain in place.
- Penalty: Under Section 21-1-21 of the Public Health Act, NMSA 1978, violation of the Order may be punished by a fine not to exceed \$100 or imprisonment in the county jail for a term not to exceed six months, or both. Violation of the Order may also result in civil penalties.
- Essential Businesses: The Order does not follow the CISA guidelines, instead providing its own Essential Business definitions. However, these definitions are wide ranging and largely in line with the CISA guidelines. The Order defines Essential Businesses to include any business or non-profit entity falling within one or more of the following categories:
 - i. Health care operations
 - ii. Care to indigent or needy populations (e.g., homeless shelters)
 - iii. Childcare facilities necessary to provide services to those workers employed by Essential Businesses and essential non-profit entities
 - iv. Grocery stores, all food and beverage stores, convenience stores, etc.
 - v. Farms, ranches, and other food cultivation, processing, or packaging operations
 - vi. Facilities used by first responders and law enforcement
 - vii. Infrastructure operations (e.g., public works, construction, airport operations, private transportation, utilities)
 - viii. Manufacturing operations for certain products
 - ix. Services necessary to maintain the safety and sanitation of residences or Essential Businesses (e.g., security services, custodial services, plumbers, electricians)

- x. Media services including television, radio, and newspaper operations
- xi. Gas stations, automobile repair facilities, automobile repair products retailers
- xii. Hardware stores
- xiii. Laundromats and dry cleaner services
- xiv. Utilities
- xv. Funeral homes, crematoriums and cemeteries
- xvi. Banks, credit unions, insurance providers, payroll services, brokerage services, and investment management firms
- xvii. Real estate services
- xviii. Mailing and shipping services
- xix. Laboratories and defense and national security-related operations
- xx. Restaurants and local breweries (take-out and delivery)
- xxi. Professional services, such as legal or accounting services, but only where necessary to assist in compliance with legally mandated activities
- xxii. Logistics and businesses that store, ship or deliver groceries

32. New York

New York enacted [Executive Order 202.8](#), instructing all those not working in Essential Businesses or Entities to stay home effective beginning March 22, 2020 at 8:00 pm.

- Duration: The Order was originally in effect through April 19, 2020, but has been extended by [Executive Order 202.45](#) through July 26, 2020. Governor Cuomo [announced](#) that the state would allow certain regions in New York to move to Phase One of the state's reopening plan on May 15, 2020. As of June 8, 2020, each region of the state has begun reopening, although the provisions of Executive Order 202.8 remain in place where not superseded by provisions of the region's reopening phase.
- Penalty: Any business violating the Order shall be subject to enforcement as though it were a violation of Section 12 of the Public Health Law, which is punishable by a civil penalty of up to \$2,000 for every violation.
- Essential Businesses: New York has not adopted the CISA guidelines regarding Essential Businesses and has instead adopted its own. Businesses seeking to apply for a designation as Essential can use the form found [here](#). The categories, as provided in the [New York Guidance on Executive Order 202.6](#), and as amended by Empire State Development [guidance](#), are as follows:
 - i. Essential Health Care Operations
 - 1. Research and laboratory services
 - 2. Hospitals
 - 3. Walk-in-care health clinics and facilities

4. Emergency veterinary and livestock services
 5. Senior/elder care
 6. Medical wholesale and distribution
 7. Home health care workers or aides for the elderly
 8. Doctors and emergency dental
 9. Nursing homes, residential health care facilities or congregate care facilities
 10. Medical supplies, equipment manufacturers and providers
 11. Licensed mental health providers
 12. Licensed substance abuse treatment providers
 13. Medical billing support personnel
 14. Emergency chiropractic services
 15. Physical therapy, prescribed by a medical professional
 16. Occupational therapy, prescribed by medical a professional
- ii. Essential Infrastructure
1. Public and private utilities including but not limited to power generation, fuel supply and transmission
 2. Public water and wastewater
 3. Telecommunications and data centers
 4. Airports/airlines
 5. Commercial shipping vessels/ports and seaports
 6. Transportation infrastructure such as bus, rail, for-hire vehicles, garages
 7. Hotels, and places of accommodation
- iii. Essential Manufacturing
1. Food processing, manufacturing agents, including all foods and beverages
 2. Chemicals
 3. Medical equipment/instruments
 4. Pharmaceuticals
 5. Sanitary products including personal care products regulated by the Food and Drug Administration
 6. Telecommunications
 7. Microelectronics/semi-conductor
 8. Food-producing agriculture/farms
 9. Household paper products
 10. Defense industry and the transportation infrastructure
 11. Automobiles
 12. Any parts or components necessary for essential products that are referenced within this guidance
- iv. Essential Retail
1. Grocery stores including all food and beverage stores
 2. Pharmacies

3. Convenience stores
 4. Farmer's markets
 5. Gas stations
 6. Restaurants/bars (but only for take-out/delivery)
 7. Hardware, appliance and building material stores
 8. Pet food
 9. Telecommunications to service existing customers and accounts
 10. Delivery for orders placed remotely at non-essential retail establishments, provided that only one employee is physically present at the business location to fulfill orders
- v. Essential Services
1. Trash and recycling collection, processing and disposal
 2. Mail and shipping services
 3. Laundromats and other clothing/fabric cleaning services
 4. Building cleaning and maintenance
 5. Child care services
 6. Bicycle repair
 7. Auto repair
 8. Automotive sales conducted remotely or electronically, with in-person vehicle return and delivery by appointment only
 9. Warehouse/distribution and fulfillment
 10. Funeral homes, crematoriums and cemeteries
 11. Storage for essential businesses
 12. Maintenance for the infrastructure of the facility or to maintain or safeguard materials or products therein
 13. Animal shelters and animal care including dog walking and animal boarding
 14. Marine vessel repair and marinas, but only to support government or essential commercial operations and not for recreational purposes
 15. Landscaping for maintenance or pest control, but not cosmetic purposes
 16. Designing, printing, publishing and signage companies that support essential businesses or services
 17. Remote instruction or streaming of classes
- vi. News Media
- vii. Financial Institutions
1. Banks or lending institutions
 2. Insurance
 3. Payroll
 4. Accounting
 5. Services related to financial markets, except debt collection
- viii. Providers of Basic Necessities to Economically Disadvantaged Populations

1. Homeless shelters and congregate care facilities
 2. Food banks
 3. Human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; as well as operating community shelters and other critical human services agencies providing direct care or support
- ix. Essential Construction
1. Construction involving or supporting roads, bridges, transit facilities, utilities, hospitals or healthcare facilities, homeless shelters, or public or private schools
 2. Construction involving affordable housing (i) where a minimum of 20% of the residential units are or will be both deemed affordable and subject to a regulatory agreement and/or a declaration from a local, state or federal government agency or (ii) where the project is being undertaken by, or on behalf of, a public housing authority
 3. Construction necessary to protect the health and safety of occupants of a structure
 4. Construction that is necessary to continue a project if allowing the project to remain undone would be unsafe (this construction must be shut down when it is safe to do so)
 5. Construction projects in service of the energy industry, including utility operations, maintenance and capital plan activities for existing power generation, utility-scale new power generation (with an in-service date of September 1, 2020 or sooner), existing fuel supply, transmission and distribution infrastructure and ensuring safe and reliable access to customers. This also includes energy construction or renewable generation storage related to existing or expanding grid service for transit facilities, health care facilities, affordable housing operations and homeless shelters and emergency projects to protect the health and safety of building occupants, utility customers and the public. Non-essential energy construction projects include energy efficiency projects in existing buildings, new EV infrastructure, and except as otherwise mentioned, new power generation, new energy storage and new construction projects.
 6. Essential business construction projects that are currently underway
 7. Emergency construction such as a project necessary to protect health and safety of the occupants
 8. Construction work involving a single worker who is the sole employee/worker on a job site

9. Construction projects permitted by local governments, including municipalities and school districts. However, to the greatest extent possible, local governments should postpone any non-essential projects and only proceed with essential projects when they can implement appropriate social distancing and cleaning/disinfecting protocols. Essential projects are those that have a nexus to health and safety of the building occupants or to support the broader essential services that are required to fulfill critical government operations or the emergency response to COVID-19
10. At every site, it is required that personnel working on the site maintain appropriate social distance, including for elevators, meals and entry. Sites that cannot maintain social distancing and adhere to cleaning/disinfecting protocols must close. Enforcement will be conducted by state and local governments, including fines of up to \$10,000 per violation.
- x. Defense
 1. Defense and national security-related operations supporting the U.S. Government or a contractor to the US government
- xi. Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses
 1. Law enforcement, including corrections and community supervision
 2. Fire prevention and response
 3. Building code enforcement
 4. Security
 5. Emergency management and response, EMS and 911 dispatch
 6. Building cleaners or janitors
 7. General maintenance whether employed by the entity directly or a vendor
 8. Automotive repair
 9. Disinfection
 10. Residential moving services
- xii. Vendors that Provide Essential Services or Products, Including Logistics and Technology Support, Child Care and Services
 1. Logistics
 2. Technology support for online services
 3. Child care programs and services
 4. Government owned or leased buildings
 5. Essential government services
 6. Any personnel necessary for on-line or distance learning or classes delivered via remote means
- xiii. Recreation
 1. Parks and other open public spaces, except places of congregation like playgrounds

2. Golf courses and use of boat launches and marinas for recreational vessels are not considered essential
- xiv. Professional services with extensive restrictions
 1. Lawyers: Lawyers may continue to perform all work necessary for any service so long as it is performed remotely. Any in-person work presence shall be limited to work only in support of essential businesses or services.
 2. Real estate: Real estate services shall be conducted remotely for all transactions, including but not limited to title searches, appraisals, permitting, inspections, and the recordation, legal, financial and other services necessary to complete a transfer of real property; provided that any in-person services are provided only to the extent legally necessary and in accordance with appropriate social distancing and cleaning/disinfecting protocols. Brokerage and branch offices cannot remain open to the general public.

33. North Carolina

North Carolina enacted [Executive Order No. 121](#) requiring all individuals living in North Carolina to stay home and requiring all non-essential business and operations to cease their on-premises work, beginning at 5:00 pm on March 30, 2020.

- Duration: The Order expired at 5:00 pm on May 8, 2020.
- Penalty: The Order is enforceable pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2) and is punishable as a Class 2 misdemeanor by a fine up to \$1,000 and up to 60 days in jail.
- Essential Businesses: The restriction on non-essential business in North Carolina is more relaxed than most other states that have enacted similar orders. North Carolina permits businesses that are able to institute its Social Distancing Requirements to continue in-person operations. The Social Distancing Requirements are:
 - i. Maintaining at least six feet distancing from other individuals (except at the point of sale or purchase);
 - ii. Washing hands using soap and water for at least 20 seconds as frequently as possible or the use of hand sanitizer;
 - iii. Regularly cleaning high-touch surfaces; and
 - iv. Facilitating online or remote access by customers if possible.

In addition, any Essential Business and Operation may remain open. Businesses not currently classified as Essential could request such a designation. North Carolina defines Essential Businesses and Operations to encompass the CISA guidelines (see CISA

Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) as well as the following:

- i. Healthcare and Public Health Operations
- ii. Human Services Operations
- iii. Essential Infrastructure
- iv. Essential Government Operations
- v. Stores that sell groceries and medicine
- vi. Food, beverage production and agriculture
- vii. Organizations that provide charitable and social services
- viii. Religious entities
- ix. Media
- x. Gas stations and businesses needed for transportation
- xi. Financial and insurance institutions
- xii. Home improvement, hardware and supply stores
- xiii. Critical trades (e.g., electricians, exterminators, janitorial staff, security staff)
- xiv. Mail, post, shipping, logistics, delivery, and pick-up services
- xv. Educational institutions
- xvi. Laundry services
- xvii. Restaurants for consumption off-premises
- xviii. Supplies to work from home
- xix. Supplies for COVID-19 Essential Businesses and Operations
- xx. Transportation
- xxi. Home-based care and services
- xxii. Residential facilities and shelters
- xxiii. Professional services
- xxiv. Manufacture, distribution, and supply chain for critical products and industries
- xxv. Defense and military contractors
- xxvi. Hotels and motels
- xxvii. Funeral services
- xxviii. Additional COVID-19 Essential Retail Businesses (electronic retailers, lawn equipment retailers, book stores that sell educational material, liquor stores, retail functions of gas stations and convenience stores, retail located within healthcare facilities, pet and feed stores)

34. North Dakota

North Dakota enacted [Executive Order 2020.06](#) and [Executive Order 2020.06.01](#), closing several businesses effective beginning March 20, 2020 and further businesses effective beginning March 28, 2020.

- Duration: The Order expired May 1, 2020 at 8:00 am.
- Penalty: The Order is enforceable pursuant to North Dakota law, including but not limited to, NDCC § 37-17.1-05, the violation of which is an infraction, punishable by a fine up to \$1,000.
- Essential Businesses: Rather than define Essential Businesses, North Dakota's Order instead mandates the following business closures:
 - i. On-site dining establishments, except for take-out, delivery, curbside, drive-through or off-sale services (beginning March 20, 2020)
 - 1. Restaurants
 - 2. Bars
 - 3. Breweries
 - 4. Cafes
 - ii. Recreational and entertainment venues (beginning March 20, 2020)
 - 1. Health clubs
 - 2. Athletic facilities
 - 3. Theaters
 - 4. Music venues
 - iii. Licensed cosmetologists (beginning March 28, 2020)
 - 1. Estheticians
 - 2. Manicurists
 - 3. Salons
 - 4. Barber shops
 - iv. Elective personal care services (beginning March 28, 2020)
 - 1. Tattoo and body art facilities
 - 2. Tanning facilities
 - 3. Massage facilities

35. Ohio

Ohio has instituted the [Director's Stay At Home Order](#), instructing all individuals living within Ohio to stay at home effective March 23, 2020 at 11:59 pm. All business except Essential Businesses and Operations are required to cease all on-premises activities within the state, except Minimum Basic Operations.

- Duration: The Order expired May 1, 2020 at 11:59 pm.
- Penalty: The Order itself does not include a penalty, and the state prosecutor's office has not yet reached a determination regarding applicable penalties. However, local law enforcement agencies have indicated that individuals and businesses may be cited under

3701.352 of the Ohio Revised Code and punished with a second-degree misdemeanor. In Ohio, a second-degree misdemeanor is punishable by up to 90 days in jail or a fine of up to \$750.

- Essential Businesses: The Order defines Essential Businesses and Operations to mean Healthcare and Public Health Operations, Human Services Operations, essential Governmental Functions, and Essential Infrastructure, as well as all workers included in the CISA guidelines (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). The Order lists the following additional categories as Essential Businesses:
 - i. Stores that sell groceries and medicine
 - ii. Food, beverage, and licensed marijuana production and agriculture
 - iii. Organizations that provide charitable and social services
 - iv. Religious entities
 - v. Media
 - vi. First amendment protected speech
 - vii. Gas stations and businesses needed for transportation
 - viii. Financial and insurance institutions
 - ix. Hardware and supply stores
 - x. Critical trades (e.g. plumbers, electricians, exterminators, janitorial staff, security staff)
 - xi. Mail, post, shipping, logistics, delivery, and pick-up services
 - xii. Educational institutions
 - xiii. Laundry services
 - xiv. Restaurants for consumption off-premises
 - xv. Supplies to work from home
 - xvi. Supplies for Essential Businesses and operations (e.g. electronics)
 - xvii. Transportation
 - xviii. Home-based care and services
 - xix. Residential facilities and shelters
 - xx. Professional services
 - xxi. Manufacture, distribution, and supply chain for critical products and industries
 - xxii. Critical labor union functions
 - xxiii. Hotels and motels
 - xxiv. Funeral services
- Minimum Basic Operations: Non-Essential businesses may maintain Minimum Basic Operations, provided that employees comply with Social Distancing Requirements. These include:
 - 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.

- ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

36. Oklahoma

Oklahoma enacted [Executive Order 2020-13](#), instructing businesses not identified as Essential to close beginning March 25, 2020 at 11:59 pm.

- Duration: The Order expired April 30, 2020.
- Penalty: The Order is enforceable pursuant to Oklahoma law, including but not limited to 63 O.S. 2001 Section 683.23, the violation of which is a misdemeanor, punishable by a fine up to \$3,000, up to six months imprisonment, or both.
- Essential Businesses: Oklahoma has adopted the CISA guidelines regarding Essential Businesses (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). Additionally, Oklahoma has added further categories of Essential Businesses outlined in a separate [memo](#) from Oklahoma's Department of Commerce. Business owners seeking to request clarification regarding Essential Businesses could submit an online form. The additional categories of Essential Businesses are as follows:
 - i. Chemical
 1. Petroleum and coal products manufacturing
 2. Chemical manufacturing
 - ii. Commercial and Professional Services
 1. Professional, scientific and technical services
 2. Administrative and support services
 3. Maid and housekeeping services, cleaning services for residential and offices, restaurants, restrooms and other commercial spaces
 4. Waste management and remediation services
 5. Death care services
 6. Dry cleaning and laundry services
 7. Repair and maintenance
 8. Animal care facilities, including food, shelters and boarding, veterinarians, grooming and routine care, but only grooming in pet stores, veterinarians' offices or shelters, and other necessities for the life of animals
 - iii. Communications
 1. Broadcasting, except internet
 2. Publishing industries
 3. Telecommunications

- iv. Construction and infrastructure, including construction, contractors and heavy and civil engineering construction
- v. Defense industrial base, including explosives manufacturing
- vi. Emergency and protective services
 - 1. Ambulatory health care services
 - 2. Facility support services, including private prisons
 - 3. Investigation and security services
 - 4. Justice, public order and safety activities
- vii. Energy
 - 1. Mining, oil and gas extraction
 - 2. Pipeline transportation
 - 3. Electrical equipment manufacturing
 - 4. Other electrical equipment and component manufacturing
 - 5. Machine manufacturing
- viii. Financial
 - 1. Finance and insurance
 - 2. Real estate and leasing services
 - 3. Management of companies
 - 4. Business associations
- ix. Food, forestry and agriculture
 - 1. Agriculture, forestry, fishing and hunting
 - 2. Food manufacturing
 - 3. Beverage and tobacco product manufacturing
 - 4. Veterinary services
- x. Government facilities
 - 1. Executive, legislative and other general government support
 - 2. Justice, public order and safety activities
 - 3. Administration of human resource programs
 - 4. Administration of environmental quality programs
 - 5. Administration of housing programs, urban planning and community development
 - 6. Administration of economic programs
- xi. Healthcare and social assistance
 - 1. Health care and social assistance for non-elective, emergency health need
 - 2. Religious, grant making, civic, professional and similar organizations, but only gatherings of less than 10 people
 - 3. Pharmacies drug stores and health stores
- xii. Information technology
 - 1. Data processing, hosting and related services
 - 2. Software publishers
 - 3. All other miscellaneous schools and instruction

- 4. Computer systems design and related services
- xiii. Manufacturing
 - 1. Paper manufacturing
 - 2. Printing and related support activities
 - 3. Plastics and rubber products manufacturing
 - 4. Mineral product manufacturing
 - 5. Primary metal manufacturing including equipment
- xiv. Restaurants, retail and hospitality
 - 1. Motor vehicle and parts dealers
 - 2. Furniture and home furnishings stores
 - 3. Electronic and appliance stores
 - 4. Building material and garden equipment
 - 5. Food and beverage stores, including grocery stores
 - 6. Gasoline stations
 - 7. Clothing and clothing accessories stores
 - 8. Sporting goods, hobby and book stores
 - 9. General merchandise stores
 - 10. Florists, office supplies and other store retailers
 - 11. Online and non-store retailers
 - 12. Telecommunications resellers
 - 13. Golf courses
 - 14. Traveler accommodations
 - 15. Restaurants, but only takeout, curbside or delivery service
- xv. Transportation and distribution
 - 1. Wholesale trade, but not including auction of durable goods
 - 2. Transportation and warehousing
 - 3. Postal services and distribution centers
- xvi. Utilities

Additionally, beginning April 24, 2020, personal care businesses (e.g., pet grooming services, nail salons, hair salons) may reopen while adhering to certain precautionary guidelines.

37. Oregon

Oregon enacted [Executive Order No. 20-12](#), ordering all Oregonians to stay at home beginning March 23, 2020, closing specified retail businesses, requiring social distancing measures for other public and private facilities, and imposing requirements for outdoor areas and licensed childcare facilities.

- Duration: On May 19, 2020, an Oregon Circuit Court judge issued an opinion in *Elkhorn Baptist Church, et al. v. Katherine Brown Governor of the State of Oregon*, halting statewide coronavirus restrictions and requiring state legislature approval for continued emergency declarations. The decision has been appealed to the Oregon Supreme Court and the Order remains in place until further judicial review.
- Penalty: The penalty for failure to comply with the Order is the violation of Oregon's public health law, as defined in ORS 431A.005, which can result in a fine of up to \$1,250 and up to 30 days in jail or both. The Order is also enforceable under ORS 431A.010, which provides for a civil penalty not to exceed \$500 a day per violation.
- Essential Businesses: Unlike the CISA guidelines, Oregon's Executive Order does not identify Essential Businesses but rather denotes the closure of specific businesses. The Order specified that it does not apply to the Food and Agriculture Sector or the Healthcare and Public Health Sector. Oregon has provided a [quiz](#) that businesses still confused about whether they may remain open can take. The Executive Order specified the closure of the following businesses:
 - i. Amusement parks, aquariums, arcades, art galleries (to the extent that they are open without appointment)
 - ii. Barber shops and hair salons
 - iii. Bowling alleys
 - iv. Cosmetic stores
 - v. Dance studios
 - vi. Esthetician practices
 - vii. Fraternal organization facilities
 - viii. Furniture stores
 - ix. Gyms and fitness studios (including climbing gyms)
 - x. Hookah bars
 - xi. Indoor and outdoor malls, indoor party places, jewelry shops and boutiques (unless they provide goods exclusively through pick-up or delivery services)
 - xii. Medical spas, facial spas, day spas, and non-medical massage therapy services
 - xiii. Museums
 - xiv. Nail and tanning salons
 - xv. Non-tribal card rooms
 - xvi. Skating rinks
 - xvii. Senior activity centers
 - xviii. Ski resorts
 - xix. Social and private clubs
 - xx. Tattoo/piercing parlors
 - xxi. Tennis clubs

- xxii. Theaters
- xxiii. Yoga studios
- xxiv. Youth clubs

All other businesses and non-profit entities that are not explicitly prohibited were ordered to facilitate telework and work-at-home to the maximum extent possible. When telework and work-from-home options are not available, businesses and non-profits must designate an employee or officer to establish, implement, and enforce social distancing policies.

38. Pennsylvania

Pennsylvania issued an [Executive Order](#) ordering all individuals residing in Allegheny County, Bucks County, Chester County, Delaware County, Monroe County, Montgomery County, and Philadelphia County to stay at home beginning March 23, 2020 at 8:00 am and permitting only life-sustaining businesses to remain open. On March 31, 2020, an additional [Executive Order](#) expanded the restrictions to a total of 33 counties, and effective April 1, 2020, the restrictions were extended statewide by [Executive Order](#). On June 9, 2020, the Pennsylvania legislature passed a resolution, [HR 836](#), directing Governor Wolf to end the COVID-19 disaster emergency declaration and lift all shutdown orders; however, Governor Wolf has announced his intention to maintain the emergency declaration and restrictions.

- Duration: The Order expired May 8, 2020 at 12:01 am. After the Order's expiration, [24 counties](#) were allowed to begin reopening; the [remaining counties](#) remain under the stay-at-home restrictions through June 4, 2020.
- Penalty: The Order does not provide for any specific penalties or enforcement provisions. However, Pennsylvania has issued enforcement guidance which provides that violations of the Order are subject to criminal penalties under the Disease Control and Prevention Law of 1955 and the Administrative Code of 1929. A violation of the Disease Prevention and Control Law is a summary offense which can result in a fine of \$25 to \$300 dollars. The Administrative Code provides for a fine of \$10 to \$50 dollars. Failure to pay either fine can lead to a sentence of up to 30 days in jail.
- Essential Businesses: The Order permits only life-sustaining business activities, which initially was significantly narrower than the work that CISA guidelines permit. However, the [Stay At Home Order Guidance](#) issued by the Pennsylvania Governor's office indicates that the list of life-sustaining businesses has been updated to conform with CISA guidance and subsequent guidance was issued listing the below businesses. Businesses seeking a waiver or exemption from closing can request one [here](#).

- i. Crop production
- ii. Animal production
- iii. Forestry and logging
- iv. Fishing, hunting and trapping
- v. Support activities for agriculture and forestry
- vi. Oil and gas extraction
- vii. Mining and support activities for mining
- viii. Electric power generation, transmission and distribution
- ix. Natural gas distribution
- x. Water, sewage and other systems
- xi. Construction of building, heavy and civil engineering construction and specialty trade contracting only to the extent they are limited to emergency repairs and construction of healthcare facilities
- xii. Food manufacturing
- xiii. Beverage and tobacco product manufacturing
- xiv. Wood product manufacturing
- xv. Paper manufacturing
- xvi. Printing and related support activities
- xvii. Petroleum and coal products manufacturing
- xviii. Chemical manufacturing, except any painting, coating and adhesive manufacturing that is not explicitly permitted under the CISA guidelines
- xix. Plastics and rubber products manufacturing
- xx. Nonmetallic mineral product manufacturing related to glass, cement, concrete, lime and gypsum products
- xxi. Primary metal manufacturing related to iron and steel mills, ferroalloy manufacturing, purchased steel manufacturing and alumina and aluminum production and processing
- xxii. Machine manufacturing related to agriculture, mining, commercial and service industry machinery, ventilation, heating, air-conditioning, commercial refrigeration, engine, turbine and power transmission equipment
- xxiii. Computer and electronic product manufacturing related to semiconductor and other electrical component manufacturing as well as navigational, measuring, electro-medical and control instruments manufacturing
- xxiv. Medical equipment and supplies manufacturing
- xxv. Merchant and durable goods wholesalers except for home furniture
- xxvi. Merchant and nondurable goods wholesalers except for apparel
- xxvii. Automotive parts, accessories and tire stores as well as gasoline stations
- xxviii. Building supplies and supplies dealers
- xxix. Food and beverage stores except specialty foods and alcohol
- xxx. Mail-order houses for electronic shopping

- xxx. Air, water, truck, transit, ground passenger and pipeline transportation except for chartered buses. This includes support activities for transportation
- xxxii. Postal service, couriers and messengers
- xxxiii. Warehousing and storage
- xxxiv. Publishing, including newspapers, periodicals, books and directory publishers
- xxxv. Broadcasting and telecommunications
- xxxvi. Data processing, hosting and related services
- xxxvii. Financial activities including monetary authorities, credit intermediation, insurance carriers and employee benefit funds
- xxxviii. Rental and leasing services
- xxxix. Legal services, but only to the extent necessary to participate in proceedings deemed necessary by a presiding judge
 - xl. Accounting, tax preparation, bookkeeping and payroll services
 - xli. Scientific research and development services
 - xlii. Support services to buildings and investigation and security services
 - xliii. Offices of physicians, outpatient care centers, medical and diagnostic laboratories, home health care and other ambulatory health care services
 - xliv. Hospitals
 - xlvi. Nursing and residential care facilities
 - xlvi. Social assistance, except child day care services
 - xlvi. Traveler accommodations, including boarding houses and RV camps
 - xlvi. Repair and maintenance services
 - xlix. Laundry services
 - l. Religious and grant-making social service organizations
 - li. Governmental support services

39. Rhode Island

Rhode Island enacted [Executive Order 20-13](#), instructing all Non-Critical Retail Businesses to cease in-person operations and encouraging residents to remain at home as much as possible effective beginning March 30, 2020. On March 28, 2020, Rhode Island enacted [Executive Order 20-14](#) *requiring* all Rhode Island residents to stay home.

- Duration: The Order expired May 8, 2020.
- Penalty: The Order is enforceable pursuant to Rhode Island law, including but not limited to, RI Gen L § 30-15-21, the violation of which is punishable by a fine up to \$500, imprisonment not exceeding 90 days, or both.

Essential Businesses: Rhode Island has only ordered that all Non-Critical Retail Businesses close. As a result, the Order does not adopt the CISA guidelines regarding Essential Businesses, instead defining only Critical Retail Businesses. Additional

guidance regarding businesses that must close their in-person operations can be found [here](#). Businesses that need further guidance or have questions can fill out the form found [here](#) or call the Department of Business Regulation at 401-889-5550. Critical Retail Businesses, as identified in the Order, include the following:

- i. Food and beverage stores
 1. Supermarkets
 2. Liquor stores
 3. Specialty food stores
 4. Convenience stores
 5. Farmers' markets
 6. Food banks and pantries
- 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 stores
- xviii. Restaurants (take-out, drive-through and delivery only)

40. South Carolina

South Carolina enacted [Executive Order No. 2020-17](#), instructing all Non-Essential Businesses to cease in-person operations effective beginning April 1, 2020 at 5:00 p.m. On April 3, 2020, South Carolina enacted [Executive Order No. 2020-21](#) expanding the list of Non-Essential Businesses effective April 7, 2020 at 5:00 p.m.

- Duration: [Executive Order No. 2020-31](#) lifted the business closures effective May 4, 2020, at 12:01 am, with certain restrictions remaining for restaurants.

- Penalty: A violation of this Order is a misdemeanor, which upon conviction can lead to a fine of up to \$100 and/or imprisonment for not more than thirty days.
- Essential Businesses: South Carolina adopted the revised March 28, 2020, CISA guidelines (see CISA Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) and also added its own [list](#) of Non-Essential Businesses which must close. All other businesses must limit the number of customers to 5 per 1,000 square feet or 20% of the occupancy limit (whichever is less), practice social distancing and are encouraged to utilize telecommuting or work-from-home options. Beginning April 20, 2020 at 5:00pm, as per [Executive Order 2020-28](#), retail stores previously deemed “non-essential” may begin to re-open in accordance with the above social distancing guidelines. Businesses who seek additional guidance, clarification or believe their business category was not addressed can fill out a Clarification of Business Designation [form](#). Individuals or entities may also submit questions or requests for clarification to the Department by email to covid19sc@sccommerce.com or by telephone at 803-734-2873. The following businesses were ordered to close:

i. Entertainment venues and facilities as follows:

1. Night clubs
2. Bowling alleys
3. Arcades
4. Concert venues
5. Theaters, auditoriums, and performing arts centers
6. Tourist attractions (including museums, aquariums, and planetariums)
7. Racetracks
8. Indoor children’s play areas, with the exception of licensed childcare facilities
9. Adult entertainment venues
10. Bingo halls
11. Venues operated by social clubs

ii. Recreational and athletic facilities and activities as follows:

1. Fitness and exercise centers and commercial gyms
2. Spas and public or commercial swimming pools
3. Group exercise facilities, to include yoga, barre, and spin studios or facilities
4. Spectator sports
5. Sports that involve interaction in close proximity to and within less than six (6) feet of another person
6. Activities that require the use of shared sporting apparatus and equipment

7. Activities on commercial or public playground equipment with the exception of public beach access points, public piers, docks, wharfs, public boat ramps and boat landings.
- iii. Close-contact service providers as follows:
1. Barber shops
 2. Hair salons
 3. Waxing salons
 4. Threading salons
 5. Nail salons and spas
 6. Body-art facilities and tattoo services
 7. Tanning salons
 8. Massage-therapy establishments and massage services

41. Tennessee

On March 30, 2020, Tennessee instituted [Executive Order No. 22](#) urging all persons in Tennessee to stay at home and closing businesses and organizations that do not perform Essential Services, effective as of 11:59 pm on March 31, 2020. On April 2, 2020, Tennessee instituted [Executive Order No. 23](#) amending its prior order so that all persons in Tennessee are required to stay at home.

- Duration: The Order was originally in effect until April 14, 2020 at 11:59 pm, and was [extended](#) through April 30, 2020 at 11:59 pm. [Executive Order No. 30](#) subsequently repealed the Order and began the state's phased reopening effective April 29, 2020 at 12:01 am.
- Penalty: The Order is enforceable pursuant to Tennessee law, including but not limited to, Tennessee Code Annotated, Section 58-2-120, which makes the violation of any emergency order a Class A misdemeanor and thus punishable by a fine of up to \$2,500 or up to 11 months and 29 days in prison, or both.
- Essential Businesses: The Order defines Essential Services to mean personnel included in the revised March 28, 2020, CISA guidelines (see CISA Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). All businesses or organizations that operate at all times with 10 or fewer persons on the premises may continue to operate so long as they comply with the Health Guidelines included in the Order. The Order also [lists](#) the following additional categories as Essential Services:
 - i. Health Care and Public Health Operations
 - ii. Human Services Operations
 - iii. Essential Infrastructure Operations

- iv. Essential Government Functions
 - v. Food and Medicine Stores
 - vi. Food and Beverage Production and Agriculture
 - vii. Organizations that Provide Charitable and Social Services
 - viii. Religious and Ceremonial Functions
 - ix. Media
 - x. Gas Stations and Businesses Needed for Transportation
 - xi. Financial Institutions and Insurance Entities
 - xii. Hardware and Supply Stores
 - xiii. Critical Trades
 - xiv. Mail, Post, Shipping, Logistics, Delivery, and Pick-up Services
 - xv. Educational Institutions
 - xvi. Laundry Services
 - xvii. Restaurants for Off-Premises Consumption
 - xviii. Supplies to Work from Home
 - xix. Supplies for Essential Businesses and Operations
 - xx. Transportation
 - xxi. Home-based Care and Services
 - xxii. Professional Services
 - xxiii. Manufacturing, Distribution and Supply Chain for Critical Products and Industries
 - xxiv. Hotels and Motels
 - xxv. Funeral Services
 - xxvi. Any business related to Essential Activity, as defined in the Order, including any recreation area, park, site, or trail that provides opportunities for outdoor recreation while maintaining adherence to the Health Guidelines
 - xxvii. Any other business or organization that operates at all times with 10 or fewer persons accessing the premises of the business or organization at a time, including employees, customers, and other visitors; provided, that the premises allows for operation within the Health Guidelines and that such Health Guidelines are followed at all times
- Minimum Basic Operations: The Order provides that all businesses and organizations may maintain the minimum necessary activities required to maintain the business or organization, including:
 - i. Maintaining the value of the business's or organization's inventory;
 - ii. Preserving the condition of the business's or organization's physical plant and equipment, livestock, or other assets;
 - iii. Ensuring the security of the business or organization;
 - iv. Processing the business's or organization's mail, payroll, and employee benefits;
 - v. Facilitating employees of the business or organization being able to continue to work remotely from their residences; or
 - vi. Conducting any functions related to these activities.

42. Texas

Texas enacted the [Executive Order Implementing Essential Services and Activities Protocols](#), directing residents to minimize in-person contact except where necessary to provide or obtain Essential Services, effective beginning April 2, 2020 at 12:01 am.

- Duration: The Order expired April 30, 2020. Beginning May 1, 2020, all retail stores, restaurants, movie theaters, malls, museums, and libraries are permitted to reopen but must limit their capacity to 25% of their listed occupancy.
- Penalty: A violation of the Order is subject to penalties under Texas law, including, but not limited to Texas Government Code §418, which is punishable by a fine up to \$1,000 or a 180 days imprisonment.
- Essential Businesses: Texas has adopted the CISA guidelines regarding Essential Services (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) with the addition of religious services conducted in churches, congregations, and houses of worship.

The Order also empowers the Texas Division of Emergency Management to maintain an [online list](#) of Essential Services and review requests from individual businesses for designation as Essential Services via [email](#).

43. Vermont

Vermont has issued [Addendum 6 to Executive Order 01-20](#) directing Vermonters to stay home and leave only for essential reasons beginning March 25, 2020 at 5:00 pm.

- Duration: The Order expired at midnight on May 15, 2020.
- Penalty: The Order is enforceable pursuant to Vermont law, including but not limited to, 20 V.S.A. § 40, the violation of which is punishable by a fine of up to \$1,000 as well as an injunctive order brought by the Vermont Attorney General.
- Essential Business: The Order does not rely on the CISA guidelines to determine which businesses are permitted to stay open, instead creating a [list](#) of services or functions in Vermont deemed critical to public health and safety, as well as economic and national security. Businesses who need additional guidance may submit requests by filling out the form found [here](#). Additional sector-specific guidance may also be found [here](#). The following businesses are permitted to continue to operate:

- i. Healthcare operations
- ii. Law enforcement, public safety and first responders
- iii. Critical infrastructure
- iv. Construction necessary to support the COVID-19 response and maintain critical infrastructure
- v. Critical manufacturing
- vi. Retail serving basic human needs
- vii. Fuel products and supply
- viii. Hardware stores
- ix. Transportation sector and agricultural sector
- x. Trash collection and disposal
- xi. Agriculture and farms
- xii. Lodging, to the extent required to support COVID-19 response, critical infrastructure and national security
- xiii. Other building and property services for the safety, sanitation and operations of residences or other businesses
- xiv. Mail and shipping services
- xv. News media
- xvi. Banks and related financial institutions
- xvii. Providers of necessities and services to economically disadvantaged populations
- xviii. Other vendors of technical, security, logistics, custodial and equipment repair and maintenance services necessary to support the COVID-19 response, critical infrastructure and national security

Effective April 20, 2020, [Addendum 10 to Executive Order 01-20](#), in combination with the [Agency of Commerce and Community Development Guidance](#), will allow, subject to compliance with certain health and safety requirements, resumed operations for:

- i. Those who exclusively or largely work outdoors, as well as interior construction and supporting services, with a maximum of 2 workers per location/job
- ii. Retailers for curbside pick-up, delivery services, and warehouse or distribution operations in support of curbside or delivery
- iii. Services operating with a single worker (e.g., appraisers, realtors, municipal clerks, attorneys, property managers, pet care operators) operating with no more than 2 persons present at one time

44. Virginia

Virginia has instituted [Executive Order Number Fifth-Three](#), prohibiting all public and private in-person gatherings of 10 or more individuals, ordering the closure of all public access to recreational

and entertainment businesses, and limiting all in-person shopping at non-essential retail businesses to no more than 10 patrons per establishment beginning 11:59 pm on March 24, 2020.

- Duration: The Order was originally in effect until 11:59 pm on April 23, 2020, but expired May 14, 2020. On May 28, 2020, [Executive Order Sixty-Two](#), which delayed the reopening of areas in northern Virginia and required the continued closure of recreational and entertainment businesses, also expired.
- Penalty: The Order is enforceable pursuant to § 44-146.17 of the Code of Virginia, the violation of which is a Class 1 Misdemeanor and is punishable by a fine of up to \$2,500, up to twelve months imprisonment, or both.
- Essential Businesses: The Order does not adopt the CISA guidelines, instead permitting all businesses offering professional services to remain open. The Order does close all recreational and entertainment businesses, and orders that Non-Essential retail businesses limit the number of individuals who are shopping on premises to 10. Businesses that are unclear as to whether they are Essential should limit operations to 10 patrons or less with adequate social distancing per Virginia's [FAQs instructions](#). The [following](#) Essential Businesses with retail stores are not required to limit the number of on-premises shoppers:
 - i. Grocery stores, pharmacies, dollar stores, department stores with grocery or pharmacy operations
 - ii. Medical, laboratory, and vision supply retailers
 - iii. Electronic retailers
 - iv. Automotive parts retailers and repair facilities
 - v. Home improvement, hardware, building material retailers
 - vi. Lawn and garden equipment retailers
 - vii. Beer, wine, and liquor stores
 - viii. Retail functions of gas stations and convenience stores
 - ix. Retail located within healthcare facilities
 - x. Banks and other financial institutions with retail functions
 - xi. Pet and feed stores
 - xii. Printing and office supply stores
 - xiii. Laundromats and dry cleaners

45. Washington

Washington has adopted [Proclamation 20-25, Stay Home – Stay Healthy](#), which requires all Non-Essential Businesses in Washington State to cease all on-premises operations, except for Basic Minimum Operations, as of 12:00 am on March 25, 2020. On April 24, 2020, Governor Inslee [announced](#) that certain construction projects could resume subject to several restrictions.

- Duration: The Stay Home – Stay Healthy order expired May 31, 2020.
- Penalty: Failure to comply with the Order is a gross misdemeanor under Washington State’s emergency powers statute, RCW 43.06.220(5). The maximum punishment for a gross misdemeanor in Washington is 364 days in jail or a fine of up to \$5,000, or both. On May 26, 2020, the maximum fine was [increased](#) to \$10,000.
- Essential Businesses: Essential Business may continue to operate so long as they establish and implement social distancing and sanitation measures, as established by the U.S. Department of Labor’s Guidance on Prepare Workplaces for COVID-19 and the Washington State Department of Health Workplace and Employer Resources & Recommendations. Although the Order, and its [Appendix](#), do not invoke CISA, the guidance regarding Essential Businesses appears to closely resemble and pull from the CISA guidelines. Businesses seeking clarification as to whether they can be considered Essential can use the form [here](#). The Appendix includes those working in the following sectors as Essential Businesses:
 - i. Healthcare / Public Health Sector
 - ii. Emergency Services Sector
 - iii. Food and Agriculture Sector
 - iv. Energy Sector
 - v. Water and Wastewater Sector
 - vi. Transportation and Logistics Sector
 - vii. Communications and Information Technology Sectors
 - viii. Other Community-Based Government Operations and Essential Functions (e.g., hotel workers, construction workers, professional services when necessary to assist in compliance and critical sector services or where failure to provide would result in significant prejudice, laundromats, and commercial retail stores that supply essential sectors, such as convenience stores, pet supply stores, auto supplies and repair, hardware and home improvement, and home appliance retailers)
 - ix. Critical Manufacturing Sector
 - x. Hazardous Materials Sector
 - xi. Financial Services Sector
 - xii. Chemical Sector
 - xiii. Defense Industrial Base Sector
- Basic Minimum Operations: Non-Essential Businesses may maintain Minimum Basic Operations, which includes:
 - i. The minimum activities necessary 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.

- ii. The minimum activities necessary to facilitate employees of the business being able to continue to work remotely from their residences.

46. West Virginia

West Virginia enacted [Executive Order No. 9-20](#), directing all West Virginia residents to stay at home beginning March 24, 2020 at 8:00 pm and closing Non-Essential Businesses and operations.

- Duration: The Order is in effect until May 4, 2020, at 12:01, at which point in time [Executive Order No. 32-20](#) will take effect. After May 4, 2020, pursuant to Executive Order No. 32-20, certain small businesses, barbers, cosmetologists, and dog groomers may resume with appropriate precautions.
- Penalty: The Order states that it may be enforced by State and local enforcement and by state and local regulatory and/or licensing bodies to the extent possible under West Virginian Law.
- Essential Businesses: In addition to creating its own additional [guidelines](#) for which businesses may continue to operate following the Executive Order, West Virginia also adopted the CISA guidelines (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response). The Executive Order specifies the following additional businesses that may remain open, noting that they must meet social distancing requirements, some of which overlap with the CISA guidelines:
 - i. Healthcare, public health operations, and health insurance companies
 - ii. Grocery stores and pharmacies
 - iii. Food, beverage and agriculture
 - iv. Essential governmental functions
 - v. Human services organizations and childcare facilities and providers
 - vi. Essential infrastructure
 - vii. Coal mining and coal-fired electric generation facilities
 - viii. Manufacture, distribution, and supply chain for critical products and industries
 - ix. Transportation and travel related businesses and gas stations
 - x. Financial and insurance institutions
 - xi. Hardware and supply stores
 - xii. Critical trades
 - xiii. Mail, post, shipping, logistics, delivery, and pick-up services
 - xiv. Religious entities
 - xv. Educational institutions
 - xvi. Laundry services
 - xvii. Supplies to work from home

- xviii. Supplies for Essential Businesses and Operations
 - xix. Home-based care and services
 - xx. Residential facilities and shelters
 - xxi. Professional services
 - xxii. Media and first amendment protected speech
 - xxiii. Hotels and motels
 - xxiv. Funeral services
- Minimum Basic Operations: The Order provides that Non-Essential Businesses and operations must temporarily cease on-premises work except for:
 - i. Minimum Basic Operations is defined as operations necessary to maintain the value of the business's inventory, preserve the condition of the business's physical plant equipment, ensure security, process payroll and employee benefits, or related functions, and the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
 - ii. Small businesses that do not invite in the general public and which have five or less employees in the office are also permitted to continue to operate.

47. Wisconsin

Wisconsin enacted [Emergency Order #12](#), instructing all individuals present in Wisconsin to stay home beginning 8:00 am on March 25, 2020, and permitting only those working in Essential Businesses and Operations or carrying out Minimum Basic Operations to go to work.

- Duration: The Order would have expired May 26, 2020. However, on May 13, 2020, the Wisconsin Supreme Court in [Wisconsin Legislature v. Secretary-Designee Andrea Palm](#) declared the amended stay-at-home invalid on the grounds that required rulemaking procedures had not been followed when instituting it. Effective May 13, 2020, businesses no longer need abide by the restrictions in the stay-at-home Order, although the Court's decision did not address the state's reopening order or the Governor's declaration of an emergency, which may include restrictions on businesses.
- Penalty: The penalty for failure to comply with the Order is punishable by up to 30 days imprisonment, and/or up to \$250 fine per Wis. Stat. § 252.25.
- Essential Businesses: Wisconsin adopted the CISA guidelines (see CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response) but additionally laid out its own guidelines for which businesses may continue to operate following the Emergency Order. Businesses may request to be designated as Essential by filling out the form found [here](#). Further guidance on essential businesses can

also be found [here](#). The Emergency Order specifies the following additional businesses may remain open, noting that they must meet Social Distancing Requirements:

- i. Stores that sell groceries and medicines
 - ii. Food and beverage production, transport, and agriculture
 - iii. Restaurants (take-out and delivery)
 - iv. Bars (carryout sales only)
 - v. Child care settings
 - vi. Organizations that provide charitable and social services
 - vii. Weddings, funerals and religious entities (fewer than 10 people)
 - viii. Media
 - ix. Gas stations and businesses needed for transportation
 - x. Financial institutions and services
 - xi. Hardware and supplies stores
 - xii. Critical trades
 - xiii. Mail, post, shipping, logistics, delivery and pick-up services
 - xiv. Laundry services
 - xv. Supplies to work from home
 - xvi. Supplies for Essential Businesses and operations and essential governmental functions
 - xvii. Transportation
 - xviii. Home-based care and services
 - xix. Professional services (work from home to the greatest extent possible)
 - xx. Manufacture, distribution, and supply chain for critical products and industries
 - xxi. Critical labor union functions
 - xxii. Hotels and motels
 - xxiii. Higher educational institutions (distance learning)
- Minimum Basic Operations: Non-Essential Businesses were required to cease all activities located on-premises within Wisconsin except for those necessary to maintain Minimum Basic Operations. The list of Minimum Basic Operations was expanded by [Emergency Order 28](#) and [Emergency Order 34](#). Provided that employees comply with social distancing, Minimum Basic Operations include:
 - 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, including where these functions are outsourced to other entities;
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences;

- iii. Fulfilling nonessential deliveries, mailing parcels, or receiving parcels if all of the operations are performed by one person in a room or confined space, including a car or truck.
- iv. Curb-side pick-up of goods, if all of the operations are performed by one person in a room or confined space at a time, including a car or truck. Goods must be purchased online or by phone before pick-up. The goods must be pre-packaged by the manufacturer, distributor, or store. The store may not require a signature by the customer.
- v. Curb-side drop-off of goods or animals for the purpose of having those goods or animals services, repaired, or cared for by the business.
- vi. Arts and craft stores may offer curb-side pick-up. More than one staff member, but no more than the minimum number of staff necessary, may work at the store solely for filling orders for materials for making personal protective equipment.
- vii. Aesthetic or optional exterior residential construction and lawn care, if all the operations are performed by one person in a room or confined space, including a car or truck. No more than one employee or worker may be on the site at a time. Aesthetic or optional exterior work requiring more than one person on the site are prohibited.
- viii. Outdoor recreational rentals.
- ix. Entirely automatic car washes and self-service car washes.

48. Wyoming

Wyoming enacted a [Statewide Public Health Order](#) on March 19, 2020 closing select businesses in an effort to control the spread of COVID-19, effective upon issuance of the Order.

- Duration: The Order expired April 30, 2020.
- Penalty: The penalty for failure to comply with the Order is punishable by up to one year in jail and/or a fine of up to \$1000 pursuant to Wyo. Stat. Ann. §§ 35-1-105 and -106.
- Essential Businesses: The Order does not adopt the CISA guidelines, nor provide its own definition of Essential Businesses. Instead, the Order provides a specific list of establishments that must cease on-premises operations:
 - i. Restaurants, food courts, cafes, coffeehouses and other similar places
 - ii. Bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs and other places of public accommodation offering alcoholic beverages for on-premises consumption
 - iii. Cigar bars
 - iv. Gymnasiums

- v. Movie and performance theaters, opera houses, concert halls, and music halls
- vi. Child care centers and home day cares (with the exception of those servicing the children of Essential Personnel)

The Order specifies that it does not apply to:

- i. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries
- ii. Room service in hotels
- iii. Healthcare facilities, residential care facilities, congregate care facilities, and juvenile justice facilities
- iv. Crisis shelters or similar institutions
- v. Airport concessionaires
- vi. Any emergency facilities necessary for the response to the events surrounding the public health emergency and state of emergency

The Order further defines the following professions as Essential Personnel:

- i. Staff and providers of childcare and education services, including custodial and kitchen staff and other support staff, who do not do their work remotely;
- ii. Providers of healthcare including, but not limited to, employees of clinics, hospitals, nursing homes, long-term care and post-acute care facilities, respite houses, designated agencies, emergency medical services, as well as necessary custodial, kitchen, administrative, and other support staff;
- iii. Criminal justice personnel including those in law enforcement, courts, and correctional services;
- iv. Public health employees;
- v. Firefighters, Wyoming National Guard personnel called to duty for responding to COVID-19, and other first responders;
- vi. State employees determined to be essential for response to the COVID-19 crisis;
- vii. Active duty military staff;
- viii. Pharmacy staff;
- ix. Foster families with children through grade 8;
- x. 2-1-1 and 9-1-1 call center staff; critical infrastructure and utility workers, including electrical, plumbing, telecommunications, water, and wastewater operators, workers, and staff;
- xi. State, municipal, and commercial public works and sanitation crews;
- xii. Grocery and food supply workers;
- xiii. Supply chain, postal, and delivery drivers and warehouse workers;
- xiv. Manufacturers of medical devices, equipment, testing equipment, and supplies;

xv. and fuel distribution workers.

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Cleary Gottlieb has established a [COVID-19 Resource Center](#), providing information and thought leadership on developing events. In addition, we have a [COVID-19 Task Force](#) that is acting as a repository for practical solutions, best practice and issue-spotting to help our clients by sharing market experience, insight and advice from across our global presence.

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