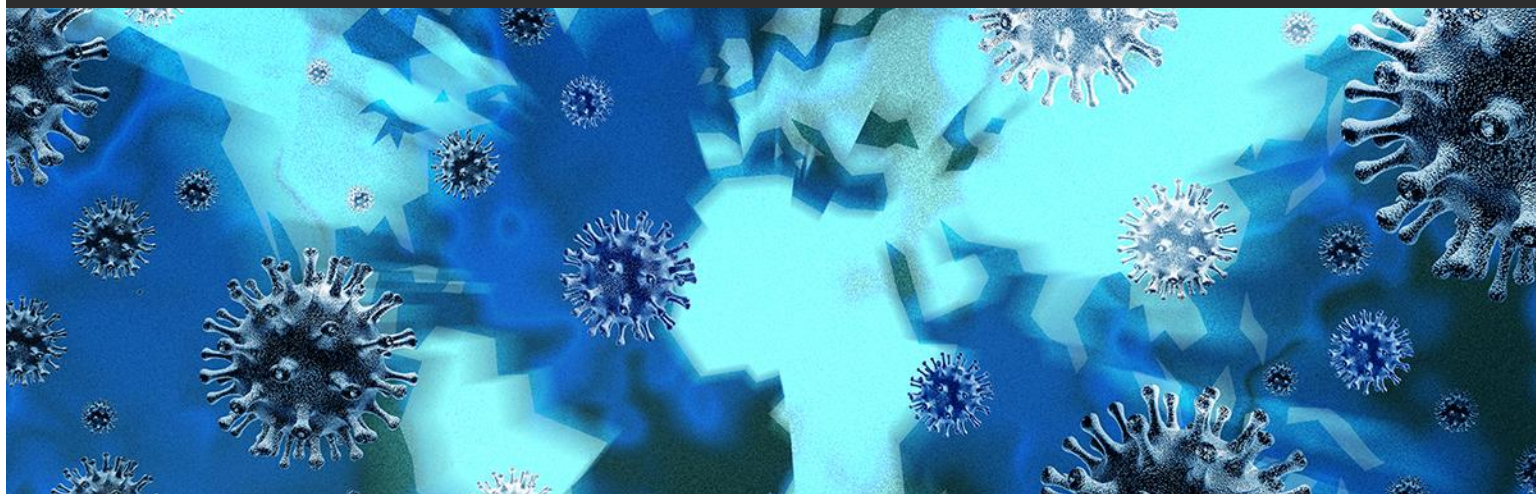


Alert | Health Emergency Preparedness Task Force: Coronavirus Disease 2019



April 7, 2020

Georgia Issues Shelter In Place Order

On April 2, 2020, Georgia Governor Brian Kemp issued Executive Order, 04-02-20.01, requiring all residents and visitors to the State of Georgia to shelter in place. Governor Kemp amended Order 04-02-20.01 on April 3, 2020 through Executive Order, 04-03-20.02, and together the two orders constitute the “Order”. The Order became effective Friday, April 3, 2020, and is currently set to expire Monday, April 13, 2020.

The Order requires all residents and visitors to the State of Georgia to take every possible precaution to limit social interaction and shelter in place, with the following **four** exceptions:

- 1) Individuals who conduct or participate in “**Essential Services**”;
- 2) Individuals who are engaged in the performance of, or travel to and from, the performance of “**Minimum Basic Operations**”; or
- 3) Individuals who are part of the workforce for “**Critical Infrastructure**”; or
- 4) Individuals who perform “**Necessary Travel**” related to Essential Services, Minimum Basic Operations, or Critical Infrastructure (as defined by the Order).

“**Essential Services**” is limited to obtaining necessary supplies and services (including food, medicine, or products needed for safety or sanitation) for family or household members, engaging in activities

essential for health and safety, or engaging in outdoor exercise activities so long as a minimum distance of six feet is maintained during such activities.

“**Minimum Basic Operations**” is limited to:

- 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; or
- The minimum necessary activities to facilitate employees being able to work remotely; or
- Instances where employees are working outdoors without regular contact with other persons, such as delivery services, contractors, landscape businesses, and agricultural industry services.

“**Critical Infrastructure**” refers to businesses and organizations defined by the U.S. Department of Homeland Security as “essential critical infrastructure workforce,” and their suppliers. The Department of Homeland Security defines “essential critical infrastructure” to include specific businesses and organizations within the following industries: healthcare, public health, law enforcement, public safety, food and agriculture, energy, water and wastewater, transportation and logistics, public works and infrastructure support, communications and information technology, government-based operations, financial services, hazardous materials work, chemical, defense, commercial supply chain businesses, and hygiene products and services.

Businesses that stay open and are not considered “**Critical Infrastructure**” shall only engage in “**Minimum Basic Operations**” and are required to implement specific workplace safety measures, including, but not limited to: screening and evaluating workers who exhibit signs of illness, requiring workers who exhibit signs of illness to not report to work or to seek medical attention, requiring hand washing, providing protective equipment as available, prohibiting gatherings of workers during working hours, implementing staggered shifts for all possible workers, prohibiting handshaking and other unnecessary person-to-person contact in the workplace, enforcing social distancing, providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools, and increasing physical space between workers’ worksites to at least six feet.

Businesses permitted to stay open because they meet the definition of “**Critical Infrastructure**” are subject to similar requirements. The Order’s provisions are not comprehensive, and the Order’s requirements may vary depending upon the nature of the business and the particular duties of the employee.

The Order also precludes ten people gathering at a single location if such gathering requires persons to stand or be seated within six feet of any other person. This preclusion however does not apply to cohabitating persons outside of their homes or entities defined as “Critical Infrastructure.”

Important Takeaways:

Only designated law enforcement personnel have the authority to close businesses, issue citations, and arrest individuals who are not in compliance with the Order. Only elected Sheriffs are authorized pursuant to the Order to enforce the closure of businesses, establishments, corporations, non-profit corporations, or other organizations pursuant to the Order.

The Order supersedes all prior orders and emergency orders issued at the state or local level. Enforcement of ordinances and orders by counties or cities within the state adopted or issued since

March 1, 2020, designed to address or respond to a public health emergency, ordered residents to shelter in place, or to combat the spread of coronavirus or COVID-19 are suspended while the Order is in place. Further, the Order makes clear that county, municipal, or local ordinances **cannot** impede “Critical Infrastructure.” The Order does not prohibit local governments from passing ordinances or orders that are designed to enforce compliance with the Order nor does it prohibit the ability of local governments to pass ordinances or orders to address the use of City and/or County owned facilities, including government buildings, parks and trails.

The Order does not supersede or limit the authority of the Judiciary of the State of Georgia.

The Order, as amended, acknowledges that the Judiciary of the State of Georgia is a separate branch of the government in Georgia and defers to Chief Justice Harold Melton’s “Order Declaring Statewide Judicial Emergency” issued on March 14, 2020.

Businesses operating within specific industries are effectively closed until at least April 13, 2020.

All restaurants and private social clubs **must** cease providing dine-in services, but takeout, curbside pick-up, and delivery are permitted in accordance with the provisions of the Order. All bars, gyms, fitness centers, bowling alleys, theaters, live performance venues, operators of amusement rides, body art studios, estheticians, hair designers, and persons licensed to practice massage therapy, **must** cease in-person operations and shall close to the public while the Order is in effect.

No further Executive Orders needed. The Order, as amended, provides that the Office of the Governor may continue to issue guidance on the scope of “Essential Services” as needed through news and social media outlets without the need of a new or amended Order.

For more information and updates on the developing COVID-19 situation, visit [GT’s Health Emergency Preparedness Task Force: Coronavirus Disease 2019](#).

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