



Kentucky Governor Orders Closure of All Non-Life-Sustaining In-Person Retail Businesses

Insights

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As part of the Commonwealth's continued efforts to respond to the COVID-19 pandemic, Kentucky Governor Andy Beshear issued [Executive Order 2020-246](#) on Sunday, March 22, requiring the closure of all "in-person retail businesses that are not life-sustaining" by 8:00 p.m. on Monday March 23.

Businesses That Can Remain Open

The Executive Order identifies the following as life-sustaining businesses that can remain open:

- Grocery stores, specialty food stores, food markets, and liquor stores
- Pharmacies and drug stores
- Automotive parts, repairs, accessories, and tire stores, as well as auto, truck and van rental establishments
- Gas stations and convenience stores
- Banks, credit unions, check cashing, and other financial services
- Hardware stores
- Building material, garden equipment, and supplies dealers
- General merchandise stores, including warehouse clubs and supercenters
- Pet and pet supply stores

While the Executive Order does not identify retail stores selling firearms or ammunition as life-sustaining businesses, it makes clear that it will not impede the lawful sale of those items in accordance with KRS § 39A.100(1)(h), which restricts Executive Orders from prohibiting or limiting the lawful sale of firearms or ammunition. The Order cautions, however, that life-sustaining businesses and businesses lawfully selling firearms and ammunition must continue to follow all social distancing and other hygiene guidance issued by the CDC and the Kentucky Department of Health to avoid closure.

Businesses That Must Close

Conversely, the Executive Order has ordered the following retail businesses deemed to be non-life-sustaining to close by 8:00 p.m. on Monday March 23:

- Automobile and other motor vehicle dealers (dealers may continue to provide parts, repairs, and service, but must close showrooms)
- Department, clothing, shoes, jewelry, luggage and other leather goods stores
- Cosmetics, beauty supplies, and perfume stores
- Optical goods stores
- Other health and personal care stores
- Sporting goods stores
- Music/musical instrument and book stores
- Furniture and home furnishing stores
- Electronics and appliance stores
- Florists
- Office supplies, stationary, and gift stores
- Used merchandise stores
- All other miscellaneous retail stores

These businesses deemed to be non-life-sustaining may nevertheless provide local delivery and curbside service of online or telephone orders. Along these lines, the Order makes clear that carry out, delivery and drive through food and beverage sales may continue.

Conclusion

This Order will remain in effect for the duration of the State of Emergency or until rescinded by further order or other law. We will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our [Louisville office](#), or [any member of our COVID-19 Taskforce](#). You can also review our nationwide [Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus](#) and our [FP Resource Center For Employers](#), maintained by our Taskforce.

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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