



Virginia Governor Restricts Gathering And Certain Businesses

Insights

3.24.20

Choosing not to go so far as neighboring states, Virginia's Governor Northam just issued temporary restrictions on certain gatherings and recreational/entertainment and retail businesses, but did not require shelter in place or wide reaching business closures. Except as otherwise noted, the following prohibitions/restrictions become effective 11:59 p.m. on March 24 and remain in place through April 23 at 11:59 p.m.:

1. Private or public gatherings of more than 10 people.
2. Cessation of all K-12 schools, public or private, for the remainder of the 2019-202 school year with the caveat that facilities providing child care may remain open subject to previously issued health guidelines.
3. Closure of all dining and congregation areas in restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms and farmers markets. Delivery and take out services may be offered.
4. Closure of certain public access to recreational and entertainment businesses:
 - Theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers;
 - Fitness centers, gymnasiums, recreation centers, indoor sports facilities, and indoor exercise facilities;
 - Beauty salons, barbershops, spas, massage parlors, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed that would not allow compliance with social distancing guidelines to remain six feet apart;
 - Racetracks and historic horse racing facilities; and
 - Bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, indoor shooting ranges, public and private social clubs, and all other places of indoor public amusement.
5. Essential retail businesses are permitted to remain open during their normal business hours including:
 - Grocery stores, pharmacies, and other retailers that sell food and beverage products or pharmacy products, including dollar stores, and department stores with grocery or pharmacy operations;

- Medical, laboratory, and vision supply retailers;
 - Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
 - Automotive parts, accessories, and tire retailers as well as automotive repair facilities;
 - Home improvement, hardware, building material, and building supply retailers;
 - Lawn and garden equipment retailers;
 - Beer, wine, and liquor stores;
 - Retail functions of gas stations and convenience stores;
 - Retail located within healthcare facilities;
 - Banks and other financial institutions with retail functions;
 - Pet and feed stores;
 - Printing and office supply stores; and
 - Laundromats and dry cleaners.
6. Brick and mortar retail business not listed in paragraph 5 may continue to operate but must limit all in person shopping to no more than 10 patrons per establishment. If such restrictions cannot be followed, the business must close.
7. All businesses must, to the extent possible, adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and other appropriate workplace guidance from state and federal authorities while in operation.
8. Although business operations offering professional rather than retail services may remain open, they should utilize teleworking as much as possible. Where telework is not feasible, such business must adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and apply the relevant workplace guidance from state and federal authorities.
9. The Order specifically stated that it does not limit:
- The provision of health care or medical services;
 - Access to essential services for low-income residents such as food banks;
 - The operations of the media;
 - Law Enforcement agencies; or
 - The operation of government.

What Are The Penalties For Violation?

In Virginia, the governor's executive order sets forth that its violation will be a Class 1 misdemeanor which by law provides for confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.

Conclusion

Fisher & Phillips 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, or [any member of our Essential Business or 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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Theresa M. Connolly
Partner
703.682.7095
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