Georgia Governor Issues Statewide Shelter-In-Place Order Further Impacting Business Community Amid COVID-19 Crisis

Insights
4.03.20

Georgia Governor Brian Kemp just issued an order that supersedes all prior and conflicting county, city, and state shelter-in-place orders, with the exception of individualized quarantine or isolation orders issued by a Department of Public Health. Unlike most states' order, the Georgia Shelter-in-Place Order prevents the confusion of a state being governed by a patchwork of often-conflicting county and city orders. Also, unlike most states' orders, the Georgia Order mandates that essential businesses follow detailed precautions to minimize the spread of COVID-19 during the course of providing goods and services, including possibly taking employee temperatures.

The Details
Effective at 6:00 p.m. on Friday, April 3, 2020 and continuing through 11:59 p.m. on Monday, April 13, 2020, the governor's order requires (1) all residents and visitors in Georgia to practice social distancing and sanitation guidelines published by the CDC; (2) all businesses, non-profits, and county and municipal governments (except those defined as "Critical Infrastructure") to restrict gatherings to 10 individuals or less provided that they not be within six feet of each other; and (3) all residents to shelter in place unless they are involved directly in, or traveling to and from, Essential Services, Minimum Basic Operations of a business, or "Critical Infrastructure." As if to drive home the seriousness of the situation, the order appears to take the drastic step of prohibiting social visits to private homes.

Which Businesses And Activities Are Excluded?
The order defines Essential Services as obtaining medical supplies or food/necessities for one's self or family, seeking medical or emergency care, and outdoor activities conducted six feet away from people outside one's immediate household. The order further defines Minimum Basic Operations as those necessary to maintain the value of a business, including security and maintenance, as well as remaining open to the public as allowed by the order. Those Operations also include activities related to facilitating working remotely and working outdoors without regular contact with other individuals.

The order effectively closes businesses that are not Critical Infrastructure, except for Minimum Basic Operations as noted above or exceptions listed below. The order adopts CDC guidance for employers on screening workers for signs of COVID-19, handwashing, and social distancing.

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The order also adopts the definition of "Critical Infrastructure" from the guidance published by the Cybersecurity and Infrastructure Security Agency (CISA). The order also includes businesses that supply essential goods to those sectors as well as legal services, home hospice, and certain non-profit mental health and food services in that definition. Moreover, the sale of firearms is specifically allowed to continue under the order.

As with other orders from other states that we have covered, Governor Kemp's order specifically allows restaurants and private social clubs to remain open for takeout, curbside pick-up, and delivery. However, it specifically orders businesses such as gyms, bowling alleys, theaters, hair designers, and bars to close to the public and provides for misdemeanor charges and penalties for violators.

Conclusion

For now, 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 Atlanta 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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