

Insights, News & Events

MISSISSIPPI GOVERNOR ISSUES STATE-WIDE SHELTER-IN-PLACE ORDER (UPDATED)

Insights
Apr 27, 2020

Mississippi Governor Tate Reeves recently issued Executive Order No. 1466 requiring all residents of the state to remain in their homes until April 20, 2020. The Order, which went into effect at 5:00 p.m. CDT on Friday, April 3, also requires the closure of all “non-essential” businesses for at least the next two weeks. According to the Order, all Mississippians must stay at home unless performing an “essential activity,” and all but “essential” businesses must close. What is “essential” and what does the Order mean for your business? **[Ed. Note: The order has been extended to April 27, 2020.]**

PROHIBITED ACTIVITIES AND MANDATORY BUSINESS CLOSURES

Numerous activities are now prohibited. Pursuant to the Order, no public, private social, or other non-essential gatherings in groups of more than 10 people in a single space at the same time where individuals are in close proximity (less than six feet) to each other can take place. **[Ed. Note: The order has been extended to April 27, 2020.]**

The Order also mandated closure of all places of amusement and recreation, such as museums, playgrounds, parks, movie theaters, bowling alleys, and social clubs. Finally, personal care establishments have been temporarily closed. Until at least April 20, there are no open gyms, salons, or tattoo parlors in Mississippi. **[Ed. Note: The order has been extended to April 27, 2020.]**

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Numerous business have already been severely impacted by the coronavirus outbreak, either due to voluntarily closure or local shelter-in-place orders. The Order does not ease the strain those businesses are experiencing and expands the number of businesses affected. For those businesses and others, help may be available through the Coronavirus Aid, Relief and Economic Security (CARES) Act, [a summary of which can be found here](#).

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WHAT IS AN ESSENTIAL ACTIVITY?

While instructed to shelter in place, Mississippians are permitted to leave their place of residence to engage in several "essential" activities. For instance, the Order does not prohibit going to the grocery store, pharmacy, or other business that provides a service or sells a product necessary for health and safety. By extension, the Order does not prohibit one visiting those businesses on behalf of those who cannot or should not leave their homes. And, probably most critically for the business community, the Order does not prohibit individuals from traveling so that they may perform work at an Essential Business or Operation, as discussed below. **[Ed. Note: The order has been extended to April 27, 2020.]**

WHAT IS AN "ESSENTIAL" BUSINESS OR OPERATION?

Fortunately for the business community, the Order did not shutter all establishments. In fact, the Order broadly defines "essential," and those that are essential may remain open. The following businesses, industries, and workers are deemed essential:

- Healthcare and public health operations
- Human services operations
- Home based care and services
- Professional services including legal, accounting, insurance, and real estate
- Essential infrastructure operations, such as utilities
- Essential governmental and law enforcement operations
- Manufacturing, such as food processing and pharmaceuticals

- Agriculture and farms such as livestock, veterinary services
- All supermarkets, food and beverage stores, pharmacies
- Restaurants and bars, but only limited to drive-thru, curbside, and/or delivery service
- Media, such as newspapers and television/radio
- Gas stations and businesses necessary for transportation
- Home improvement, hardware, and supply stores
- Mail and shipping services
- Laundry services
- Banks and financial institutions
- Religious entities
- Non-profit organizations
- Defense and military contractors
- Funeral services
- Beer, wine, and liquor stores

[Ed. Note: Under the extended order, beginning Monday April 20, 2020, non-essential businesses may conduct "safe sales," where businesses can make curbside, delivery, or drive-thru sales.]

Although the Order does not permit non-essential businesses to operate, they may nevertheless engage in "minimum basic operations" to maintain their facilities, premises and equipment; maintain their payroll and employee benefits; and facilities their employees' ability to work remotely. **[Ed. Note: Under the extended order, beginning Monday April 20, 2020, non-essential businesses may conduct "safe sales," where businesses can make curbside, delivery, or drive-thru sales.]**

ADDITIONAL MEASURES NECESSARY FOR OPEN BUSINESSES

All open businesses must adhere to both the CDC and the Mississippi State Department of Health recommendations

and guidance to prevent the spread of COVID-19. Thus, if your business is allowed to remain open, you should ensure that social distancing (i.e., maintain at least six feet between individuals) takes place with both your employees and customers. Next, you should repeatedly encourage your employees to engage in aggressive hygiene measures, such as frequent handwashing for at least twenty seconds or use of hand sanitizer. Finally, you should regularly clean high-touch surfaces (e.g., self-checkout registers and doors). These steps should go a long way to keeping your employees and customers well. **[Ed. Note: The order has been extended to April 27, 2020.]**

CONCLUSION

The governor's Order was not unexpected, and many businesses were already in compliance. Nevertheless, it is important that you determine whether your business is permitted to operate as a result of the Order, or any local order in effect (which may impose more restrictive measures than the Order).

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 [Gulfport 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.