

COVID-19: Key Takeaways from the Essential Business Orders Issued Thus Far



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Over the course of the last week, states and municipalities across the United States have implemented numerous orders restricting the operations of “nonessential” businesses in an effort to curb the spread of COVID-19 (the Essential Business Orders). More orders are being issued by the day. Given the disparate approaches across various jurisdictions, businesses are being forced to navigate a patchwork of directives impacting whether they are considered “essential”—and therefore may continue full or partial in-person operations—or not.

Below are some of the key takeaways from the Essential Business Orders issued thus far:

- Most Essential Business Orders contain a combination of directives, covering both the closure of all nonessential businesses as well restrictions on residents’ freedom of movement. A few Orders, however, direct the closure of nonessential businesses without expressly limiting the movement of individual residents.
- Many of the Essential Business Orders expressly adopt or incorporate the US Department of Homeland Security Cybersecurity & Infrastructure Security Agency’s recently-issued [Guidance on the Essential Critical Infrastructure Workforce](#).
- Certain cities and/or counties are subject to both state and local Essential Business Orders. While some statewide orders expressly address their preemptive effect, others do not, creating uncertainty in how the orders interact with each other (especially where a local order may be more stringent than a state order).
- Only a handful of jurisdictions have implemented explicit processes through which businesses can seek to be designated essential or otherwise exempted from any Essential Business Order.

To help our clients better navigate these varying directives, we have compiled two Essential Business Orders trackers providing key information on the Orders issued by states and large urban areas. These trackers will be updated regularly as new Orders are issued.

We are here to help in this difficult time and are committed to doing everything we can to assist our clients in ensuring that their operations continue as smoothly as possible.

Download our Statewide Shelter and Shutdown Orders Tracker.

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Download our Large City Shelter and Shutdown Orders Tracker.

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Conscious of the human, operational and financial strain that coronavirus is placing on businesses and organizations worldwide, Jenner & Block has assembled a multi-disciplinary Task Force to support clients as they navigate the legal and strategic challenges of the COVID-19 / Coronavirus situation.

For additional information and materials, please visit our [COVID-19 / Coronavirus Resource Center](#).

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