

## Making Sense of Louisiana's Stay-at-Home Order: What Businesses may remain open under the order?

March 23, 2020

In an effort to curtail the community spread of COVID-19, on March 22, 2020, Governor John Bel Edwards issued a “stay-at-home” [order](#), requiring Louisiana residents to shelter in place until April 13, 2020, unless the order is terminated sooner. Many Louisiana business owners have questions as to whether their businesses can stay open while the order remains in effect. Businesses that provide “essential services” may remain open. Businesses that do not provide “essential services” but have not specifically been ordered to close may remain open, but a 10-person limitation on “gathering size” applies. These non-essential businesses may operate with a skeleton crew of fewer than ten people with minimum contact with the public and must engage in proper social distancing.

### Businesses providing essential services may remain open.

The stay-at-home order provides that individuals within Louisiana are directed to stay home unless performing an “essential activity” such as obtaining necessary goods such as food and medicine, or vital services such as non-elective medical services. Individuals may also go their workplaces if they perform “essential worker functions.” The order cites federal guidance by the Cybersecurity & Infrastructure Security Agency (CISA) identifying “essential critical infrastructure workers”, including workers in healthcare, law enforcement, public safety, food and agriculture, energy, water and waste-water, transportation and logistics, public works, communications, and information technology. CISA’s guidance can be found [here](#). Businesses in the industries and sectors identified by CISA may remain open and their workers may report to work to perform “essential worker functions.”

### Non-essential businesses that have not been ordered closed may remain open, but limited by 10-person restriction on gathering size.

Section 5 of the Order states that businesses not covered by the CISA guidance and businesses not specifically ordered closed (such as theaters, gyms, hair salons, spas, etc.) shall “reduce operations to continue with minimum contact with members of the public and essential employees, while requiring proper social distancing.” However, the operations of these businesses are limited by the 10-person limitation on gathering size, which is provided at Section 2 of the order and states, in part, that “all gatherings of 10 people or more shall be postponed or cancelled. This applies only to gatherings in a single space at the same time where individuals will be in close proximity to one another.” The upshot is that non-essential businesses may operate with a skeleton crew of fewer than ten people with minimum contact with the public and must engage in proper social distancing.

## Other guidance and resources.

New Orleans provides helpful information and guidance at [ready.nola.gov/home/](https://ready.nola.gov/home/), including guidance on “Essential Activities” and “Essential Service Providers” found [here](#).

The Baton Rouge Area Chamber offers similar guidance [here](#) and provides updates at [brac.org/recovery](https://brac.org/recovery).

This is a high-level summary of the Governor’s March 22, 2020 order and is not an exhaustive analysis of the restrictions on any particular business under the order. If you need any more information about the implications of the Governor’s order for your particular business, please reach out to your attorney at Fishman Haygood contact or any of the attorneys listed below.

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