

What exactly is an 'essential' business?

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Living in times of coronavirus means getting comfy with pandemic lingo. Phrases like “social distancing,” “self-quarantine,” and “flatten the curve” are cropping up everywhere, and if you don’t get smart to them, you’re going to get left in the dust.

Doom and gloom are the zeitgeist, so you’ve likely already familiarized yourself with the term “shelter in place.” But as a growing list of states issue stay-at-home mandates, you may find yourself thrown by a word you thought you knew: “essential.” As in, “essential” businesses are the only stores and services allowed to stay open in a lockdown.

Not sure what those are? You’re not alone. While state governments have issued lists of predesignated “essential businesses,” they’re also letting unorthodox businesses request “essential” status. (A few were surprisingly granted; florists can still deliver bouquets in Delaware, and golf courses can stay open in Arizona.) The situation has devolved into somewhat of a free-for-all, sowing confusion and inconsistency—and some questionable judgment from companies trying to dodge shutdowns.

Fortunately, there seems to be a consensus on what’s critical for a functional society, and such life-sustaining services can stay open in states across the country. They include, but are not limited to:

- Supermarkets and grocers
- Farms and food manufacturers
- Restaurants for takeout and delivery only
- Hospitals
- Healthcare providers including physicians, dentists, and veterinary clinics
- Pharmacies
- Banks
- Post offices
- Law enforcement
- Gas stations
- Automotive repair shops
- Convenience stores
- Laundromats
- Transportation hubs including airports, maritime ports, train stations, and bus stations
- Power plants
- Shelters

But beyond that, states are splintering on how to treat businesses within a large gray area, including:

- **Liquor stores:** All states except for Pennsylvania have allowed liquor stores to stay open. According to industry groups, closing liquor stores could pose a major risk to substance-dependent people, especially with stress and unemployment on the rise, and could also enable black market liquor sales.
- **Cannabis dispensaries:** Most states that have legalized medical marijuana have allowed dispensaries to stay open, after cannabis lobbyists wrote an open letter to state governors arguing that many rely on cannabis to alleviate seizures, chemotherapy side effects, and PTSD.
- **Gun stores:** Most states have allowed gun stores to stay open, although officials in California, New Jersey, Delaware, and Pennsylvania initially required them to close. The states reversed course after gun lobbyists persuaded the Department of Homeland Security and the White House that guns are a matter of public safety and protection.
- **Hardware stores:** Most states are allowing stores like Ace Hardware and Lowe's to stay open, as they help us maintain the homes in which we're sequestered.
- **Office supply stores:** Most states are allowing stores like Office Depot and Staples to stay open, as they facilitate the transition to working from home.

(Note: The U.S. Cybersecurity and Infrastructure Security Agency released [this memo](#) on identifying “essential” functions, which it emphasized is purely advisory in nature; local jurisdictions get the final say.)

Some companies, meanwhile, have seized the chaos as an opportunity to ask employees to keep reporting to work, under an array of reasoning that surely stretches the meaning of the word “essential.” They include:

- **Tesla:** In an HR [email](#), Elon Musk's electric car company asked “essential” employees to come in—such as workers in production, service, deliveries, and testing—putting it in a high-profile standoff with California officials who deemed the company nonessential. (In early March, Musk [tweeted](#) that “the coronavirus panic is dumb.”)
- **WeWork:** The [beleaguered](#) office-share company, which operates communal workspaces that run counter to social distancing protocol, [told the *New York Times*](#) that it was essential as it provides mail and storage services (i.e. has mailboxes and lockers). The company sent a memo to employees dangling \$100-a-day bonuses for workers who would report to its sites.
- **Michaels:** The arts and crafts chain sent a memo to employees, [obtained by *Business Insider*](#), stating that its stores are “fundamental” for people “looking to take their minds off a stressful reality,” and that it's “essential” that workers be “here for the makers.”

- **GameStop:** As revealed by the *Boston Globe*, the video game retailer asked employees in Massachusetts to staff its stores despite state orders, and emailed a set of instructions on how to pass customers their purchases: “Lightly (you want to be able to get it off easily) tape a Game Stop plastic bag over your hand and arm. Do not open the door all the way—keep the glass between you and the guest’s face—just reach out your arm.”

Most of these companies have since shut down under pressure from state officials.