

The following is a compilation of summaries for selected states issuing Stay at Home Orders. As of this writing, the Federal Government is not enforcing a nation-wide definition of essential businesses and workers. While Washington, D.C. is not mandating all government jurisdictions use a single definition, though increasingly states are adopting the [Essential Critical Infrastructure Workers list issued](#) by the Department of Homeland Security, Cybersecurity and Infrastructure Agency (CISA).

Therefore, states and counties establish their own definitions, often incorporating the CISA guidelines but in other cases placing additional restrictions. This web of mandates across the country has created confusion for businesses. The below includes summaries of state and local Essential Business guidelines *at the time the government entity released the directives* and companies should continue to visit state websites for the latest updates.

Please note, the Department of Homeland Security on March 23, 2020 issued an update (Version 1.1) to the CISA list. States issuing their definitions of a critical manufacturing business would have used a previous version that did not clarify transportation businesses, and issued the following update, “for supply chains associated with transportation.”

Nothing contained herein shall be construed as legal advice and each entity must make a determination on their own whether they may continue operations and should consult local and state laws.

CALIFORNIA

Governor Newsome on March 19 established a [state-wide definition](#) of an essential business, eliminating confusion caused by the six Northern California counties who earlier in the week issued their own mandate covering a narrow set of manufacturing businesses.

California adopted on March 19 a nation-wide definition of essential businesses permitted to remain open during closures such as California's ([Executive Order N-33-20](#)), and the Department of Homeland Security issued their [essential critical infrastructure](#) list on Thursday evening, after which, California adopted the federal government's new standards. Several California counties also have their own definitions so businesses should check with their county for additional restrictions.

The CISA definition of Critical Manufacturing includes, "medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains," (see Critical Manufacturing [page 10](#)) and includes defense subcontractors (see Defense Industrial Base [page 11](#)).

Companies who fit the description of Critical Manufacturing do not need special permit or letter allowing them to continue operations. Per the California Government's [statement](#), "If your business or organization is in the list of exempt sectors, it may still operate. You do not need to obtain any specific authorization from the state to do so." To assist employees, that State has also said that at this time, "Daycares are still open, but only for children of parents working in essential sectors."

For businesses who do not meet that definition, we have not seen the State release a waiver/exemption process as Pennsylvania has done. We will continue to monitor the situation and advise accordingly.

COLORADO

On Wednesday, March 25, 2020, Colorado Governor Jared Polis issued an [executive order](#) to reduce the spread of COVID-19 by requiring all residents of Colorado to stay at home unless engaging in necessary activities or working at critical businesses. This follows a previous order that required a reduction in the workforce at non-critical businesses by fifty percent. The new full stay-at-home order took effect Thursday, March 26 at 6:00 a.m. and is set to last through 11:59 p.m. on Friday, April 11, 2020.

The accompanying [Public Health Order](#) outlines the twelve Critical Businesses that are considered essential under the executive order and are not required to close. Critical Businesses are encouraged to observed social distancing practices to the extent possible. The Critical Businesses list includes Critical Manufacturing (page 6, part 3), including:

- Food processing, manufacturing agents, including all foods and beverages
- Chemicals
- Computers and computer components
- Medical equipment, components used in any medical device, supplies or instruments
- Pharmaceuticals
- Sanitary products
- Telecommunications
- Microelectronics/semiconductor
- Agriculture/farms
- Household paper products
- Any business that produces products critical or incidental to the processing, functioning, development, manufacture, packaging, or delivery of any of the categories of products included in this subsection
- Any manufacturing necessary to support a Critical Business

Also included as a Critical Business are those companies working in the defense industry (page 8, part 10) including:

- defense and security-related operations supporting the State of Colorado, local government, the U.S. Government or a contractor for any of the foregoing

The state has also been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million. Information on the SBA loans as well as other information relevant to Colorado businesses can be found at the [Colorado COVID-29 Business Resource Center](#).

CONNECTICUT

At 8:00 p.m. on Monday, March 23, 2020, Governor Lamont's Executive Order ([EO-7H](#)) takes effect that imposes restrictions closing non-essential businesses through April 22, 2020. To the extent possible, employees of Essential Businesses whose duties are not critical to an Essential Business function described below should telecommute or utilize any work from home procedures available to them.

As part of its Essential Business definition, the State adopted a list (see [Page 3](#)), Essential Critical Infrastructure Workers, issued by the Department of Homeland Security, Cybersecurity and Infrastructure Agency (CISA).

The [CISA list](#), includes in its definition Critical Manufacturing and Defense Industrial Base sectors. Critical Manufacturing is defined as "medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains," (see Critical Manufacturing [page 10](#)) and includes defense subcontractors (see Defense Industrial Base [page 11](#)).

In addition, the State EO-7H also includes in the definition of an essential business:

Healthcare and related operations including:

- biotechnology therapies
- consumer health products and services
- doctor and dentist offices
- elder care, including adult day care
- health care plans and health care data
- home health care workers or aides
- hospitals
- manufacturing, distributing, warehousing, and supplying of pharmaceuticals, including research and development
- medical marijuana dispensaries and producers
- medical supplies and equipment providers, including devices, diagnostics, services, and any other healthcare related supplies or services
- medical wholesale and distribution
- nursing homes, or residential health care facilities or congregate care facilities
- pharmacies
- physical therapy and chiropractic offices
- research and laboratory services, including testing and treatment of COVID-19
- veterinary and animal health services
- walk-in-care health facilities

Infrastructure including:

- airports/airlines
- commercial trucking
- dam maintenance and support
- education-related functions at the primary, secondary, or higher education level to provide support for students, including distribution of meals or faculty conducting e-learning
- hotels and other places of accommodation
- water and wastewater operations, systems, and businesses
- telecommunications and data centers
- transportation infrastructure including bus, rail, for-hire vehicles and vehicle rentals, and garages
- utilities including power generation, fuel supply, and transmission

Supply Chains

All manufacturing and corresponding supply chains, including aerospace, agriculture, and related support businesses.

FLORIDA

On Wednesday, April 1, 2020, Governor Ron DeSantis issued an [executive order](#) to slow the spread of COVID-19 within Florida by requiring all residents to stay in their homes unless participating in essential activities or obtaining or providing essential services. The stay-at-home order takes effect on April 3, 2020 and remains in effect until April 30, 2020.

Only businesses deemed essential services in the state can continue to operate. Under the order, Florida uses a federal definition of critical infrastructures to determine essential businesses. The U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) developed a list of essential critical infrastructure to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations.

The [CISA list](#) includes Critical Manufacturing as Essential Critical Infrastructure Workforce and classifies workers necessary for the manufacture of "materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby" as essential as well as "workers who produce or manufacture parts or equipment that supports continued operations for any essential services" (page 13, Critical Manufacturing). Manufacturers supporting the defense supply chain are also deemed essential (page 14, Defense Industrial Base).

The [order](#) also incorporates a list of essential retail and commercial businesses propounded by Miami-Dade County in their Declaration of Local State of Emergency. The declaration specifies 33 essential retail and commercial businesses. Included in the list are "Businesses that supply other essential businesses with the support or supplies necessary to operate and who do not interact with the general public" (Page 26, Subsection o) and "Factories, manufacturing facilities, bottling plants, or other industrial uses" (Page 27, Subsection ee).

To provide needed assistance for small businesses in the state, the Small Business Administration has approved a request allowing Florida small businesses disrupted by the coronavirus to apply for low-interest, long-term disaster loans of up to \$2 million. The [Economic Injury Disaster Loans](#) can be used to pay fixed debts, payroll, accounts payable, and other bills by businesses suffering substantial economic injury.

IDAHO

On Wednesday, March 25, 2020, the Idaho Department of Health and Welfare issued an [order](#) to slow the rate of spread of COVID-19 mandating all residents of Idaho stay in their homes from Wednesday, March 25, 2020 at 1:30 p.m. until Wednesday, April 15, 2020 at 11:59 p.m., unless engaged in essential work or activity.

All non-essential businesses within the state must cease in-person activities at facilities except for Minimum Basic Operations such as activities to facilitate remote work and activities necessary to maintain the value of inventory or process employee payroll and benefits.

The order lists 24 categories that make up “Essential Businesses” such as healthcare operations and businesses that supply other Essential Businesses.

Included as part of the [order's](#) list of Essential Businesses is a list of Essential Critical Infrastructure Workers issued by the Department of Homeland Security, Cybersecurity and Infrastructure Agency (CISA). The Idaho order contains all workers identified in the [CISA list](#), such as in the Critical Manufacturing or Defense Industrial Base sectors. Critical Manufacturing is defined as “necessary for the manufacturing of materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains” (Page 10), while the Defense Industrial Base sector includes “workers who support the essential services required to meet national security commitments to the federal government and U.S. Military” including “manufacturing/production workers” and “personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense” (Page 11).

The order requires Essential Businesses to comply with social distancing requirements including maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

To provide needed assistance for small businesses in the state, the Small Business Administration has approved a request allowing Idaho small businesses disrupted by the coronavirus to apply for low-interest, long-term disaster loans of up to \$2 million. The [Economic Injury Disaster Loans](#) can be used to pay fixed debts, payroll, accounts payable, and other bills by businesses suffering substantial economic injury. Additional resources for businesses in the state can be found [here](#).

ILLINOIS

On Friday, March 20, 2020, Illinois Governor JB Pritzker issued Executive Order 2020-10 in response to the outbreak of COVID-19 mandating all individuals living in Illinois to stay at home from Saturday, March 21, 2020 at 5:00pm CST through April 30, 2020, unless engaged in essential work or activity. The order prohibits the public or private gathering of any number of people outside of a single household/living unit and any gathering of any kind of more than ten people.

All businesses within the state must cease operation unless they are deemed Essential Businesses and Operations or they are performing Minimum Basic Operations, such as activities needed for employees to work from home or maintain the value of a business's inventory, property or other related functions.

The [order](#) specifies 23 Essential Businesses and Operations as well as Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure that may continue to operate with employees reporting for work. Included in the list is "Supplies for Essential Businesses and Operations. Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate" and "Manufacture, distribution, and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations."

Listed under the Healthcare and Public Health Operations are manufacturers of "medical equipment, personal protective equipment, medical gasses, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products."

The order requires Essential Businesses and Operations to take proactive measures to ensure compliance with Social Distancing Requirements "including by maintaining six-foot social distancing for both employees and members of the public at all times." In addition, guidance supplied by the Illinois Department of Health instructs employees who have been designated as essential by their employers to "continue to go to work and practice social distancing."

While some states such as Pennsylvania have provided a method for businesses who believe that they perform essential functions to apply for a waiver/exemption, Illinois currently does not have a similar process.

To provide needed assistance for small businesses in the state, the Small Business Administration has approved a request allowing Illinois small businesses disrupted by the coronavirus to apply for low-interest, long-term disaster loans of up to \$2 million. The [Economic Injury Disaster Loans](#) can be used to pay fixed debts, payroll, accounts payable, and other bills by businesses suffering substantial economic injury. The State has created a [website](#) to answer tax related questions for Illinoisans.

Essential Worker Day Care:

The State of Illinois is creating an [Emergency Child Care Center License](#) to provide childcare in small groups for essential workers under the order. Those interested in applying may submit the [application](#) immediately and have five days to submit the additional paperwork and begin a background check.

INDIANA

On Monday, March 23, 2020, Indiana Governor Eric Holcomb issued an [executive order](#) mandating that all Hoosiers stay in their homes to prevent the further spread of COVID-19 beginning at 11:59 p.m. EDT on Tuesday, March 24, 2020 until 11:59 p.m. on April 6, 2020. The order limits gatherings to those living within a single household/residence and no more than ten people.

the State adopted a list Essential Critical Infrastructure Workers, issued by the Department of Homeland Security, Cybersecurity and Infrastructure Agency (CISA).

Page 5 of the [Indiana order](#) specifically identifies the U.S. Department of Homeland Security [CISA list](#) as the accepted definition for an essential critical infrastructure employee. More importantly, page 7, subsection p, of the executive order specifically includes “Supplies for Essential Business Operation. Businesses that sell, manufacture, or supply other Essential Businesses and Operations...”

The CISA definition of Critical Manufacturing includes, “medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains,” (see Critical Manufacturing [page 10](#)) and includes defense subcontractors (see Defense Industrial Base [page 11](#)).

The state has also been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million.

KANSAS

On Saturday, March 28, 2020, Kansas Governor Laura Kelly issued an [executive order](#) to limit the spread of novel coronavirus in Kansas by requiring all residents stay at home unless engaging in essential activities or working at essential businesses. The stay-at-home order took effect Monday, March 30 at 12:01 a.m. and is set to last at least through Sunday, April 19, 2020.

Kansas has developed a framework for identifying essential functions that are to remain operational under the stay at home order to ensure the continuation of critical services and infrastructure. The Kansas Essential Functions Framework (KEFF) was developed using the Department of Homeland Security [CISA List](#) and focuses on four areas: Connect, Distribute, Manage, and Supply.

Under [KEFF](#), Manufacturing is included under the Supply area: “Manufacture Equipment Used for Essential Functions or Critical Infrastructure (As defined by DHS)” (page 5, KEFF 400 Supply No. 4). The Supply area also contains defense contractors as essential businesses that “provide Material and Operational Support to Defense” (page 5, KEFF 400 Supply No. 11). KEFF also includes those businesses in the supply chains for other essential businesses: “Maintain Supply Chains for Essential Functions and Critical Infrastructure (as defined by DHS)” (page 3, KEFF 200 Distribute No. 2).

If you are uncertain if your business is exempted under the executive order you can email KEFF@ks.gov to determine if your functions are deemed essential. You may also submit a request to be deemed essential under KEFF by filling out the online [request form](#).

The state has been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million.

KANSAS CITY REGION

On Saturday, March 21, 2020, the CORE 4 partners of [Jackson County](#), Missouri; Johnson County, Kansas; [Kansas City, Missouri](#), and the Unified Government of [Wyandotte County](#)/Kansas City, Kansas announced mandatory stay at home orders. [Leavenworth](#), [Platte](#), and [Clay](#) counties followed suit on Sunday with more expected in both states and cross the country.

The “Stay-at-Home” orders go into effect Tuesday, March 24, 2020 at 12:01 a.m. and will remain in effect until 11:59 p.m. April 23. While the local government can revoke or alter the orders at any time, both states could also issue their own mandates that would likely supersede these at the local level.

The orders appear to only allow those supplying health care suppliers and health care operations such as hospitals, clinics, and labs and those supplying essential businesses and infrastructure.

This definition of an “Essential Business” ([see Page 3](#)) is similar to the one initially used by six California counties initially and much narrower than others being implemented in several states. This means the Kansas City region is NOT at this time using the non-binding U.S. Department of Homeland Security [Essential Critical Infrastructure](#) definition guidelines that provides more clarity and covers a broader type of business covered.

The Kansas City region orders define the major categories of “Essential Businesses” as:

- Health care (doctors, dentists, nurses, hospitals, pharmacies, medical research facilities, labs, etc);
- Food and drink production and distribution (including grocery stores, markets, restaurants that offer food for carryout, liquor stores);
- Sanitation (including laundromats, dry cleaners, household and business cleaning services and supply stores);
- Transportation (including railroads, airports, public transit, taxis and other private transportation providers, and gas stations);
- Financial Services (including banks, insurance providers, and professional services required to comply with legal and regulatory requirements);
- Manufacturing and distribution of supplies and materials for essential businesses (including trucking and other supply chain support functions);
- Maintenance and construction of infrastructure and households;
- Child care;
- Essential Government Operations;
- Residential facilities (including hotels and motels);
- Media and Communications Providers; and
- Mailing, Shipping, and Delivery services.

The Kansas City region initial orders further define “Essential Infrastructure,” as “public works construction, construction of housing, airport operations, water, sewer, gas, electrical, oil refining, railroad and rail systems, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems.”

They define “Healthcare Operations” to include “hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services.”

This appears to imply that companies supplying an “Essential Business,” “Essential Infrastructure,” or “Healthcare Operations,” may remain open.

Business meeting the definitions permitted to continue operations do not need a permit but must implement the Social Distancing Requirements.

Companies not meeting the above definition are permitted to conduct “Minimum Basic Operations” including “to maintain the value of the business’s inventory and facilities, ensure security, process payroll and employee benefits, or for related functions.”

The Kansas City Business FAQ states,

“Non-essential businesses can continue operations that can be conducted from employees’ homes or places of rest. They can also continue minimum necessary activities to maintain the value of the business’s inventory and facilities and to ensure security, process payroll and employee benefits, or for related functions, as well as minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences or places of rest, provided social distancing is maintained. Any operations that do not meet these requirements must be ceased.”

It is not clear if there is a waiver/exemption process at this time for companies not defined on the list as has been created in Pennsylvania.

The counties affected have, however, been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million.

MARYLAND

On Saturday, March 30, 2020, Governor Hogan issued an [executive order](#) to control and prevent the spread within Maryland by requiring all residents to stay in their homes unless participating in essential activities or working at essential businesses. The stay-at-home order took effect at 8:00 p.m. on March 30.

All businesses within the state must cease in-person operations unless they employ critical infrastructure workers or they are performing minimum basic operations, such as activities needed for employees to work from home or maintain the value of a business's inventory, property or other related functions.

Under the order, Maryland uses a federal definition of critical infrastructures to determine essential businesses. The U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) developed a list of essential critical infrastructure to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations.

The [CISA list](#) includes Critical Manufacturing as Essential Critical Infrastructure Workforce and classifies workers necessary for the manufacture of "materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby" as essential as well as "workers who produce or manufacture parts or equipment that supports continued operations for any essential services" (page 13, Critical Manufacturing). Manufacturers supporting the defense supply chain are also deemed essential (page 14, Defense Industrial Base).

To provide needed assistance for small businesses in the state, the Small Business Administration has approved a request allowing Maryland small businesses disrupted by the coronavirus to apply for low-interest, long-term disaster loans of up to \$2 million. The [Economic Injury Disaster Loans](#) can be used to pay fixed debts, payroll, accounts payable, and other bills by businesses suffering substantial economic injury. Additional resources for businesses in the state can be found [here](#).

MASSACHUSETTS

On Monday, March 23, 2020, Massachusetts Governor Charlie Baker issued an [emergency order](#) to reduce the spread of COVID-19 by requiring all businesses that do not provide “COVID-19 Essential Services” to close their physical workplaces and facilities. The order also prohibits indoor or confined outdoor gatherings of more than 10 people. The order will take effect Tuesday, March 24 at 12:00 p.m. and is set to last through 12:00 p.m. on Monday, May 4, 2020.

Under the order, businesses designated as “COVID-19 Essential Workforces” may continue operations, but must do so with allowances for social distancing protocols.

The state provides a list of businesses designated as “[COVID-19 Essential Services](#).” The list is based on federal guidance, however; it has been amended to reflect the needs of Massachusetts’ unique economy.

The list includes in its definition Critical Manufacturing and Defense Industrial Base sectors. Critical Manufacturing is defined as “necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base” (Page 8).

The Defense Industrial Base sector includes “workers who support the essential services required to meet national security commitments to the federal government and U.S. Military” including “manufacturing/production workers” and “personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense” (Page 9).

If you believe that your businesses is essential or is providing essential services and/functions and you are not included in the list of “COVID-19 Essential Services,” you may request designation as an essential business by filling out an [application](#). Amendments and updates to the list of “COVID-19 Essential Services” will be published as necessary with the changing conditions in the state.

Massachusetts has provided an [online portal](#) containing resources and guidance to help the business community navigate the outbreak of COVID-29. The state has also been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million.

MICHIGAN

The morning of Monday, March 23, 2020, Michigan Governor Whitmer issued an [Executive Order](#) stating that effective March 24, 2020 at 12:01 am, individuals in Michigan may only leave their home or place of residence under very limited circumstances, and they must adhere to social distancing measures recommended by the Centers for Disease Control and Prevention when they do so, including remaining at least six feet from people from outside the individual's household to the extent feasible under the circumstances. The current order continues through April 13, 2020 at 11:59 p.m.

The Michigan order does allow for certain essential critical infrastructure businesses to maintain operations. The State adopted a list ([see Page 5](#)), Essential Critical Infrastructure Workers, issued by the Department of Homeland Security, Cybersecurity and Infrastructure Agency (CISA).

The [CISA list](#), includes in its definition Critical Manufacturing and Defense Industrial Base sectors. Critical Manufacturing is defined as "necessary for the manufacturing of materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base" (Page 10).

The Defense Industrial Base sector includes "workers who support the essential services required to meet national security commitments to the federal government and U.S. Military" including "manufacturing/production workers" and "personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense" (Page 11).

If a company believes they meet that definition, they may remain open. However, while there is not an application for manufacturers submit to the State for permission to operate, suppliers to essential businesses must have a written statement from the customer that they are part of the critical supply chain.

Customers "must make all designations in writing to the entities they are designating, whether by electronic message, public website, or other appropriate means. Such designations may be made orally until March 31, 2020 at 11:59 p.m." The Governor's order, states ([see Page 6](#)):

1. A business or operation that employs critical infrastructure workers may designate suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate the work of its critical infrastructure workers.
2. Such suppliers, distribution centers, or service providers may designate workers as critical infrastructure workers only to the extent those workers are necessary to enable, support, or facilitate the work of the original operation's or business's critical infrastructure workers.
3. Designated suppliers, distribution centers, and service providers may in turn designate additional suppliers, distribution centers, and service providers whose continued operation is necessary to enable, support, or facilitate the work of their critical infrastructure workers.
4. Such additional suppliers, distribution centers, and service providers may designate workers as critical infrastructure workers only to the extent that those workers are necessary to enable, support, or facilitate the work of the critical infrastructure workers at the supplier, distribution center, or service provider that has designated them.

The order also includes "child care workers (including workers at disaster relief child care centers), but only to the extent necessary to serve the children or dependents of critical infrastructure workers as defined in this order. This category includes individuals (whether licensed or not) who have arranged to care for the children or dependents of critical infrastructure workers."

Michigan has established several financial [resource programs](#) for businesses including grants with applications expected out by April 1st. Michigan has created Economic Injury Disaster Loans ([EIDL](#)) in Response to COVID-19. The state has also been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million.

MINNESOTA

On Wednesday, March 25, 2020, Minnesota issued an [order](#) to prevent the further spread of COVID-19 mandating all residents of Minnesota stay in their homes from Friday, March 27, 2020 at 11:59 p.m. until Friday, April 10, 2020 at 5:00 p.m., unless engaged in essential work or activity.

All businesses within the state must cease in-person operations unless they are designated as Critical Sectors under the order.

Included as part of the [order's](#) list of Critical Sectors is a list of Essential Critical Infrastructure Workers issued by the Department of Homeland Security, Cybersecurity and Infrastructure Agency (CISA). The Minnesota order contains all workers identified in the [CISA list](#), such as in the Critical Manufacturing or Defense Industrial Base sectors. Critical Manufacturing is defined as "necessary for the manufacturing of materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains" (Page 10), while the Defense Industrial Base sector includes "workers who support the essential services required to meet national security commitments to the federal government and U.S. Military" including "manufacturing/production workers" and "personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense" (Page 11).

The order requires Critical Sector businesses operating to take proactive measures to ensure compliance with Minnesota Department of Health and CDC Guidelines related to COVID-19, including social distancing and hygiene.

The list of Critical Sectors may be clarified by the Governor as needed. All clarifications will be available at <http://mn.gov/deed/critical>. If you believe that your company should be designated as in a Critical Sector and is not included in the CISA list or the state's list of Critical Sectors by [4-digit NAICS industry code](#), you can [apply](#) for a specific exemption.

To provide needed assistance for small businesses in the state, the Small Business Administration has approved a request allowing Minnesota small businesses disrupted by the coronavirus to apply for low-interest, long-term disaster loans of up to \$2 million. The [Economic Injury Disaster Loans](#) can be used to pay fixed debts, payroll, accounts payable, and other bills by businesses suffering substantial economic injury. Additional information and resources for businesses and employers can be found through the state's online [portal](#).

MISSOURI

On Friday, April 3, 2020, Governor Mike Parson issued a statewide [“Stay Home Missouri” Order](#) for all individuals residing in the state. The order directs all residents to stay at home unless necessary to access essential services. The order is effective beginning at 12:01 a.m. on Monday, April 6, 2020, until 11:59 p.m. on Friday, April 24, 2020.

Under the order, Missouri uses a federal definition of critical infrastructures to determine essential businesses. The U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) developed a list of essential critical infrastructure to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations.

The [CISA list](#) includes Critical Manufacturing as Essential Critical Infrastructure Workforce and classifies workers necessary for the manufacture of “materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby” as essential as well as “workers who produce or manufacture parts or equipment that supports continued operations for any essential services” (page 13, Critical Manufacturing). Manufacturers supporting the defense supply chain are also deemed essential (page 14, Defense Industrial Base).

Any business not deemed essential under the CISA list may continue to operate under the order but must adhere to limitations on gatherings and not have more than ten people in a space at one time. They must also follow social distancing requirements, including maintaining six feet of space between individuals.

If your business is not defined as an essential businesses under the CISA list and you cannot continue to operate while following the limitations on gatherings and social distancing requirements, but believe you are essential to public health and safety, you may apply for a waiver by submitting a [request](#) to the Department of Economic Development.

Additional guidance and resources provided by the state can be found [here](#).

NEW JERSEY

On Saturday, March 21, 2020, to mitigate the impact of COVID-29, New Jersey Governor Phil Murphy signed an [executive order](#) directing all residents to stay at home unless they are obtaining essential goods or services, seeking medical attention, visiting family or close friends, reporting to work, or engaging in outdoor activities. The order is in effect from March 21 at 9:00 p.m. until removed by the Governor. The Governor also issued an order (Executive Order No. 108) which invalidates any county or municipal emergency order restricting business operations.

As written, Executive Order No. 107 requires all “brick-and-mortar premises of all non-essential retail businesses to close to the public.” While not legal advice, our understanding based on the order as written and in speaking with manufacturers in the state, manufacturing businesses may remain open during this order but should only do so with the minimal staff needed to maintain essential operations.

The exact language in the EO, states ([Page 10 provision 11](#)),

“To the extent a business or non-profit has employees that cannot perform their functions via telework or work-from-home arrangements, the business or non-profit should make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue. Examples of employees who need to be physically present at their work site in order to perform their duties.”

The New Jersey [Businesses FAQ website](#) further advises that,

“Manufacturing, industrial, logistics, ports, heavy construction, shipping, food production, food delivery, and other commercial operations may continue operating, but as explained above, they should limit staff on site to the minimal number to ensure that essential operations can continue.”

Unlike other states, the New Jersey order, in its initial form, is much broader than some states that have restricted activity to only to those supplying essential businesses such as medical. There is some concern that New Jersey might take additional steps to further restrict the definition of essential businesses and the functions of those businesses.

In evaluating whether a business is deemed essential, companies in New Jersey should still consult the U.S. Department of Homeland Security Cybersecurity and Infrastructure Agency (CISA) list of Essential Critical Infrastructure sectors. While they should comply with the New Jersey definition, there is a possibility the state may increase restrictions and follow the [CISA list](#), which provides more clarity and covers specific industries.

“medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains,” (see Critical Manufacturing [page 10](#)) and includes defense subcontractors (see Defense Industrial Base [page 11](#)).

To provide needed assistance for small businesses in the state, the Small Business Administration has approved a request allowing New Jersey small businesses disrupted by the coronavirus to apply for low-interest, long-term disaster loans of up to \$2 million. The [Economic Injury Disaster Loans](#) can be used to pay fixed debts, payroll, accounts payable, and other bills by businesses suffering substantial economic injury.

NJ Issues Order Further Limiting Business Operations

Governor Phil Murphy issued an [executive order](#) on Wednesday, April 8, 2020, placing additional requirements on essential businesses that are operating further reduce the spread of COVID-19 in New

Jersey. The order is effective on April 10, 2020 at 8:00 p.m. and remains in effect until revoked by the Governor.

Under the order, manufacturing businesses are required to put in place policies to:

- Prohibit non-essential visitors from entering the worksite
- Limit any worksite meetings to fewer than 10 people
- Adhere to strict social distancing guidelines
- Stagger work start and stop times, break times, and lunch times
- Restrict the number of people who can access common areas, such as restrooms and breakrooms at the same time
- Require workers and visitors to wear face coverings and workers to wear gloves
- The employer must supply the face coverings and gloves to employees at the employer's expense
- Limit sharing of tools, equipment, and machinery
- Provide sanitation materials to workers and visitors
- Require the frequent sanitation of high-touch areas, such as restrooms, breakrooms, equipment, and machinery

In addition, all essential retail businesses, warehousing businesses, manufacturing businesses, and businesses performing essential construction must adopt policies pertaining to potential exposures. Under the policies businesses must, at a minimum, immediately separate and send home any workers with symptoms consistent with coronavirus, notify all workers of any known exposure at the worksite, clean and disinfect the worksite following the diagnosis of the worker with COVID-19 and follow all New Jersey Department of Health, CDC and OSHA guidelines and protocols.

This order expands on Governor Murphy's earlier stay-at-home [order](#) of March 21, 2020, under which manufacturing businesses may remain open but should only do so with the minimal staff needed to maintain essential operations.

NEW MEXICO

On Monday, March 23, 2020, New Mexico Department of Health issued a public health [emergency order](#) to reduce the spread of COVID-19 by requiring all non-essential businesses close their physical workplaces and facilities. The order also prohibits gatherings of more than five individuals in locations other than their own residence or places of worship. The order took effect Tuesday, March 24 at 8:00 a.m. and is set to last through 8:00 a.m. on Friday, April 10, 2020.

Under the order, businesses designated as essential may continue operations, but must minimize their operations and staff to the greatest extent possible, adhere to social distancing protocols.

The state provides a list of businesses designated as “[Essential businesses](#),” which includes “manufacturing operations involved in food processing, manufacturing agents, chemicals, fertilizer, pharmaceuticals, sanitary products, household paper products, microelectronics/semi-conductor, primary metals manufacturers, electrical equipment, appliance, and component manufacturers, and transportation equipment manufacturers” as defined in the [order](#) (page 3, subsection h).

To help provide relief for small businesses state has been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million.

NEW YORK

On Saturday, March 21, 2020, Governor Andrew Cuomo issued several Executive Orders restricting the movement of New Yorkers and certain business activities effective Sunday, March 22, 2020 at 8:00 p.m. and through April 29, 2020.

As in other states, all businesses not deemed “essential” by the state must cease their operations. Those permitted to remain open under New York’s “Essential Business” definition covers multiple manufacturing categories including their suppliers.

For purposes of New York’s Executive Order 202.6, "Essential Business," means:

Essential Health Care Operations, Including:

- research and laboratory services
- hospitals
- walk-in-care health facilities
- emergency veterinary and livestock services
- elder care
- medical wholesale and distribution
- home health care workers or aides for the elderly
- doctor and emergency dental
- nursing homes, or residential health care facilities or congregate care facilities
- medical supplies and equipment manufacturers and providers

2. Essential Infrastructure, Including:

- utilities including power generation, fuel supply and transmission
- public water and wastewater
- telecommunications and data centers
- airports/airlines
- transportation infrastructure such as bus, rail, or for-hire vehicles, garages
- hotels, and places of accommodation

3. Essential Manufacturing, Including:

- food processing, manufacturing agents, including all foods and beverages
- chemicals
- medical equipment/instruments
- pharmaceuticals
- sanitary products
- telecommunications
- microelectronics/semi-conductor
- agriculture/farms
- household paper products

10. Defense

- defense and national security-related operations supporting the U.S. Government or a contractor to the US government

The State of New York did place restrictions, however, for manufacturers that produce items for both essential businesses listed and for non-essential. The guidance for businesses states, “with respect to business or entities that operate or provide both essential and non-essential services, supplies or support, only those lines and/or business operations that are necessary to support the essential services, supplies, or

support are exempt from the restrictions.” Manufacturers are advised to monitor their operations closely to make sure they comply with this specific provision.

If the function of a business is not listed as an essential business, but the company believes that it is essential or it is an entity providing essential services or functions, it may [request designation as an essential business](#).

Essential businesses do not need a special permit to continue operations but some manufacturers have received written notice from their customers that they are part of their critical supply chain. While we have not seen this specific language in New York’s documents, in other states, you may enter a closed business not deemed essential to process payroll, employee benefits, secure inventory, and perform security and safety checks.

The state has been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million.

NORTH CAROLINA

On Friday, March 27, 2020, Governor Roy Cooper issued a [Stay-at-Home order](#) for all individuals in the State of North Carolina. The order directs all residents to stay at home for thirty days beginning on Monday, March 30, 2020 at 5:00 p.m. unless engaged in essential activities. The order prohibits the gathering of any kind of more than ten people.

The order specifies [30](#) Essential Businesses and Operations that may continue to operate with employees reporting for work. Included in the list is “Supplies for COVID-19 Essential Businesses and Operations. Businesses that sell, manufacture, support, or supply other COVID-19 Essential Businesses and Operations with the service or materials necessary to operate” (page 7, subsection 21) and “Manufacture, distribution, and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services” for essential businesses and industries (page 8, subsection 26). The order also includes “Defense and military contractors that develop products, processes, equipment, technology, and related services that serve the United States military, national defense, and national security interests” (page 8, subsection 27).

The order also incorporates a federal definition of critical infrastructures to determine essential businesses. The U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) developed a list of essential critical infrastructure to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations.

The [CISA list](#) includes Critical Manufacturing as Essential Critical Infrastructure Workforce and classifies workers necessary for the manufacture of “materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby” as essential as well as “workers who produce or manufacture parts or equipment that supports continued operations for any essential services” (page 13, Critical Manufacturing). Manufacturers supporting the defense supply chain are also deemed essential (page 14, Defense Industrial Base).

Businesses that can conduct operations while adhering to Social Distancing Requirements may also continue to operate as long as those requirements are maintained between and among its employees and between and among employees and customers except at point of sale or purchase.

If you believe that your company should be designated as an Essential Business but is not covered under the executive order or the CISA List, you can submit a [request](#) to be considered as Essential. Any business that has made a request can continue to operate until a final decision on the request is made.

To provide needed assistance for small businesses in the state, the Small Business Administration has approved a request allowing North Carolina small businesses disrupted by the coronavirus to apply for low-interest, long-term disaster loans of up to \$2 million. The [Economic Injury Disaster Loans](#) can be used to pay fixed debts, payroll, accounts payable, and other bills by businesses suffering substantial economic injury.

OHIO

On Sunday, March 22, 2020, under the direction of Governor Mike DeWine, the Ohio Department of Health issued a [mandatory order](#) requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19. Residents are required to stay at home except to perform essential activities or work at essential businesses and restricts all gatherings outside a single household or living unit. The order is effective at 11:59 p.m. EDT on March 23, 2020 and remains in effect until 11:59 p.m. EDT on May 1, 2020.

Under the order, Ohio uses a federal definition of critical infrastructures to determine essential businesses. The U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) developed a list of essential critical infrastructure to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations.

The [CISA list](#) includes Critical Manufacturing as Essential Critical Infrastructure Workforce and classifies "workers necessary for the manufacture of materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains," (see Critical Manufacturing [page 10](#)) and includes defense subcontractors (see Defense Industrial Base [page 11](#)).

In addition to the CISA list of critical infrastructure workers, [the order](#) also identifies "Supplies for Essential Businesses and Operations," to exempt "business that sell, manufacture, or supply other Essential Businesses and Operations" (page 6, subsection q), as well as "Manufacture, distribution and supply chain for critical products and industries," to exempt "manufacturing companies...producing and supplying essential products and services in and for industries" deemed essential (page 7, subsection v).

Guidance provided by the Ohio Department of Health instructs employees to stay home unless their work is an essential function and states, "if you have designated essential by your employer, you should continue to go to work and practice social distancing." For Essential Businesses and Operations, proactive measures must be taken to ensure compliance with Social Distancing Requirements including, "maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands."

Relief for small businesses in Ohio, the Small Business Administration has approved a request to allow small businesses in the state to apply for low-interest, long-term loans of up to \$2 million through the SBA's [Economic Injury Disaster Loan program](#). The loans may be used to pay fixed debts, payroll, accounts payable, and other bills that can't be paid because of the disaster's impact. In addition, the state is compiling information about additional resources and funding available to Ohio businesses through an [online portal](#).

PENNSYLVANIA

Governor Wolf's Stay at Home Order took effect on Monday, March 23, 2020, at 8:00 p.m. for all non-essential business and travel. After much confusion, the state began, and is continuing to, provide additional clarification of which businesses are covered by their order and permitted to continue operations. Following pressure from companies, Pennsylvania did expand the [type of companies](#) permitted to remain open but the list is still narrower than in other states. In determining which companies are "essential", Pennsylvania used NAICS codes (their industry designation) and NOT the end use – such as medical, auto, defense, etc., which the federal government did.

The updated directive permits the following to remain operational: "medical equipment and supplies, the defense industrial base ([see Page 13](#) for federal definition); defense related aerospace, electrical component manufacturing, controls, engine, turbine, and power transmission equipment manufacturing, commercial and service industry machinery manufacturing, ventilation, heating, A/C, and commercial refrigeration equipment, and primary metal manufacturing," among others indicated as open with "Yes in the "May Continue Physical Operations" column. To see if your company could fall under the description, also pay particular attention to the "notes" column.

If a business is still unclear about their status, they may email the Department of Community and Economic Development (DCED) for further assistance at ra-dcedcs@pa.gov. Any business not authorized to maintain physical operations according to the list and the Department of Homeland Security Cybersecurity and Infrastructure Security Agency [advisory](#) should [apply](#) for a waiver. Businesses seeking a waiver "should comply with the Governor's Order and suspend in-person, physical operations until a waiver is approved and provided."

Those appearing on the list do not need a permit to operate, though due to the confusion in Pennsylvania, some business have secured a written statement from their customer that they are part of the supply chain for an essential/life-sustaining business.

The state has been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million.

PA Issues Order Commandeering Medical Supplies from Manufacturers

Governor Tom Wolf issued an [order](#) on Wednesday, April 8, 2020, allowing the state to commandeer critical medical supplies from manufacturers in Pennsylvania. The order mandates that all "private, public and quasi-public health care providers and facilities, as well as manufacturers, distributors and suppliers of PPE, pharmaceuticals and other medical resources" provide the Pennsylvania Emergency Management Agency (PEMA) an inventory of the medical supplies they currently possess by April 13, 2020.

PEMA will then coordinate with agencies in the state to distribute the supplies to the areas of the state hit the hardest by the COVID-19 pandemic. Companies whose supplies were seized will be compensated for the medical resources by the various state agencies at an average price of the goods during the last seven days before March 6.

RHODE ISLAND

On the afternoon of Saturday, March 28, 2020, Rhode Island Governor Gina Raimondo issued an [executive order](#) mandating all Rhode Island residents to stay in their homes to prevent the further spread of COVID-19. Residents are required to stay at home except to travel to work, to obtain necessities or to seek medical treatment. The order also prohibits gatherings of more than five people in any public or private space. The order took effect immediately on March 28 and remains in effect until April 13, 2020.

While the order requires all residents to stay at home, it does not close all non-essential businesses. Effective Monday, March 30, 2020, the order closes all non-critical **retail** businesses for in-person operations. While full-scale business closures are not yet in effect, the order does require any Rhode Island employer with employees who live in other states to use any means available to enable those employees to work from home. The order also requires any employees who live in Rhode Island and work in other states to work from home, if possible. Should working from home not be possible, then that employee is required to self-quarantine when not at work.

To help give relief for small businesses in Rhode Island, the Small Business Administration has approved a request to allow small businesses in the state to apply for low-interest, long-term loans of up to \$2 million through the SBA's [Economic Injury Disaster Loan program](#). The loans may be used to pay fixed debts, payroll, accounts payable, and other bills that can't be paid because of the disaster's impact. Additional information and resources for businesses and employers can be found through the [Rhode Island Commerce Corporation](#).

TENNESSEE

On Thursday, April 2, 2020, Governor Bill Lee issued an [executive order](#) requiring all persons in Tennessee to stay at home except for when engaging in Essential Activity or Essential Services. This action amends an earlier [order](#) closing all non-essential businesses and urging residents to stay at home. The order remains in effect through April 14, 2020.

The order specifies [30](#) Essential Businesses and Operations that may continue to operate with employees reporting for work. Included in the list is “Supplies for Essential Businesses and Operations...businesses that sell, manufacture, support, or supply other Essential Services with the support or materials necessary to operate” (page 10, subsection 20) and “Manufacture, distribution, and supply chain for critical products and industries... manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services” for essential businesses and industries (page 11, subsection 25).

The order also incorporates a federal definition of critical infrastructures to determine essential businesses. The U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) developed a list of essential critical infrastructure to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations.

The [CISA list](#) includes Critical Manufacturing as Essential Critical Infrastructure Workforce and classifies workers necessary for the manufacture of “materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby” as essential as well as “workers who produce or manufacture parts or equipment that supports continued operations for any essential services” (page 13, Critical Manufacturing). Manufacturers supporting the defense supply chain are also deemed essential (page 14, Defense Industrial Base).

Businesses that can conduct operations with ten or fewer persons within the premises of the business at one time and can operate within all health guidelines are also deemed essential under the order.

The Tennessee Department of Economic & Community Development has created an online [portal](#) with information on the SBA loans along with other resources and information for small businesses.

TEXAS

On Tuesday, March 31, 2020, Governor Greg Abbott signed an [executive order](#) directing all residents stay home to minimize social gatherings and in-person contact except as necessary to provide or obtain essential services. The order is effective beginning at 12:01 a.m. on April 2, 2020, until April 30, 2020.

Under the order, Texas uses a federal definition of critical infrastructures to determine essential services. The U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) developed a list of essential critical infrastructure to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations. The Texas order also religious services as deemed essential.

The [CISA list](#) includes Critical Manufacturing as Essential Critical Infrastructure Workforce and classifies workers necessary for the manufacture of “materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby” as essential as well as “workers who produce or manufacture parts or equipment that supports continued operations for any essential services” (page 13, Critical Manufacturing). Manufacturers supporting the defense supply chain are also deemed essential (page 14, Defense Industrial Base).

Additional essential services may be added by the Texas Division of Emergency Management (TDEM). To apply to be designated as an essential business, submit a [request](#) to TDEM.

Additional guidance provided by the state can be found [here](#).

UTAH

On March 27, 2020, Governor Gary Herbert issued a “Stay Safe, Stay Home” [directive](#) to slow the spread of COVID-19. The directive is not a “shelter-in-place” order and does not require businesses to close but establishes minimum state-wide standards to keep Utah residents safe and minimize the impact of the virus as much as possible. The is in place until April 13, 2020 at 11:59 p.m.; however, more stringent directives or orders may be issued in the intervening time.

The directive requires all individuals to stay at home as much as possible as well as work from home whenever possible and asks that residents only leave home to engage in essential travel such as seeking medial treatment, obtaining food and other necessary supplies and performing work. When leaving home, individuals are required to engage in appropriate social distancing measures and follow strict hygiene standards.

Under the directive, effective March 30, 2020, businesses are required to begin taking steps to ensure that they can respond to the health crisis. Businesses are asked to consider how best to decrease the spread of the coronavirus in the workplace, such as encouraging telework or utilizing video conferencing and virtual meetings. Businesses remaining open must institute policies for in-person operations such as enhanced social distancing, following strict hygiene policies, and implementing flexible work hours.

The directive also advises businesses to assess their essential functions and services that the community may rely on and “1) Be prepared to change business practices if needed to maintain critical operations (e.g., identify alternative suppliers, prioritize existing customers, or temporarily suspend some of your operations if needed); 2) Identify alternate supply chains for critical goods and services; 3) Coordinate with companies that provide your business with contract or temporary employees or volunteers about the importance of sick employees and volunteers staying home and encourage them to develop non-punitive leave policies; and 4) Coordinate with business partners about your response plans. Share best practices with other businesses in your communities (especially those in your supply chain), chambers of commerce, and associations to improve community response efforts.”

To assist support small businesses adversely economically impacted by the COVID-19 Virus, the Utah Governor’s Office of Economic Development is offering a bridge loan through the Utah Leads Together Small Business Bride Loan Program to provide gap funding. Loan can be used to cover rent or mortgage payments, payroll, utility expenses, and other similar expenses. The state has also been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million. Information on both programs, as well as other resources for businesses can be found [here](#).

VIRGINIA

On Monday, March 30, 2020, Virginia Governor Ralph Northam issued [Executive Order 55](#) to prevent the further spread of COVID-19 mandating all residents of Virginia stay in their homes from March 30, 2020 at 8:00 a.m. until Wednesday, June 10, 2020. The order prohibits the public or private gathering of more than 10 people outside of a single household/living unit.

While the order requires all residents to stay at home, it does not close all non-essential businesses. A previous [order](#), effective March 23, directed all non-essential **retail** businesses to limit in-person occupancy at any one time to no more than 10 patrons or close. It also directed all non-retail business operations to utilize telework as much as possible and adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and apply the relevant workplace guidance from state and federal authorities.

To provide needed assistance for small businesses in the state, the Small Business Administration has approved a request allowing Virginia small businesses disrupted by the coronavirus to apply for low-interest, long-term disaster loans of up to \$2 million. The [Economic Injury Disaster Loans](#) can be used to pay fixed debts, payroll, accounts payable, and other bills by businesses suffering substantial economic injury.

WISCONSIN

On Tuesday, March 24, 2020, Gov. Tony Evers directed the Wisconsin Department of Health Services to issue a “Safer at Home” [order](#) to cease all non-essential business statewide. The order limits gatherings and ask Wisconsin residents to refrain from leaving their homes except for essential needs and to work at essential businesses. The order will take effect Wednesday, March 25, 2020 at 8:00 a.m. and is set to last through 8:00 a.m. on Friday, April 24, 2020.

Wisconsin adopted a federal definition of Critical Manufacturing for those businesses permitted to continue operations after working with the White House last week to develop a set of national guidelines.

Page 9 of the [Wisconsin order](#) specifically identifies the U.S. Department of Homeland Security [CISA list](#) as the accepted definition for an essential critical infrastructure employee. More importantly, page 13, subsection r, of the order specifically includes “Supplies for Essential Business Operation and Essential Government Functions. Businesses that sell, manufacture, or supply other Essential Businesses and Operations...”

The [CISA list](#) includes Critical Manufacturing as Essential Critical Infrastructure Workforce and classifies “workers necessary for the manufacture of materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains,” (see Critical Manufacturing [page 10](#)) and includes defense subcontractors (see Defense Industrial Base [page 11](#)).

If a business is unsure about whether they are exempted from the order, they are asked to review the guidance provided by the [Wisconsin Economic Development Corporation](#) (WEDC). If, after having reviewing the WEDC materials a business still believes it does not fall within the meaning of Essential Businesses and Operations, it may apply for designation as such by submitting this [form](#) to the WEDC.

To assist support small businesses adversely economically impacted by the COVID-19 Virus, Wisconsin is offering grants to existing loan clients of Wisconsin-based Community Development Financial Institutions (CDFIs) through the [Small Business 20/20 Program](#). Grants can be used to cover rent payments, payroll and paid leave for employees. The state has also been approved by the Small Business Administration for companies seeking [disaster loans](#) for up to \$2 million.