

COVID-19: CALIFORNIA INSTITUTES STATEWIDE “STAY AT HOME” ORDER TO COMBAT COVID-19

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The state of California is ordering all of its residents to stay home until further notice in what has become the most sweeping effort a state has enacted to stem the spread of COVID-19. On March 19, 2020, Governor Gavin Newsom issued a new executive order (the "Order") requiring "all individuals living in the state of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors." The Order became effective the day Governor Newsom issued the order, March 19, 2020, and remains in place until further notice. The Order is enforceable under California law; individuals who violate the Order can be prosecuted for a misdemeanor offense and, if found guilty, receive fines, imprisonment, or both.

Despite the strict language in the Order, the governor's office released guidance concurrent with the Order explaining that it does not entirely restrict the movements of individuals in California. The governor's [website](#), for example, states that Order still permits people in California to leave their house "to get food, care for a relative or friend, get necessary health care, or go to an essential job." Additionally, Governor Newsom [explained](#) at his press conference announcing the Order that people would still be able to walk their dogs and take their kids outside, subject to social-distancing standards. Governor Newsom also discussed that he does not intend to arrest and prosecute individuals for violating the Order, but rather that this Order serves to recognize a "social contract" that there is a "need to do more and meet this moment" and to create "social pressure" to "encourage people to do the right thing."

The Order also does not entirely restrict business operations in the state. The Order allows individuals to leave their residences "as needed to maintain continuity of operations of the federal critical infrastructure sectors." The Order explains that these critical infrastructure sectors are 16 areas of the U.S. infrastructure designated by the federal government "whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof." These critical infrastructure sectors are:

- [Chemical Sector](#)
- [Commercial Facilities Sector](#)
- [Communications Sector](#)
- [Critical Manufacturing Sector](#)
- [Dams Sector](#)

- [Defense Industrial Base Sector](#)
- [Emergency Services Sector](#)
- [Energy Sector](#)
- [Financial Services Sector](#)
- [Food and Agriculture Sector](#)
- [Government Facilities Sector](#)
- [Healthcare and Public Health Sector](#)
- [Information Technology Sector](#)
- [Nuclear Reactors, Materials, and Waste Sector](#)
- [Transportation Systems Sector](#)
- [Water and Wastewater Systems Sector](#)

The Cybersecurity and Infrastructure Security Agency [guidance](#) on these critical infrastructure sectors states that these sectors do not only include those entities that directly fall within the sector, but the broad definition of "critical infrastructure" also encompasses "a wide range of stakeholders who either directly or indirectly enable the functionality of infrastructure systems."

Concurrent and additional guidance from the governor has further clarified which businesses may and may not continue to operate. The governor has since amended the Order to also include "critical government services, schools, childcare, and construction, including housing construction" as jobs for which individuals may leave their residences to perform. The governor's website also explains that "[e]ssential services will remain open" while the Order is in place, including gas stations, pharmacies, certain food establishments (grocery stores, farmers markets, food banks, convenience stores, and takeout/delivery restaurants), banks, and laundromats and laundry services. Furthermore, the website explicitly identifies businesses that should remain closed while the Order is in effect: dine-in restaurants; bars and nightclubs; entertainment venues; gyms and fitness studios; and convention centers. Public events and gatherings are also prohibited.

Businesses and individuals in California may be subject to further or additional restrictions from the state government or from local or county orders. In his [comments on the Order](#), Governor Newsom indicated that his office will issue further guidance on the Order and that it would resemble what the Bay Area counties instituted for their shelter-in-place policies. Furthermore, the governor's website also contains links to [measures that other California counties have implemented in response to COVID-19](#), some of which impose stricter requirements than the Order.

For more information on what other California counties — including the [Bay Area counties](#) and [Los Angeles County](#) — and other states have done to combat COVID-19, please see the linked articles and K&L Gates' COVID-19 [resources page](#).

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