



COVID-19 Update

April 2020

Ohio's Amended Stay-at-Home Order

On April 2, 2020, Ohio Governor Mike DeWine announced that Ohio Department of Health Director Dr. Amy Acton issued an [Amended Stay-at-Home Order](#) (Amended Order) for all of Ohio. The Amended Order extends the directive set forth in the [March 22 Stay-at-Home Order](#) that all individuals currently within the state of Ohio stay at home or at their place of residence, except as allowed in the Amended Order, through 11:59 p.m. on May 1, 2020.

The Amended Order also provides additional guidance on Essential Businesses and Operations, identifies restrictions on seasonal outdoor activities, implements additional travel restrictions and creates a dispute resolution process for conflicting determinations by local health departments.

Essential Businesses and Operations Clarified

The Amended Order includes the following clarifications regarding activities and entities that qualify as Essential Businesses and Operations:

- It incorporates all businesses identified as comprising an "Essential Critical Infrastructure Workforce" in the most recent U.S. Department of Homeland Security Cybersecurity & Infrastructure Security Agency's [Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#).
- To address overcrowding concerns, a retail establishment selling groceries or medicine must establish and enforce a maximum capacity of persons allowed to be in the store at the same time, which must be posted at the store entrance. Where there are lines of people (inside or outside the store), a six-foot

distance between individuals not residing in the same household must be maintained.

- Religious gatherings, including weddings and funerals, are not subject to the 10-person limitation in Section 3 of the Amended Order. However, *wedding receptions* are subject to this limitation.
- Garden centers and nurseries are explicitly included in the definition of Essential Businesses and Operations.

Certain Seasonal Activities Curtailed

Recognizing that warmer weather brings with it seasonal outdoor activities, the Amended Order was extended to prohibit certain group activities.

Recreational sports tournaments, organized recreational sports leagues and day camps are prohibited. Pools (other than home swimming pools) and campgrounds are closed. Individuals who live in recreational vehicles, mobile homes, cabins and other fixed structures at campgrounds meant for single families may remain if they have no other viable place of residence.

Additional Travel Restrictions

Anyone traveling to Ohio from out of state with the intent to stay in Ohio is asked to self-quarantine for 14 days. This does not apply to individuals who, as part of their normal life, reside in one state but work in another state.

In addition, individuals who have tested positive for, are presumptively diagnosed with or are exhibiting symptoms of COVID-19 cannot enter Ohio, with limited exceptions,

such as for receiving medical care here. This restriction does not apply to permanent residents of Ohio.

Enforcement, Penalties and Dispute Resolution

The Amended Order clarifies that local health departments and health officials have the authority to enforce quarantine and isolation orders issued by the Department of Health, but it does not require local health departments to provide advisory opinions to nongovernmental entities regarding their operations. An individual who violates an order issued by a health director or health department can be convicted of a second-degree misdemeanor, which can result in a fine of up to \$750 and/or up to 90 days in jail.

Recognizing the potential for uneven application of the Amended Order, Dr. Acton also announced the creation of a Dispute Resolution Commission. If a local health department makes a determination under the Amended Order that conflicts with another local health department's determination, the Ohio Department of Health, the local health department, or any entity or person subject to the determination may submit the conflict to the Dispute Resolution Commission.

The panel's decisions, which will be made public, will be final and have the force of law, with no right of appeal.

Effective Date

The Amended Order goes into effect at 11:59 p.m. on April 6, 2020.

Effective Period

The Amended Order will remain in effect until 11:59 p.m. on May 1, 2020, unless the Ohio Department of Health Director rescinds or modifies it at a sooner time and date.

FOR MORE INFORMATION

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Additional Resources

We have assembled a firmwide multidisciplinary task force to address clients' business and legal concerns and needs related to the COVID-19 pandemic. Please see our [COVID-19 Task Force](#) page for additional information and resources.

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