

# Ohio's "Stay at Home Order" - What Does it Mean for You and Your Business?

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On March 22, 2020, the Director of the Ohio Department of Health issued a "Stay at Home Order" (the "Order"). You can find the Order [here](#). This Order governs all businesses operating in the state of Ohio. So, what does this Order mean for you and/or your business?

Pursuant to the Order, people may only leave their homes under certain defined circumstances:

- to perform certain "essential activities" (to go to the doctor, necessary supplies, outdoor activity, to perform work for permitted business functions, and to take care of other people); and
- to participate in business activities permitted under the Order.

The Order breaks businesses into three categories:

- **Non-Essential Businesses:** non-essential businesses must cease all activities, but may continue activities defined as "minimum basic operations." Any non-essential businesses conducting minimum basic operations must comply with social distancing measures and the "COVID-19 Information and Checklist" (both defined in the Order).
- "Minimum basic operations" is defined in the Order as "the minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions" and "the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences."
- Travel related to "the provision of or access to" maintaining minimum basic operations is permitted in or out of the state.
- In carrying out "minimum basic operations" employees must follow social distancing

requirements and take certain measures. Please see the social distancing requirements and other required measures below.

- **Essential Businesses:** Businesses defined as essential businesses in the Order may remain open. Essential businesses must comply with social distancing measures and the "COVID-19 Information and Checklist" (both defined in the Order).
  
- The Order defines "essential businesses" as:
  - **Healthcare and Public Health Operations**
  - **Human Services Operations**
  - **Essential Government Functions**
  - **Essential Infrastructure**
  - **CISA List**
  - **Stores that sell groceries and medicine**
  - **Food, beverage, and licensed marijuana production and agriculture**
  - **Organizations that provide charitable and social services**
  - **Religious Entities**
  - **Media**
  - **First amendment protected speech** (not further defined in the Order)
  - **Gas stations and businesses needed for transportation**
  - **Financial and insurance institutions**
  - **Hardware and supply stores**
  - **Critical trades**
  - **Mail, post, shipping, logistics, delivery, and pick-up services**
  - **Educational institutions**
  - **Laundry services**
  - **Restaurants for off-premises consumption (through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry out)**
  - **Supplies to work from home**
  - **Supplies for essential businesses and operations**
  - **Transportation**
  - **Home-based care and services**
  - **Residential facilities and shelters**

- **Professional services**
- **Manufacture, distribution, and supply chain for critical products and industries**
- **Critical labor union functions**
- **Hotels and motels**
- **Funeral services**
- Travel related to "the provision of or access to" essential businesses is permitted in or out of the state.
- Essential businesses must follow social distancing requirements and take certain measures. Please see the social distancing requirements and other required measures below.
  
- **Homebased Businesses:** all businesses may continue operating if all activities are performed at home.

It is important to note that prior orders mandating closure of specific types of businesses remain in effect (Order, Sec. 21). See below for a summary of Ohio businesses closed or restricted as of March 22, 2020.

People may also leave their homes for "essential travel" which is defined in the Order as:

- Travel in and out of the state to "maintain Essential Businesses and Operations and Minimum Basic Operations" as defined in the Order.
- Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- Travel to care for vulnerable people (elderly, minors, dependents, persons with disabilities, or other vulnerable persons).
- Travel to return to a place of residence from outside the jurisdiction or travel for non-residents to return to their states.
- The Order requires anyone engaging in essential travel to comply with the social distancing

The Order may be enforced by State and local law enforcement. Any questions in interpretation by law enforcement is delegated to the local health department. While enforcement will likely vary based on local jurisdictions, all businesses should take every

measure to ensure strict compliance.

### **Social Distancing Requirements and Other Required Measures**

1. Maintain at least 6 foot social distancing—"designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance";
2. "Wash hands with soap and water for at least 20 seconds as frequently as possible or use hand sanitizer"—"have hand sanitizer and sanitizing products readily available for employees and customers";
3. "Cover coughs or sneezes (into the sleeve or elbow—not hands)";
4. "Regularly cleaning high-touch surfaces";
5. "Do not shake hands";
6. "Separate operating hours for vulnerable populations"—"implement separate operating hours for elderly and vulnerable customers"; and
7. Online and remote access—"post online whether a facility is open and how best to reach the facility and continue services by phone or remotely."

### **COVID-19 Information and Checklist**

#### **Summary of Ohio Businesses Closed or Restricted as of March 22, 2020**

- Bowling alleys
- Health clubs/fitness centers/workout facilities/gyms/yoga studios
- Indoor trampoline parks
- Indoor water parks
- Movie theatres and all performance theatres
- Public Recreation Centers
- Indoor Sports facilities
- Day Spas
- Nail Salons
- Barber Shops
- Tattoo Parlors
- Body Piercing location
- Massage therapy locations
- Tanning facilities
- Places of public amusement (indoors/outdoors)
- Locations with amusement rides
- Carnivals

- Amusement parks
- Water parks
- Aquariums
- Zoos
- Museums
- Arcades
- Fairs
- Children's play centers
- Playgrounds
- Funplexes
- Theme parks
- Bowling alleys
- Movie and other theaters
- Concert or music halls
- Country clubs or social clubs
- Liquor, beer, and wine sale to carry-out and delivery only (no on-site consumption)
- All food and beverage sales are restricted to carry-out and delivery only (no on-site consumption)

For more information and further questions, please reach out to a Graydon attorney.