

“Stay at Home” Statewide Public Health Order Frequently Asked Questions for Businesses

1. May I do X, Y, or Z?

The answer depends on the language of the state health order. But before asking whether you can legally do X, Y, or Z, ask yourself, “Is doing X, Y, or Z a good idea?” If doing X, Y, or Z would increase the risk of transmitting COVID-19, try not to do it.

2. May I continue operating my business?

It depends. Under the order, people may leave home for certain work-related reasons, such as to work for one of the many listed “essential business and operations.” People can also leave home to help any business “maintain” its value (e.g., security, payroll, inventory), to enable other people to work or shop remotely (including curbside pickup or delivery), or if their work requires no regular interaction within six feet of another person. Some businesses, however—the entertainment venues, athletic facilities, and “close-contact” service providers listed in paragraph 5—are specifically closed to nonemployees.

3. How do I know if a business or operation may continue operating as “essential”?

Please refer to the list of essential businesses and operations in paragraph 2 of the order. Note especially that paragraph 2 incorporates [this list](#) of essential infrastructure from the federal government.

4. What if I operate a store that is *not* an “essential” business or operation, but the store is not specifically ordered to close—for example, furniture stores, clothing stores, beauty supply stores, or tobacco stores. May I continue operating my store? May I at least offer curbside pickup or delivery?

See FAQ #2 above, as well as paragraph 1 of the order allowing people to leave home to get “necessary” services and supplies. Taken together, these rules can be boiled down to this: “You can always deliver. And if the customer can leave their house for it, you can meet them at the curb.”

5. What if my business provides services but is not on the “essential” list and is not specifically closed—for example, pet groomers, home cleaning services, or lawn services? May I continue operating my business?

It depends. As mentioned above in FAQ #2, people can leave home to work if they will have no regular

interaction within six feet of another person. So home cleaning services and lawn services conceivably may continue to operate. If you provide a service that requires customers to leave their homes, remember that they may leave only to get “necessary” services as defined in paragraph 1 of the order.

6. May I change my business model to *become* an “essential” business or operation?

Yes, if your business truly becomes an essential business or operation. But if you try to circumvent the order without fully becoming an essential business or operation, then you are in violation of the order and will face criminal liability.

7. If I may continue operating my business, what steps must I take to protect customers and employees?

Essential businesses and operations must take “all reasonable steps” to avoid gatherings of 10 or more persons. They also must take “all reasonable steps” to keep customers and employees six feet apart from one another. Beyond that, “essential retailers”—for example, grocery stores, pharmacies, and “big box” stores—must implement a 50% “emergency maximum occupancy rate,” keep customers six feet apart, and follow sanitation guidelines from public health authorities. For details, see paragraph 6 of the order. And remember: Even if your business may continue operating, you are always encouraged to go above and beyond the requirements of the order to reduce the spread of COVID-19.

8. May I continue operating my childcare center?

Child day care facilities may continue to operate if 12 or more children are not allowed in a room or other enclosed space at the same time. These facilities are encouraged to use enhanced sanitation and social-distancing practices consistent with guidance from the Centers for Disease Control and Prevention and the Alabama Department of Public Health.

9. If I may continue operating my business, will the government provide my employees “credentials” to allow them to go to and from work?

No, the government will not be issuing credentials. But you can do so, if you would like to. The decision whether to issue credentials to your employees is left up to you.