

DEAR COLLEAGUES, CLIENTS, AND FRIENDS OF BARRON SMITH DAUGERT:

As the public health emergency related to the coronavirus progresses, we're keeping people updated on changes in the law as they happen. Yesterday (March 23), Governor Inslee issued Order 20-05, called "Stay Home – Stay Healthy." The order imposes three basic restrictions: (1) non-essential businesses are required to close at midnight on Wednesday, March 25; (2) residents are required to stay home except for essential activities; and (3) public and private gatherings are prohibited. Here are the details on these three restrictions:

1. Effective midnight on Wednesday, March 25, all non-essential businesses must close except for the performance of basic minimum operations. Essential businesses are encouraged to stay open but must implement social distancing and sanitation measures.
 - "Basic minimum operations" means the minimum activities necessary to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions.
 - "Essential business services" means the specific sectors and services identified in the list of "Essential Critical Infrastructure Workers," which is available at the following address:
<https://www.governor.wa.gov/sites/default/files/WA%20Essential%20Critical%20Infrastructure%20Workers%20%28Final%29.pdf>. There is a wide variety of businesses that qualify as "essential" under this list, including health care, transportation, manufacturing, and many others. Additionally, a business may petition to be added to the list by sending an email request to business@mil.wa.gov.
 - "Social distancing and sanitation measures" means the measures adopted by the federal Department of Labor (available at <https://www.osha.gov/Publications/OSHA3990.pdf>) and by the Washington State Department of Health (available at <https://www.doh.wa.gov/Coronavirus/workplace>). These measures offer instruction on what to do when employees are showing symptoms of COVID-19, and how to prepare the workplace for safe working during this emergency.
 - This restriction does not prohibit the following:
 - working from home
 - operating a single owner business with no in-person, on-site public interaction
 - restaurants and food services providing delivery or take-away services, so long as proper social distancing and sanitation measures are established and implemented.
 - This restriction will expire on April 8.
2. Effective immediately, all Washington residents are required to cease leaving their residence except to conduct or participate in essential activities, and/or for employment in essential business services (as defined in the list linked above).
 - "Essential activities" means only the following activities:
 - Obtaining necessary supplies and services for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the residence.
 - Engaging in activities essential for the health and safety of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
 - Caring for a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.

- Engaging in outdoor exercise activities, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.
 - This restriction on leaving one's residence does not apply to people whose residences are not safe (such as victims of domestic violence). These individuals are urged to find an alternate place to stay, and to remain there.
 - This restriction will expire on April 6.
3. Effective immediately, all Washington residents are prohibited from participating in public and private gatherings of any number of people for social, spiritual and recreational purposes, unless the gathering is limited to people who are part of a single household. This restriction will expire on April 6.

Note that willful violations of these restrictions are misdemeanors punishable by a fine of up to \$5,000 or up to 364 days in jail.

The Governor's order can be viewed in its entirety at the following address:

<https://www.governor.wa.gov/sites/default/files/proclamations/20-25%20Coronavirus%20Stay%20Safe-Stay%20Healthy%20%28tmp%29%20%28002%29.pdf>.

The Governor's office has also provided other helpful guidance regarding what services will remain open, which can be viewed at <https://www.coronavirus.wa.gov/whats-open-and-closed>.

If you have questions about whether your business provides an essential service, how to limit your business to minimum operations, or anything else addressed in the Stay Home – Stay Healthy Order, you should consult with your Barron Smith Daugert attorney.

Sallye N. Quinn: squinn@barronsmithlaw.com

Kirsten Barron: kbarron@barronsmithlaw.com

Carrie Blackwood: cblackwood@barronsmithlaw.com

Nolan Davidson: ndavidson@barronsmithlaw.com

BARRON | SMITH | DAUGERT LLP

ATTORNEYS AT LAW

300 N Commercial St.
Bellingham, WA 98225
(360) 733-0212, ext. 240
www.barronsmithlaw.com