City of St. Louis and St. Louis County Issue Stay Home Orders

On March 21, 2020, St. Louis County joined various other state and local municipalities, (including most recently, Illinois) in issuing orders for citizens to stay at home or “shelter in place” to contain and combat the spread of COVID-19. Both St. Louis County Executive Dr. Sam Page and City of St. Louis Mayor Lyda Krewson, issued executive orders directing all individuals living within St. Louis County and City to stay at home with the exception of certain activities and “requiring that non-essential business and social organizations cease non-essential activities,” (per the county order) and other restrictions. These orders take effect on Monday, March 23, 2020, and run for, at least, 30 days to April 22, 2020.

The orders require businesses, other than those identified by the orders, to cease non-essential business operations beginning on Monday, March 23, 2020. For businesses operating in St. Louis County, Executive Order 15 goes into effect immediately on Monday morning. For businesses operating in the City of St. Louis, City Health Commissioner’s Order No. 5 takes effect on Monday, March 23, 2020, at 6:00 p.m. CT.
Both orders permit businesses to continue operations for the purpose of meeting basic community needs. Further, each order allows businesses to conduct minimum basic operations to “maintain the value of inventory and infrastructure, provide security, process payroll, and employee benefits, or facilitate employees working remotely” (per the county order). In addition, there are numerous and expansive exceptions to both orders.

**City of St. Louis Health Commissioner’s Order No. 5**

Pursuant to the health commissioner’s “Essential Activities Only Order,” businesses must cease all operations other than minimum basic operations. However, the order exempts the following businesses from the order:

- “Healthcare facilities and businesses that produce or provide medical care, supplies or medicine.” This includes longer-term care facilities, such as hospice;
- “Grocery stores, convenience stores, or other establishments engaged in the retail sale of food or other household consumer products;”
- “Restaurants and bars, but only for pickup/curbside/ carry-out/take-out/delivery;”
- “Businesses, not-for-profits, or institutions that ship or deliver groceries, food, or goods;”
- “Businesses, not-for-profits, or institutions that provide food, shelter, utilities, social services, or other necessities;”
- “Food cultivation, including farming, livestock, and fishing;”
- Laundry services;
- “Transportation services including rental, taxis and rideshares;”
- Home-based care for seniors, adults, or children;”
- “Facilities and shelters for adults and children;”
- “Hotels and other commercial lodging;”
- Professional services, including accounting, legal, and engineering.
- Construction
- “Childcare facilities providing services to first responders, and all emergency personnel;”
- Manufacture, distribution, and supply chain for exempt businesses;”
- “Federal, state, and local government; and”
- Other exceptions specifically designated by the health commissioner

**St. Louis County Executive Order**

St. Louis County’s “Stay at Home Order” mandates the cessation of all businesses except for “Minimum Basic Operations” and business activities being performed at home. The order excludes a wide array of businesses defined as “Essential Businesses.” The order defines “Minimum Basic Operations” as “the minimum necessary activities to maintain the value of a business’s inventory, provide security, process payroll or employee benefits, or to facilitate employees of the business being able to continue to work remotely from their Residences.”

Further, the order exempts businesses classified as “Essential Businesses.” Below is a non-exhaustive list of these exemptions:
1. Healthcare operations;
2. Essential infrastructure;
3. Essential Government Functions;
4. Grocery stores, supermarkets, food banks, food pantries “or other establishments engaged in the retail sale of or providing” food products, “including but not limited to stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of Residences;”
5. “[F]ood cultivation, including farming, livestock, and fishing;”
6. “[F]ood production, manufacturing, processing, packaging, wholesaling, storage, warehousing, or distribution;”
7. “[B]usinesses that provide food, shelter, social services, or other necessities of life for economically disadvantaged or people in need;”
8. Media
9. “[G]as stations, auto-supply, auto-repair, and related facilities;”
10. Financial institutions, banks, broker-dealers, asset managers, and businesses that process payroll for other businesses;
11. “[T]rash collection and disposal;”
12. Hardware stores;
13. Commercial lodging;
14. Service providers providing necessary services to maintaining safety, sanitation, communication, and essential operations of homes, healthcare facilities, government services, and businesses, such as plumbers, electricians, and exterminators;
15. Construction services;
16. Mailing and shipping services, including post office boxes;
17. Private security services;
18. Laundry services;
19. Funeral homes, crematoriums, burial, and mortuary services and cemeteries;
20. Storage services for “Essential Businesses;”
21. “[R]estaurants and other facilities that prepare or serve food, but only in compliance with applicable orders of the Director of Public Health;”
22. “[B]usinesses that provide emergency repair and safety services for Essential Business;”
23. “[B]usinesses that supply products needed for people to work from home;”
24. “[B]usinesses that supply Essential Businesses with the support or supplies necessary to operate, including but not limited to maintenance, security, janitorial and other similar services;
25. “[B]usinesses that ship or deliver groceries, food, beverages, goods, or services to Residences or Essential Businesses;”
26. “[B]usinesses that manufacture or supply products necessary to meet the Social Distancing Requirements, including but not limited to manufacturers of hand sanitizers and other hygiene, health, and cleaning products;”
27. Businesses that provide personal and transportation services including airlines, taxis, . . . vehicle rental services, and other transportation providers;”
28. Public transportation or paratransit;
29. “[H]ome-based care for the health of seniors, adults, or children;”
30. Professional services, including accounting and legal;
31. “[B]usinesses and agencies that provide and help to determine eligibility for basic needs, including food, cash assistance, medical coverage, childcare,
vocational services, and rehabilitation services;”

32. “[B]usinesses or independent providers that provide childcare or other dependent services but only to the extent that they provide services to people who are necessary employees of Essential Businesses.”

**Healthcare Operations**

The order defines “Healthcare Operations” to include a host of medical and healthcare-related services. The definition explicitly excludes “fitness and exercise gyms, esthetician services, tattoo parlors, tanning facilities, spas, massage facilities, or similar facilities.”

**Essential Government Functions**

The order defines “Essential Government Functions” as “all services needed to ensure the continuing operation of federal, state, or local government departments, offices, agencies, officials, political subdivisions, entities created by intergovernmental agreement, essential court functions . . . , and any other government functions necessary to provide for the health, safety, and welfare of the public.”

**Essential Infrastructure**

The order defines “Essential Infrastructure” to mean the “operation and maintenance of:

- utilities;
- power generation;
- electric and gas transmission and distribution facilities;
- water;
- wastewater;
- public works;
- sewer;
- gas;
- electrical;
- solid waste collection and removal;
- “construction (in particular, without exclusion, skilled trades, construction of affordable housing, construction for housing for individuals experiencing homelessness, and related construction firms and professionals);”
- airport operations;
- highways;
- public transportation;
- internet;
- telecommunication systems;
- data centers;
- logistic facilities and providers;
- distribution facilities;
- sorting facilities; and
- the design and construction of supply chain facilities.
Summary

Given the breadth of the orders from the City of St. Louis and St. Louis County, many businesses will be able to continue operations under these orders. Businesses outside the exemptions listed need to act quickly to ensure they are able to comply with the orders. Businesses that operate within the limits of the City of St. Louis and St. Louis County will need to adhere to both orders, although there is much overlap between the orders. Those businesses complying with the orders of St. Louis County will also be complying with the orders of the City of St. Louis. These orders go into effect on Monday, March 23, 2020. In the City of St. Louis, the order does not go into effect until 6:00 p.m. CT. Employers may want to refer to our tips for a rapid shutdown and for continuing to operate a manufacturing business as they prepare to comply with the orders.
