D.C. Governor Muriel Bower has issued an emergency order, Mayor’s Order 2020-053, ("the Order") requiring that all non-essential businesses cease on-site operations beginning at 10:00 p.m. on March 25, 2020. The Order also prohibits gatherings of 10 or more people. The Order, as of now, will remain in effect through April 24, 2020.

The Order expressly provides that the following businesses are non-essential and thus must close: (i) tour guides and touring services; (ii) gyms, health clubs, spas, and massage establishments; (iii) theaters, auditoriums, and other places of large gatherings; (iv) nightclubs; (v) hair, nail and tanning salons and barbershops; (vi) tattoo parlors; (vii) sales not involved in essential services; (viii) retail clothing stores; and (ix) professional services not devoted to assisting essential business operations. The Order clarifies that such non-essential businesses “may continue telework operations consisting of employees or contractors performing work at their own residences (i.e., working from home).”

The Order designates several broad categories of businesses as essential, including:

1. **Healthcare and Public Health Operations** – including hospitals, clinics, dentists, pharmacies, health care suppliers, home health care and assisted living services, mental health providers, and others.
2. **Essential Infrastructure** - including public works and utilities such as electricity, gas, telecommunications, water, waste removal, and others.

3. **Food and Household Products and Services** - including grocery stores, food banks, convenience stores, liquor stores, laundromats and dry cleaners, and others. Notably, restaurants are included in this category but only for delivery, carry out or “grab and go” food.

4. **Social Services Providing the Necessities of Life** - including business and services that provide food, shelter and social services for economically disadvantaged and needy individuals.

5. **Communications and Information Technology** - including newspapers, television, radio, and engineers, technicians and other individuals responsible for communications and information technology and infrastructure.

6. **Energy and Automotive** - including gas stations, auto repair shops, auto supply stores, and others.

7. **Financial Services** - including banks, credit unions and related financial institutions.

8. **Educational Institutions** - including public and private K-12 schools, colleges and universities “but solely for the purposes of . . . [f]acilitating distance learning.”

9. **Transportation and Logistics** - including businesses that ship and deliver food and goods directly to residences, taxis and ridesharing businesses, businesses that provide mailing and shipping services, and others.

10. **Construction and Building Trades** - including plumbers, electricians, exterminators, roofers, carpenters, businesses that sell supplies for the maintenance of commercial and residential buildings and homes, and others.

11. **Housing and Living Facilities** - including residences, group housing and shelters, university housing, hotels, and others. Hotels may not operate conference facilities, ballrooms, and dining-in facilities of their restaurants.

12. **Professional Services** - including legal, insurance, notary public, tax preparation and accounting services, “but only when necessary to assist in compliance with legally mandated activities, Essential Business or Essential Government Functions.”

13. **Childcare Facilities** - Such facilities are instructed that they should “should prioritize services for the children of essential employees.”

The Order also provides for the continued operation of certain “Essential Government Functions,” including “police, firefighting and emergency medical services.”

Importantly, any employee of Essential Businesses who is “suspected or confirmed to be infected with COVID-19 or any other transmissible infectious disease or who has symptoms of a cold or influenza . . . may not be engaged” in business operations.

Additionally, Essential Businesses that remain open must comply with other social distancing requirements as set forth in the Order, including separating staff by offsetting shift hours or days and maintaining a separation of at least six (6) feet among and between employees and members of the public, including when any customers, clients, or patients are standing in line or sitting in a waiting room.

The Order also prohibits large gatherings, including any event or convening that
bring together, or are likely to bring together, ten (10) or more people at the same time in a single room or other single confined or enclosed space, including without limitation auditoriums, theatres, indoor or outdoor stadiums, arenas, event centers, meeting halls, conference centers, cafeterias, and any other confined indoor or outdoor space. This limitation does not apply to Essential Businesses and groups performing Essential Government Functions.

Individuals or entities that knowingly violate the Order will be subject to civil fines, summary suspension or revocation of licensure.

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