Federal, state, and local governments continue to issue orders restricting business and travel in response to the COVID-19 pandemic. Frequently, these orders have restricted companies from requiring “nonessential” employees to come into the workplace. These orders have been referred to as “essential business,” “shelter in place” or “life sustaining business” orders.

On Saturday, March 28, 2020 Rhode Island Governor Gina Raimondo announced that she made the decision to impose additional restrictions by ordering the closure all “non-critical” retail businesses pursuant to Executive Order 20-13, while allowing other “critical” retail businesses to continue operations consistent with prior executive orders. The Order is set to take effect on Monday, March 30, 2020, and, by its terms, it will continue “in full force and effect until April 13, 2020 unless renewed, modified, or terminated by subsequent Executive Order.” See also, e.g., Executive Order 20-09, issued March 22, 2020 (further issuing additional restrictions on other business, “business service personnel,” and providing certain exemptions for, among others, “critical” employees).

**Business Restrictions**
The Order provides that “all non-critical businesses shall cease in-person operations. In pertinent part, the Order defines “critical retail” business to “include, but [is] not limited to,” to following:

- food and beverage stores (e.g., supermarkets, liquor, specialty food, and convenience stores, farmers' markets, food banks and pantries), pharmacies and medical supply stores, compassion centers, pet supply stores, printing shops, mail and delivery stores and operations, gas stations, laundromats, electronics and telecommunications stores, office supply, industrial and agricultural/seafood equipment and supply stores, hardware stores, funeral homes, auto repair and supply, banks and credit unions, firearms stores, healthcare and public safety professional uniform stores, and other stores and businesses identified as critical by the Department of Business Regulation.

It goes on to provide that “[r]estaurants will be permitted to operate only for pickup, drive-through, and delivery in accordance with previous executive orders.” While the Order states that it relates to “retail” business, it does not otherwise define that term.

The Rhode Island Department of Business Regulation ("DBR") has also issued guidance on the Order, which can be found on the DBR’s website here. The DBR guidance provides further insight with regard to what is “critical” and what is “non-critical” retail business. Most recently, on Sunday, March 29, 2020, at her daily press conference, the Governor clarified that the Order does not apply to manufacturing.

These restrictions are in addition to the Governor’s previous orders which have: required all “restaurant, bar or [other] establishment[s] that offers food or drink” to cease “on-premises consumption of food or drink,” Executive Order 20-04; 2) ceased “all close-contact businesses” and “all public recreation and entertainment establishments,” Executive Order 20-09; and 3) required that “[a]ll business service personnel that can work from home... to do so,” except for “critical personnel,” Executive Order 20-09.

**Other Restrictions**

The Order also requires that “[a]ny Rhode Island employer with employees who live in other states shall use all means available to enable these employees to telecommute or make other work-from-home arrangements.” However, “[t]his provision shall not apply to public health, public safety, or healthcare workers.” In addition to the aforementioned restrictions on business, the Order states that “[a]ll Rhode Island residents are required to stay home unless traveling to work, traveling for medical treatment or obtaining necessities” which includes “food, medicine, gas, etc.” The aforementioned “stay at home” aspect of the Order expressly allows for “Rhode Island residents [to] still go outside to exercise and get fresh air.” It also restricts “[a]ll gatherings of more than five (5) people in any public or private space.”

**Travel Restrictions**

The Order mandates the following: “[a]ny person coming to Rhode Island from
another state for a nonwork-related purpose must immediately self-quarantine for 14 days,” and “[a]ny person who lives in Rhode Island and works in another state who can work from home is required to do so.” With regard to the latter, if a person cannot work remotely, he or she must “self-quarantine when not at work.” Both of the foregoing provisions expressly do not apply to “public health, public safety, or healthcare workers.”

The Governor previously imposed quarantine restrictions on persons returning to Rhode Island from outside the 50 states or the District of Columbia, Executive Order 20-03, imposing quarantine restrictions on domestic air travelers returning to Rhode Island, Executive Order 20-10.

Copyright © 2020 Robinson & Cole LLP. All rights reserved.