

MONTANA – COVID-19 – Directive Implementing Executive Orders 2-2020 and 3-2020 Providing Measures to Stay at Home and Designating Certain Essential Functions – Issued 3/26/20

STAY AT HOME AND DESIGNATING ESSENTIAL FUNCTIONS

<https://covid19.mt.gov/Portals/223/Documents/Stay%20at%20Home%20Directive.pdf?ver=2020-03-26-173332-177>

GENERAL TOPIC	SUMMARY	SECTION #
Effective Period	3/28/20 as of 12:01 AM, through 4/10/20.	Pg. 9
Intent	To ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, and slow the spread of COVID-19.	§15
Failure to Comply	Failure to comply will constitute a violation of a public health order and will be enforceable by the Attorney General, DPHHS, a county attorney, or other local authorities.	Section II
Stay at Home	All individuals currently living in Montana are ordered to stay at home in their place of residence to the greatest extent possible. All public and private gatherings are generally prohibited, regardless of the number of people involved, unless distances of six feet can be maintained. Individuals may leave their homes only for <u>Essential Activities</u> or to operate <u>Essential Businesses and Operations</u> .	§1
Business Closures/Restrictions	All businesses with operations in Montana (except <u>Essential Businesses and Operations</u>) are required to cease all activities at Montana facilities except for engaging in <u>Minimum Basic Operations</u> . Businesses, including non-Essential Businesses and Operations, can continue to operate if workers can work from their residences. <u>Essential Businesses and Operations</u> must engage in <u>Social Distancing Requirements</u> to the extent possible. The March 24, 2020 Directive that closes certain businesses to the public, while expanding delivery and to-go options, remains in effect (but the social distancing provisions for retail businesses are superseded by these requirements).	§2
Travel	All travel is prohibited, except for <u>Essential Travel</u> and travel related to <u>Essential Activities</u> . Those leaving their homes or residences, or riding on public transit, must use <u>Social Distancing Requirements</u> to the greatest extent feasible.	§4
Superseding of County Orders	The Directive supersedes any and all less restrictive county orders. Counties may adopt more restrictive orders.	Pg. 9
DEFINITIONS (SUMMARY)		
Essential Activities – See full definition	Individuals may leave residences only to engage in <u>Essential Activities</u> , which include:	§5

Disclaimer: The information provided in this handout is general information and not designed to be and should not be relied on as your sole source of information when analyzing and resolving a specific legal issue. Each fact situation is different; the laws are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult with legal counsel.

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	<ul style="list-style-type: none"> Engaging in activities necessary for health and safety of individuals and pets, or to care for a family member or pet in another household Obtaining necessary services and supplies Engaging in outdoor activities, using <u>Social Distancing Requirements</u> To perform work at <u>Essential Businesses and Operations</u> or to support <u>Minimum Basic Operations</u> <p>See Directive for complete details. Further, <u>Social Distancing Requirements</u> must be imposed to the extent possible.</p>	
Essential Businesses and Operations – See full definition	<p><u>Essential Businesses and Operations</u> include these general categories of businesses. This is not a complete list, however; refer to the Directive for a complete list.</p> <ul style="list-style-type: none"> The essential critical infrastructure work identified by the March 19, 2020 Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, issued by the Department of Homeland Security <u>Health Care and Public Health Operations</u>, <u>Human Services Operations</u>, <u>Essential Governmental Functions</u>, and <u>Essential Infrastructure</u>, as identified under §6, §7, §8, and §9, respectively Sellers, producers, and distributors of food and food products Organizations that provide social services to disadvantaged populations Media Gas stations and auto supply and repair facilities Financial institutions Certain trade industries Shipping and mailing services Educational institutions, with restrictions Laundry facilities Businesses that supply work-from-home products Airlines, taxis, and private transportation providers Professional services Home-based care and services for adults, seniors, children, and other vulnerable people 	§11
Minimum Basic Operations – See full definition	<p><u>Minimum Basic Operations</u> include necessary activities needed to:</p> <ul style="list-style-type: none"> Maintain value of inventory Ensure security Process payroll and benefits Facilitate remote working <p>See Directive for complete details. Further, <u>Social Distancing Requirements</u> must be imposed to the extent possible.</p>	§13

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Essential Travel – See full definition	<p><u>Essential Travel</u> includes travel for:</p> <ul style="list-style-type: none"> • Accessing <u>Essential Activities</u>, <u>Essential Businesses and Operations</u>, or <u>Minimum Basic Operations</u> • Caring for vulnerable persons • Returning home from outside Montana or traveling to a home outside Idaho • Complying with law enforcement or court order <p>See Directive for complete details.</p>	§14
Social Distancing Requirements	Must maintain six-foot distances from other individual, wash hands regularly for 20 seconds using soap and water, covering coughs and sneezes, not shaking hands, etc.	§12

DISCLAIMER: *This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction's Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight's COVID-19 Response Team – State and Local Orders and Regulations.*

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