

NORTH DAKOTA – Back to Business – COVID-19 –

Smart Restart and Executive Orders – Updated through 12/22/20

ALL EXECUTIVE ORDERS

<https://www.governor.nd.gov/executive-orders>

HEALTH DEPARTMENT ORDERS

<https://www.health.nd.gov/diseases-conditions/coronavirus/state-health-officer-orders>

SMART RESTART REOPENING SITE, PROTOCOLS

<https://ndresponse.gov/covid-19-resources/covid-19-business-and-employer-resources/nd-smart-restart>
[ND Smart Restart Protocols](#)

GENERAL TOPIC	SUMMARY	
General	<p>North Dakota initially closed or curtailed certain businesses and venues in March 2020, and allowed businesses to start reopening under a “Smart Restart” plan in May 2020. Protocols applicable to each industry category are posted at ND Smart Restart Protocols.</p> <p>The capacity and other requirements have been dialed up and down from time to time, depending on the risk levels. For example, in November 2020, Exec Order 2020-43 was passed, increasing restrictions on gatherings and businesses. In December, 2020, certain of these restrictions were eased under Exec Order 2020-43.3.</p> <p>See Smart Restart, ND Smart Restart Protocols, and Executive Orders for updates.</p>	
Shelter in Place	No stay at home orders were issued	
Businesses - Generally	Most businesses are open, and required or strongly urged to comply with the applicable ND Smart Restart Protocols . There are Universal Protocols applicable to all businesses, as well as industry-specific protocols. Protocols include a broad range of requirements, including relating to distancing, sanitation and hygiene, CDC guidelines, face coverings, notices, gatherings, limits on occupancy, and the like.	
Restaurants/Bars	Bars, restaurants and other food service establishments have been operating at up to 50 percent of their licensed seated capacity, not to exceed 150 patrons, since Nov. 16, 2020. The capacity limits were one of several mitigation measures announced Nov. 13 to slow the	

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GENERAL TOPIC	SUMMARY	
	<p>spread of COVID-19 as active cases and hospitalizations were peaking. See Exec Order 2020-43, updated by Exec Order 2020-43.3, and further updates.</p> <p>An amended executive order has been announced that would allow these establishments will be able to start operating at 65 percent of licensed facility capacity, not to exceed 200 patrons, beginning 8 a.m. Jan. 8, 2021. See ND Smart Restart Protocols</p> <p>See Smart Restart, ND Smart Restart Protocols, and Executive Orders for updates.</p>	
Facemasks	<p>Everyone over the age of four is required to wear face coverings in indoor businesses and public settings, as well as in outdoor settings when it is not possible to practice social distancing, with certain exceptions.</p> <p>See Health Order 2020-08. In effect through 1/18/21, but may be extended.</p>	
Gatherings	<p>See ND Smart Restart Protocols for guidance relating to large event capacity limits, which encourages local leaders to require an approval and permit process for events or gatherings larger than 50 people. Different guidance for different “tiers” of events.</p>	
Travel	<p>Prior quarantine requirements for travelers were terminated. See Health Dept Orders for updates.</p>	
Other		

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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