

## WISCONSIN – COVID-19 – Emergency Order #28 (Safer at Home Order, Issued 4/20/20), succeeding Emergency Order #12 (Safer at Home Order, Issued 3/24/20)

Safer at Home Order [extended version of prior Order #12, and adding certain permitted activities]

<https://evers.wi.gov/Documents/COVID19/EMO28-SaferAtHome.pdf>

GENERAL TOPIC	SUMMARY	SECTION #
Effective Period	4/24/20 as of 8:00 AM CST, until 8:00 AM CST on 5/26/20 or until a superseding order is issued. [The prior Safer at Home order - Order #12- expired 4/24/20 at 8:00 AM CST – <a href="#">Changes from Order #12 shown in Blue</a> ]	§20
Failure to Comply	Enforceable by any local law enforcement, and punishable by up to 30 days in prison and/or up to a \$250 fine.	§17
Shelter in Place of Residence (Stay at Home)	<p>All individuals in State of WI are ordered to shelter in place in their place of residence. Individuals using shared or outdoor space must maintain as reasonably practicable social distances of at least 6 feet per the <u>Social Distancing Requirements</u>.</p> <p>Persons may <b>only</b> leave home only for <u>Essential Activities</u>, <u>Essential Governmental Functions</u>, to operate <u>Essential Businesses and Operations</u>, for <u>Essential Travel</u>, for <u>Special Situations</u>, and to engage in <u>Minimum Basic Operations</u> (see below).</p> <p><b>Exceptions:</b> Homeless individuals are not subject to shelter-in-place order, and those subject to unsafe residences (e.g. domestic violence) are permitted to find alternative residences.</p>	§1
Business Closures/Restrictions	<p>All businesses with Wisconsin facilities must cease all activities at those facilities, except for <u>Essential Businesses and Operations</u> and for <u>Minimum Basic Operations</u>. Businesses that remain open are, to the greatest extent feasible, to implement <u>Social Distancing Requirements</u>.</p> <p><a href="#">Emergency Order #28 added additional requirements for businesses that remain open, including: restricting number of workers present, increasing standards of facility cleaning, adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.</a></p> <p><a href="#">Emergency Order #28 added provisions for Essential Businesses which are retail stores, including consideration of curbside pickup, required maximum occupancy limits (based on store size), lines to regulate entry by patrons.</a></p> <p><a href="#">Emergency Order #28 increased restrictions on libraries to online services only.</a></p>	§2, 4

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Places of Public Amusement/Activity.	Places of public amusement (such as amusement parks, water parks, swimming pools, museums, zoos, bowling alleys, movie and other theaters, etc) remain closed.  Emergency Order #28 allowed golf courses to open, subject to certain restrictions. Emergency Order #28 provides that parks and public areas may be closed at discretion of local health officials, if certain conditions occur, such as non-compliance with social distancing, vandalism, etc.	§4
Salons and Spas	Remain closed	§4
Travel	All travel is prohibited, except for <u>Essential Travel</u> . Individuals riding on public transit must comply with <u>Social Distancing Requirements</u> to the greatest extent possible.	§5
Supremacy	The Safer at Home Order supersedes any local orders that are in conflict	§19
DEFINITIONS (SUMMARY)		
Essential Activities – See full definition	<ul style="list-style-type: none"> <li>Completing tasks essential to health and safety of individual or family or household members (<b>including pets</b>), such as obtaining medical supplies, medication, visiting healthcare professionals or obtaining work-from-home supplies</li> <li>Obtaining services or supplies (or deliver services and supplies to others), such as food, dry goods, pet supplies, any household consumer products and other products to maintain safety, sanitation and essential operations of residences</li> <li>Engaging in outdoor activities, so long as individuals are in compliance with <u>Social Distancing Requirements</u>, including walking, biking, or running. Playgrounds are closed.</li> <li>To care for a family member, friend or pet in another household, and to transport family members, friends, etc.</li> <li>To perform work of <u>Essential Businesses or Operations</u>, or to engage in <u>Minimum Basic Operations</u></li> </ul>	§11
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 Safer at Home Order for a complete list.</p> <ul style="list-style-type: none"> <li>The essential critical infrastructure work identified by the March 23, 2020 Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, issued by the Department of Homeland Security</li> <li><u>Healthcare and Public Health Operations</u>, <u>Human Services Operations</u>, <u>Essential Infrastructure</u>, and <u>Essential Governmental Functions</u>, as identified under §8, § 9, § 10, and § 12, respectively</li> <li>Sellers, producers, and distributors of food and food products</li> <li>Organizations that provide social services to disadvantaged populations</li> </ul>	§13

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	<ul style="list-style-type: none"> <li>• Media</li> <li>• Gas stations and auto supply and repair facilities</li> <li>• Financial institutions</li> <li>• Hardware and supply stores</li> <li>• Critical trades</li> <li>• Shipping and mailing services</li> <li>• Educational institutions, with restrictions</li> <li>• Laundry facilities</li> <li>• Businesses that supply work-from-home products</li> <li>• Supplies for Essential Businesses and Operations</li> <li>• Airlines, taxis, and private transportation providers</li> <li>• Home-based care</li> <li>• Professional services</li> <li>• Manufacturers, distribution and supply chain for critical products and industries</li> <li>• Critical labor union functions</li> <li>• Hotels and motels (subject to certain restrictions)</li> <li>• Higher education institutions</li> <li>• WEDC designated businesses</li> <li>• Childcare services</li> <li>• Weddings, funerals, and religious activities, with fewer than 10 people</li> </ul>	
Minimum Basic Operations	<ul style="list-style-type: none"> <li>• Minimum necessary activities to maintain value of business's inventory, preserve physical condition of physical plant and equipment, ensure security, process payroll and employee benefits, or related functions</li> <li>• Minimum necessary activities to facilitate employees to work remotely or continue to work remotely from residences</li> </ul> <p><a href="#">Executive Order #28 added:</a></p> <ul style="list-style-type: none"> <li>• <a href="#">Fulfilling nonessential deliveries, mailing parcels, or receiving parcels (subject to certain restrictions, such as restriction on number of persons, non-contact receipt provisions. Suppliers to non-essential businesses and supply chains for nonessential businesses are non-essential and shall only operate under Minimum Basic Operations to provide goods or services to other non-essential businesses operating under this section.</a></li> <li>• <a href="#">Curb-side pick-up of goods (subject to certain restrictions, such as number of persons, requirement for online or phone order, packaging, social distancing, etc.</a></li> <li>• <a href="#">Arts and crafts stores, subject to certain requirements</a></li> <li>• <a href="#">Optional exterior or lawncare services, subject to certain requirements</a></li> </ul>	§14
Essential Travel – See full definition	So long as in compliance with <a href="#">Social Distancing Requirements</a> , the following travel is permitted:	§15

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	<ul style="list-style-type: none"> <li>Any travel to access <u>Essential Activities</u>, <u>Special Situations</u>, <u>Essential Governmental Functions</u>, <u>Essential Businesses and Operations</u>, or <u>Minimum Basic Operations</u></li> <li>Any travel for care of elderly, minors, dependents, disabled or other vulnerable persons</li> <li>Any travel to and from educational institutions, with restrictions</li> <li>Travel to return to Wisconsin residence, or to travel to a place of residence outside Wisconsin</li> <li>Travel required by law or court order</li> </ul>	
Social Distancing Requirements	<ul style="list-style-type: none"> <li>Maintaining 6-foot social distancing</li> <li>Washing hands for at least 20 seconds as frequently as possible</li> <li>Using hand sanitizer, covering coughs or sneezes (not with hands), regularly cleaning high-touch surfaces and not shaking hands</li> <li>Following DHS and CDC guidance</li> </ul>	§16

**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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