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GUIDANCE FOR LAW ENFORCEMENT

FROM: Steve Marshall
Attorney General
SUBJECT: Enforcement of "Stay at Home" Order

THE ORDER: On April 3, 2020, the State Health Officer issued an amended order suspending certain public gatherings. Effective 5:00 p.m. on Saturday, April 4, 2020, every person is ordered to stay at his or her place of residence except as necessary to perform an "essential activity." The order remains in effect until 5:00 p.m. on April 30th, unless it is extended.

WHAT'S ALLOWED: Residents are permitted to leave their homes only to conduct the following nine activities:

- 1) **Obtain necessary supplies** needed for a person, the person's family or pet, or a loved one or friend who is unable to leave his or her home. Includes:
 - Food and other consumer goods necessary to maintain a person's daily routine or to maintain the safety, sanitation, and routine operation of a home.
 - Supplies needed to work from home.
 - Pharmaceutical prescriptions or other medical supplies.
 - Fuel for automobiles or other vehicles or other vehicle supplies.
 - Materials for distance learning and other education-related purposes.
 - Any other supplies necessary to maintain a person's or pet's daily routine or to maintain the safety, sanitation and routine operation of a home or residence.

- 2) **Obtain or provide necessary services for a person's family, pet, or a loved one or friend who is unable to leave his or her home.**
 - Dental, medical, or surgical procedures necessary to treat an emergency medical condition (as defined in the order), necessary to avoid serious harm from an underlying condition or disease, or necessary as part of a patient's ongoing and active treatment. All other procedures shall be postponed.

- Government-funded services or benefits.
 - Automobile repair services.
 - Services vital to treat or care for people with disabilities or substance-use disorders.
 - Services related to public or private distance learning or education.
 - Any other services necessary to maintain a person's or pet's health and safety or to preserve the person's ability to perform an essential activity.
- 3) **Attend religious services:** This includes weddings and funerals. Any service attended must meet one of two criteria:
- Either the service must involve fewer than 10 people, and the people must maintain a consistent six-foot distance from each other; OR
 - The event must be a “drive-in” worship service where participants remain in their vehicles for the entirety of the service, the participants in each vehicle all share the same place of residence, AND the participants do not come within six feet of participants in other vehicles.
- 4) **Take care of others:** Care for a family member, friend, or pet in another household, or donate blood, or transport a family member, friend, or pet for activities allowed in the order.
- 5) **Work:** Employees are permitted to leave their houses to work in one of two situations:
- If the employee works for an “essential business or service” as outlined in Attachment 1; OR
 - Where the employee is: a) performing essential work-related activities that maintain the value of a business or other organization; b) performing work-related activities that enable people to work or shop remotely from their residences or to allow people to buy products through drive-through, curbside, or door-to-door delivery; OR c) performing work-related activities that do not require regular interaction within six feet of another person.
- 6) **Engage in outdoor activity:** The activity must involve fewer than 10 people, and the people must maintain a consistent six-foot distance.
- 7) **Seek shelter:** People may leave to seek shelter if required by an essential employer, if residence is unsafe or at imminent risk of becoming unsafe, or to seek help from providers of necessities to economically disadvantaged people, such as food pantries.
- 8) **Travel as required by law enforcement or a court order:** This includes transporting children required by a custody agreement.

- 9) **See family members:** Visit the residence of relatives.

QUESTIONS AND ANSWERS:

1) **What if a business is not listed as either essential or specifically closed?** The stay at home order requires every person to stay home except as necessary to perform essential activities. If a business or operation is not specifically listed as essential, then a person may not leave home to work there, unless the employee is doing one of three things: 1) work-related activities to maintain the value of the business (managing inventory, ensuring security, and processing payroll and employee benefits); 2) work-related activities that enable people to work or shop remotely from their residences or to allow people to buy products through drive-through, curbside, or door-to-door activity; OR 3) Work-related activities that do not require any regular interaction within six feet of another person.

2) **How am I to know whether a person is really traveling to or for an essential business or operation?** Operators of essential businesses and operations are permitted to issue credentials to their employees, but this is not required. You may request that an employee call his or her employer to verify the status of the business or organization. Some amount of common sense and discretion is called for, and citations should be reserved for clear violations of the order.

3) **Is all outdoor activity permitted, or only outdoor exercise?** The order states that “outdoor activity” is considered essential, so long as it involves fewer than 10 people and the person maintains a consistent six-foot distance from others. The order does not limit itself to any specific types of outdoor activities. However, certain types of outdoor activity venues are specifically banned, such as beaches, spectator sports, and concert venues (Attachment 2).

4) **For stores that are allowed to remain open such as grocery stores, how many people are allowed inside?** The order clarifies earlier questions about how many people are allowed inside “essential retailers” such as grocery stores, pharmacies, and “big box” stores. The order requires stores to limit occupancy to no more than 50 percent of the normal occupancy load as determined by the fire marshal, to post this “emergency maximum occupancy rate” in a conspicuous place, and to enforce this requirement. Retailers may not knowingly allow customers or patrons to congregate within six feet of one another.

5) **How can I make a determination whether certain health care facilities or procedures are permitted?** The order requires that all dental, medical, or surgical procedures be postponed unless necessary to treat an emergency medical condition (as defined), necessary to avoid serious harm from an underlying condition or disease, or necessary as part of a patient’s ongoing and active treatment. This order applies to all health care facilities and providers, without exception. Absent additional information, health care providers are

normally responsible for making the determination about what procedures do and do not comply with this order.

6) **May a law enforcement officer conduct a traffic stop merely to inquire about compliance with the current State Health Officer's order?** No. The singular fact that an individual is driving on a public highway is not a sufficient basis to create reasonable suspicion to engage in a traffic stop to determine if the person is in violation of the order. Law enforcement would need additional specific, articulable facts that a driver was in violation of the order before making the traffic stop.

ENFORCEMENT: While some restraint is advisable, if a violator has been made aware of the state health order and the refusal to comply presents a threat to public health and safety, Alabama Code §22-2-14 provides that knowingly violating or refusing to obey or comply with this order is a Class C misdemeanor punishable by a fine of up to \$500.00. If the violation or failure or refusal to obey or comply is continuing, each day's violation is a separate offense.

PROTECTION AGAINST EVICTIONS: In addition to the order issued by the State Health Officer, the Governor issued an order on April 3, 2020 under her emergency powers. This order protects against evictions by directing all state, county, and local law enforcement officers to cease enforcing any order that would result in the displacement of a person from his or her place of residence.

ATTACHMENT 1: ESSENTIAL BUSINESSES AND OPERATIONS



Government Operations and Essential Services

Public safety and first responders
Law enforcement
Fire prevention and response
Courts and court personnel
Military
Emergency management personnel
Corrections
Probation and parole
Child protection
Child welfare
EMTs
911 call-center employees
All workers and vendors that support law enforcement and emergency management operations and services

Other federal, state, tribal, or local officials or employees
Logistics, transportation, and technology support
Childcare programs and services
Medical waste disposal
Hazardous waste disposal
Services needed to ensure the continuing operation of an essential business or operation
Operation of government agencies
Services to provide for the health, safety, and welfare of the public



Health Care Providers and Caregivers

Physicians
Dentists
Mental health workers
Nurses
Chiropractors
Physical therapists
Veterinarians
Hospitals/clinics
Medical practices
Research and laboratory operations
Hospice
Health care facilities
Clinical staff
Nursing homes

Residential health care facilities
Adult day care centers
Blood banks
Congregate-care facilities
Assisted living facilities
Elder care
Medical wholesale and distribution
Home health workers and aides
Medical supply and equipment manufacturers and providers
Medical waste disposal
Hazardous waste disposal
Other ancillary health care services



Infrastructure Operations

Electric, natural gas, and water utilities
Nuclear facilities and other generating facilities
Utility poles and components
Fuel pipelines and transmission systems
Petroleum producers
Telecommunications
Electronic security and life safety services
Wireless communication companies
Communications sales and customer support
Telecommunications and data centers
Cybersecurity operations
Businesses and other operations concerned with flood control
Aviation and the maintenance, operation, or construction of dams
Airports
Ports

Roads and highways
Mass transit
Automotive sales and repair
Vehicle rental and taxi services
Network providers (such as Uber and Lyft)
Freight and passenger rail
Motor carriers
Pipelines
Other transportation infrastructure and businesses
Water and waste water systems
Transportation companies such as airlines and bus lines
Hazardous waste disposal
Hotels and commercial lodging services
RV parks



Manufacturing Facilities

Food processing and production
Companies that produce pharmaceuticals, food additives, medical equipment, medical devices and supplies, technology, biotechnology, chemical products, and telecommunications products
Automotive production and suppliers
Airplane, ship, and space vehicle or rocket manufacturers
Companies involved in healthcare, energy, steel and steel products, fuel and petroleum exploration and production, lubricants, greases and engine oils, mining, national defense, sanitary and cleaning products, household products, personal care products, and products used by any other essential business or operation



Agricultural Operations and Farms

Food cultivation
Livestock, cattle, poultry and seafood operations
Transportation of agricultural products
Livestock auctions
Feedlots
Dealers and brokers of livestock
Farmer's markets
Feed stores

Repairers and suppliers of agricultural equipment
Gas, diesel and petroleum suppliers
Companies involved with aquaculture, horticulture, and chemicals, including pesticide, herbicide, and fertilizer producers and distributors

Forest products businesses, including those involved in forestry operations, logging, manufacture of lumber and paper products
Meat processing facilities

Rendering facilities and transporters
Feed processing facilities
Veterinary services



Essential Retailers

Supermarkets
Food and beverage stores, including liquor stores and warehouse clubs
Food providers
Convenience stores
Office supply stores
Bookstores
Computer stores
Pharmacies
Health care supply stores

Hardware stores
Home improvement stores
Building materials stores
Stores that sell electrical, plumbing, and heating materials
Gun stores
Gas stations
Auto, farm equipment, bicycle, motorcycle, and boat supply and repair stores
Businesses that ship or deliver groceries, food, and goods directly to residences



Restaurants and Bars

Take-out or deliver services only. Establishments must follow social distancing protocols, including maintaining a consistent six-foot distance between persons.



Essential Personal Services

Trash collection
Mail and shipping services
Home repair
Automotive sales and repair
Warehouse, distribution, and fulfillment centers
Kennels
Animal shelters

Laundromats/laundry service
Drycleaners
Childcare facilities
Public transportation
Providers of business services, including security and payroll
Funeral, cemetery, and related services



Media Operations

Newspapers
Digital news sites
Television

Radio
Other media services



Education Operations

Educators supporting public and private K-12 schools, colleges and universities or other educational institutions, for purposes of facilitating distance learning and education continuity plans approved by the State Superintendent of Education, performing critical research or other essential functions, including public schools preparing and transporting distance-learning materials and meals to eligible students and colleges providing lodging for students, all in compliance with earlier direction.



Financial Services

Banks and related financial institutions
Credit unions
Payday lenders

Businesses that process credit card and other financial transactions
Other services related to financial markets



Professional Services

Legal services
Accounting services
Insurance services
Real estate services (including appraisal and title services)

Providers of basic necessities to economically disadvantaged population:
Businesses
Religious and secular non-profit organizations
Foodbanks
Homeless shelters
Congregate-care facilities



Construction and Construction-Related Services

Building and construction
Lumber
Building materials and hardware businesses
Electricians
Plumbers
Other construction tradesmen and tradeswomen
Exterminators
Cleaning and janitorial

HVACR and water heating businesses
Painting
Moving and relocating services
Other skilled trades
Other related construction firms and professionals for maintaining essential infrastructure



Essential Public Services

(Services necessary to maintain the safety, sanitation and essential operations of residences and essential businesses and essential business operations)

Law enforcement
Fire prevention and response
Firearm and ammunition manufacturers and retailers
Building code enforcement

Security
Emergency management and response
Building cleaning including disinfection
Automotive sales and repair
Mortuaries and cemeteries



Military or Defense Operations

Includes employers and personnel who support the essential products and services required to meet national security commitments, including personnel working for companies and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense and government-owned/contractor-operated and government-owned/government-operated facilities.



Religious Entities, Including Religious and Faith-Based Facilities, Entities and Groups

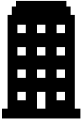
Including Religious and Faith-Based Facilities, Entities and Groups. This includes weddings and funerals. Any service attended must meet one of two criteria:

1. The service must involve fewer than 10 people, and the people must maintain a consistent six-foot distance from each other; OR
2. The event must be a “drive-in” worship service where participants remain in their vehicles for the entirety of the service, the participants in each vehicle all share the same place of residence, AND the participants do not come within six feet of participants in other vehicles



Federally-Designated Essential Businesses and Operations

Defined as workers and related industries identified by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) in its “Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response,” as may be amended.



Other State-Designated Essential Businesses and Operations

Businesses and operations deemed essential by the Alabama Department of Public Health or the Alabama Emergency Management Agency. Employees, contractors, agents, suppliers, or vendors of an essential business or operation as defined in the order.

ATTACHMENT 2: BUSINESSES, VENUES, AND ACTIVITIES CLOSED TO NON-EMPLOYEES OR THAT SHALL NOT TAKE PLACE



Entertainment Venues

Night clubs
Bowling alleys
Arcades
Concert venues
Theaters, auditoriums, and performing arts centers
Tourist attractions (including museums and planetariums)

Racetracks
Indoor children's play areas
Adult entertainment venues
Adult novelty stores
Casinos
Bingo halls
Venues operated by social clubs



Athletic Facilities and Activities

Fitness centers and commercial gyms
Spas and public or commercial swimming pools
Yoga, barre, and spin facilities
Spectator sports
Sports that involve interaction with another person of closer than 6 feet
Activities that require use of shared sporting apparatus and equipment
Activities on commercial or public playground equipment



Close-contact Service Providers

Barber shops
Hair salons
Waxing salons
Threading salons

Nail salons and spas
Body art facilities and tattoo services
Tanning salons
Massage therapy establishments and services