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Tennessee, Metro Nashville Issue Orders re COVID-19

Frost Brown Todd's [Coronavirus Response Team](#) is closely monitoring state and local government actions that impact business activities to slow the spread of COVID-19. On March 22, Tennessee Governor Bill Lee issued Executive Order No. 17 ("Tennessee Order") and Metropolitan Nashville – Davidson County Chief Medical Director Michael C. Caldwell issued Order 3 ("Nashville Order"), both of which impose certain restrictions on social gatherings and business activities for a period of 14 days, effective Monday, March 23.

Tennessee Order

The Tennessee Order is less restrictive on business activity than measures put in place in other states, like Ohio's order. In sum, the Tennessee Order prohibits gatherings of 10 or more people, suspends in-person consumption of food or drinks at bars or restaurants, mandates closure of gyms and fitness centers, and prohibits most visits to nursing homes, retirement homes, or other assisted-living facilities. The Tennessee Order does permit restaurants to continue operating for delivery, drive-through, and takeout orders. For restaurants serving alcoholic beverages, the state has temporarily suspended enforcement of certain regulations and is permitting restaurants to sell beer, wine, and liquor-by-the-drink for off-premises consumption, subject to several specific requirements designed to prevent consumption in vehicles or by minors.

Otherwise, the Tennessee Order does not require individuals to "shelter in place" or require any other businesses to close, but instead urges individuals to follow the social distancing precautions recommended by the CDC and to work from home where feasible.

Nashville Order

The Nashville Order — which only applies to businesses and individuals located in Nashville (Davidson County), Tennessee — places substantially more restrictions on business and consumer activity than the Tennessee Order. The Nashville Order likewise prohibits gatherings of 10 or more people, and limits food and beverage services to delivery, takeout, and curbside pickup only. However, unlike the Tennessee Order, the Nashville Order mandates any business to close their business facilities for a period of 14 days beginning Monday, March 23, except as necessary to service computers and other equipment, process and receive mail, and maintain security. Businesses providing “essential services” (as set forth in the Nashville Order) are exempt from these restrictions.

In addition to the “critical infrastructure sectors” identified by the Department of Homeland Security (and [discussed previously](#) by the Coronavirus Response Team), the Nashville Order deems 25 categories of businesses as providing “essential services” for the safety and security of the county, which include certain government services, food and beverage services, health care and pharmaceutical services, utility services, legal services, real estate, financial services, manufacturing services, and construction, repair, and landscaping services. Hotels, daycare facilities, short-term rental properties, and assisted living facilities may continue to operate, subject to specific restrictions enumerated in the Nashville Order. Finally, the Nashville Order permits delivery and online activities by any business to continue.

The Coronavirus Response Team urges anyone concerned as to whether their business provides an “essential service” to consult the specific categories contained in the Nashville Order and contact a member of our team to discuss any concerns.

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a [Coronavirus Response Team](#). Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.

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