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Tennessee Governor Increases Restrictions on Business Activity through Statewide “Safer at Home” Order; Metro Nashville Extends Order to April 24.

On March 31, 2020, Nashville Mayor John Cooper announced the effective date of Nashville’s existing “safer at home” order would be extended to April 24, 2020 for businesses located in the Metropolitan Nashville–Davidson County. More significantly, on March 30, 2020, Tennessee Governor Bill Lee issued Executive Order No. 22 (the “Order”), which increased restrictions on many business and consumer activities on a statewide basis effective March 31, 2020 at 11:59 p.m. central time.

Under the Order, all businesses not performing “essential services” are required to close through April 14, 2020. The Order identifies thirty (30) categories of “essential services” (discussed more significantly in the Order) that are permitted to continue operating, which include:

- Essential critical infrastructure workers (as defined by the U.S. Department of Homeland Security)
- Health care and public health operations
- Human services operations, including daycare centers, shelters, and social services
- Essential infrastructure operations, including certain construction, travel, utilities, cybersecurity, and waste management services
- Essential government functions and operations
- Food, beverage, and medicine stores
- Food and beverage production and agriculture
- Social and charitable service organizations
- Religious and ceremonial functions

- Media
- Gas stations and transportation businesses
- Financial institutions and insurance entities
- Hardware and supply stores
- Critical trades, including construction, electrical, plumbing, HVAC, and other maintenance and repair services
- Mail, post, shipping, logistics, delivery, and pick-up services
- Educational institutions (for the purposes of facilitating distance learning)
- Laundry and dry cleaning services
- Restaurants (for off-premises consumption only)
- Businesses providing supplies to facilitate working from home and for essential businesses and operations
- Transportation businesses, including airlines, taxis, and rideshare services
- Home-based care and services
- Residential facilities and shelters
- Professional services, including legal, account, insurance, and real estate services
- Manufacturing, distribution, and supply chain for critical products and industry, including pharmaceutical, biotechnology, health care, food and beverage, and agriculture services
- Hotels, motels, and short-term rentals
- Funeral services
- Outdoor recreation areas, parks, or trails
- Any business operating at all times with ten (10) or fewer persons accessing the premises of the business, including employees
- Minimum activities for business operations, including inventory, preserving the business's assets and security, processing mail, payroll and benefits, and facilitating remote work

The Order does not supersede the terms of Executive Order Nos. 17 and 21, which expressly permits restaurants to sell alcoholic beverages for off-premises consumption and provide delivery, carry-out, and curbside delivery services. The restrictions imposed by Executive Order Nos. 17 and 21 on fitness centers, close-contact personal services such as hair salons, nursing homes, bars, and entertainment and recreational gathering venues similarly remain in full force and effect.

For individual persons, the Order strongly urges persons to remain at home whenever possible, unless providing an “essential service” or engaging in an “essential activity,” including the following:

- Activities necessary for health and safety, including medical services or supplies
- Obtaining services or supplies for household members, vulnerable persons, or pets, such as groceries, automobile supplies, and consumer and sanitary products
- Providing, facilitating, or receiving delivery or curbside delivery of online or telephone orders
- Caring for or visiting a family member, friend or pet in another household, or transporting or traveling with family members, friends or pets
- Visiting a place of worship, or attending a wedding or funeral
- Engaging in “essential travel”.

Businesses located in Metropolitan Nashville–Davidson County, as well as some other municipalities and counties across Tennessee, have already been subject to local restrictions on business and consumer activities. The Order applies these restrictions throughout the state but does not supplant or overrule restrictions imposed by local governments that may exceed those imposed under the Order. Business activities permitted under the Order may remain subject to more stringent local restrictions.

For more information, please contact [Tom Lee](#), [Payton Bradford](#), or anyone in the [Government Services](#) Practice Group.

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