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LEGAL UPDATES

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Georgia Governor Moves to Reopen Businesses—With Conditions

On April 27, 2020, Governor Kemp issued Executive Order 04.20.20.01 which permits a number of Georgia businesses to re-open, including all gyms, fitness centers, bowling alleys, movie theaters, hair salons, and massage therapy, body art studios, estheticians, hair designers, persons licensed to practice massage therapy.

All businesses are required to implement measures to prevent the spread of COVID-19, including screening and evaluating symptomatic workers and requiring them to not report to work, enhancing sanitation of the workplace, providing personal protective equipment as available, prohibiting gatherings of workers, implementing telework where possible, implementing staggered shifts where possible, holding meetings virtually, prohibiting handshaking, enforcing social distancing and increasing physical space between worksites to at least six feet, providing alternative points of sale outside of the building, including curbside pickup or delivery where possible, and providing disinfectant to workers.

Businesses are only permitted to operate Minimum Basic Operations, which includes the minimum necessary activities to remain open to the public, and minimum necessary activities to facilitate work from home.

The Order also permits medical practices to resume, including dental, orthodontics, physical therapy, elective surgeries, and any other health-related practice that has elected to cease operations. These medical providers are now encouraged to begin treating patients as soon as practicable in accordance with CDC guidelines. Medical providers are not subject to Minimum Basic Operations restrictions.

The Order also continues the limitation on gatherings to ten people, including within a business or establishment where six feet distance cannot be maintained, and provides further testing requirements and provisions.

On May 1, 2020 Governor Kemp issued Executive Order 04.23.20.02, effective May 1, until May 23 which expanded upon the Executive Order on April 27, 2020.

The May Order addresses “Restaurants & Dining Services,” and the provisions are effective from April 27, 2020.

The May Order section on “Restaurants & Dining Services” applies to restaurants and dining rooms, including those at private social clubs, but does not apply to the dining services in hospitals, healthcare facilities, nursing homes, or other long-term care facilities. The Order instructs no more than 10 patrons should be allowed in the facility per 500 square feet of public space (including waiting and bar areas, and excluding hallways, restrooms, and spaces closed to patrons). All workers must be screened and evaluated workers who exhibit signs of illness are required not report to work, or to seek medical attention. Restaurants and Dining Services are also instructed to implement teleworking and/or staggered shifts for all possible workers, hold meetings and conferences virtually, require all employees to wear face coverings at all times, and coverings must be cleaned or replaced daily, limit contact between wait staff and patrons, no salad bars or buffets, use rolled silverware and eliminate table presets, use of disposable paper menus is strongly encouraged, or reusable menus should be cleaned and sanitized after each use, limit party size at tables to 6 patrons, and restaurant or dining room playgrounds should remain closed.

Businesses deemed “Critical Infrastructure” should screen and evaluate workers who exhibit signs of illness, and require said workers to either not report to work or to seek medical attention, prohibit gatherings of works during working hours, implement teleworking and/or staged shifts for all possible workers, keep open sales registers at least 6 feet apart, suspending the use of PIN pads, PIN entry devices, electronic signature capture, and any other credit care receipt signature requirements to the extent such suspension is permitted by agreements with credit card companies and credit agencies, provide PPE as available and appropriate to workers, provide disinfectant and sanitation products for workers to clean their workspace, equipment, and tools, and increase physical space between workers to at least 6 feet.

Businesses not deemed “Critical Infrastructure” should follow the above guidance, and in addition if a retail business, post a sign on the storefront stating that individuals who have a fever or other symptoms of COVID-19 shall not enter the store, enforce social distancing of non-cohabiting persons while at the business, and for retailers and service providers, providing for alternative points of sale

outside of buildings if permitted under Georgia law.

Businesses such as public swimming pools, performance venues, amusement parks, and bars should remain closed.

Retailers, including food establishments, but not food processing plants or wholesale sandwich and salad manufacturers, should limit the number of patrons inside the store to 50% of fire capacity or 8 patrons per 1,000 square feet, encourage non-cash payments when possible, sanitize entrance and exit doors at least 3 times per day, and install protective screens and other mitigation measures where workers and patrons interact.

Food Establishments should additionally (where possible) schedule specific hours of operation exclusively for vulnerable populations, encourage social distancing, use in-store messaging to educate and reminds patrons on recommended hygiene and Social distancing, discontinue sampling and cooking stations, close self-serve salad bars and buffets, and increase sanitation of grocery carts and other high-touch areas.

Gym and Fitness Centers should additionally post a sign on the storefront stating that individuals who have a fever or other symptoms of COVID-19 shall not enter the store, screening patrons and prohibiting entrance for individuals with a temperature greater than 100.4 degrees Fahrenheit, cough, shortness of breath, or other respiratory symptoms, use contactless forms of check-in, limit use of cardio machines to every other machine to maintaining social distancing, continue cancellation of group classes and in-facility child care services, continue closure of pools, basketball courts, and other group sport areas, hot-tubs, saunas, steam rooms, and tanning beds, and limit locker room use and require patrons to spray showers with a providing cleaning spray after use.

Body Art Studios, Estheticians, Hair Designers, Massage Therapist, and Tanning Facilities should additionally provide services by appointment only, require patrons to sanitize their hands before entering the facility and before any treatment, require patrons with COVID-19 symptoms to reschedule their appointment, allow only one patron per service provider in the business at any one time (one parent can be present if a minor child is receiving a haircut), require patrons to wait in car until service provider is ready, stagger workstation use to more than 10 feet apart or every-other workstation, and require employees to wear PPE.

Movie theaters should additionally have patrons at least 6 feet apart, parties should not be greater than 6 individuals, and closing playgrounds and arcade rooms.

Contact us

If you have further questions or require more information regarding this update, please contact Ariel Anthony or your Husch Blackwell attorney.

COVID-19 Return-to-Work Resource

For the many businesses that partially or completely shuttered their on-site operations due to government-mandated COVID-19 orders, transitioning employees back to the workplace is an unprecedented and complex endeavor. Husch Blackwell's Return-to-Work Resource Center provides best practices, answers to common questions and potential issues to consider.