

LEGAL UPDATES

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Nebraska Authorities Ease COVID Restrictions

Recent developments and governmental orders have eased restrictions on social gatherings and business operations in Nebraska. As of May 4, 2020, Nebraska has enacted 19 separate Directed Health Measures (DHM), one for each of the state's 19 local health departments (LHD), which are effective through May 31, 2020.

The following rules and restrictions apply to the following 13 LHDs as of May 11, 2020:

Douglas County Health Dept.

Sarpy/Cass Dept. of Health

East Central District Health Dept.

Four Corners Health Dept.

Loup Basin Public Health Dept.

North Central District Health Dept.

Northeast Nebraska Public Health Dept.

Panhandle Public Health District

Southeast District Health Dept.

Southwest Nebraska Public Health District

Lincoln-Lancaster County Health Dept.

West Central District Health Dept.

Three Rivers Public Health Dept.

Salons, barbershops and other close proximity businesses

Beauty/nail salons, barbershops, massage therapy services and tattoo parlors/studios in the above LHDs are permitted to reopen and provide services to the public.

These establishments are subject to the “10-person rule,” which prohibits more than 10 patrons, customers or other persons, excluding staff, from being in a single room or single space at the same time. For example, in a barbershop with two barbers (staff) in the room, there could still be 10 other people in the room.

All persons entering these establishments (staff, patrons, customers or others) are required to wear masks or other items sufficient to cover the individual’s mouth and nose.

Restaurants

Restaurants are allowed to reopen to serve dine-in customers in the above LHDs if all of the following conditions are met:

The restaurant limits seating to 50% of the rated occupancy maximum at all times.

The restaurant seats parties at least six feet apart at individual tables. All counter or bar-style seating is prohibited.

All dining parties are restricted to no more than six persons (groups larger than six will need to sit at separate tables at least six feet apart).

Self-serve buffets and salad bars are prohibited. Restaurant staff must serve food directly to customers or implement buffet orders from the customer table. No customer self-service is allowed.

Patrons cannot share items among the table or with other patrons.

Patrons may only consume alcohol on the premises if also consuming a meal.

Bars that do not serve food will remain limited to carry-out sales and delivery only.

All restaurants that have a line for carry-out or dine-in services will need to ensure that social distancing of at least six feet is maintained between all patrons and staff whenever possible.

Additional guidelines for restaurants can be found [here](#).

Childcare facilities

Childcare facilities are permitted to have up to 15 kids per room/space at any one time.

All other state provisions, statutes and regulations (including child-to-staff ratios) still apply.

The following rules and restrictions apply statewide as of May 4, 2020:

Worship

Places of worship (churches, synagogues, mosques, temples, etc.) will have relaxed DHM requirements statewide.

These places will need to ensure six feet of separation between different household units. For example, members of Household A may all sit close to one another, but they must all be six feet from members of Households B through Z who are also attending.

It is not permissible to pass items among worshippers.

Elective Surgeries

Hospitals can resume elective surgeries if they maintain:

30% general bed availability, 30% ICU bed availability and 30% ventilator availability for non-elective procedure patients; and

A two-week supply of necessary personal protective equipment (PPE) to sustain operations at 100% capacity in their specific facility.

“Elective surgery” means a surgery or procedure that is scheduled in advance because it does not involve a medical emergency.

Health clubs

Venues such as fitness centers/clubs, gymnasiums, gyms, health clubs and health spas must ensure a minimum distance of six feet between all patrons.

General closures

The following types of businesses are closed or suspended statewide until May 31, 2020, (or longer if the DHMs are extended):

Gentlemen’s clubs;

Bottle clubs;

Indoor movie theaters;

Indoor theaters/playhouses; and

All organized team sports, youth and adult, including but not limited to club sports

General exclusions

In addition to the foregoing, various businesses are excluded from the restrictions imposed by the DMHs. These businesses are nonetheless directed to use heightened, diligent and effective disinfection of exposed surfaces meeting the directions of the Nebraska Department of Health and Human Services, Centers for Disease Control and Prevention and the Environmental Protection Agency. These types of businesses include:

Airports and bus and train stations;

Healthcare facilities and services (as defined in the Health Care Facility Licensure Act NRS §§ 71-401 to 71-475);

Other mental health and/or substance use treatment day programs which are not required to be licensed (such as day rehabilitation or day treatment);

Shopping malls and centers;

Other spaces where 10 or more persons may be in transit, but do not congregate; and

Typical office environments, factories, or retail or grocery stores where large numbers of people are present, but it is typically unusual for them to be within six feet of one another.

Other excluded “gatherings” and businesses include: events at which members of the media may need to be present; courts of law; public utilities, state, county and city operations; election offices and polling places on election day; logistics/distribution centers; and family residences housing 10 or more people.

Mandatory self-quarantine

Individuals who: (a) test positive for COVID-19; (b) have any of the following symptoms; or (c) reside or resided with individuals who have tested positive for COVID-19, shall home-quarantine, unless quarantined in a healthcare facility, for a period of no less than 14 days, from the date of the positive test or onset of symptoms, in accordance with state-mandated quarantine directions, available here:

Fever of 100.4 F. or above;

Sudden onset of a cough; or

Sudden onset of shortness of breath.

If a home-quarantined individual is residing with other household members, the household members' home-quarantine may be discontinued seven days after the original person has been released from home quarantine. However, the household member(s) must continue to self-monitor for the above listed symptoms for an additional seven days.

Individuals with the above-listed symptoms who have tested positive for influenza (or an alternative diagnosis, including seasonal allergies or other chronic condition) and individuals who reside or have resided with such individuals are not subject to quarantine under this order.

Additional guidance

In addition to the foregoing mandatory government orders, the following initiatives and relevant industry guidance have been promoted or issued by various offices of the State of Nebraska.

TestNebraska initiative

TestNebraska is a new initiative launched by the State of Nebraska in partnership with private industry. The goal of the initiative is to dramatically increase the rate of COVID-19 testing so Nebraskans can have better access to testing in their communities and help stem the spread of COVID-19 as quickly as possible. Governor Pete Ricketts has encouraged all Nebraskans to take the health assessment at www.TestNebraska.com in order to help the state assess the need for new testing sites and where to deploy them.

Agriculture

Guidelines for nurseries and gardens can be found [here](#).

Guidelines for farmer's markets can be found [here](#).

Best practices for meatpacking safety can be found in the UNMC Meat Processing Facility COVID-19 Playbook, found [here](#).

Information on the Detasseling Task Force is coming soon.

Contact us

If you have any further questions or require more information regarding this update, please contact Casey Kidwell, Amanda Wall, Brandon Warrington 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.