

Legislative Updates

May 19, 2020

Alabama

Covid-19 Lawsuits

Effective immediately, the Alabama Emergency Management Act of 1955 is amended to provide liability protections for businesses and healthcare providers. A claimant will be required to show clear and convincing evidence that a death, injury or damage was caused by the business, healthcare provider or covered entity's wanton, reckless, willful or intentional misconduct. Where liability is established (and there is not a serious physical injury), the covered entity's liability shall be limited to actual economic compensatory damages.

Alaska

Safety Precautions

Effective immediately, workers in industries that support critical infrastructure are not required to adhere to the State's mandate that all out-of-state visitors and returning residents self-quarantine for 14 days. Employees working for companies located outside of Alaska, who support critical infrastructure, are required to submit a plan to minimize coronavirus to health authorities.

Arizona

Safety Precautions

Effective immediately, fitness centers and pools may reopen if they adhere to health official's recommendations.

California

Oakland

Effective immediately, the City of Oakland has authorized supplemental paid sick leave for employees, working for private employers, affected by Covid-19. The new requirements are set to expire December 31, 2020.

California

Workers Compensation

Effective immediately, Covid-19-related illnesses will be considered to have arisen out of, and in-the-course-of, employment for the purposes of awarding workers' compensation benefits if the following criteria are met:

- The employee tested positive for, or was diagnosed with, COVID- 19 within 14 days after a day that the employee performed labor or services at the employee’s place of employment, at the employer’s direction, and taking place after March 19, 2020.
- The employee’s place of business is not his/her home or residence.
- The diagnosis was provided by a physician or surgeon with a California Medical Board license.

California

Los Angeles County

Effective immediately, county beaches may reopen without gatherings, sitting or sunbathing. Face coverings are required and six-foot social distancing measures must be maintained.

Colorado

Safety Precautions

Effective immediately, the “Safer at Home Order” has been modified. Moving forward, an employer will have the option to have employees conduct a self-assessment at home for symptoms and temperature prior to coming to work where worksite checks are “not practicable.” An employer with more than 50 lives may develop and implement a policy that requires employees to self-screen at home each work day and to report the results to the employer prior to entering their place of work.

Connecticut

Safety Precautions

Effective May 20, 2020, the following industry sectors will be allowed to reopen: hair salons, barbershops, museums, zoos, offices, restaurants, retail establishments and malls. Safety guidelines for each sector can be found here: <https://portal.ct.gov/DECD/Content/Coronavirus-Business-Recovery/Sector-Rules-for-May-20-Reopen>

Delaware

Safety Precautions

Effective June 1, 2020, employees of businesses opening in phase 1 will be required to wear facemasks. Restaurants and retailers will be limited to 30 percent of maximum capacity.

Florida

Safety Precautions

Effective immediately, restaurants may operate at 50 percent capacity up from 25 percent. Fitness Centers will be allowed to reopen with social distancing guidelines while museums and libraries at 50 percent of capacity. In addition, theme parks may begin submitting their reopening plans for approval.

Illinois

Business Operations

Effective immediately, a Class A misdemeanor charge can be filed against a business owner for violating the State's "Stay at Home" order.

Indiana

Child Labor

Effective immediately, the State's child labor law has been amended to allow 16-17-year-olds to work 8-9 hours per day and a total of 30-40 hours during a school week (or 48 hours when school is not in session).

Iowa

Safety Precautions

Effective immediately, salons and barbershops (by appointment only, at no more than 50 percent of maximum legal capacity), tattoo parlors, tanning facilities, racetracks (without spectators), as well as social and fraternal clubs are permitted to reopen (50 percent of maximum capacity - party size limited to 6 people). Appropriate public health measures must be in place.

Kansas

Safety Precautions

Effective immediately, personal service businesses by appointment only (e.g., nail salons, barber shops, and tattoo parlors) and gyms and fitness centers are permitted to reopen with gatherings of no more than 10 people.

Kentucky

Safety Precautions

Effective immediately, healthcare facilities may restart operations with non-emergency inpatient medical procedures at 50 percent of pre-pandemic volume. Government offices will be permitted to reopen. Retail establishments, funeral homes and memorial services will be permitted to reopen at 33 percent of capacity on May 20, 2020.

Kentucky

Business Operations

Effective immediately, government offices will be permitted to reopen.

Maryland

Safety Precautions

Effective immediately, the following industry sectors will be allowed to reopen: retail stores, manufacturing, personal services, churches and houses of worship. Safety guidelines for each sector can be found here:

<https://governor.maryland.gov/2020/05/13/stage-one-governor-hogan-announces-gradual-reopenings-with-flexible-community-based-approach/>

Maryland

Employee Layoff

Effective October 1, 2020, an employer with a full operational closure, partial closure (impacting 15 employees or more) or relocation, must provide 60 days' advance notice to employees and others. Additionally, the employer is required to provide continuation of health, pension, severance and/or other benefits to affected employees. Maryland's Secretary of Labor will provide terms at a later date.

Massachusetts

Business Operations

Effective immediately, manufacturing facilities, construction, places of worship, hospitals and community health centers (high-priority preventative, pediatric, and treatment care for high-risk patients) may reopen under Phase 1.

Montana

Safety Precautions

Effective immediately, fitness facilities may reopen at 50 percent of max. capacity, with strict guidelines including:

- the requirement of staff to continually sanitize frequently touched areas and equipment during hours of operation.
- worker training on symptoms & hand washing techniques.
- relevant signage posted, instructing members with symptoms to stay home.
- hand sanitizer must be available.
- employees and guests should wear masks when possible.

Additionally, museums and theaters may reopen at 50 percent capacity and maintain six feet between non-family members or the immediate party. Signage must be posted instructing those with COVID-19-related symptoms to stay home. Facilities must increase cleaning and sanitizing of frequently touched surfaces and control customer flow to maximize distancing. Hand sanitizer or hand washing stations must be readily available and each venue should create and implement a written COVID-19 response plan. Cleaning and sanitizing must be completed every two hours.

Nebraska

Business Operations

Effective immediately, long-term care facilities must develop a formal plan regarding how to mitigate the spread of coronavirus among vulnerable residents.

New Jersey

Safety Precautions

Effective immediately, non-essential construction and non-essential retail businesses (curbside pick-up only) may resume operations. Construction reopening guidelines include:

- no visitors at the worksite.
- continued social distancing measures.
- stagger work start, stop and lunch times (where practicable).
- workers wear company provided facemasks.
- accessible washing stations and/or hand sanitizers.

New Hampshire

Safety Precautions

Effective immediately, customers of restaurants are permitted to dine outside with social distancing and responsible hygiene procedures in place.

New Mexico

Retirement Savings

Effective July 1, 2020, through the New Mexico Work and Save Act, employers will have access to a retirement marketplace and a State-run savings program (on a voluntary basis) – the initiative is expected to be launched six months after the marketplace begins operations.

New Mexico

Safety Precautions

Effective May 16, 2020, (excluding the State's northwest portion) retailers, offices, and call centers are permitted to reopen at 25 percent capacity. Big box stores and larger retailers may open at 20 percent capacity, while places of worship can reopen at 10 percent capacity. Further, under executive order, individuals are required to wear facemasks in public spaces.

New York

Business Operations

Effective immediately, the Central New York, North Country, Finger Lakes, Southern Tier, Western New York and Mohawk Valley regions meet the criteria for Phase 1 of the State's reopening plan. Under Phase 1, the following industries may resume operations; construction, manufacturing & wholesale supply chains, agriculture, forestry and fishing. Retail may reopen with curbside services only.

Ohio

Business Operations

Effective May 21, 2020, the following sectors will be permitted to reopen. May 21, 2020 - horse racing with no spectators. May 22, 2020 - gyms and fitness centers. May 26, 2020, public and private swimming pools, non-contact sports and leagues, Ohio Bureau of Motor Vehicle deputy registrar offices (for new or renewed driver's licenses). May 31, 2020 - daycare and summer day camps.

Oklahoma

Business Operations

Effective immediately, sports activities, funerals and weddings, may resume with social distancing protocols in place. Bars may resume operations with diminished standing room capacity under Phase 2 of the State's reopening plan.

Pennsylvania

Safety Precautions

Effective immediately, employers designated as "yellow" in the following counties: (Allegheny, Armstrong, Bedford, Blair, Butler, Cambria, Fayette, Fulton, Greene, Indiana, Somerset, Washington, Westmoreland, Bradford, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, Lycoming, McKean, Mercer, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union, Venango, and Warren) are required to appoint a Pandemic Safety Officer for each location. In addition, the **Covid-19 Safety Procedures for Business** poster must be posted in a common area for employees and a prominent position for customers. The sign can be downloaded here:

<https://www.pa.gov/wp-content/uploads/2020/04/COVID-19-Reopening-Businesses-Flyer-8-5x14-1.pdf>

Rhode Island

Safety Precautions

Effective May 18, 2020, restaurants will be allowed to offer outdoor seating with a maximum party of 5 people. Restaurants will be required to maintain logs of employees and customers for contact tracing purposes. Operating businesses have until May 18, 2020 to develop a written COVID-19 Control Plan detailing precautions they have taken to prevent the spread of the virus.

South Carolina

Safety Precautions

Effective May 18, 2020, barbershops, hair salons, gyms, and pools may reopen while maintaining a social distance of six feet, installing physical barriers at work stations and posting safety and hygiene signs.

South Carolina

Election

Eligible voters will be able to request an absentee ballot for the state's June 9, 2020, primary and runoff elections.

Texas

Safety Precautions

Effective immediately, office spaces, fitness centers, daycare and non-essential manufacturing organizations are permitted to resume operations with a maximum customer capacity of 25 percent.

Utah

Safety Precautions

Effective immediately, all areas will move from the “Orange” to the “Yellow” Phase with the following exceptions: Salt Lake City, West Valley City, Summit County and Grand County. All qualified “Yellow” Phase businesses are permitted to reopen, though face coverings are required in public. In addition, gatherings must be capped at 50 people and industry-specific guidelines must be adhered to.

Vermont

Business Operations

Effective May 22, 2020, hotels, bed & breakfasts and campgrounds are permitted to reopen and take reservations. Non-essential retail businesses will be permitted to reopen May 18, 2020, but must limit occupancy to 25 percent of their legal limit. Additional requirements are expected to be announced shortly.

Virginia

Business Operations

Effective immediately, per executive order, Phase 1 for Northern Virginia will be delayed until May 29, 2020.

Washington

Seattle

Effective immediately, Seattle’s Paid Sick and Safe Time (PSST) has been amended to permit employees to utilize their PSST if a family member or place of care has been closed. In addition, employees working at companies with 250 workers or more are allowed to use PSST if their workplace is closed for any health or safety reason.

Washington

Discrimination

Effective June 10, 2020, Washington's Law Against Discrimination has been amended to include hairstyles historically associated or perceived to be associated with race including, but not limited to, hair texture and protective hairstyles.

West Virginia

Safety Precautions

Effective immediately, fitness centers, gymnasiums and recreation centers can reopen at 40 percent of maximum operating capacity, and must keep equipment separated to allow for at least six feet of space between users.

The information contained in this document is intended for educational purposes and to provide a general understanding of regulatory events, legislative changes and the law – not to provide specific legal advice.