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**GUIDANCE FOR LAW ENFORCEMENT**

FROM: Steve Marshall  
Attorney General  
SUBJECT: Enforcement of "Stay at Home" Order

**THE ORDER**: On April 3, 2020, the State Health Officer issued an amended order suspending certain public gatherings. Effective 5:00 p.m. on Saturday, April 4, 2020, every person is ordered to stay at his or her place of residence except as necessary to perform an "essential activity." The order remains in effect until 5:00 p.m. on April 30th, unless it is extended.

**WHAT'S ALLOWED**: Residents are permitted to leave their homes only to conduct the following nine activities:

- 1) **Obtain necessary supplies** needed for a person, the person's family or pet, or a loved one or friend who is unable to leave his or her home. Includes:
  - Food and other consumer goods necessary to maintain a person's daily routine or to maintain the safety, sanitation, and routine operation of a home.
  - Supplies needed to work from home.
  - Pharmaceutical prescriptions or other medical supplies.
  - Fuel for automobiles or other vehicles or other vehicle supplies.
  - Materials for distance learning and other education-related purposes.
  - Any other supplies necessary to maintain a person's or pet's daily routine or to maintain the safety, sanitation and routine operation of a home or residence.
  
- 2) **Obtain or provide necessary services for a person's family, pet, or a loved one or friend who is unable to leave his or her home.**
  - Dental, medical, or surgical procedures necessary to treat an emergency medical condition (as defined in the order), necessary to avoid serious harm from an underlying condition or disease, or necessary as part of a patient's ongoing and active treatment. All other procedures shall be postponed.

- Government-funded services or benefits.
  - Automobile repair services.
  - Services vital to treat or care for people with disabilities or substance-use disorders.
  - Services related to public or private distance learning or education.
  - Any other services necessary to maintain a person's or pet's health and safety or to preserve the person's ability to perform an essential activity.
- 3) **Attend religious services:** This includes weddings and funerals. Any service attended must meet one of two criteria:
- Either the service must involve fewer than 10 people, and the people must maintain a consistent six-foot distance from each other; OR
  - The event must be a “drive-in” worship service where participants remain in their vehicles for the entirety of the service, the participants in each vehicle all share the same place of residence, AND the participants do not come within six feet of participants in other vehicles.
- 4) **Take care of others:** Care for a family member, friend, or pet in another household, or donate blood, or transport a family member, friend, or pet for activities allowed in the order.
- 5) **Work:** Employees are permitted to leave their houses to work in one of two situations:
- If the employee works for an “essential business or service” as outlined in Attachment 1; OR
  - Where the employee is: a) performing essential work-related activities that maintain the value of a business or other organization; b) performing work-related activities that enable people to work or shop remotely from their residences or to allow people to buy products through drive-through, curbside, or door-to-door delivery; OR c) performing work-related activities that do not require regular interaction within six feet of another person.
- 6) **Engage in outdoor activity:** The activity must involve fewer than 10 people, and the people must maintain a consistent six-foot distance.
- 7) **Seek shelter:** People may leave to seek shelter if required by an essential employer, if residence is unsafe or at imminent risk of becoming unsafe, or to seek help from providers of necessities to economically disadvantaged people, such as food pantries.
- 8) **Travel as required by law enforcement or a court order:** This includes transporting children required by a custody agreement.

- 9) **See family members:** Visit the residence of relatives.

**QUESTIONS AND ANSWERS:**

1) **What if a business is not listed as either essential or specifically closed?** The stay at home order requires every person to stay home except as necessary to perform essential activities. If a business or operation is not specifically listed as essential, then a person may not leave home to work there, unless the employee is doing one of three things: 1) work-related activities to maintain the value of the business (managing inventory, ensuring security, and processing payroll and employee benefits); 2) work-related activities that enable people to work or shop remotely from their residences or to allow people to buy products through drive-through, curbside, or door-to-door activity; OR 3) Work-related activities that do not require any regular interaction within six feet of another person.

2) **How am I to know whether a person is really traveling to or for an essential business or operation?** Operators of essential businesses and operations are permitted to issue credentials to their employees, but this is not required. You may request that an employee call his or her employer to verify the status of the business or organization. Some amount of common sense and discretion is called for, and citations should be reserved for clear violations of the order.

3) **Is all outdoor activity permitted, or only outdoor exercise?** The order states that “outdoor activity” is considered essential, so long as it involves fewer than 10 people and the person maintains a consistent six-foot distance from others. The order does not limit itself to any specific types of outdoor activities. However, certain types of outdoor activity venues are specifically banned, such as beaches, spectator sports, and concert venues (Attachment 2).

4) **For stores that are allowed to remain open such as grocery stores, how many people are allowed inside?** The order clarifies earlier questions about how many people are allowed inside “essential retailers” such as grocery stores, pharmacies, and “big box” stores. The order requires stores to limit occupancy to no more than 50 percent of the normal occupancy load as determined by the fire marshal, to post this “emergency maximum occupancy rate” in a conspicuous place, and to enforce this requirement. Retailers may not knowingly allow customers or patrons to congregate within six feet of one another.

5) **How can I make a determination whether certain health care facilities or procedures are permitted?** The order requires that all dental, medical, or surgical procedures be postponed unless necessary to treat an emergency medical condition (as defined), necessary to avoid serious harm from an underlying condition or disease, or necessary as part of a patient’s ongoing and active treatment. This order applies to all health care facilities and providers, without exception. Absent additional information, health care providers are

normally responsible for making the determination about what procedures do and do not comply with this order.

6) **May a law enforcement officer conduct a traffic stop merely to inquire about compliance with the current State Health Officer's order?** No. The singular fact that an individual is driving on a public highway is not a sufficient basis to create reasonable suspicion to engage in a traffic stop to determine if the person is in violation of the order. Law enforcement would need additional specific, articulable facts that a driver was in violation of the order before making the traffic stop.

**ENFORCEMENT:** While some restraint is advisable, if a violator has been made aware of the state health order and the refusal to comply presents a threat to public health and safety, Alabama Code §22-2-14 provides that knowingly violating or refusing to obey or comply with this order is a Class C misdemeanor punishable by a fine of up to \$500.00. If the violation or failure or refusal to obey or comply is continuing, each day's violation is a separate offense.

**PROTECTION AGAINST EVICTIONS:** In addition to the order issued by the State Health Officer, the Governor issued an order on April 3, 2020 under her emergency powers. This order protects against evictions by directing all state, county, and local law enforcement officers to cease enforcing any order that would result in the displacement of a person from his or her place of residence.

## ATTACHMENT 1: ESSENTIAL BUSINESSES AND OPERATIONS



### Government Operations and Essential Services

Public safety and first responders  
Law enforcement  
Fire prevention and response  
Courts and court personnel  
Military  
Emergency management personnel  
Corrections  
Probation and parole  
Child protection  
Child welfare  
EMTs  
911 call-center employees  
All workers and vendors that support law enforcement and emergency management operations and services

Other federal, state, tribal, or local officials or employees  
Logistics, transportation, and technology support  
Childcare programs and services  
Medical waste disposal  
Hazardous waste disposal  
Services needed to ensure the continuing operation of an essential business or operation  
Operation of government agencies  
Services to provide for the health, safety, and welfare of the public



### Health Care Providers and Caregivers

Physicians  
Dentists  
Mental health workers  
Nurses  
Chiropractors  
Physical therapists  
Veterinarians  
Hospitals/clinics  
Medical practices  
Research and laboratory operations  
Hospice  
Health care facilities  
Clinical staff  
Nursing homes

Residential health care facilities  
Adult day care centers  
Blood banks  
Congregate-care facilities  
Assisted living facilities  
Elder care  
Medical wholesale and distribution  
Home health workers and aides  
Medical supply and equipment manufacturers and providers  
Medical waste disposal  
Hazardous waste disposal  
Other ancillary health care services



## Infrastructure Operations

Electric, natural gas, and water utilities  
Nuclear facilities and other generating facilities  
Utility poles and components  
Fuel pipelines and transmission systems  
Petroleum producers  
Telecommunications  
Electronic security and life safety services  
Wireless communication companies  
Communications sales and customer support  
Telecommunications and data centers  
Cybersecurity operations  
Businesses and other operations concerned with flood control  
Aviation and the maintenance, operation, or construction of dams  
Airports  
Ports

Roads and highways  
Mass transit  
Automotive sales and repair  
Vehicle rental and taxi services  
Network providers (such as Uber and Lyft)  
Freight and passenger rail  
Motor carriers  
Pipelines  
Other transportation infrastructure and businesses  
Water and waste water systems  
Transportation companies such as airlines and bus lines  
Hazardous waste disposal  
Hotels and commercial lodging services  
RV parks



## Manufacturing Facilities

Food processing and production  
Companies that produce pharmaceuticals, food additives, medical equipment, medical devices and supplies, technology, biotechnology, chemical products, and telecommunications products  
Automotive production and suppliers  
Airplane, ship, and space vehicle or rocket manufacturers  
Companies involved in healthcare, energy, steel and steel products, fuel and petroleum exploration and production, lubricants, greases and engine oils, mining, national defense, sanitary and cleaning products, household products, personal care products, and products used by any other essential business or operation



## Agricultural Operations and Farms

Food cultivation  
Livestock, cattle, poultry and seafood operations  
Transportation of agricultural products  
Livestock auctions  
Feedlots  
Dealers and brokers of livestock  
Farmer's markets  
Feed stores

Repairers and suppliers of agricultural equipment  
Gas, diesel and petroleum suppliers  
Companies involved with aquaculture, horticulture, and chemicals, including pesticide, herbicide, and fertilizer producers and distributors

Forest products businesses, including those involved in forestry operations, logging, manufacture of lumber and paper products  
Meat processing facilities

Rendering facilities and transporters  
Feed processing facilities  
Veterinary services



### **Essential Retailers**

Supermarkets  
Food and beverage stores, including liquor stores and warehouse clubs  
Food providers  
Convenience stores  
Office supply stores  
Bookstores  
Computer stores  
Pharmacies  
Health care supply stores

Hardware stores  
Home improvement stores  
Building materials stores  
Stores that sell electrical, plumbing, and heating materials  
Gun stores  
Gas stations  
Auto, farm equipment, bicycle, motorcycle, and boat supply and repair stores  
Businesses that ship or deliver groceries, food, and goods directly to residences



### **Restaurants and Bars**

Take-out or deliver services only. Establishments must follow social distancing protocols, including maintaining a consistent six-foot distance between persons.



### **Essential Personal Services**

Trash collection  
Mail and shipping services  
Home repair  
Automotive sales and repair  
Warehouse, distribution, and fulfillment centers  
Kennels  
Animal shelters

Laundromats/laundry service  
Drycleaners  
Childcare facilities  
Public transportation  
Providers of business services, including security and payroll  
Funeral, cemetery, and related services



### **Media Operations**

Newspapers  
Digital news sites  
Television

Radio  
Other media services



## Education Operations

Educators supporting public and private K-12 schools, colleges and universities or other educational institutions, for purposes of facilitating distance learning and education continuity plans approved by the State Superintendent of Education, performing critical research or other essential functions, including public schools preparing and transporting distance-learning materials and meals to eligible students and colleges providing lodging for students, all in compliance with earlier direction.



## Financial Services

Banks and related financial institutions  
Credit unions  
Payday lenders

Businesses that process credit card and other financial transactions  
Other services related to financial markets



## Professional Services

Legal services  
Accounting services  
Insurance services  
Real estate services (including appraisal and title services)

Providers of basic necessities to economically disadvantaged population:  
Businesses  
Religious and secular non-profit organizations  
Foodbanks  
Homeless shelters  
Congregate-care facilities



## Construction and Construction-Related Services

Building and construction  
Lumber  
Building materials and hardware businesses  
Electricians  
Plumbers  
Other construction tradesmen and tradeswomen  
Exterminators  
Cleaning and janitorial

HVACR and water heating businesses  
Painting  
Moving and relocating services  
Other skilled trades  
Other related construction firms and professionals for maintaining essential infrastructure





### **Essential Public Services**

*(Services necessary to maintain the safety, sanitation and essential operations of residences and essential businesses and essential business operations)*

Law enforcement  
Fire prevention and response  
Firearm and ammunition manufacturers and retailers  
Building code enforcement

Security  
Emergency management and response  
Building cleaning including disinfection  
Automotive sales and repair  
Mortuaries and cemeteries



### **Military or Defense Operations**

Includes employers and personnel who support the essential products and services required to meet national security commitments, including personnel working for companies and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense and government-owned/contractor-operated and government-owned/government-operated facilities.



### **Religious Entities, Including Religious and Faith-Based Facilities, Entities and Groups**

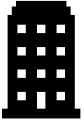
Including Religious and Faith-Based Facilities, Entities and Groups. This includes weddings and funerals. Any service attended must meet one of two criteria:

1. The service must involve fewer than 10 people, and the people must maintain a consistent six-foot distance from each other; OR
2. The event must be a “drive-in” worship service where participants remain in their vehicles for the entirety of the service, the participants in each vehicle all share the same place of residence, AND the participants do not come within six feet of participants in other vehicles



### **Federally-Designated Essential Businesses and Operations**

Defined as workers and related industries identified by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) in its “Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response,” as may be amended.



## **Other State-Designated Essential Businesses and Operations**

Businesses and operations deemed essential by the Alabama Department of Public Health or the Alabama Emergency Management Agency. Employees, contractors, agents, suppliers, or vendors of an essential business or operation as defined in the order.

**ATTACHMENT 2: BUSINESSES, VENUES, AND ACTIVITIES CLOSED TO NON-EMPLOYEES OR THAT SHALL NOT TAKE PLACE**



**Entertainment Venues**

Night clubs  
Bowling alleys  
Arcades  
Concert venues  
Theaters, auditoriums, and performing arts centers  
Tourist attractions (including museums and planetariums)

Racetracks  
Indoor children's play areas  
Adult entertainment venues  
Adult novelty stores  
Casinos  
Bingo halls  
Venues operated by social clubs



**Athletic Facilities and Activities**

Fitness centers and commercial gyms  
Spas and public or commercial swimming pools  
Yoga, barre, and spin facilities  
Spectator sports  
Sports that involve interaction with another person of closer than 6 feet  
Activities that require use of shared sporting apparatus and equipment  
Activities on commercial or public playground equipment



**Close-contact Service Providers**

Barber shops  
Hair salons  
Waxing salons  
Threading salons

Nail salons and spas  
Body art facilities and tattoo services  
Tanning salons  
Massage therapy establishments and services