



## Extensive Texas Shelter-in-Place and Stay at Home Orders by County

A comprehensive list of Texas counties and cities with shelter-in-place or stay-at-home orders is below. Note that this does not cover counties that may have less restrictive orders in place, similar to the restaurant and bar bans that were prevalent last week (*i.e.*, a county or city's absence from this list does not mean there are no restrictions in place, just that a shelter-in-place order has not yet been issued).

Statewide:

**Executive Order GA-08** - ordering limited business closures and restricting social gatherings to 10 people or less

Counties with Shelter-in-Place or Stay-at-Home Orders:

North Texas

- **Brown County**
- **Castro County**
- **Scurry County**

DFW

- **Collin County**
  - City of **McKinney**
  - City of **Richardson**

- City of Frisco
- Dallas County (Dallas)
- Denton County
- Hunt County
- Kaufman County
- Rockwall County
- Tarrant County (Fort Worth)
- City of Saginaw

#### Central Texas

- Bell County
- Bexar County (San Antonio)
- Brazos County
- Burnet County
- Hays County
- City of Lampasas
- McLennan County (Waco)
- City of New Braunfels
- Robertson County
- Travis County (Austin)
- Williamson County

#### Houston Area

- Brazoria County
- Fort Bend County
- Galveston County
- Harris County (Houston)

#### East Texas

- City of Beaumont
- Gregg County (City of Longview)
- The City of Gun Barrel
- Polk County
- City of Van

#### South Texas

- City of Alice
- Cameron County
- Hidalgo County
- Nueces County (Corpus Christi, Port Aransas)
- Kleberg County
- Starr County
- Willacy County

#### West Texas

- El Paso County

Broadly Applicable:

CISA Guidance: <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>

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Bexar County Judge Nelson Wolff issued a “Stay at Home, Work Safe” Executive Order for Bexar County, which took effect at 11:59 pm on March 24, 2020, and will remain in place for a period of 15 days.

Under the order, all persons residing in Bexar County are to remain at home, except to engage in certain allowed activities. The order allows persons to leave their home for activities related to health and safety, obtaining necessary supplies, outdoor activities, and work at exempted businesses. Under the order, persons are permitted to make trips to get groceries, take-out delivery, and complete other essential tasks. Whenever a person leaves their home, appropriate social distancing measures are required.

All businesses except those deemed "Exempted Businesses" are required to cease activities under the order; however, non-exempt businesses may allow their employees to work from home. Additionally, non-exempt businesses may maintain limited onsite operations necessary to safeguard the premises, equipment, inventory, or maintain IT networks. Exempted Businesses include the 16 sectors identified by the National Cybersecurity and Infrastructure Agency (CISA), as well as a broad list of businesses including healthcare, government, infrastructure, transportation, IT, services necessary to support exempt businesses, as well as others.

Anyone who is sick should stay home and not leave their residence. If someone in a household tests positive for COVID-19, other members of the household should quarantine if they become symptomatic. The order prohibits nursing homes, retirement, and long-term care facilities from allowing access to non-essential visitors unless they are providing medical assistance or visiting a friend or family member expected to pass away soon.

The Bexar County order remains in effect until 11:59 p.m. on April 9, 2020.

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Travis County Judge Sarah Eckhardt issued a "[Stay at Home](#)" Order on March 24, 2020, that instructs all "Non-Essential Business operations must cease" except for to conduct "Minimum Basic Operations." The order notably does *not* incorporate the 16 CISA Sectors in its definition of "Essential Businesses, Essential Government Functions and services, and Critical Infrastructure," although the City of Austin's order *does* incorporate the CISA sectors. The order's definition of these exempt entities, however, is equally broad.

"Essential Businesses" includes, but is not limited to:

- Healthcare Operations, defined broadly to include not only healthcare providers, but also pharmaceutical and biotech companies, healthcare suppliers, medical research and laboratory services, and "any related and/or ancillary healthcare services." Animal care and home- and residential-based adult and child care are also included. Explicitly excluded are gyms and fitness facilities, elective procedures, and retailers selling e-cigarettes or "cannabidiol products;"
- Retailers of canned food, dry goods, and fresh produce and meats, as well as pet supplies, household consumer products, and hardware;
- Food cultivation and agriculture;
- News media;
- Transportation and transportation-related businesses and facilities, including gas stations and automobile sales, supplies, and repairs, airports, and taxis;
- "Financial Institutions," including banks, lenders, credit unions, appraisers, title companies, and related institutions;
- "Critical Trades," such as plumbers and electricians, that are required for safe and sanitary operation of residences and businesses, although "discretionary maintenance and improvements" are not included;
- Mail and delivery services;
- IT services;
- Professional services including legal, accounting, insurance, and real estate, where necessary to comply with law;
- Residences, hotels, and motels;
- Those providing supplies and services for people working from home, or those providing necessary supplies and services for other Essential Businesses or Critical Infrastructure.

"Critical Infrastructure" includes any public or private facilities, assets, functions, or sectors "vital to the security, governance, public health, safety, and economic continuity of Travis County." There is significant overlap between this list and those included under "Essential Businesses." This list includes, but is not limited to:

- Power, water, telecommunications, natural gas, public utilities, sanitation services, and public works;
- Critical manufacturing;
- Information and communications;
- Emergency, public health, and medical services, including fire and law enforcement;
- Government buildings or facilities;
- Construction, including that of public works, affordable housing, and social services, as well as construction supporting other Essential Businesses or Critical Infrastructure.

All businesses, even non-essential ones, are allowed to maintain "Minimum Basic Operations" including activities to maintain inventory value, ensure security, process payroll and employee benefits, "or for related functions," as well as to facilitate employees working from home or clients receiving services remotely.

All businesses continuing any form of operations must also suspend nonessential employee travel, provide 6 feet of social distancing for employees and the general public, minimize in-person activities, and stagger schedules, as is feasible. Employers must also screen employees for illness and COVID-19 related symptoms before entering the facility, and require any employee that is ill or experiencing symptoms to go home and stay home. While taking employees temperatures is not required, if an employee does take an employee's temperature or otherwise learn that an employee's temperature exceeds 99.6°F, then that employee must also be sent home and prohibited from returning to work. The order also reserves the right to later mandate employers take employee temperatures.

Similar to most orders in the state, violations are punishable by up to a \$1,000 fine and/or 180 days' imprisonment.

The Travis County order expires at 11:59 p.m. on April 13, 2020.

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Brazoria County Judge L.M. "Matt" Sebesta, Jr. issued a "**Stay Safe At Home**" Order on March 25, 2020 which took effect at 6 p.m. on March 26, 2020. The order provides that all individuals anywhere in Brazoria County may leave their residence only for "Essential Activities" (defined on page 2 of the order), or to provide or perform "Essential Governmental Functions" (defined on page 3 of the order) or to operate "Essential Businesses" (also defined on page 3 of the order).

Essential Activities include activities and tasks essential to the health and safety of an individual's family and household (including pets), to obtain necessary services or supplies for their family and household members or deliver those necessary services or supplies to others (like food, pet supplies and consumer products), and to engage in outdoor activities provided social distancing is practiced.

In enumerating the Essential Businesses allowed to remain open, the Brazoria County order incorporates by reference the "**Essential Critical Infrastructure**" sectors identified by CISA as Essential Businesses. As noted in our previous [client alert](#), the CISA guidance considers a broad range of electricity, petroleum, natural and propane gas, and chemical workers as Critical Infrastructure. In effect, the entire supply chain for energy-related industries is deemed essential. Further, any operations that are "necessary for the manufacturing of materials and products" demanded by the energy or chemical manufacturing supply chains are also exempt from closure. The CISA guidance on Essential Businesses includes, among others, business sectors for construction, telecommunications, defense and national security.

Essential Businesses also include Essential Healthcare Operations, Essential Government Functions, Essential Retail, Providers of Basic Necessities to Economically Disadvantaged Populations, Essential Services to Maintain Essential Operations of Residences or other Essential Businesses, News Media, Childcare Services and Labor Union functions (see defined terms starting on page 3 of the order for more detail). All other businesses operating within Brazoria County, except for these defined Essential Businesses are required to cease all activities at facilities in the county but employees or contractors may continue to perform business activities of non-essential businesses at their own residences. Similar to Harris County, the Essential Businesses that remain in operation must to the greatest extent possible follow Social Distancing of at least six feet for both employees and the general public.

The Essential Retail provider list for Brazoria County is similar to that listed in orders issued by other counties, and includes grocery stores, warehouse stores, liquor stores, gas stations and convenience stores but adds school and construction supply stores, auto dealerships and vehicles for hire. Essential Retail also includes businesses that ship or deliver groceries and restaurants that prepare and serve food for delivery and/or carryout. All delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies or equipment in Brazoria County have been suspended for the next sixty (60) days.

Finally, Brazoria County recommends that individuals who are 65 and older or who have compromised immune systems or underlying health conditions, remain indoors, exercise outdoors alone, ask all visitors to wear masks, do not visit places (including homes) with more than one person and avoid public transit except in an emergency.

The Brazoria County order expires at 11:59 p.m. on April 3, 2020.

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Harris County Judge Lina Hidalgo issued a "**Stay Home, Work Safe**" Order taking effect at 11:59 p.m. on March 24, 2020. The order requires residents to remain inside except for "Essential Activities," and requires non-essential businesses close their facilities. "Essential Activities" includes activities related to health and safety, but also allows people to shop for household consumer products and supplies needed to work from home, and to "perform work providing essential products and services at an Essential Business." In enumerating the Essential Businesses allowed to remain open, the Harris County order incorporates the 16 "**Essential Critical Infrastructure**" sectors identified by the National Cybersecurity and Infrastructure Agency (CISA) as "Essential Businesses."

As noted in our previous **client alert**, the CISA guidance considers a broad range of electricity, petroleum, natural and propane gas, and chemical workers as critical infrastructure. In effect, the entire supply chain for energy-related industries is deemed essential. Further, any operations that are "necessary for the manufacturing of materials and products" demanded by the energy or chemical manufacturing supply chains are also exempt from closure.

In addition to energy industry operations and other essential critical infrastructure work, the Harris County order also considers the following operations, which are not exhaustive, to be "Essential Businesses":

- essential healthcare operations;
- essential retail;
- activities of the National Aeronautics and Space Administration (NASA);
- activities of the Port of Houston;
- professional services assisting in compliance with legally mandated activities or servicing Essential Business, Government, or Critical Infrastructure entities, such as legal, accounting, insurance, and real estate services;
- construction and transportation functions, which are broadly defined as essential; and
- airports and airline operations, along with the hotels that serve Essential Businesses.

The "Essential Retail" list is similar to those listed in other orders that have been issued across the

state, providing that retailers offering, among other things, food products and household staples, food production, shipping or delivery services, to-go food, laundry or dry cleaning services, automobile supplies and repairs, and products for those working remotely are exempt from the closure order.

Essential Businesses that remain in operation must comply with "infection control precautions," including:

- ensuring all individuals, including both employees and the general public, keep a 6 foot distance apart;
- providing access to hand washing facilities with soap and water or hand sanitizer with at least 60% alcohol;
- posting signage barring entry for those suffering from symptoms of a respiratory illness (including a fever or cough); and
- adhere to other general communicable disease control recommendations by public health authorities.

Further, the order exempts closure of childcare facilities which provide services to enable other exempted employees to work in accordance with the order. Essential Businesses should also consider posting the Harris County order on their premises and making copies of it available to the public.

Any industry or business not fitting in the categories set forth in the order can seek an exemption from the order by submitting an application form and evidence that continuing operations is "essential to promoting the general welfare of the residents of Harris County and the State of Texas." Businesses that retool their operations to fit the "Essential Business" criteria can also submit an application for exemption. This application can be found at [www.ReadyHarris.org](http://www.ReadyHarris.org), according to the order, although it does not appear to be immediately available.

The Harris County order requires that all persons who are sick or experiencing COVID-19 symptoms or who reside in a household with an individual that tested positive for the virus are required to stay home.

The Harris County order expires at 11:59 p.m. on April 3, 2020.

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Fort Bend County Judge KP George issued a "**Stay Home to Save Lives**" Order taking effect at 12:01 a.m. on March 25, 2020. The order requires residents to remain inside except for "Essential Activities," and requires non-essential businesses close their facilities. "Essential Activities" includes activities related to health and safety, but also allows people to shop for household consumer products and supplies needed to work from home, and to "perform work providing essential products and services at an Essential Business." In enumerating the Essential Businesses allowed to remain open, the Fort Bend County order incorporates the 16 "**Essential Critical Infrastructure**" sectors identified by the National Cybersecurity and Infrastructure Agency (CISA) as "Essential Businesses."

As noted in our previous **client alert**, the CISA guidance considers a broad range of electricity, petroleum, natural and propane gas, and chemical workers as critical infrastructure. In effect, the entire supply chain for energy-related industries is deemed essential. Further, any operations that are "necessary for the manufacturing of materials and products" demanded by the energy or chemical manufacturing supply chains are also exempt from closure.

The "Essential Retail" list is similar to those listed in other orders that have been issued across the state, providing that retailers offering food products and household staples, food production, shipping or delivery services, to-go food, laundry or dry cleaning services, automobile supplies and repairs, and products for those working remotely are exempt from the closure order.

Similar to Harris County, the Essential Businesses that remain in operation must also as reasonably as possible follow Social Distancing of at least six feet and take other measures in accordance with current CDC guidelines.

The Fort Bend County order expires at 11:59 p.m. on April 3, 2020.

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Galveston County Judge Mark Henry issued a shelter-in-place order for Galveston County which took effect on March 23, 2020, at 11:59 pm. Pursuant to such order, all individuals currently living within the county are ordered to remain at their place of residence (including hotels, motels, shared rentals, etc.), and all businesses are required to cease operations with the exception of those deemed "Essential Businesses" or "Essential Critical Infrastructure." These categories are nearly identical to the Dallas County order; all 16 "Essential Critical Infrastructure" sectors identified by the National Cybersecurity and Infrastructure Agency (CISA) are incorporated, as well as the same broad list of "Essential Health Care Services" and "Essential Retail." Further, the order exempts closure of childcare facilities which provide services to enable other exempted employees to work in accordance with the order.

Businesses which qualify for exemption are required, to the greatest extent possible, to comply with social distancing guidelines, including maintaining six foot social distancing for employees and the general public.

The Galveston County order remains in effect until April 3, 2020.

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Collin County Judge Chris Hill issued a shelter-in-place order for Collin County, which took effect immediately on March 24, 2020, and will remain in place for a period of 7 days. Under the order, all persons in Collin County are ordered to stay home while not engaged in essential activities. The order notes that all businesses, jobs, and workers are essential to the financial health of the county and to its citizens' well-being. However, the order clarifies that entertainment activities are not considered essential activities.

The order requires that all persons who are sick or experiencing COVID-19 symptoms or who reside in a household with an individual that tested positive for the virus are required to stay home. Finally, all persons who are believed to be at higher risk of infection are required to stay home. The order does not prevent Collin County citizens from leaving their home to seek necessary and medical or emergency care.

In line with many other orders, businesses that remain open must respect social distancing norms and provide a safe and healthy environment for their workers.

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Tarrant County Judge B. Glen Whitely issued a "Stay at Home" Order on March 24, 2020, requiring all businesses to close, except those deemed "Essential Businesses" or "Essential Critical Infrastructure." These categories are nearly identical to the Dallas County order: all 16 "Essential Critical Infrastructure" sectors identified by the National Cybersecurity and Infrastructure Agency (CISA) are incorporated, as well as the same broad list of "Essential Health Care Services" and "Essential Retail." The only substantive addition is an exemption for hotels, motels, and shared rental units.

One notable departure is that, as long as social distancing is practiced, non-essential businesses are allowed to maintain "Minimum Basic Operations." These activities include:

- payroll and employee benefits;
- security;
- property upkeep and maintenance of premises, equipment, or inventory;
- IT or other functions that facilitate remote work; and
- online or call-in sales and in-store repair services, as long as all facilities remain closed to the public.

The Tarrant County order remains in effect until April 7, 2020.

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**Dallas County** As summarized in a prior **client alert**, Dallas County, Tarrant County and Travis

County have all specifically ordered that six-foot social distancing precautions should be taken, even in private settings or at work. Ensuring adequate space for employees and the general public to comply with this order is also advisable. This is also in-line with the CISA's recommendations, which encourage essential operations to utilize remote working setups as frequently as possible and, where remote work is not possible, to stagger shifts in order to limit direct interaction.

In counties where a shelter-in-place order is in effect, such as Dallas County, businesses may consider issuing written letters to employees who will be required to travel to and from work at an essential business. These letters should identify the employee as necessary to operations, and cite the provisions of the various orders that might apply to the business. Travel Letters can help explain the situation to employees and provide peace of mind during such a confusing time. Large operations, such as construction projects, refineries or petrochemical plants, may consider providing notice to local authorities that they are remaining open in accordance with the applicable orders. Dallas County's order also suggests that impacted businesses post the order and make copies available upon request.

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## Trends Across Texas County Orders

The majority of the orders above also contain some form of the following provisions:

- Business which support other essential business or work-from home business are exempted (e.g., child care).
- Employers likely to be impacted are encouraged to post a copy of this order onsite and provide copies to the public.
- Homeless individuals and those who participate in permitted outdoor activities should continue to practice social distancing.

The orders differ on enforcement, but nearly all instruct that noncompliance could be punished by a fine of up to USD 1,000 and 180 days imprisonment.

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## Baker McKenzie Global Coronavirus Resource Center

Baker McKenzie has put together a global resource center for all key insights and upcoming webinars as a central repository to assist our clients understand, prepare and respond quickly to the significant legal and business challenges posed by COVID-19. Please use the following link to visit the [Coronavirus Resource Center](#) for additional resources. Baker McKenzie understands that these times are challenging for all our clients and we want to assure you we are here to assist.

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