

# Arizona Extends Stay Home Order, Allows Phased Reopening of Certain Businesses

May 1, 2020

## Related Services

COVID-19

Workplace Safety and Health

Arizona Governor Doug Ducey has issued [Executive Order \(EO\) 2020-33](#), extending the state's Stay Home, Stay Healthy, Stay Connected Order, until May 15, 2020.

The new EO reiterates the importance of physical and social distancing measures and lays out a step-by-step approach to reopening parts of Arizona's economy. The EO provides new guidance to retailers not deemed "essential" in the Governor's [EO 2020-12](#).

### Retail Businesses

EO 2020-33 allows retail businesses to begin partial operations, including sale of goods through delivery, window, walk-up, drive-through, and drive-up service and curbside delivery, so long as they establish and implement sanitation and physical distancing measures (at least six feet from any other person) consistent with those recommended by the U.S. Department of Labor and the Arizona Department of Health Services.

On May 8, 2020, retailers may expand in-person operations to include shopping in stores, so long as they continue to observe proper social distancing and sanitation measures.

The new guidance applies only to retailers selling goods, not services. Indoor shopping malls and other enclosed or confined areas also must continue to limit operations, and retailers located within such buildings may operate only through delivery, curbside service, or appointment.

### "Essential Functions" Businesses

All businesses already classified as Essential Functions may remain open, but they are directed to observe proper social distancing and sanitation measures.

### Other Businesses

Businesses not deemed "essential" may continue to conduct business activities that do not require in-person, on-site transactions. They are encouraged to continue basic operations to maintain the value of any inventory, preserve the condition of physical plants and equipment, ensure security, process payroll and employee benefits, facilitate employees' ability to continue to work remotely from their residences, and other necessary functions, including mail pickup.

### Other Provisions

EO 2020-33 reiterates that individuals in Arizona must limit their time away from their place of residence or property, except for participation in Essential Activities (including grocery shopping, seeking medical attention, caring for a family member or pet, exercising outdoors, and engaging in constitutionally protected speech), employment in Essential Functions, and utilization of Essential Business services.

No person who leaves their residence or property is required to provide documentation or proof of their activities to justify them under the Executive Orders.

## Next EO Considered

The Governor also announced he is planning to make a determination regarding allowing restaurants to offer dine-in services to customers as early as May 12, 2020. The Governor called that date the “best case scenario,” not a definite date. In the meantime, restaurants and food services may continue providing delivery or take-away services, so long as proper physical distancing and sanitation measures are established and implemented. The Governor will continue to coordinate with public health officials and will provide additional guidance for restaurants soon.

EO 2020-33 follows recent guidance from the federal government regarding the criteria states must meet before allowing gatherings of people and opening businesses that have been closed due to COVID-19. Since issuance of EO 2020-18, *Stay Home, Stay Healthy, Stay Connected*, on March 30, 2020, Arizona hospitals and intensive care units have undertaken significant efforts to increase capacity and increase the availability of Personal Protective Equipment (PPE) needed to face the potential for an increase in patients needing treatment for COVID-19. However, the phased, strategic reopening of businesses and services is informed by the data showing still significant numbers of people testing positive for COVID-19 in Arizona.

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Employers should consider how EO 2020-33 affects their workplaces and consider what steps they should take to prepare their workforce to return to work.

Jackson Lewis has a [dedicated team](#) tracking and responding to the developing issues facing employers as a result of COVID-19. Please contact a team member or the Jackson Lewis attorney with whom you regularly work if you have questions or need assistance.

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