



March 21, 2020

What Does the Governor's Declaration of Emergency Mean for Nevada Businesses?

On March 20, 2020, Nevada Gov. Steve Sisolak issued [Declaration of Emergency Directive 003](#) (the "Directive") and ordered non-essential businesses, as defined by [separate emergency regulations](#), to close effective March 20, 2020, at 11:59 p.m. This order is in effect until April 16, 2020, unless renewed by a subsequent directive.

The Directive and related regulations are aimed at providing further guidance to businesses in the state by defining which businesses are deemed "essential" and may remain open, and which businesses are deemed "non-essential" and must close and remain closed for the duration of the Directive. The non-essential businesses are divided into two broad categories: (1) those that promote recreational and social gathering activities; and (2) those that promote extended periods of public interaction where the risk of transmission is high. The first category includes, but is not limited to, nightclubs, theaters, massage parlors, live entertainment establishments and brothels. The second category includes, but is not limited to, fitness centers and gyms, beauty and barber shops, and nail, waxing and/or tanning salons.

Essential businesses, as defined by the Directive, include health care providers, veterinary services, grocery stores, pharmacies, financial institutions, hardware stores, convenience stores, security services and gas stations. Also allowed to remain in operation are construction, mining, manufacturing and infrastructure sector businesses. The continued operation of these types of businesses must be in accordance with social distancing guidelines and must adhere to all COVID-19 risk mitigation policies, measures or guidelines issued by the governor or other regulatory bodies.

The Directive permits restaurants and other food establishments to continue operating, but only by way of take-out, drive-thru, or curbside pickup or delivery, and in accordance with social distancing guidelines. Hotels were addressed in a [previously issued directive](#) that provided that hotels may continue operations to avoid guest displacement or for essential or emergency operations. Finally, the Directive provides that businesses that are not delineated in the Directive itself, or in the related regulations, other than those engaged in retail sales, may continue operations if they are able to implement social distancing safeguards and avoid contact with the general public.

The Directive also clearly provides that businesses that do not comply with the Directive and the regulations, after receiving written notice from law enforcement, may be subject to criminal prosecution and civil penalties under applicable provisions of Nevada law. Additionally, the Directive authorizes local and county governments to enforce the Directive. Clark County immediately took action and held an emergency meeting on March 20, 2020, to approve an [ordinance](#) providing enforcement mechanisms to relevant departments. Violations of the Directive could result in

suspension or revocation of a business license, administrative penalties or a criminal misdemeanor charge.

As the situation progresses, Gov. Sisolak has made it clear that he will continue to take any action he deems necessary to protect the health and well-being of Nevada residents. If you are not sure whether your business is deemed essential or non-essential under the Directive, or have other questions about the details of the Directive and/or the related regulations, please contact any one of the members of our team identified below. Brownstein's **COVID-19 Task Force** is monitoring the situation and is available to provide advice on what it all means.

[Click here](#) to read more Brownstein alerts on the legal issues the coronavirus pandemic raises for businesses.

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This document is intended to provide you with general information regarding impact of Nevada Gov. Steve Sisolak's Declaration of Emergency Directive 003. The contents of this document are not intended to provide specific legal advice. If you have any questions about the contents of this document or if you need legal advice as to an issue, please contact the attorneys listed or your regular Brownstein Hyatt Farber Schreck, LLP attorney. This communication may be considered advertising in some jurisdictions.