

IMPORTANT COVID-19 UPDATE

WHICH EXECUTIVE ORDERS TAKE PRECEDENCE WHEN REOPENING YOUR BUSINESS?

As if things are not complicated enough for businesses as they re-open, many may wonder what to do if a mayor issues an executive order that conflicts with one the governor of the state issues? Do the rules of preemption apply? Counsel for the Council of Insurance Agents and Brokers answered the question as follows:

This is a cluster like so much else right now. In some states, the governors purport to override any local restrictions (Texas); in others, localities are specifically authorized to maintain tighter restrictions (California theoretically); and in a third set of states, localities can apply for approval to maintain tighter restrictions (Colorado). The bottom line is that you need to check the applicable state and local rules that apply to any given location to determine if there is a potential conflict and then decide how you want to proceed. In most cases, there is no requirement that a business “reopen” or otherwise maintain operations, so if you are risk-averse, that might be the path of least resistance. But, as with all things at the state level, even that has caveats, as some states have ordered “essential” businesses (as they each define them) to maintain normal business operations (Arizona).

In light of the foregoing, the [state by state tracker](#) has been updated to state the discretion granted to local officials under a given state’s reopening order.

Please visit our [COVID-19 Resource Center](#) for more information.