WHITE & CASE

COVID-19 – KEY PROVISIONS TRACKER FOR SHELTER IN PLACE, SAFER AT HOME, AND OTHER WORK REDUCTION ORDERS FOR KEY JURISDICTIONS

	Key Topics Covered ¹		Indiana	Maryland	Massachusetts	Michigan	Ohio
			Statewide	Statewide	Statewide	Statewide	Statewide
Restrictions on Individuals'	Stay Home Requ	irements	✓			✓	✓
Movements	Exempt Activitie	s from Stay Home Requirements	✓			✓	✓
	Public Gathering	s Restrictions	✓	✓	✓	✓	✓
Restrictions on Businesses and	Business Restrict	tions	✓	✓	✓	✓	√
Operations	Exempts Businesses, Sectors, Operations, and/or Services from Business Restrictions		√	✓	*	✓	·
	Examples of Exemptions	Exempts 16 critical infrastructure sectors	✓	✓		✓	✓
		Exempts certain healthcare operations	✓		✓	✓	✓
		Exempts certain essential infrastructure	✓		✓	✓	✓
		Exempts certain essential retail businesses or operations such as grocery stores, convenience stores, laundromats, banks and related financial institutions, pharmacies, restaurants (for take-out/delivery), and other retail food stores, manufacturers, suppliers, distributors and/or services	✓	*	√		✓
		Exempts certain businesses that supply or support other necessary businesses	✓		1	✓	√
		edures for Government to Confirm Case-by-Case Exempt sses or Operations			*		
	Penalties	Civil			✓		
		Criminal	✓	✓	✓	✓	✓

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¹ This document represents a summary of the laws and does not purport to explain all circumstances or nuances. For questions or concerns, please contact any member of the White & Case Employment, Compensation and Benefits team.

STAY HOME REQUIREMENTS						
Indiana	Maryland	Massachusetts	Michigan	Ohio		
Statewide	Statewide	Statewide	Statewide	Statewide		
□ All individuals residing in the State of Indiana are required to remain at home or their place of residence, except as needed for essential activities, essential governmental functions, or to participate in essential businesses and operations.	restrictions does not provide for general quarantine, shelter in place, or stay at home requirements.	☐ The State's order regarding business restrictions does not provide for general quarantine, shelter in place, or stay at home requirements.	□ All individuals residing in the State of Michigan are required to remain at home or their place of residence, except as needed for excepted activities, necessary government activities, or to support work that is necessary to sustain or protect life.	□ All individuals residing in the State of Ohio are required to remain at home or their place of residence, except as needed for essential activities, essential governmental functions, or to participate in essential businesses and operations.		

Indiana	Maryland	Massachusetts	Michigan	Ohio
Statewide	Statewide	Statewide	Statewide	Statewide
□ Individuals may leave their homes to: (i) engage in activities or perform tasks essential to the health and safety of themselves, their family or household members, or persons who are unable to or should not leave their home; (ii) obtain necessary services or supplies for themselves, their family or household members, or persons who are unable to or should not leave their home, or deliver such services or supplies to others; and (iii) care for a family member, friend, or pet in another household, or transport such individuals for essential purposes. □ Individuals may leave their homes to provide essential government functions or provide services at essential businesses or operations, including minimum basic operations. □ Individuals may engage in outdoor exercise activities, provided they heed social distancing requirements.	□ N/A	□ N/A	□ Individuals may leave their homes to: (i) perform tasks that are necessary to their health and safety, or the health and safety of their family or household members (including pets); (ii) obtain necessary services or supplies for themselves, their family or household members, and their vehicle; (iii) care for a family member or a family member's pet in another household; (iv) care for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons; (v) visit an individual under the care of a health care facility, residential care facility, or congregate care facility; (vi) attend certain proceedings or hearings; and (vii) work or volunteer for businesses or operations that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals. □ Individuals may leave their homes to perform necessary government activities or perform work that is necessary to sustain or protect life, including minimum basic operations. □ Individuals may engage in outdoor exercise activities, provided they heed social distancing requirements.	□ Individuals may leave their homes to: (i) engage in activities or perform tasks essential to the health and safety of themselves, their family or household members, or persons who are unable to or should not leave their home; (ii) obtain necessary services or supplies for themselves, their family or household members, or persons who are unable to or should not leave their home, or deliver such services or supplies to others; and (iii) care for a family member, or pet in another household, or transport such individuals for essential purposes. □ Individuals may leave their homes to provide essential government functions or provide services at essential businesses or operations, including minimum basic operations. □ Individuals may engage in outdoor exercise activities, provided they heed social distancing requirements.

PUBLIC GATHERINGS RESTRICTIONS						
Indiana	Maryland	Massachusetts	Michigan	Ohio		
Statewide	Statewide	Statewide	Statewide	Statewide		
□ All public and private gatherings of any number of people that occur outside a single household or living unit are prohibited.	recreational, leisure, and sporting events	□ All public and private gatherings of more than 10 people are prohibited, including, but not limited to, sporting events, concerts, conferences, conventions, parades, and weddings.		□ All public and private gatherings of any number of people that occur outside a single household or living unit are prohibited.		

BUSINESS RESTRICTIONS					
Indiana	Maryland	Massachusetts	Michigan	Ohio	
Statewide	Statewide	Statewide	Statewide	Statewide	
All businesses and operations in the State of Indiana, except for essential businesses and operations, are required to cease all activities, except to perform minimum basic operations.	All businesses, organizations, establishments, and facilities in the State of Maryland, except for essential businesses and operations (including operations of federal critical infrastructure sectors), are required to cease all activities.	All businesses and other organizations in the State of Massachusetts, except for those providing essential services, are required to cease all activities at their physical workplaces and facilities.	business or conduct operations that requires workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life, except to perform minimum	All businesses and operations in the State of Ohio, except for essential businesses and operations, are required to cease all activities, except to perform minimum basic operations.	
☐ Minimum basic operations means:	□ Maryland defers to the federal	Businesses may continue operations involving employees or contractors	basic operations.	☐ Minimum basic operations means:	
(i) The minimum necessary activities to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions; and	Cybersecurity and Infrastructure Security Agency ("CISA") guidance on critical infrastructure, which outlines 16 critical sectors and states ("CISA Guidance"): (i) For businesses, the focus during this response is maintaining the businesses and services that enable continued economic	performing activities through remote means (i.e., working from home), provided such operations do not require workers, customers, or the public to enter or appear at any brick-and-mortar premises.	☐ Minimum basic operations means: (i) Operations with workers whose inperson presence is strictly necessary to allow the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and	(i) The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions; and	
(ii) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.	and social vitality. It is not focused on maintaining business as usual nor is it trying to sustain the operating capacity of non-critical businesses and industries.		employee benefits), or facilitate the ability of other workers to work remotely.	(ii) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.	
☐ Businesses may continue operations involving employees or contractors performing activities at their own residences.	(ii) Critical functions within supply chains should be considered (e.g., third-party vendors, suppliers, service providers, and contractors) when necessary to maintain critical operations and services, and to avoid or resolve possible interruptions to		□ For purposes of the order, workers who are necessary to sustain or protect life are defined as "critical infrastructure workers". □ Critical infrastructure workers include	☐ Businesses may continue operations involving employees or contractors performing activities at their own residences.	
Essential businesses include (but are not limited to) the 16 federal critical infrastructure sectors. See <i>Maryland</i> section adjacent for CISA Guidance on the critical sectors.	However, Maryland guidance in particular provides that certain CISA critical sectors in the state are limited by the Maryland guidance including certain of the property.		(but are not limited to) the 16 federal critical infrastructure sectors. See <i>Maryland</i> section adjacent for CISA Guidance on the critical sectors.	Essential businesses include (but are not limited to) the 16 federal critical infrastructure sectors. See <i>Maryland</i> section adjacent for CISA Guidance on the critical sectors.	
All places of amusement, whether indoors or outdoors, must close. Examples of closings include: carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other	order, including certain of the non- essential businesses and operations listed in the examples below. Examples of closings include: senior citizen activity centers, fitness centers, theaters, enclosed shopping malls, tattoo parlors, tanning salons, barbershops, any establishment that provides esthetic		operations: Businesses and operations must determine which of their workers are necessary to conduct minimum basic operations and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or	All places of amusement, whether indoors or outdoors, must close. Examples of closings include: carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other	

BUSINESS RESTRICTIONS						
Indiana	Maryland	Massachusetts	Michigan	Ohio		
Statewide	Statewide	Statewide	Statewide	Statewide		
theatres, concert and music halls, country clubs, and social clubs.	services, hair services or nail services, and recreational establishments, including, but not limited to, bingo halls, bowling alleys, pool halls, amusement parks, golf courses, casinos, racetracks, simulcast betting facilities and social clubs.		other appropriate means. Such designations, however, may be made orally until March 31, 2020, at 11:59 pm.	theatres, concert and music halls, country clubs, and social clubs.		

EXEMPTS BUSINESSES, SECTORS, OPERATIONS, AND/OR SERVICES FROM BUSINESS RESTRICTIONS				
Indiana	Maryland	Massachusetts	Michigan	Ohio
Statewide	Statewide	Statewide	Statewide	Statewide
□Exempt essential businesses include the 16 federal critical infrastructure sectors as outlined by CISA (see Maryland section adjacent for full list of the CISA sectors). □Other exempt essential businesses include: ➤ Healthcare and public health operations; ➤ Human services operations (including child care and businesses that provide food, shelter, social services and other necessities of life to disadvantaged individuals); ➤ Essential infrastructure (including food production, distribution, fulfillment centers, storage facilities, utilities, public transportation, solid waste and recycling collection and removal, and internet, video and telecommunications systems); ➤ Essential government functions; and ➤ Certain other essential businesses and operations (including stores that sell groceries and medicine; food, beverage and agriculture businesses and operations; social services; media; gas stations and businesses needed for transportation; financial and insurance institutions; hardware and supply stores; critical trades (such as building and construction, plumbers, electricians, and other service providers who provide services necessary to maintaining safety, sanitation and essential operation of residences and essential businesses and operations); mail, shipping, logistics, delivery, and pick-up services; educational instructions (only for purposes of facilitating distance learning, performing critical research, or performing essential functions); laundry services: restaurants and other facilities	□ The 16 critical sectors are used by CISA to identify key groups of employees to ensure infrastructure functioning, so to sustain normal day-to-day services for these critical areas. CISA's critical sectors are intentionally broad to include a wide range of stakeholders who either directly or indirectly enable the functionality of infrastructure systems. □ The exempt 16 critical infrastructure sectors include: ➤ Chemical Sector; ➤ Commercial Facilities Sector; ➤ Communications Sector (includes voice services; terrestrial, satellite, and wireless transmission services; and satellite, wireless and wireline providers); ➤ Critical Manufacturing Sector (includes primary metals manufacturing; machinery manufacturing; electrical equipment, appliance, and component manufacturing; and transportation equipment manufacturing; ➤ Dams Sector; ➤ Defense Industrial Base Sector; ➤ Emergency Services Sector (includes law enforcement, fire and rescue services, emergency management, and public works); ➤ Energy Sector (includes electricity, oil and gas sourcing, production and supply); ➤ Financial Services Sector (includes depository institutions, providers of investment products, insurance companies, other credit and financing organizations, and the providers of the critical financial utilities and services that support these functions);	 □ Exempt essential businesses and services include: ➤ Healthcare, public health, and human services operations; ➤ Law enforcement, public safety, and first responders; ➤ Food and agriculture services; ➤ Groceries, pharmacies and other retail food and beverage services; ➤ Restaurants and other establishments that provide food and beverage (only for carry-out or delivery); ➤ Electricity industry services; ➤ Petroleum operations; ➤ Natural and propane gas operations; ➤ Steam operations; ➤ Water and wastewater services; ➤ Transportation and logistics services; ➤ Public works (including the operation, inspection, and maintenance of dams, levees, roads and bridges, plumbers, electricians, and waste management service providers); ➤ Communications services; ➤ Information technology services; ➤ Community-based essential functions and government operations (including, but not limited to, security staff, weather forecasters, educators providing emergency childcare programs, hotels, professional services such as legal and accounting services, commercial retail stores that supply essential sectors, laundromats and laundry services, and places of worship); ➤ Critical manufacturing necessary to provide materials and products needed for other essential services; ➤ Hazardous materials services; 	□Exempt critical infrastructure workers include workers in the 16 federal critical infrastructure sectors as outlined by CISA (see Maryland section adjacent for full list of the CISA sectors). □ Other exempt critical infrastructure workers include: ➤ Child care workers (subject to certain restrictions); ➤ Workers at designated suppliers, distribution centers or service providers as follows: (i) if a business or operation employs critical infrastructure workers and its suppliers, distribution centers or service providers are necessary for continued operation to enable, support, or facilitate the work of its critical infrastructure workers; and (ii) such designated suppliers, distribution centers, and service providers may in turn designate additional suppliers, distribution centers, and service providers whose continued operation is necessary to enable, support, or facilitate the work of their critical infrastructure workers. ➤ Workers in the insurance industry, but only to the extent work cannot be done remotely; ➤ Workers and volunteers for businesses or operations that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals; and ➤ Workers who perform critical labor union functions (including those who administer health and welfare funds and monitor safety of union members who are critical infrastructure workers.	□Exempt essential businesses include the 16 federal critical infrastructure sectors as outlined by CISA (see Maryland section adjacent for full list of the CISA sectors). □ Other exempt essential businesses include: ➤ Healthcare and public health operations; ➤ Human services operations (including child care and businesses that provide food, shelter, social services and other necessities of life to disadvantaged individuals); ➤ Essential infrastructure (including food production, distribution, fulfillment centers, storage facilities, utilities, public transportation, solid waste and recycling collection and removal, and internet, video and telecommunications systems); ➤ Essential government functions; and ➤ Certain other essential businesses and operations (including stores that sell groceries and medicine; food, beverage and agriculture businesses and operations; social services; media; gas stations and businesses needed for transportation; financial institutions; hardware and supply stores; critical trades (such as building and construction, plumbers, electricians, and other service providers who are necessary to maintaining safety, sanitation and essential operation of residences and essential operation of residences and essential businesses and operations); mail, shipping, logistics, delivery, and pick-up services; educational instructions (only for purposes of facilitating distance learning, performing critical research, or performing essential functions); laundry services; restaurants and other facilities

EXEMPTS BUSINESSES, SECTORS, OPERATI	ONS, AND/OR SERVICES FROM BUSINESS REST	RICTIONS		
Indiana	Maryland	Massachusetts	Michigan	Ohio
Statewide	Statewide	Statewide	Statewide	Statewide
that prepare and serve food (only for delivery, take-out or drive-through); businesses and operations that supply materials necessary to work from home; businesses and operations that sell, manufacture or supply materials necessary to any essential businesses and operation; transportation businesses and operations; professional services (such as legal services and accounting services); manufacturing, distribution and supply chain services for critical products and industries; critical labor union functions; and hotels and motels).	 Food and Agriculture Sector (includes farms, restaurants, food manufacturers, processors, and storage facilities); Government Facilities Sector; Healthcare and Public Health Sector; Information Technology Sector (includes the production and provision of hardware, software, and information technology systems and services, and the Internet); Nuclear Reactors, Materials, and Waste Sector; Transportation Systems Sector (includes aviation, highway and motor carriers, maritime transportation, mass transit and passenger rail, pipeline systems, freight rail, postal and shipping); and Water and Wastewater Systems Sector. Other exempt essential businesses and operations include: Any federal, state, or local government unit, building or facility; Any newspaper, television, radio or other media service; Any non-profit organization or facility providing essential services to low income persons, including, without limitation, homeless shelters, food banks, and soup kitchens; and Restaurants (only delivery, carry-out or drive-through). 	 Chemical manufacturing, supply chain, and maintenance services; and Defense industrial base operations (including workers who support essential services required to meet national security commitments of the federal government and U.S. military). □ In addition, businesses and operations believed to be unique and essential, but not currently included on the list of essential businesses and services, may submit a request to receive an essential service designation with the State of Massachusetts at https://www.mass.gov/forms/essential-service-designation-request. 	provided that any administration or monitoring should be done remotely where possible). Required for designation as an exempted "critical infrastructure worker": Businesses and operations must determine which of their workers are critical infrastructure workers and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Such designations, however, may be made orally until March 31, 2020, at 11:59 pm. Categorical worker exemptions include (and no designation need be made regarding): workers in health care and public health; workers who perform necessary government activities (including law enforcement, public safety, first responders, public transit, and trash pickup and disposal); and workers or volunteers for businesses or operations that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals.	that prepare and serve food (only for delivery, take-out or drive-through); businesses that provide supplies to work from home; businesses that sell, manufacture or supply materials necessary to any essential business and operation; transportation businesses and operations; professional services (such as legal services and accounting services); manufacturing, distribution and supply chain services for critical products and industries; critical labor union functions; and hotels and motels).

PENALTIES						
Indiana	Maryland	Massachusetts	Michigan	Ohio		
Statewide	Statewide	Statewide	Statewide	Statewide		
Criminal penalties, although guidance is not yet clear: No formal guidance has yet been provided on penalties or liabilities for violations, but press statements indicate that such penalties will likely mirror those of other states, which could include fines and possible imprisonment. The order also provides that it is to be enforced by State and local law enforcement, to the extent set forth under Indiana law.	□ Criminal penalties: The order provides that any person who knowingly and willfully violates the order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year and/or a fine not exceeding \$5,000.	□ Civil and criminal penalties: The order provides that any violation may result in a criminal penalty pursuant to Section 8 of Chapter 639 of the Acts of 1950, or a fine of up to \$300 per violation. Additionally, the Massachusetts Department of Public Health issued guidance stating that violations of this order shall be punishable in the following manner: (a) the first offense shall result in a warning; (b) the second offense may result in a civil citation and a fine of up to \$300; and (c) further offenses which are repeated and willful may be subject to criminal penalties including a fine up to \$500 or term of imprisonment or both.	□ Criminal penalties: The order provides that willful violations will be enforced as a misdemeanor, consistent with MCL 10.33 and MCL 30.405(3).	□ Criminal penalties: The order provides that it may be enforced by State and local law enforcement, to the extent set forth under Ohio law. Press reports from the Governor of Ohio provide that violation of the order will be deemed to be a second-degree misdemeanor, punishable by up to 90 days in jail and/or a \$750 fine.		