



At A Glance: State and City Action on Covid-19
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In the absence of a federal shelter in place order, states and cities are issuing their own stay at home, shelter in place or “safer at home” rules:

42 states have issued statewide shelter in place mandates. South Carolina finally issued a statewide order which took effect on Tuesday, April 7. [The order](#) includes local preemption and an exclusion allowing for church services.

[Eight governors](#) have yet to issue statewide shelter in place orders:

Five states have no mandatory shelter in place directives at the city or state level: Arkansas, Iowa, Nebraska, North Dakota and South Dakota. In Arkansas yesterday (Tuesday, April 7), Governor Asa Hutchinson announced an amendment to an executive order he issued in March declaring a state of emergency. The amendment gives city and county officials more leeway to take local action to prevent the spread of the novel coronavirus, with the provision that they may not interfere with commerce and [preempting local stay at home orders](#).

Three states have partial lockdown orders; individual cities or counties have declared shelter-in-place mandates but the state as a whole has not:

- Oklahoma, Utah, Wyoming

All of the governors who have not issued mandatory stay at home orders are Republicans. And several of them defended their position by arguing that government action won’t solve the problem, only individual action can do that:

- South Dakota Governor Kristi Noem, for instance, [told reporters](#) earlier this week that “the people themselves are primarily responsible for their safety.”
- Kim Reynolds, Governor of Iowa, said people “have to be responsible for themselves.”
- Governor Doug Burgum of North Dakota said he was appealing to residents “who love liberty and freedom” to respect social-distancing rules. “It’s important that we exercise individual responsibility.”

In some states with stay at home orders, localities have had to deal with orders preempting local action.

South Carolina – The statewide [stay at home order](#), which went into effect Tuesday night, April 7, commands “Residents to limit their movements outside of their home, place of residence, or current place of abode (collectively, “residence”), except as allowed by this order, for purposes of engaging in essential business, essential activities, or critical infrastructure operations.” Essential activities include “Attending religious services conducted in churches, synagogues, or other houses of worship.”

South Carolina's shelter in place order blocks local action: "If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction." Earlier, South Carolina's Attorney General [issued an opinion](#) that [local governments do not have the authority](#) to issue these kinds of executive orders and that citizens have a right to sue in protest. According to the Attorney General's opinion, "If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation or other restriction that conflicts with this Order, the Order shall supersede or preempt any such local ordinance, rule, regulation or other restriction." Three days later, the Attorney General issued a revised order making it clear that his opinion did not have the force of law and saying that [his office would not sue](#) any local town or county that put legal restrictions on people's movements because of the coronavirus.

Arkansas - On March 26, Governor Asa Hutchinson issued an executive order declaring the state of Arkansas to be a disaster area. The order also included social distancing recommendations and some restrictions on public gatherings. On Monday April 6, he issued an order amending the original order; the amendment gives city and county officials more leeway to take local action to prevent the spread of the novel coronavirus, with the provision that they may not interfere with commerce. The new proclamation states "reasonable city or county curfews and closures of city or county owned parks and facilities ... shall not be interpreted as a quarantine regulation of commerce or travel."

It adds that curfews may not prevent people from traveling to or from work, acquiring food or other necessary goods or services, walking their pets or exercising outdoors. Several cities and counties have issued curfews, including Little Rock, Saline County and Benton County.

Hutchinson asked that any officials planning to take local action first coordinate with his office. He emphasized that he has not issued a statewide stay-at-home order and his order issued Monday preempts local lockdowns, arguing that localities having their own stay-at-home orders could jeopardize essential operations and commerce.

Georgia – Governor Brian Kemp was late to issue a [mandatory stay at home order](#), despite pressure from local and public health officials. On Thursday Kemp caught local officials off-guard when he preempted local officials and re-opened the state's beaches, a move that has been decried the move as "[stupid and crazy](#)." Tybee Island Mayor Shirley Sessions [wrote](#) on Saturday, "As the Pentagon ordered 100,000 body bags to store the corpses of Americans killed by the Coronavirus, Governor Brian Kemp dictated that Georgia beaches must reopen, and declared any decision makers who refused to follow these orders would face prison and/or fines."

Florida – After weeks of resistance, Governor Ron DeSantis, issued a [mandatory stay at home order](#) on Wednesday April 1. Under that order, Floridians can't leave their home unless it's to obtain or provide essential services. Essential services includes health care workers, law enforcement and grocery stores, among many, many others. DeSantis' orders also classified gun and ammo shops, laundromats, hardware stores and pet supply stores as "essential services." Against the advice of public health experts, DeSantis' order listed attending church services as an "essential activity."

Five hours later, DeSantis issued a second executive order, (Order 20-92) to "provide clarity" to DeSantis' initial mandate, which stated: "This Order shall supersede any conflicting official action or order issued by local officials in response to COVID-19." But the second order has created confusion for local officials.

According to Mike Ryan, the mayor of Sunrise and a board member of the Florida League of Mayors, “That is a very clear indication that the governor is ordering that all of our local orders that we entered are [preempted and invalidated](#). As a result, a number of issues are implicated.”

Mississippi – Governor Reeves statewide mandatory stay at home order went into effect Friday, April 3 at 5:00 PM. His March 24 [Executive Order](#) preempts localities from enforcing stricter restrictions than the state: “any order, rule, regulation or action by any governing body, agency or political subdivision of the state that imposes any additional freedom of movement or social distancing limitations on Essential Business or Operation, restricts scope of services or hours of operation of any Essential Business or Operation, or which will or might in any way conflict with or impede the purpose of this Executive Order is suspended and unenforceable during this COVID-19 State of Emergency.” This order has forced the cities of Tupelo and Oxford to rescind local measures already in place.

According to Tupelo Mayor Jason Shelton, “That means that where there is a difference, the Governor's Order prevails. Therefore, the city's mandate of all adhering to President Trump's 15-day plan, mandating compliance with CDC and MSDH COVID-19 recommendations in all workplaces, and Tupelo's safety protections pertaining to restaurants will be superseded by the Governor's Executive Order. The city has no discretion in this - the Governor's Executive Order supersedes as a matter of law.”

Arizona - Gov. Doug Ducey capitulated to a mounting grassroots effort by Arizona local elected officials and citizens demanding that he issue a “stay-at-home” or “shelter-in-place” order to prevent the spread of COVID-19. On March 23, Ducey issued an [executive order](#) prohibiting any county, city or town from issuing any order or regulation “restricting persons from leaving their home due to the COVID-19 public health emergency, ” or closing the long list of businesses Ducey deemed “essential,” including golf courses, nail salons, pawnshops and payday lenders.

But on Monday, March 30 Ducey announced a statewide order after receiving a letter from nine Mayors “fervently” calling on him to issue a “stay at home” order. The mayors of Phoenix, Flagstaff, Tolleson, El Mirage, Tucson, Winslow, Superior, Fountain Hills and Guadalupe wrote that state health officials had already recommended Ducey enact a “stay at home” order and cited “recent empirical findings that support social distancing as an effective mechanism by which to slow the spread of COVID-10.”

While several Arizona mayors believe the Governor’s list of essential services is too broad, they also believe [Ducey’s order preempts them](#) from closing businesses included on the state’s list of essential services.

Where cities and counties have taken the lead in issuing stay at home orders:

- Oklahoma – Edmond, Norman, Oklahoma City, Stillwater, [Tulsa](#)
- South Carolina – Charleston and Columbia
- Utah – Salt Lake, Davis, Weber, Tooele, Summit, Wasatch and Morgan counties
- Wyoming - Jackson

Utah - Public health orders have created a contiguous seven-county containment zone across most of the Wasatch Front. Nearly 1.9 million Utahns living inside it are subject to legally binding restrictions on how they can gather and what businesses can stay open.

The orders are in place in heavily populated Salt Lake, Davis, Weber and Tooele counties and smaller Summit, Wasatch and Morgan. The only densely populated county on the Wasatch Front currently [without such an order](#)

[is Utah County](#). According to the Salt Lake Tribune, there are commonalities among the seven county orders, but also [crucial differences](#).