



At A Glance: State and City Action on Covid-19
April 2, 2020, 8:30 AM CT

In the absence of a federal shelter in place order, states and cities are issuing their own stay at home or “safer at home” rules:

38 states have issued statewide shelter in place mandates. Mississippi, Georgia, Florida, Nevada and Pennsylvania all issued statewide stay at home orders yesterday, April 1. In Pennsylvania, Governor Wolf [expanded his stay at home order](#), which originally covered 33 counties to cover the entire state. Over 80 percent of Americans are now on lock down.

Five states have no mandatory shelter in place directives at the city or state level: Arkansas, Iowa, Nebraska, North Dakota and South Dakota.

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

- Alabama, Missouri, Oklahoma, South Carolina, Texas, Utah, Wyoming

In three states, localities have had to deal with state preemption orders. We could see more state preemption when the recovery phase begins.

Mississippi – Governor Reeves [reversed himself yesterday](#), April 1, issuing a statewide mandatory stay at home order which goes 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and MSDH COVID-19 recommendations in all workplaces, and Tupelo's safety protections pertaining to restaurants will be superseded by the Governor's Executive Order.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.”

South Carolina – Charleston and Columbia have issued local stay at home orders – but the Attorney General there has [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.” However, on Monday, 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.

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, 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.”

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

Alabama – Birmingham

Missouri – Kansas City, St. Joseph and St. Louis and 11 Counties have issued orders

Oklahoma – Edmond, Norman, Oklahoma City, Stillwater, [Tulsa](#)

South Carolina – Charleston and Columbia

Texas – Amarillo and Lubbock, 35 (of 254) counties have issued orders

Utah – Salt Lake County and Summit County

Wyoming - Jackson