

# Idaho Governor Issues Stay-Home Order Impacting Idaho Businesses

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On March 25, 2020, Governor Brad Little and the Idaho Department of Health and Welfare issued a statewide [Order to Self-Isolate](#), which went into effect at 1:30 p.m. on March 25, 2020, for at least 21 days, at which point the governor will “reassess” to “determine what happens next.” The order requires all individuals living in Idaho to self-isolate at their places of residence, leaving only for “Essential Activities,” maintaining “Essential Governmental Functions,” or to operate “Essential Businesses” as defined by the order.

## Employers Impacted

All employers in the State of Idaho are impacted to some extent by the order and will benefit from carefully reading and applying it to their individualized circumstances. In short, with the exception of defined “Essential Businesses,” “all businesses with a facility in the State of Idaho are required to cease all activities at facilities located within the state”. The impacted businesses required to cease on-site activity may continue “Minimum Basic Operations,” (e.g., inventory, security, payroll/benefit processing, facilitation of remote working), and all businesses “may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home)”.

The Order also prohibits Idahoans from hosting or participating in all public and private gatherings and multi-person activities for social, spiritual, and recreational purposes, which will in turn affect businesses associated with such events. This includes community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; weddings; and indoor funeral events.

## Essential Businesses

“Essential Businesses” are “strongly encouraged to remain open,” and to the “greatest extent feasible” are required to comply with defined “Social Distancing Requirements,” which include “maintaining at least six-foot social distancing from other individuals.” The order defines “Essential Businesses” to include the following:

- Healthcare Operations and Essential Infrastructure (further defined below)

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- Grocery stores and other purveyors of groceries, food, and household consumer products
  - Food cultivation and production, including farming, livestock, fishing, and food processing
  - Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals
  - Newspapers, television, radio, and other media services
  - Gas stations and auto-supply, auto-repair, and related facilities
  - Banks, credit unions, and financial institutions
  - Hardware stores and firearms businesses
  - Plumbers, electricians, exterminators, landscapers, and other services necessary to maintain safety and sanitation
  - Mailing and shipping services
  - Educational institutions for purposes of facilitating distance learning or performing essential functions
  - Laundromats, dry cleaners, and laundry service providers
  - Restaurants and other facilities that prepare and serve food – for delivery and carry-out only
  - Hotels, motels, shared rental units, and other housing facilities
  - Businesses supplying products necessary to work from home
  - Businesses supplying other Essential Businesses or Essential Government Functions with necessary supplies
  - Businesses that ship or deliver groceries, food, goods, or services directly to residences
  - Airlines, taxis, and other private transportation providers (for Essential Activities, as defined in the Order)
  - Home-based care and residential facilities for seniors, adults, and children
  - Essential tribal operations
  - Operations at, related to, or needed to support the Idaho National Laboratory
  - Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities
  - Childcare facilities providing services that enable employees exempted in the Order to work as permitted

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## **“Categorically Exempt from the Order”**

All first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel, and “others working for or to support ‘Essential Businesses’” are deemed “categorically exempt from the Order.”

## **Healthcare Operations**

The order provides that “individuals may leave their residence to work for or obtain services at any Healthcare Operations” and that the exception is to be “construed broadly to avoid any impacts to the delivery of healthcare.” The order specifically includes “hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, and any related/ancillary healthcare services” in addition to veterinary care.

## **Essential Infrastructure**

To the extent social distancing requirements can be maintained, individuals may leave their residence “to provide services or perform work necessary to the operations and maintenance of Essential Infrastructure,” which includes public works construction, commercial construction and sale/transfer, housing construction and sale/transfer, airport operations, water, sewer, gas, electrical, oil refining, mining, roads and highways, public transportation, solid waste collection/removal, internet and telecommunications systems.

## **Essential Government Functions**

According to the order, individuals are not prohibited from performing or accessing all services needed to ensure the “continuing operation of local, state, federal, or tribal government agencies and provide for the health, safety, and welfare of the public.”

## **Bars, Gyms, and Restaurants**

All bars, nightclubs, indoor gyms, and recreation facilities are ordered closed. Restaurants and cafes that serve food must close for dine-in service, but may continue take-out and delivery service to the extent they can maintain appropriate social distancing requirements.

## **Employer Takeaways**

Navigating the constant changes surrounding COVID-19 can be a daunting task. Governor Little’s order is just one of many federal, state, and local directives that have issued in the last few weeks affecting Idaho employers and impacting nearly every aspect of the employment relationship.

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