

# Governor Abbot of Texas Issues New Order to Minimize Social Gatherings

Article By:

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On Tuesday, March 31, 2020, Governor Greg Abbott issued an Executive Order effective 12:01 A.M., Thursday, April 2, 2020, directing every person in Texas to minimize social gatherings and minimize in-person contact with people who are not in the same household, except where necessary to provide or obtain essential services. The Executive Order issued by Governor Abbott is set forth [here](#).

## The Order includes the following directives:

**Every person in Texas shall minimize social gatherings and minimize in-person contact with people who are not in the same household, except where necessary to provide or obtain essential services.**

## The Order defines “Essential Services” as the following services:

- Those listed in the U.S. Department of Homeland Security’s **Guidance on Essential Critical Infrastructure Workforce**, Version 2.0 (the Guidance is available here: [https://www.cisa.gov/sites/default/files/publication/CISA\\_Guidance\\_on\\_the\\_Essential\\_Critical\\_Infrastructure\\_Workforce\\_Version\\_2.0\\_Updated.pdf](https://www.cisa.gov/sites/default/files/publication/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf));
- **Religious Services conducted in churches**, congregations, and houses of worship. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the Centers for Disease Control and Prevention (CDC) by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19; and
- Other essential services as identified by the Texas Division of Emergency Management (the list of additional services is to be maintained here: <http://tdem.texas.gov/essentialservices/>). No additional services have been identified at the time of writing.

**People and businesses must follow the Guidelines from the President and CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home, if possible. The Guidelines are available here:**

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- [https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20\\_coronavirus-guidance\\_8.5x11\\_315PM.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf)
  - All services should be provided through remote telework from home, unless they are essential services that cannot be provided through remote telework.
  - People must avoid eating or drinking at bars, restaurants, and food courts, visiting gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons. However, drive-thru, pickup, and delivery of food and drinks is permitted.
  - People in Texas may continue to access essential services or engage in essential daily activities, such as going to the grocery store or gas station providing or obtaining essential services, visiting parks, hunting or fishing, or engaging in physical activity, like jogging or bicycling, provided that necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.
  - People may not visit nursing homes, state-supported living centers, assisted living facilities, or long-term care facilities, unless they are there to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.
  - Texas schools will remain closed and will not recommence before May 4, 2020.

The Order supersedes any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services allowed by this executive order or allows gatherings prohibited by this executive order. The Order expires on April 30, 2020.

Governor Abbott emphasized in his March 31st press conference announcing the Order that it is not a stay-at-home strategy. The Order further only instructs people in Texas to “minimize social gatherings and minimize in-person contact with people who are not in the same household.” Given the lack of clarity in the Governor’s statements and the scope of the Order, and in the Order’s interplay with local shelter-in-place orders, we expect additional guidance to be issued over the coming days from Governor Abbott’s office or localities with existing shelter-in-place orders.

As I am sure you all can appreciate and understand, things are changing quickly and there is no clear-cut authority or bright line rules. This is not an unequivocal statement of the law, but instead represents our best interpretation of where things currently stand. This article does not address other potential impacts of the numerous other local, state and federal orders that have been issued in response to the Covid-19 pandemic, including, without limitation, potential liability should an employee become ill, requirements regarding family leave, sick pay and other issues.

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