

# Memorandum

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## New York State Defines Essential Businesses For Purposes of COVID-19 Restrictions

March 26, 2020

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On March 20, 2020, in response to the coronavirus disease 2019 crisis, New York Governor Andrew Cuomo signed the “New York State on PAUSE” executive order which included a directive that all “non-essential” businesses statewide close “in-office” personnel functions effective Sunday, March 22. This directive applies to all businesses in New York State that are not deemed “Essential Businesses.” State-issued [Guidance on Executive Order 202.6](#) defines an Essential Business to include, initially, the following categories of businesses:

1. Essential Health Care Operations, Including:
  - a. research and laboratory services
  - b. hospitals
  - c. walk-in-care health clinics and facilities
  - d. emergency veterinary and livestock services
  - e. senior and elder care
  - f. medical wholesale and distribution
  - g. home health care workers or aides for the elderly
  - h. doctor and emergency dental
  - i. nursing homes, or residential health care facilities or congregate care facilities
  - j. medical supplies and equipment manufacturers and providers
  - k. licensed mental health providers
  - l. licensed substance abuse treatment providers
  - m. medical billing support personnel
  
2. Essential Infrastructure, Including:
  - a. utilities including power generation, fuel supply and transmission
  - b. public water and wastewater
  - c. telecommunications and data centers

- d. airports/airlines
- e. commercial shipping vessels/ports and seaports
- f. transportation infrastructure such as bus, rail, for-hire vehicles, garages
- g. hotels and places of accommodation

3. Essential Manufacturing, Including:

- a. food processing, manufacturing agents, including all foods and beverages
- b. chemicals
- c. medical equipment/instruments
- d. pharmaceuticals
- e. sanitary products including personal care products regulated by the FDA
- f. telecommunications
- g. microelectronics/semi-conductor
- h. food-producing agriculture/farms
- i. household paper products
- j. defense industry and the transportation infrastructure

4. Essential Retail, Including:

- a. grocery stores including all food and beverage stores
- b. pharmacies
- c. convenience stores
- d. farmer's markets
- e. gas stations
- f. restaurants/bars (but only for take-out/delivery)
- g. hardware, appliance and building material stores
- h. pet food

5. Essential Services, Including:

- a. trash and recycling collection, processing and disposal
- b. mail and shipping services
- c. laundromats
- d. building cleaning and maintenance

- e. child care services
  - f. auto repair
  - g. warehouse/distribution and fulfillment
  - h. funeral homes, crematoriums and cemeteries
  - i. storage for essential businesses
  - j. maintenance for the infrastructure of the facility or to maintain or safeguard materials or products therein
  - k. animal shelters and animal care
6. News Media
7. Financial Institutions, Including:
- a. banks or lending institutions
  - b. insurance
  - c. payroll
  - d. accounting
  - e. services related to financial markets
8. Providers of Basic Necessities to Economically Disadvantaged Populations, Including:
- a. homeless shelters and congregate care facilities
  - b. food banks
  - c. human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support
9. Construction, Including:
- a. skilled trades such as electricians, plumbers
  - b. other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes
10. Defense:
- a. defense and national security-related operations supporting the U.S. Government or a contractor to the U.S. Government

11. Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Businesses, Including:
  - a. law enforcement, including corrections and community supervision
  - b. fire prevention and response
  - c. building code enforcement
  - d. security
  - e. emergency management and response, EMS and 911 dispatch
  - f. building cleaners or janitors
  - g. general maintenance whether employed by the entity directly or a vendor
  - h. auto repair
  - i. disinfection
  - j. residential moving services
  
12. Vendors That Provide Essential Services or Products, Including Logistics and Technology Support, Child Care and Services, Including but Not Limited to:
  - a. logistics
  - b. technology support for online services
  - c. child care programs and services
  - d. government owned or leased buildings
  - e. essential government services
  - f. any personnel necessary for online or distance learning or classes delivered via remote means

### **Limitations on Essential Businesses**

The Guidance provides that, with respect to businesses that operate, or provide, both essential and non-essential services, supplies or support, only those lines and/or business operations that are necessary to support the essential services, supplies, or support are exempt from the restrictions.

### **Requests for Designation as an Essential Business**

The Guidance provides that, subject to certain the restrictions set out in the Guidance, a business that is not enumerated as an Essential Business but believes it provides essential services or functions may submit a [Request](#) for designation as an Essential Business.

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