

Collin County Shelter-In-Place Order. Is It Business As Usual?

March 24, 2020

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Many viewers were perhaps left with an incorrect impression following the press conference by Collin County Judge Chris Hill this morning announcing Collin County's "Stay Home, Work Safe" order. Notably, Judge Hill made the comment that all businesses in Collin County are "Essential Businesses." This has led some to erroneously believe that businesses that were previously closed or limited under Texas Governor Greg Abbott's Executive Order No. GA-08 issued on March 19, 2020 (the "Governor's Order" – a full copy of which is [linked here](#)) are now free to open up and function again. Such is not the case.

Judge Hill made clear – during the Q&A session following his announcement – how the government hierarchy works. He clarified that the Governor's Order controls over any conflicting county or city orders. Working down the chain, in similar fashion County Judge orders control over any conflicting orders of individual cities within the applicable county. With that established, let's unpack the Order of Collin County Judge Chris Hill issued on March 24, 2020 (the "Collin County Order" – a full copy of which is [linked here](#)).

First, Judge Hill made clear that any person "who is sick or currently experiencing common COVID-19 symptoms, including fever, cough, or shortness of breath, is . . . ordered to stay home . . ." until such time as (i) such individual has had no fever for 72 hours without use of fever reducing medication; (ii) such individual has seen improvement in the other symptoms; and (iii) at least 14 days have passed since the symptoms first appeared. The Collin County Order further requires that any person in a household with someone who has tested positive for COVID-19 must stay home and may not travel to work, school or any community functions until cleared by a medical professional. The only exception to this is that such a person may leave home to seek necessary medical or emergency care.

Second, all persons in Collin County are ordered to stay home, except for travel related to essential activities (and entertainment activities are not essential activities). In the Collin County Order, Judge Hill did not provide a definition for essential activities.

Third, persons at higher risk for severe illness have a responsibility to take actions necessary to protect their own personal health and to mitigate their own risk and potential exposure to COVID-19. Persons believing that they are at higher risk for severe illness from or are compromised by exposure to COVID-19 are ordered to stay home for

the duration of the Collin County Order or until such person believes that he or she is no longer at higher risk for severe illness.

Fourth, all businesses and employers are hereby ordered to take actions necessary to prevent the spread of COVID-19, to increase social distancing in the normal course of business activities, and to provide for a safe and healthy work environment. Further, all persons are ordered to take actions necessary to prevent the spread of COVID-19 and to increase social distancing in the normal course of business activities. Social distancing includes staying 6 feet away from other people, avoiding mass gatherings, working from home if possible, canceling or postponing large meetings, and not shaking hands. Where social distancing is not possible, extreme care should be taken.

Fifth, the Collin County Order states that pursuant to the Governor's Order, every person in Texas shall avoid gatherings in groups of more than 10, and shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors, but the use of drive-thru, pickup, or delivery options for bars, restaurants, and food courts is allowed and highly encouraged.

Finally, the Collin County Order states that all businesses, jobs, and workers are essential to the financial health and well-being of the local economy and therefore are essential to the financial health and well-being of Collin County citizens.

So where does this leave us? Instead of ordering specific actions and making a judgment call on which businesses are essential and which are not, Judge Hill generally seems to be saying that he trusts businesses and individuals in Collin County to do the right thing to combat the spread of COVID-19. To be clear, the Collin County Order **is a stay at home order** and Collin County residents should only leave home for essential purposes – and – once again – recreation is not essential (although exercise conducted outside with proper social distancing is acceptable according to Judge Hill's Q&A responses).

So, can most businesses in Collin County stay open? Yes, it would seem that they can unless they have been restricted or otherwise limited by the Governor's Order or unless they are not able to properly practice social distancing or to implement appropriate protective measures where social distancing is not possible.

The Collin County Order is effective immediately and shall continue for a period of not more than 7 days unless continued or renewed.

We will continue to monitor developments in the DFW Metroplex and will provide updated alerts as applicable.

