

Insights

BOISE, IDAHO IS FIRST IN THE NATION TO REINTRODUCE COVID-19 BUSINESS CLOSURES

Jun 24, 2020

SUMMARY

Ada County - home to Boise, Idaho - entered Phase IV of Idaho's Reopening Plan on June 13, 2020, but on Wednesday, June 24, 2020, will return to Phase III after a 500% increase in infection rates. There is speculation that more states, counties, and metro areas may take similar steps in the next few days and weeks to address the record infection rates seen in several states across the country.

Ada County's New Restrictions

The move back to Phase III triggers the closure of nightclubs, bars, and large venues. Some bar owners had already begun implementing temperature screenings, plastic barriers between patrons and bartenders, and constant cleaning of handrails and doorknobs, but the Central District Health division of the Idaho District Board of Health still determined that closures are necessary. Gatherings of more than 50 people are also no longer allowed. In addition, out of state visitors are required to self-quarantine for 14 days.

Why is the relevant for businesses outside of Ada County?

It is the first example of a jurisdiction re-closing businesses, and a sign that a trend in that direction may be coming, particularly in the bar and nightclub industries. The move also signals that infection rates may be the main driver for health officials who are making those closure decisions, and provides at least one data point for what rate triggers a re-closure order. Businesses should consider the following when evaluating whether they should start planning for a possible re-closure:

- **Local Infection Rate.** States, and many counties and cities, regularly publish current infection rates. Tracking those numbers, particularly at the local level where available, provides a helpful insight into whether an area may soon be subject to renewed closures.
- **Infection Clusters.** Consider whether infection clusters have been identified in your industry. For example, contact tracing demonstrated that there were infection clusters associated with

bars in downtown Boise, which is part of the reason why they were targeted for closure.

- **Industry Considerations.** Is your business in an industry requiring substantial in-person interactions with the public, or were you previously considered essential, or were you allowed to reopen in earlier phases of your state's plan? These different factors provide some indication of when and whether certain industries will be re-closed in the event of increased infection rates.

Conclusion

Everyone's hope is that renewed closures are not necessary, but as the recent example from Ada County demonstrates, there may be instances where cities, regions, or states are required to close certain industries in order to address increased infection rates. Attention to the issues identified above will give businesses an indication of the trends that may lead to additional regulation in the future.

BCLP's COVID-19 Reopening Team is monitoring and analyzing the reopening orders in every state on a regular basis, and regularly advises our clients on all aspects of COVID regulatory compliance. If you have any questions regarding your particular business, please contact the [COVID-19 Reopening Team](#).

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