

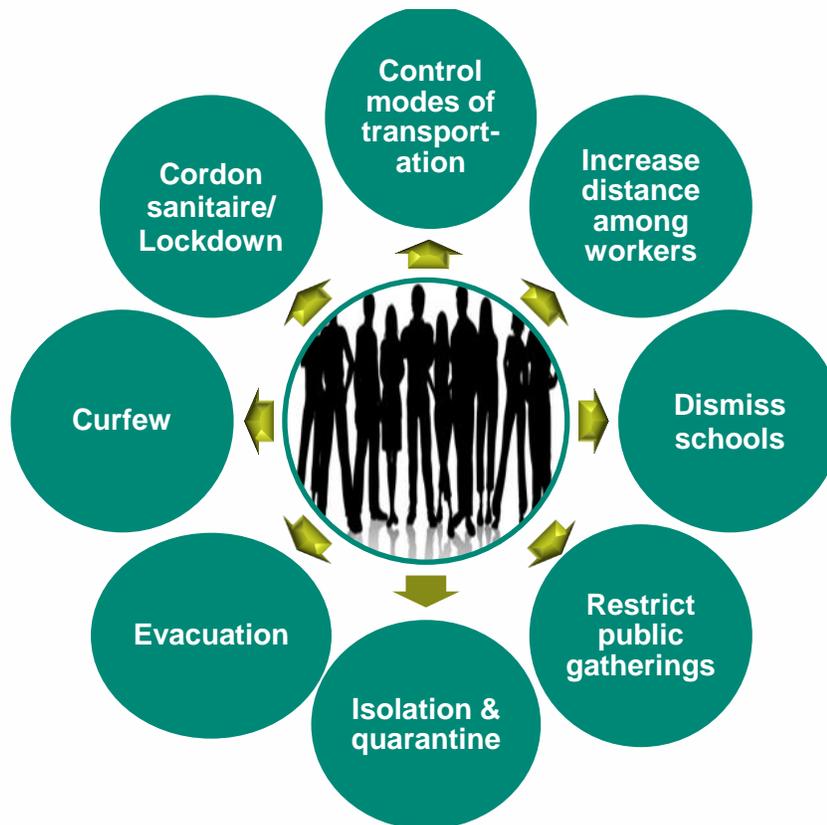


EMERGENCY LEGAL PREPAREDNESS AND RESPONSE  
**Fact Sheet**

MARCH 19, 2020

## U.S. Social Distancing Measures for COVID-19

As shown in the image below from the Network's [COVID Legal Primer](#), an array of social distancing measures, authorized through routine and emergency powers, are designed to reduce social interactions and slow the spread of infectious diseases like COVID-19.





Various types of social distancing measures are being implemented by governments at all levels across the U.S. in response to COVID-19, including:

**Quarantine:** Quarantine refers to the separation and restriction of movement among persons who were exposed to a contagious disease to determine if they become ill and prevent possible transmission. Such measures have been used extensively by federal, state, tribal, and local governments in response to COVID-19, especially initially prior to wider domestic spread. In Texas, for example, local public health officials quarantined the family of a Texas Tech student who tested positive for COVID-19 after returning home from studying abroad in Europe.

**Isolation:** Isolation refers to the separation of persons known to be infected with a contagious disease from people who are not infected to prevent disease transmission. In Kentucky, a man was forcibly ordered to isolate in his home after he tested positive for COVID-19 and checked himself out of the hospital against medical advice.

**Closures:** During an infectious disease outbreak, governments may order specific establishments, such as bars, restaurants, fitness centers, shops, and other businesses, to temporarily close. New York, New Jersey, and Connecticut, among many other states, have issued orders for the indefinite closure of all non-essential businesses, including eateries, movie theaters, and casinos. Governor Jay Inslee of Washington directed nursing homes and assisted living facilities to limit all visitors. The Department of Veterans Affairs has adopted a “no visitors” policy for more than 134 of their nursing facilities.

**School dismissals:** Governments across the U.S. have ordered temporary dismissals from school, especially where children are at high risk of contagion. Numerous states across the country have closed all K-12 public schools due to COVID-19: Maryland schools have been shut down for 2 weeks beginning March 16; Kansas schools will be closed for the rest of the academic year; other districts will likely follow.

**Work-place separations:** Other social distancing measures attempt to limit the spread of contagions through workplace separations. San Francisco requires non-essential businesses to send workers home, and allow them to telework if possible. Several U.S. Senators have urged President Trump to mandate that all federal agencies permit and encourage employees to telework to the extent possible.

**Lockdowns:** The most extreme social distancing measure entails governments issuing orders to prevent the entry or exit of persons from a defined area. Sometimes known as cordon sanitaire, lockdowns raise substantial constitutional issues especially if attempted by federal authorities. No government has attempted this effort to date, although federal, state, and local officials have intimated it is under consideration especially among emerging COVID-19 “hot zones.”

**Shelter in place:** Another rigorous form of social distancing, orders to “shelter in place” mean that persons are directed to stay in their homes and can only leave for designated exceptions. Alameda County and 5 other localities in the Bay area of California issued orders on March 16 directing residents to remain in their homes except for essential services and activities. Law enforcement has been asked to help enforce the order.

**Curfews:** During a curfew, people are directed not to leave their homes during certain hours, usually with exceptions for essential travel. On March 17, Governor Phil Murphy of New Jersey implemented a voluntary statewide curfew, directing people not to leave their homes between 8pm-5am. That same day, Binghamton, NY Mayor Rich David issued an order requiring residents to stay inside between 10pm-5am.



**Restrictions on public gatherings:** Governments may restrict the number of people that can gather together, usually leading to the cancellation or postponement of large events (e.g., concerts, sporting events, political rallies, etc.). President Trump and Centers for Disease Control and Prevention have recommended that (1) gatherings of 10 or more people be cancelled or held virtually where there is minimal community spread, and (2) all gatherings be held virtually where there is substantial spread. Most states and cities have implemented similar orders. For example, Ohio has banned gatherings of 100 or more persons throughout the state.

**Reduced transportation:** As transportation vehicles and hubs (e.g., busses, trains, terminals) can be hot spots for the spread of respiratory diseases, governments may limit, or even shut down, their services. The Massachusetts Bay Transportation Authority, among numerous other public transit authorities nationally, announced reduced and cancelled services until further notice.

**Travel restrictions:** Governments can also restrict travel by restricting entry into a country or placing limits on domestic travel. The U.S. has banned the entry of foreign nationals that have travelled to at least 31 other countries within the 14 days before their arrival. U.S. citizens or permanent residents returning from high-risk areas must fly into one of 13 designated airports for screening. Domestic travel restrictions implicate significant constitutional issues primarily centered on the need for governments to justify infringements on fundamental rights to liberty and travel.

## SUPPORTERS



Robert Wood Johnson Foundation

**The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation. The Network provides information and technical assistance on issues related to public health laws and policies.**

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