

CLIENT ALERT

May 4, 2020

1

STAY HOME FOR NEVADA: NEVADA EMERGENCY DIRECTIVE 016 LOOSENS AND MODIFIES RESTRICTIONS FOR NONESSENTIAL BUSINESSES AND VARIOUS ACTIVITIES

by Caleb Green and Jennifer J. Gaynor

Is that a tiny bit of light at the end of the COVID-19 tunnel? And what is “pickleball”? These are questions that Nevadans are asking themselves as they review the governor’s latest emergency directive.

As death tolls slow and new positive cases subside after weeks of stay-at-home and business-closure orders, state governments, including Nevada, are rolling out their plans to reopen their economies. On April 29th, Nevada Governor Steve Sisolak issued Emergency Directive 016. To the disappointment of many, but the surprise of few, this directive did extend the general stay-at-home and nonessential business closure order until May 15. It also, however, gave Nevadans something they hadn’t seen for a while: an emergency directive that loosened, rather than tightened, the social and business restrictions under which the state has been operating since mid-March.

Emergency Directive 016 provides modifications to existing safety measures, including reopening select nonessential business, extending expiration dates for state-issued licenses, and lifting some limitations on gatherings. In summary, the Directive:

- Relaxes some restrictions instituted by previous Emergency Directives. This includes:
 - » Permitting nonessential retail businesses to resume retail sale activities on a curbside or home-delivery basis effective May 1, 2020.
 - » Permitting cannabis dispensaries to engage in retail sales on a curbside or home-delivery basis effective May 1, 2020.
 - » Permitting golf, tennis, and pickleball activities to resume beginning May 1, 2020, if they can do so in a manner consistent with Directive 007s requirements for social distancing.
 - » Permitting places of worship and religious institutions to host worship services on an in-car or drive-by basis effective May 1, 2020. The ban on in-person worship services of more than ten persons, per Directive 013, remains in effect.
 - » Permitting individuals to leave their residences to travel to nonessential retail businesses offering curbside or delivery services (but encouraging them to wear a protective mask as they do so).
- Grants authority to the Nevada Gaming Control Board (the “Board”) to allow gaming operations to resume when the Board determines those operations can resume safely.
- Provides the following extensions for business licenses, permits, and DMV-issued credentials, effective May 1, 2020:
 - » Extends the expiration date of specific licenses, permits, and DMV-issued credentials that have expired or will expire during DMV closures to 90 days after the DMV reopens.
 - » Extends the expiration date of specific licenses, permits, and DMV-issued credentials that will expire within 30 days after the DMV reopens to an additional 60 days after the DMV reopens.
- Requires Nevada OSHA to ensure that all reopening nonessential businesses provide adequate protections and adopt sanitization protocols that minimize the risk of the spread of COVID-19 in the workplace.

Additionally, all resuming retail and cannabis businesses must exercise social distancing standards, adopt Nevada OSHA sanitization measures to prevent the spread of COVID-19, and prevent congregating and the formation of queues on their premises to the extent practicable. Furthermore, Directive 016 extends all other previous Emergency Directives until May 15, 2020.

Dickinson Wright’s attorneys have considerable experience assisting companies in complying with the various requirements of state, federal, and local laws. The firm remains committed to helping our clients navigate this unprecedented time and remains fully available to provide any assistance that may be required.

Our Government Affairs team is dedicated to keeping you informed of pertinent information as we continue facing the novel coronavirus. We will be providing periodical updates on the matter over the next few weeks.

ABOUT THE AUTHORS



Caleb Green is an Associate in Dickinson Wright’s Las Vegas office. He can be reached at 702.550.4417 or cgreen@dickinsonwright.com.



Jennifer J. Gaynor is a Member in Dickinson Wright’s Las Vegas office. She can be reached at 702.550.4462 or jgaynor@dickinsonwright.com.