

New data show slow start but rapid increase in state legal action against COVID-19

May 1 2020

New data released today to LawAtlas.org show that some states were slow in their initial legal responses to the COVID-19 outbreak in the United States, but have since issued numerous state orders to mitigate the spread of the virus nationwide.

[The data](#) are the first in a series of five batches to be published between now and the end of May that include state executive orders, laws, and policies that are intended to prevent the further spread of COVID-19 and moderate its devastating impact on the public's health and health care systems. This first batch includes Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Iowa, and Kansas.

Among the 10 states captured in this data, the first emergency order was issued on March 4, 2020—nearly six weeks after the first US case was confirmed on January 21, 2020, but about a week before the World Health Organization declared the pandemic on March 11, 2020. Since then, these states have enacted more than 130 legal actions. These actions include emergency declarations, travel requirements, stay at home orders, restaurant restrictions, school and other business closures, gathering bans, restrictions on non-essential medical services, regulations addressing operations in [correctional facilities](#), and state preemption of local orders.

"The volume and variety of legal actions taken by states in the past month is impressive," said project manager Elizabeth Platt, JD/MA, director of the Policy Research Technology Program at the Center for

Public Health Law Research at Temple University's Beasley School of Law. "With new orders and policies being issued almost daily now, it is important to capture not only the timing, but also the details of these changes, to establish high-quality, nuanced data that can be used to understand how legal actions taken at certain points in a pandemic may impact the spread of the virus. This information is so essential for our response and preparedness going forward."

As of April 15, 2020, the data show:

- Three of the 10 states did not have explicit stay at home orders.
- While eight states have mandated that businesses close, only half of those closed all non-essential retail businesses.
- Four states ordered adjustments to operations at correctional facilities, including suspensions of intakes and visitation, as well as the limited release of certain inmates.
- Five of the states preempted local regulation of one or more social distancing measures, preventing them from passing their own measures to address the pandemic.

This dataset also represents a new approach to collecting legal data to provide actionable, high-quality data more quickly.

"Our team used a novel, rapid response technique to capture the unprecedented amount of legal action that has occurred between March 4 and April 15," explained Lindsay Cloud, JD, director of the Center's Policy Surveillance Program. "It was important to us to strike a balance between tracking in real time without sacrificing rigorous quality control standards or nuance in the data, not only to capture current restrictions, but also to track how the legal landscape will evolve as [states](#) begin to reopen."

The data will be released in 10-state batches between now and the end of

May 2020, and as laws change, the staff will maintain the dataset.

Access the full list of resources from CPHLR for COVID-19 at <http://phlr.org/COVID19response>.

More information: Policy Surveillance Program, Temple University Center for Public Health Law Research. COVID-19: State Emergency Declarations & Mitigation Policies. April 30, 2020.
[lawatlas.org/datasets/covid-19 ... ergency-declarations](http://lawatlas.org/datasets/covid-19...ergency-declarations)

Provided by Temple University Center for Public Health Law Research

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