



**Date:** April 1, 2021  
**To:** Jyl Story, Montana Nursery and Landscape Association Executive Director  
**Cc:** Ryan Forde, MNLA President  
Steve Lehenbauer, MNLA First Vice President  
**From:** Abigail J. St. Lawrence  
**Subject:** Updated guidance from Governor's Office on Landscaping as Essential Business

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Today, MNLA received confirmation from staff in Gov. Bullock's office that the Governor's Office considers landscaping an "essential business" in line with federal guidance for purposes of implementing the Governor's March 26<sup>th</sup> directive providing measures to stay-at-home and designating certain essential functions. As an essential business, landscaping employees may leave home as necessary to perform business functions.

As MNLA members continue their operations, they should **take particular note of the social distancing requirements that Essential Businesses and Operations must follow**. Those requirements are specified at Item 12 on page 12 of the March 26, 2020 directive and are summarized as follows:

- Visually designate six-foot distances.
- Have hand sanitizer and sanitizing products readily available for employees and customers. This should include both in your places of business and on job sites.
- If appropriate, designate separate operating hours for vulnerable populations for your place of business.
- Post online whether your facility is open and how best to reach your business and continue services remotely (by phone or online).

It would be good practice from both a public health and a liability standpoint that you carefully evaluate the wisdom of providing services at locations housing or primarily serving vulnerable populations such as the elderly or immune-compromised, especially if the work requires direct or enclosed contact with such populations.

The state has established a toll-free number for questions: 800-755-6672. However, MNLA has been requested by staff in the governor's office to ask members to minimize use of the line, which has been overwhelmed with calls. MNLA members who have questions about how to operate under the evolving directives may contact MNLA for assistance first.

One final note—the directive is enforceable by the county attorney, the public health authorities, and other local authorities such as law enforcement under the authority of Mont. Code Ann. §50-1-103(2). Law enforcement agencies across the state have indicated their intent on how actively and stringently they will enforce the directive with varying degrees of clarity. **MNLA members should be aware this memo does not provide any guidance as to how individual county attorney or local law enforcement will be interpreting the governor's guidance.** MNLA members contacted by local county attorneys or law enforcement should seek legal counsel as well as contacting the MNLA office.