

**GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO**

Administrative Bulletin Number: OE-2020-045

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. WANDA VÁZQUEZ GARCED, AMENDING ADMINISTRATIVE BULLETIN NO. OE-2020-030 IN ORDER TO ESTABLISH ADDITIONAL EXCEPTIONS TO THE MANDATORY QUARANTINE OF ALL EMPLOYEES OR CONTRACTORS FROM ANY OF THE INDUSTRIES, ENTERPRISES, OR BUSINESSES EXEMPTED FROM THE TOTAL CLOSURE OF OPERATIONS WHO ARRIVE AT THE LUIS MUÑOZ MARÍN INTERNATIONAL AIRPORT IN A FLIGHT FROM THE UNITED STATES OF AMERICA OR ANY OTHER INTERNATIONAL DESTINATION, SUBJECT TO THE ABSENCE OF SYMPTOMS AND TO THE PRESENTATION OF A NEGATIVE COVID-19 MOLECULAR TEST.

WHEREAS:

It is the priority of the Government of Puerto Rico during the coronavirus pandemic, known as COVID-19, to undertake all necessary efforts to safeguard the health, life, and safety of all of Puerto Rico's residents. To this end, and in line with the statement issued by the World Health Organization (WHO) classifying the respiratory illness caused by COVID-19 as a global sanitary and social emergency that has reached the level of a pandemic requiring the effective and immediate action of all governments and jurisdictions throughout the world, on March 12, 2020, the Governor of Puerto Rico, Honorable Wanda Vázquez-Garced, promulgated Administrative Bulletin No. OE-2020-020 declaring a state of emergency throughout our archipelago due to the imminent threat posed by COVID-19 ("OE-2020-020").

WHEREAS:

Following the emergency declaration issued on March 13, 2020, by the President of the United States, Honorable Donald J. Trump, the Government of Puerto Rico issued Administrative Bulletin OE-2020-023 ("OE-2020-023") on March 15, 2020, establishing additional measures to slow down and contain the spread of COVID-19 in Puerto Rico, including, among other measures, the implementation of a lockdown that applies to all citizens and the necessary closures of both governmental and private operations until March 30, 2020. The lockdown, as well as the closure of governmental and private operations, have been subsequently extended and modified through Administrative Bulletins No. OE-2020-029, OE-2020-032, OE-2020-033, OE-2020-034, OE-2020-038, OE-2020-041, and lastly, Administrative Bulletin OE-2020-044, which shall be in force until June 30, 2020.



WHEREAS: Since *Gibbons v. Ogden*, 22 U.S. 1 (1824), the Supreme Court of the United States of America has confirmed the legal power of state jurisdictions to take all necessary measures to protect public health.

WHEREAS: Act No. 81 of March 14, 1912, as amended, known as the "Department of Health Act," authorizes the Department of Health to take any measures it may deem necessary to fight against any epidemic that may threaten the health of the people of Puerto Rico. This includes the implementation of procedures for the isolation and quarantine of persons who have been exposed to or have contracted contagious diseases that pose a risk to public health, in accordance with the provisions of Regulation No. 7380, known as the "Regulations for Isolation and Quarantine."

WHEREAS: On the other hand, Article 6.10 of Act 20-2017, as amended, better known as the "Puerto Rico Public Safety Department Act," empowers the Governor to declare a state of emergency on our Island, and "to establish or modify state regulations, orders, plans, or measures for emergencies or disasters as deemed necessary," as well as "to enact, amend or repeal any regulation, and to enact, amend, or rescind any order as deemed appropriate during the state of emergency or disaster."



WHEREAS: In strict Constitutional Law, the State may restrict an individual's fundamental rights if a compelling State interest is proven and it constitutes the least onerous means. In this case, public health constitutes a compelling interest in light of a pandemic for which there is still no vaccine and, therefore, it is imperative to employ measures whose implementation may affect fundamental rights.

WHEREAS: It is the highest priority of the Government of Puerto Rico to make all necessary efforts to prevent and control the spread of COVID-19.

WHEREAS: Administrative Bulletin No. OE-2020-022 was enacted by the Governor of Puerto Rico in order to activate the Medical Unit of the National Guard to provide support to the Department of Health and the other entities handling the emergency.

WHEREAS: On March 18, 2020, the Governor of Puerto Rico sent a communication to the Federal Aviation Administration (FAA),



requesting measures and tools to control international and domestic air traffic on the Island amid the COVID-19 threat. On March 23, 2020, the FAA approved the request of the Government of Puerto Rico and determined that, as of March 24, 2020, at 11:59 p.m., all passenger airline commercial flights would only land at the Luis Muñoz Marín International Airport (the "Airport"), in order to centralize and optimize the use of available resources and technology for the screening of passengers arriving on the Island. As part of these efforts, the Puerto Rico National Guard, in conjunction with the Department of Health, has been working in collaboration with the United States Customs and Border Patrol (CBP) team and the Centers for Disease Control and Prevention of the United States Department of Health (CDC), to monitor the health of international passengers and domestic passengers coming from the United States of America.

WHEREAS:

The CDC has issued several communications warning about the risk of infection in places such as airports and recommending the adoption of measures to reduce mobility and contact between people. Likewise, the WHO has recommended that all jurisdictions take all necessary measures to prevent the spread of the virus, particularly in areas identified as focus of infection where the disease is easily spread, such as airports.

WHEREAS:

The CDC has also established specific guidelines maintaining that the longest period of incubation that has been observed in COVID-19 and similar coronaviruses is fourteen (14) days. Therefore, they recommend quarantine periods of the same duration for all persons who have been exposed to any situation of potential infection. Since this includes airports, as an emergency measure, several states have established the requirement for all passengers arriving at their airports to comply with a mandatory fourteen (14)-day quarantine period.

WHEREAS:

Meanwhile, the Medical Task Force created by the Governor under Administrative Bulletin No. OE-2020-026 to offer advice on public health decision-making and other issues related to this emergency, agrees with the warnings issued by organizations such as the CDC and the OMS regarding the imminent risk and focus of infection posed by the people arriving in Puerto Rico by air.



WHEREAS: Constitutionally guaranteed rights do not prevent the State from reasonably regulating the enjoyment of said rights, provided that these regulations are based on a compelling interest, such as public health, and that it is the least onerous means of doing so.

WHEREAS: In accordance with the above, on March 30, 2020, the Governor of Puerto Rico enacted Administrative Bulletin No. OE-2020-030 ("OE-2020-030"), aimed at implementing a mandatory quarantine period of fourteen (14) days for all passengers arriving at the Airport on a flight from the United States of America or from any international destination, as well as all applicable procedures and requirements.

WHEREAS: As an exception, Section 3 of OE-2020-030 provides that any passenger who arrives at the Airport to carry out emergency response work or critical infrastructure work, medical equipment repair, essential services, health professionals, flight crew, aviation mechanics, federal agents, active duty military personnel, and any other personnel as may be determined by the Department of Health, shall be *exempt* from complying with the provisions included in the 1st and 2nd Sections of OE-2020-030. However, despite being exempted, these passengers must fill out the corresponding form with their personal and contact information in order to facilitate their follow-up and monitoring by the Department of Health and must comply with all orders, instructions, protocols, and requests for information from the Department of Health, the National Guard, or any other relevant governmental entity during fourteen (14) days following their arrival.

WHEREAS: Meanwhile, in addition to the steps taken by the Medical Task Force since March 23, 2020, the Economic Task Force has worked hard to reactivate Puerto Rico's economy following the closure of the private sector under OE-2020-023. In view of the flattening of the curve of infection, the control of the risk of infection, and the implementation of measures to prevent the spread of COVID-19 in establishments and commercial transactions, certain aspects related to industrial, commercial, and business operations were allowed more flexibility under subsequent executive orders, the most recent one being OE-



2020-044, which remains in force until June 30, 2020.

WHEREAS:

The operational and business realities of the economic activities whose reactivation and reopening have been authorized during the emergency sometimes require expert knowledge or technical or specialized services from employees or contractors located outside Puerto Rico. Therefore, should there be a need for this type of expert knowledge or services, these persons would need to travel to Puerto Rico by plane and disembark at the Airport. This can include employees and contractors whose services are necessary to maintain, for example, from manufacturing activities, including the pharmaceutical industry, medical devices, and bioscience, to critical infrastructure or construction activities, without it being understood as limiting a company's legitimate operational and business needs.

WHEREAS:

Under the circumstances described above, the mandatory fourteen (14)-day quarantine period imposed by OE-2020-030 for all passengers arriving in Puerto Rico through the Airport could have an adverse effect on the business operations and transactions of companies with a legitimate need for services by said employees or contractors. Although Section 3 of OE-2020-030 includes several exceptions, as discussed above, it is additional exceptions are required from an economic standpoint in order to create an adequate balance between protecting the health of all Puerto Ricans, which is this Administration's priority, and the operational and business needs, subject to the adoption of any measure necessary to prevent the spread of COVID-19 in Puerto Rico.

THEREFORE:

I, WANDA VÁZQUEZ-GARCED, Governor of Puerto Rico, by virtue of the powers inherent to my office and the authority vested in me by the Constitution and the Laws of the Government of Puerto Rico, hereby DECLARE and ORDER the following:

Section 1:

Section 3 of OE-2020-030 is hereby modified to state the following:

Section 3: Any passenger who, upon the enactment of this Order, arrives at the Airport on a flight from the United States of America or any international destination to perform emergency response work, or critical infrastructure work, essential services,

medical equipment repair, health professionals, flight crew, aviation mechanics, federal agents, active duty military personnel, and any other personnel duly determined by the Department of Health, shall be exempt from complying with the provisions included in the 1st and 2nd Section of this Order. *In addition, upon timely notification by the concerned company or business to the Department of Health, any passenger who arrives at the Airport on a flight from the United States of America or from any international destination upon the enactment of this Order to work as employee or contractor for industries, companies, or businesses exempted from the total closure of operations in accordance with OE-2020-044 or any subsequent executive order shall be exempt from compliance with the provisions of Sections 1 and 2 of this Order, provided that the person does not show any COVID-19 symptoms and a that negative COVID-19 molecular test performed 24 hours prior to the boarding of their flight to Puerto Rico is presented at the Airport. It is further provided that said person shall be subject to the risk control measures imposed by the company for the prevention of COVID-19, which shall be the subject of the self-certification of compliance submitted by the employer to the Department of Labor and Human Resources as required under OE-2020-044 or subsequent executive orders. However, in all the exceptional situations described in this Section, the persons must fulfill the following requirements: (1) fill out the corresponding form with their personal and contact information, for the appropriate follow-up and monitoring by the Department of Health; (2) comply with all of the orders, instructions, protocols, and requests for information issued by the Department of Health, the National Guard, and any other relevant government entity during the fourteen (14) days following their arrival.”*

*Mr
Chk*

Section 2: **DEROGATION.** This Executive Order supersedes any other executive order that may be inconsistent with the provisions herein, to the extent of such inconsistency.

Section 3: **VALIDITY.** This Executive Order shall enter into force immediately.

Section 4: **SEVERABILITY.** The provisions of this Executive Order are separate and independent of each other, and if any part,

section, provision, or sentence of this Executive Order is declared unconstitutional, void, or invalid by a court of jurisdiction and venue, such decision shall not affect the validity of the remaining provisions, which shall remain in full force.

Section 5: **NON-CREATION OF ENFORCEABLE RIGHTS.** This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

Section 6: **PUBLICATION.** This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.



IN TESTIMONY WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed in San Juan, Puerto Rico, on this 22nd day of June of 2020.

**WANDA VÁZQUEZ-GARCED
GOVERNOR**

Enacted in accordance with the law on this 22nd day of June of 2020.

**ELMER L. ROMÁN-GONZÁLEZ
SECRETARY OF STATE**

CERTIFIED TRANSLATION



I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.