

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

Administrative Bulletin Number: OE-2021-010

**EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, FOR THE PURPOSES OF IMPLEMENTING MEASURES TO FACE THE EMERGENCY CAUSED BY COVID-19 IN PUERTO RICO AND ORDERING ECONOMIC STABILIZATION MEASURES.**

**WHEREAS:** The Government of Puerto Rico is responsible for making every effort to prevent and stop the spread of COVID-19, as well as to safeguard the health, life, and safety of Puerto Rico's residents.

**WHEREAS:** In keeping with the state of emergency prevailing across the world, the Government of Puerto Rico has issued several executive orders aimed at implementing certain restrictive measures to control the spread of COVID-19 on our Island. At this stage, as infection data are updated following the Christmas period, some of the previously implemented measures are being modified.

**WHEREAS:** 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 the event that an epidemic threatens the health of the people of Puerto Rico, Act 81 of March 14, 1912, as amended, known as the "Health Department Act," empowers the Department of Health to take any measures it deems necessary to combat said threat, including measures to isolate and quarantine people who have been exposed to or who have contracted infectious diseases that pose a threat to public health, in accordance with the provisions of Regulation No. 7380, known as the "Regulation for Isolation and Quarantine."

**WHEREAS:** As requested by municipal executives and in accordance with the powers delegated under Act No. 107-2020, known as "Puerto Rico Municipal Code," mayors may reinforce their oversight plans in their jurisdictions to enforce compliance with this executive order. To this end, they may enter into collaborative agreements with



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.

relevant agencies in order to adjust said oversight plans, based on their municipalities' infection rates. Mayors shall be responsible for taking all necessary and additional measures as they deem appropriate within their jurisdictions to ensure control of this emergency caused by the pandemic.

**WHEREAS:**

The COVID-19 pandemic presents a dynamic and changing scenario that requires the Government to redesign its strategies in order to manage infections in the population while preventing the collapse of our economy.

**THEREFORE:**

I, PEDRO R. PIERLUISI, 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:**

**CURFEW.** In an effort to strike a balance between our commitment to protect individual liberties and fulfilling our duty to safeguard the health and life of everyone in Puerto Rico, a curfew is hereby established as an exceptional measure, as defined by Article 6.14 of Act 20-2017, from **11:00 p.m. to 5:00 a.m.** The closure of businesses ("lockdown") on Sundays is hereby lifted; therefore, the curfew shall apply in the same way from Monday to Sunday. Also, all citizens must limit their social activities and family gatherings in public or private spaces due to the emergency, and any event held must comply with all safety procedures and precautionary measures regarding the mandatory use of face masks, the use of hand sanitizer, and physical distancing, and may only be held between members of the same household.

**Section 2:**

**QUARANTINE ORDER.** Under the authority granted by the Constitution of Puerto Rico, by Act 20-2017, as amended, *supra*, and by Act 81 of March 14, 1912, as amended, *supra*, we reiterate that any person who is reasonably suspected to have been exposed to COVID-19, regardless of whether or not they show signs of infection, is hereby ordered to remain in quarantine for a period of fourteen (14) days in order to prevent or limit the transmission and spread of the virus. The purpose of the quarantine is to keep a person who could have been exposed to the virus away from other people. The fact that a person is under quarantine does not necessarily mean that he or she is infected; it is a preventive measure to reduce the chance of infection. This





means that said person must remain strictly at home and maintain physical distancing from other people. They must restrict their movement outside their home in order to prevent the risk of infection in the community. Furthermore, citizens who have been in contact with someone who has been confirmed to be infected with COVID-19 are instructed to get tested for COVID-19 with a molecular diagnostic test. However, they should not undergo testing until five (5) days have passed since they were in contact with an infected person, in order to avoid a false negative result. Failure to comply with this provision shall be considered as a violation of this Executive Order.

**Section 3:**

**ISOLATION ORDER.** Under the authority granted by the Constitution of Puerto Rico, by Act 20-2017, as amended, *supra*, and by Act 81 of March 14, 1912, as amended, any person who has been diagnosed with COVID-19 is hereby ordered to physically isolate for minimum of ten (10) days, which could be extended for an additional period depending on how the process to investigate COVID-19 cases the progresses. Also, the isolation period cannot be ended if the person has not been without symptoms for twenty-four (24) hours. The purpose of this isolation is to keep infected people away from other persons, including at home. This means that they must remain confined to their homes and restrict their movements in order to prevent putting public health at risk and to prevent the spread to people who are not infected.

Patients with positive COVID-19 results who violate this isolation order, thus putting other people at risk, shall be subject to criminal liability under Act No. 145-2012, as amended, known as the "Puerto Rico Penal Code," in addition to penalties for noncompliance of this Executive Order.

**Section 4:**

**GOVERNMENT OPERATIONS.** Agencies shall continue to carry out their functions and provide any services that may be offered without compromising the health and safety of employees, in compliance with the work schedule established by each agency head. Currently active employees shall continue with the work plan established by their Agency and shall accrue compensatory time or receive overtime pay, as the case may be, for services rendered in excess of their regular daily or weekly work schedule. The provisions regarding the accrual of compensatory time or overtime pay do not apply to exempt



employees, as defined in the Fair Labor Standards Act (FLSA).

Meanwhile, in order to continue the gradual and orderly return of public employees to their workplace, in addition to employees who began working under previous Administrative Bulletins, all career employees that the Appointing Authority may deem necessary for their Work Plan shall continue to work at their respective agencies. To this end, the reengineering and the physical space capacity of the agency's facilities must be considered, in accordance with the safety, health, and infection control measures established under the COVID-19 Risk Management and Exposure Control Plan. Agencies must ensure compliance of the following measures in every phase of the return of public employees to their workplace:

- a. Logistical aspects of agency operations: number of employees designated to work each day (reduced staffing, staggered shifts, and teleworking are recommended, among other measures).
- b. Monitoring and/or screening of employees prior to entering their workplace.
- c. Modifying office areas, including designated eating areas.
- d. Implementation of control measures to achieve physical distancing between employees and customers/public.
- e. Cleaning and disinfection of facilities.
- f. Adequate ventilation and effective air filtration in air-conditioned areas.
- g. Establishment of hygiene measures and processes for employees.
- h. Availability of all personal protection equipment (PPE) determined to be necessary for employees. This includes the mandatory use of face coverings (masks).
- i. Procedure to be followed in the event of a suspected case of infection or the detection of an employee who shows symptoms or who tests positive for COVID-19 (closure, disinfection, or quarantine). This includes the monitoring of positive cases and their inclusion in the Log of Work-Related Injuries and Illnesses (OSHA's Form 300).
- j. Employer management of employees in high-risk groups (pregnant women, people over the age of 65, employees with co-morbid or chronic conditions).





- k. Providing guidance to employees regarding the Plan and training on the proper use, limitations, and disposal of PPE.
- l. Designating a person who will regularly assess all workspaces in order to monitor the development of new risk areas and needs related to the COVID-19 pandemic.
- m. Discussing the Plan with labor unions, if any, prior to its implementation.

Considering the analysis of the criteria outlined above, in reviewing the Work Plans, to the extent possible, telework shall be considered as a viable option for employees with particular needs or conditions, according to their functions. However, agencies that provide services to the public shall continue to provide said services in person, subject to the health parameters established to prevent the spread of COVID-19 at their facilities.

Public employees who are required to work must report to their workplace. In the case of employees who are not able to report to work for a valid reason justified under a state or federal law, their work hours shall be deducted from any available employee leave in accordance with all applicable legal provisions.

Governmental agencies may engage in any activity or hold any meeting necessary to fulfill their ministerial duties, such as holding public hearings to enact regulations. They are instructed to use technological tools as a first option whenever citizen participation is required. Similarly, governmental entities may hold protocol activities, provided that a plan has been approved by a Department of Health epidemiologist. The following measures shall be mandatory in cases where activities must be conducted in person: meeting the minimum space requirements to allow for physical distancing, using face masks at all times, handwashing, screening of participants prior to entering the facility, as well as implementing any other health and hygiene measures to prevent the spread of the virus.

It is further provided that all Agency Heads must establish protocols and provide the necessary resources for employees to comply, in a timely manner, with the information requirements established by the Department of Treasury for the preparation and submission of the Financial Statement of the Government of Puerto Rico for fiscal



years 2017-2018, 2018-2019, 2019-2020, and 2020-2021.

All Agency Heads are required to report any COVID-19 cases in their work units to the Department of Health, in addition to taking all precautionary measures, notifying employees, and activating their safety protocols. Failure to do so shall be considered a violation of this Order.

**Section 5:** Municipal Appointing Authorities may take similar actions in their respective jurisdictions, pursuant to the provisions of Act No. 107-2020, known as the "Puerto Rico Municipal Code."

**Section 6:** **THE ESTABLISHMENT OF GUIDELINES BY AGENCIES.** The provisions contained herein may be defined, reinforced, and supplemented in detail through guidelines issued by any agency called upon to establish rules and regulations for the services discussed herein once approval has been received from the Governor's Chief of Staff. Similarly, any agency head who identifies essential or emergency services that are not covered under the exemptions must submit a request for this purpose to the Governor's Chief of Staff, who may approve it at his discretion. Any agency that issues guidelines in order to explain in more detail the provisions set forth in this Order must publish them as widely as possible once they have been approved.

Additionally, the Department of Health, together with the Department of Labor and Human Resources, must create and publish uniform rules for protocols or guidelines applicable to governmental agencies.

**Section 7:** **AUTHORIZED BUSINESSES.** The following businesses shall be authorized to operate:

1. **Food:**

a. **Outdoor Restaurants or Cafés and Cafeterias:** dining rooms and outdoor dining spaces may remain open to diners until 10:00 p.m., as long as they remain below thirty percent (30%) of the maximum occupancy, as defined by the building code currently in force in Puerto Rico (PR Building Code 2018). Maintaining six (6)-feet physical distancing between diners shall be mandatory. It is important to clarify that if accommodating a number of people equivalent to the thirty percent (30%) maximum capacity required by this order within the same space would

  
  




make it impossible to observe physical distancing, the restaurant shall be required to further reduce occupancy to a level that makes it possible to ensure that diners can remain six (6) feet apart at all times. On the other hand, outdoor areas may operate at their maximum capacity, provided that they meet all precautionary measures regarding the use of face masks and frequent handwashing at all times and guaranteeing physical distancing.

Restaurants that have a bar within their establishment (the counter area where all kinds of drinks are prepared and served) must keep the bar closed. The sale and consumption of alcoholic beverages must take place in the dining room. Only members of the same household may be seated at the same table.

In order to remain open, these establishments must have authorization from the Puerto Rico Department of Health and must adhere to CDC and PROSHA COVID-19 guidelines.

Restaurant delivery service shall be allowed Monday through Sunday until 11:00 p.m., in order to promote home delivery and prevent citizens from visiting the establishments.

The above shall also apply to fast food restaurants.

It is hereby recommended that these establishments use a reservation system to serve their customers during authorized hours, so that they can control the number of diners within their facilities at any given time. They must follow all safety measures upon entering the establishment and comply with the recommended six (6)-feet physical distancing rules, and must follow all precautionary measures regarding the mandatory use of masks, the disinfection of facilities, and frequent hand washing.

It is recommended that air quality control procedures be established so that HVAC air ducts are cleaned and disinfected periodically in order to minimize airborne transmission and, in turn, the chance of infection.

The serving of food or drinks in a way that promotes gatherings of people at the private parking lots of these



establishments is hereby prohibited. Under no circumstances shall people be allowed to gather outside establishments to consume alcoholic beverages.

The owner, administrator, or equivalent shall be responsible for ensuring strict compliance with the precautionary measures, physical distancing practices, and the mandatory use of masks at all times. They are further advised that failure to comply with these measures may result in the imposition of fines to the establishment in accordance with the provisions of this Order.

Establishments licensed to operate exclusively as bars, (bars, cafés licensed to sell alcohol, as well as sport bars and any other analogous establishment whose primary function is to sell alcoholic beverages, such as the "chinchorros") shall not be authorized to operate. This prohibition includes bars located within a restaurant or other commercial establishment that is allowed to operate in accordance with this Order.

Municipal governments shall have discretion to enter into any collaborative agreements with the relevant agencies in order to oversee businesses that have requested a change in their use permit prior to the effective date of this Executive Order.

**b. Wholesale or retail food sales.**

**c. Businesses related to the food and drink supply chains** (including farmers and the agricultural and livestock industry employees), including food for animals, food and drink processors and manufacturers, businesses dedicated to the distribution of food and drinks, hydroponic farms, and general agricultural and livestock activity, including home gardens.

**d. Supermarkets and small grocery stores ("colmados")**, including businesses with supermarket or grocery store components. Supermarkets may remain open to the public from Monday to Sunday, from 5:00 a.m. to 10:00 p.m. However, supermarket delivery service shall be allowed until 11:00 p.m., in order to encourage home delivery and prevent citizens from visiting the



establishments. As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their facilities. The same protocols used at the beginning of the pandemic must be used when disinfecting shopping carts, when organizing queues, and within the establishment.

The owner, administrator, or equivalent must ensure to supervise all waiting lines inside and outside these establishments, control the gathering of people within the establishment, and comply with the establishment's capacity restrictions, that is, complying with physical distancing rules. Since they sell essential products, waiting lines are not prohibited, but owners must ensure compliance with the compulsory use of face masks, physical distancing rules, and all precautionary measures.

**e. Retail points of sale such as fresh produce kiosks** shall be allowed to open, provided that they take precautionary measures in order to safeguard the health of the public (e.g. face masks, gloves, disinfectant, etc.) and that they serve the public without the need for gathering people together.

**2. Health, medications, and medical and pharmaceutical items or equipment:**

a. This includes businesses dedicated to the production, sale, or provision of services related to medications, medical supplies or equipment, or the provision of medical care services, in addition to those in their supply chain, including:

- i. Pharmaceutical manufacturing and sales operations.
- ii. Medical devices manufacturing and sales operations.
- iii. Biotechnology and agricultural biotechnology facilities (manufacturing and sales).
- iv. Manufacturing operations for supplies used by hospitals, health care providers, and other institutions.
- v. Manufacturing and sale of cleaning products, disinfectants, and personal protective equipment for addressing the COVID-19 crisis.

- vi. Hospitals.
- vii. Clinical laboratories.
- viii. Emergency rooms.
- ix. Medical services clinics.
- x. Medicinal cannabis dispensaries.
- xi. Medicinal cannabis cultivation and processing facilities.
- xii. Healthcare centers.
- xiii. Blood banks.
- xiv. Pharmacies. Includes businesses having a pharmacy component. These may remain open to the public from Monday to Sunday, from 5:00 a.m. to 10:00 p.m.
- xv. Elderly care centers.
- xvi. Companies or insurers that provide health insurance plans.
- xvii. Veterinary clinics, by appointment, including grooming services.
- xviii. Primary care physicians and medical specialists, including mental health specialists.
  - a. Although it is still preferable for primary care physicians and medical specialists to use electronic means like phone and video to provide their services, keep appointments, and maintain the continuity of care, medical visits shall be allowed in person. Physicians may open their offices for appointments as long as they can certify the adoption of strict safety and mitigation protocols recommended by the medical community and the Department of Health. They must receive patients by appointment while preventing the gathering of patients at their offices, respecting the physical distancing protocols, and implementing all necessary measures to safeguard the health of all employees working at their offices.
  - b. As a result of the trend shown by the increase in our hospital occupancy rate, elective surgeries



requiring subsequent intensive care shall be limited to those classified as urgent based on medical criteria. Hospitals must reinforce the COVID-19 health and safety protocols established for medical services at hospital institutions, including the Local Resumption of Elective Surgery Guidance (April 17, 2020) issued by the American College of Surgeons. In addition, they must certify the adoption of strict safety and mitigation protocols recommended by the medical community and the Department of Health. It should be noted that the scheduling of elective surgeries shall be subject to medical standards, in accordance with the COVID-19 health and safety protocols.

- c. The scheduling of elective surgeries at outpatient surgery centers shall be subject to medical standards in accordance with the COVID-19 health and safety protocols.

These centers must strengthen the COVID-19 health and safety protocols established for medical services at outpatient facilities, including the Local Resumption of Elective Surgery Guidance (April 17, 2020) issued by the American College of Surgeons. In addition, they must certify the adoption of strict safety and mitigation protocols recommended by the medical community and the Department of Health.

- xix. Dental clinics. Their operations shall be governed by the guidelines issued by the ADA, the Puerto Rico Dental Board, and the Department of Health. They may take measures to carry out emergency procedures, for which they must provide a number that patients can call to coordinate their services by appointment. They must prevent patients from gathering at their clinics or waiting areas, respecting physical distancing protocols, and implementing all measures necessary for safeguarding the health of all employees working at their offices.



- xx. Optometrist offices may operate taking all proper precautions and measures to ensure physical distancing and prevent the spread of COVID-19. Services shall be provided by appointment, preventing patients from gathering at their offices or waiting areas, respecting physical distancing protocols, and implementing all measures necessary for safeguarding the health of all employees working at their offices.
- xx. Therapy Centers. Onsite therapies are allowed for patients who cannot receive their therapy online. It is important that all precautionary measures regarding the use of face masks by therapist, employees, and patients are taken, as well washing hands frequently, avoiding the gathering or people in waiting areas, and following physical distancing rules.

3. **Gas stations and their supply chain**

- a. Fuel (processing, sale, and distribution)
- b. Refining: gasoline, diesel, jet fuel, AV-Gas, propane gas, butane gas, natural gas, liquified gas, kerosene, among others
- c. Blending (intermediate fuels, blended fuels)
- d. Production, distribution, wholesale, retail sales (gas stations)
- e. Electronic and Traditional Lottery sales

These establishments shall remain open from Monday to Sunday, from 5:00 a.m. to 10:00 p.m.

It is important to clarify that the gathering of people on the premises of gas stations is prohibited. It shall be the establishment owner's responsibility to implement the necessary measures to prevent gatherings at the establishment during and outside of business hours. Violating the provision above may be cause for the Department of Health to close the establishment.

4. **Financial Institutions**

- a. Depository institutions that provide banking services,



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such as banks and credit unions, for deposit, withdrawal, or payment activities. The above, provided that physical distancing of six (6) feet is ensured. In addition, these institutions must be authorized by the Department of Health and must comply with CDC and PROSHA COVID-19 guidelines in order to remain open.

b. Pawn shops.

c. Mortgage banks and other lenders. Loans and mortgages may be closed by appointment, in a way that prevents customers with scheduled appointments from gathering close together in waiting areas. Customers must be served one (1) at a time, and appointments shall be limited to requirements that could only be met in person. All other processes must be completed either remotely or electronically.

These institutions may operate during the hours permitted under the curfew.

5. Organizations or groups that provide services to address the basic needs of vulnerable populations:

- a. Homeless shelters
- b. Food banks
- c. Victim shelters
- d. Shelters, including animal shelters
- e. Temporary housing

6. Textiles:

a. Any textile business that manufactures clothing/footwear or components/equipment for the Department of Defense may continue to operate, provided that it complies with the protocols and regulations of the Puerto Rico Occupational Safety and Health Administration (PROSHA) concerning the protection of employees from the spread of COVID-19. To this end, PROSHA issued a communication on March 31, 2020 establishing guidelines for the contingency plan to be implemented by employers and the mechanism for obtaining the corresponding authorization to operate.

b. All textile businesses that manufacture personal protection equipment (e.g. masks, surgical caps, gowns,

gloves, and other items used to protect a person's health), may continue to operate as long as they comply with PROSHA's protocols and regulations concerning the protection of employees from the spread of COVID-19. Accordingly, businesses in this industry sector are encouraged to take notice of a communication issued by PROSHA on March 31, 2020, establishing guidelines for the contingency plan to be implemented by employers and the mechanism for obtaining the corresponding authorization to operate.

7. **Dry Cleaning and Laundromat Businesses:**

a. Dry Cleaners: These businesses shall continue to operate until 10:00 p.m., from Monday to Sunday, establishing some method for being contacted by phone or email in order to coordinate the drop-off and pick-up of clothes in an orderly manner, avoiding the gathering of people in the establishment, and following all precautionary rules regarding the constant use of face masks, frequent handwashing, and keeping the required six (6)-feet distance between customers.

b. Laundromats: These establishments shall be able to operate until 10:00 p.m. from Monday to Sunday, in strict compliance with the precautionary measures regarding the use of face masks, frequent handwashing, and physical distancing rules. They must ensure that the establishment's maximum occupancy does not exceed thirty percent (30%) of the capacity stated in the building code currently in force in Puerto Rico (PR Building Code 2018).

As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their facilities.

8. **Official Vehicle Inspection Centers:**

These centers shall continue to operate until 10:00 p.m. from Monday to Sunday, by establishing some method for being contacted by phone or email in order to coordinate inspection services in an orderly manner. The people in charge of these establishments must ensure to take all



necessary control measures to avoid having more than one customer at a time.

9. **Ornamental horticulture businesses:**

These businesses shall continue to operate until 10:00 p.m. from Monday to Sunday, by strictly following all precautionary measures regarding the use of face masks, frequent handwashing, and physical distancing. To accomplish this, they must make sure not to exceed thirty percent (30%) of the maximum occupancy established in the building code currently in force in Puerto Rico (PR Building Code 2018). As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their facilities.

10. **Safety.** Refers to private security agencies and companies.

11. **National security:**

a. Manufacturing operations, sales, or services related to the Aerospace Industry.

b. Manufacturing operations, sales, or services related to any federal agency, including the United States Department of Defense.

12. **Supply chains related to goods and services authorized under this Executive Order.**

13. **Barber shops and beauty salons.** These businesses shall continue to operate until 10:00 p.m. from Monday to Sunday, by appointment. The gathering of people in waiting areas is prohibited. This must be taken into consideration when scheduling appointments. Strict compliance with all precautionary measures regarding the use of face masks, frequent handwashing, and adhering to physical distancing guidelines is required. The owner, person in charge, administrator, or similar person shall be responsible for disinfecting all beauty supplies to be used with the customer prior to providing any service. As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their





facilities.

14. **Spas and aesthetics salons.** These businesses shall continue to operate until 10:00 p.m. from Monday to Sunday, by appointment, and with each service provider taking care of one customer at a time. The gathering of people in waiting areas is prohibited. This must be taken into consideration when scheduling appointments. Strict compliance with all precautionary measures regarding the use of face masks, frequent handwashing, and adhering to physical distancing guidelines is required. The owner, person in charge, administrator, or similar person shall be responsible for disinfecting all beauty supplies to be used with the customer prior to providing any service. As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their facilities.

There must be compliance with all COVID-19 protocols and guidelines issued by the CDC, the Department of Health, and PROSHA. Any businesses that have not yet submitted the self-certification required by this Executive Order to the Department of Labor and Human Resources and which have not received the approval of the Department of Health shall not be allowed to reopen.

15. **Retail sales businesses.** Online sales continue to be the safest and most recommended method to make purchases and shall continue to be the first choice, giving priority to delivery or curbside pickup services. However, these establishments shall continue to operate until 10:00 p.m. from Monday to Sunday, in strict compliance with all precautionary measures regarding the use of face masks, frequent handwashing, and following physical distancing rules. This includes vehicle parts and repair businesses.

To this end, they must ensure not to exceed thirty percent (30%) of the maximum capacity laid down in the building code currently in force in Puerto Rico (PR Building Code 2018).



The owner, administrator, or equivalent person shall be responsible for monitoring waiting lines inside and outside these establishments. Customers must comply with the physical distancing practices and precautionary measures both inside and outside the establishment.

All businesses must follow the COVID-19 protocols and guidelines issued by the CDC, the Department of Health and PROSHA. Any businesses that have not yet submitted the self-certification required by this Executive Order to the Department of Labor and Human Resources shall not be allowed to reopen.

16. **Hardware stores, including businesses with a hardware component.** These establishments shall continue to operate from Monday to Sunday from 5:00 a.m. to 10:00 p.m., provided that they follow all precautionary measures regarding the mandatory use of face masks, frequent handwashing, and physical distancing. To achieve this, they must ensure not to exceed thirty percent (30%) of the maximum occupancy stated by the building code currently in force in Puerto Rico (PR Building Code 2018).

As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their facilities.

17. **Open-air/strip malls.** These shopping centers shall be allowed to remain open to the general public and shall continue to operate until 10:00 p.m. from Monday to Sunday, in strict compliance of all precautionary measures to control the spread of the virus, which includes, without limitation, the mandatory use of face masks, disinfection protocols, frequent handwashing, and following physical distancing rules, except for playgrounds and valet parking areas, if any. To this end, they must ensure not to exceed thirty percent (30%) of the maximum occupancy stated by the building code currently in force in Puerto Rico (PR Building Code 2018). Tenants and shopping malls that have not yet submitted the self-certification required by this Executive Order to the Department of Labor and Human Resources shall not be allowed to reopen.



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As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their facilities.

18. **Enclosed shopping malls.** Acknowledging that sixty percent (60%) of shopping mall tenants are local small and medium-sized retailers, these businesses shall continue to be allowed to open to the general public until 10:00 p.m. from Monday to Sunday, in strict compliance with all precautionary measures to control the spread of the virus, including, without limitation, the mandatory use of face masks, frequent handwashing, and following physical distancing rules, except for playgrounds and valet parking areas, if any. Tenants and shopping malls must follow all CDC, Department of Health, and PROSHA protocols, as well as the COVID-19 guidelines established by the shopping mall. Any tenant or shopping mall that has not submitted the self-certification required herein to the Department of Labor and Human Resources shall not be allowed to reopen.

Each shopping mall must establish designated entrances for staff, vendors, and customers.

In order to safeguard the health and safety of customers, employees, and visitors It is necessary to limit occupancy to one (1) person for every seventy-five (75) square feet of floor space, which shall be implemented by the shopping mall's management.

All shopping mall tenants, in coordination with the mall's management, must ensure not to exceed thirty percent (30%) of the maximum occupancy established in the building code currently in effect in Puerto Rico (PR Building Code 2018).

Food courts shall be allowed to operate as long as occupancy at designated eating areas does not exceed thirty percent (30%) of the maximum occupancy established in the building code currently in effect in Puerto Rico (PR Building Code 2018).

As part of the infection control plan, each establishment must set aside some time at the end of their daily operations



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to clean and disinfect their facilities.

19. **Wholesalers.** These businesses shall continue to operate until 10:00 p.m. from Monday to Sunday, in strict compliance with all precautionary measures regarding the use of face masks, frequent handwashing, and following physical distancing rules. Occupancy of buildings and retail spaces shall be limited to thirty percent (30%) of the maximum occupancy stated by the building code currently in force in Puerto Rico (PR Building Code 2018).

As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their facilities.

20. **Car Dealerships:** These businesses shall continue to operate until 10:00 p.m. from Monday to Sunday, by appointment, in strict compliance with all precautionary measures regarding the mandatory use of face masks, the facility disinfecting protocols, preventing the gathering of people, and following physical distancing rules. To this end, they must ensure not to exceed thirty percent (30%) of the maximum occupancy stated by the building code currently in force in Puerto Rico (PR Building Code 2018). These establishments may not continue to operate if they have not submitted a precautionary measures plan to the Department of Labor and Human Resources and have not obtained the self-certification required herein.

As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their facilities.

21. **IT Businesses:** These businesses shall continue to operate from Monday to Sunday during the business hours authorized by the curfew, by appointment, in strict compliance with all precautionary measures regarding the use of face masks, preventing the gathering of people, and following physical distancing rules.

As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their facilities.



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22. **Advertising Agencies:** These businesses shall continue operate until 10:00 p.m. from Monday to Sunday, by appointment, in strict compliance with all precautionary measures regarding the use of face masks, preventing the gathering of people, and following physical distancing rules. To this end, they must ensure not to exceed thirty percent (30%) of the maximum occupancy stated by the building code currently in force in Puerto Rico (PR Building Code 2018).

As part of the infection control plan, each establishment must set aside some time at the end of their daily operations to clean and disinfect their facilities.

23. **Drive-In Movie Theaters:** These businesses shall continue to operate until 10:00 p.m. from Monday to Sunday, by promoting the sale of tickets and concession stand items by electronic means and in strict compliance with all CDC and Department of Health COVID-19 recommendations.

24. **Museums:** These businesses shall continue to operate until 10:00 p.m. from Monday to Sunday, by promoting the sale of tickets and concession stand items by electronic means and in strict compliance with all CDC and Department of Health COVID-19 recommendations and PROSHA's COVID-19 guidelines, including the six (6)-feet distance parameter, the mandatory use of face masks, the frequent washing of hands, and the daily disinfection of the facilities. To this end, they must ensure not to exceed thirty percent (30%) of the maximum occupancy stated by the building code currently in force in Puerto Rico (PR Building Code 2018).

25. **Childcare Centers:** Childcare facilities shall be allowed to operate from Monday to Sunday during the hours permitted by the curfew, in compliance with all precautionary measures and following all CDC, Department of the Family, and Department of Health recommendations and PROSHA's COVID-19 guidelines, including the six (6)-feet distance parameter, the mandatory use of face masks, frequent hand washing, and the daily disinfection of the facilities.



It is hereby ordered that all relevant agencies issue the necessary circular letters, guidelines, and administrative orders to monitor these centers' compliance with the established protocol.

26. **Film industry:** These businesses shall continue to operate until 10:00 p.m. from Monday to Sunday during as authorized by the curfew, following all CDC and Department of Health recommendations and PROSHA's COVID-19 guidelines, including the six (6)-feet distance parameter, the mandatory use of face masks, the frequent washing of hands, and the COVID-19 protocols established by the industry.
27. **Businesses dedicated to the washing and cleaning of vehicles (car wash businesses).** These businesses shall continue to operate until 10:00 p.m. from Monday to Sunday, following all CDC and Department of Health recommendations and PROSHA's COVID-19 guidelines, including the six (6)-feet distance parameter, the mandatory use of face masks, frequent hand washing, and the COVID-19 protocols established by the industry.
28. **Gyms.** These establishments may operate until 10:00 p.m. from Monday to Sunday, by following all CDC and Department of Health recommendations and PROSHA's COVID-19 guidelines, including the six (6)-feet distance parameter, the mandatory use of face masks, frequent hand washing, and the COVID-19 protocols established by the industry, as well as the guidelines issued by the Department of Sports and Recreation under their Circular Letters, and ensuring the disinfection of all equipment after each use. To this end, they must ensure NOT TO EXCEED thirty percent (30%) of the maximum occupancy stated by the building code currently in force in Puerto Rico (PR Building Code 2018).
- In the case of gyms located within residential projects or developments ("urbanizaciones"), the administrators or managers must ensure compliance with all COVID-19 precautionary measures and physical distancing rules and the mandatory use of face masks by all users, as well as





what has been stated in this subheading regarding the facility cleaning and disinfecting protocols and what has been decreed by the Department of Sports and Recreation in its Circular Letter.

29. **Casinos.** Casinos shall be allowed to open until 10:00 p.m. from Monday to Sunday, by following all CDC and Department of Health recommendations and PROSHA's COVID-19 guidelines, including the six (6)-feet distance parameter, the mandatory use of face masks, frequent hand washing, and daily disinfection of the facilities. To this end, they must ensure not to exceed thirty percent (30%) of the maximum occupancy stated by the building code currently in force in Puerto Rico (PR Building Code 2018).
30. **Movie Theaters:** These businesses may operate until 10:00 p.m. from Monday to Sunday, by following all CDC and Department of Health recommendations and PROSHA's COVID-19 guidelines, including the six (6)-feet distance parameter, the mandatory use of face masks, frequent hand washing, and daily disinfection of the facilities. To this end, they must ensure not to exceed thirty percent (30%) of the maximum occupancy stated by the building code currently in force in Puerto Rico (PR Building Code 2018).

Owners or proprietors of businesses dedicated to renting equipment for social events, such as tables and chairs, are hereby warned that activities that involve gatherings of people in significant numbers are prohibited while this executive order is in effect.

Failure to comply with the Price Freeze Orders or any other Order issued by the Department of Consumer Affairs (DACO, for its Spanish acronym) shall be subject to the fines and penalties mentioned herein and in DACO's enabling act.

To this end, the DACO Secretary is hereby ordered to review the orders issued to safeguard consumers' rights during the pandemic, in order to amend, repeal, or enact those necessary for the sectors that have been authorized to operate.



We continue to promote that authorized businesses that require reservations or appointments, or that offer curbside or pickup delivery for food or merchandize, continue to monitor all waiting lines outside their establishments. Each establishment must develop a system whereby customers will be instructed to wait inside their vehicles in order to avoid taking care of more than one (1) customer at a time.

In order for citizens to be able to contribute to the monitoring and full compliance of this Executive Order, all authorized establishments are hereby ordered to display posters in visible locations informing the confidential COVID-19 hotline created by the Department of Health. These posters or signs must include the following contact information in order for citizens to report cases of noncompliance:

1. Phone number: (787) 522-6300, extensions 6899, 6840, 6824, and 6833
2. Email: [investigaciones@salud.pr.gov](mailto:investigaciones@salud.pr.gov)

It is also required that said posters or signs indicate the number of people corresponding to the thirty percent (30%) maximum occupancy limit established in accordance with the building code currently in force in Puerto Rico (PR Building Code 2018), subject to penalties for noncompliance with this Executive Orders.

**Section 8:**

**DEFINITIONS:**

1. Bar – An establishment primarily dedicated to the sale of alcoholic beverages intended to be consumed within the establishment itself. Any establishment that sells food and drink, such as restaurants, cafés, or cafeterias that remains open past 11:00 p.m. and where consuming alcoholic beverages becomes the primary activity at that time.
2. Cafeteria – Indoor establishment where coffee, soft drinks, sandwiches, and other light meals are sold and where the scope of business can be expanded to include the sale of food intended to be consumed within or outside the establishment, including serving food directly to client's vehicles and serving alcohol.
3. Restaurant – Indoor establishment that sells food intended to be



consumed within or outside of the establishment, and whose primary business may include the sale of alcoholic beverages as an incidental related activity.

4. Outdoor Café – An open-air or outdoor establishment dedicated to the retail of prepared food and drinks intended to be consumed at the establishment and which may serve alcohol as an incidental activity. Properties authorized for this use may not be adjacent to any residential districts.

**Section 9:**

**AUTHORIZED SERVICES:** The following services may continue to be provided during the hours authorized under the curfew, provided that all precautionary measures are complied with and that all health, safety, and hygiene aspects are guaranteed, by establishing the necessary controls in order to achieve physical distancing and prevent the spread of COVID-19:

1. Plumbers, electricians, people who repair, maintain, or replace home appliances, exterminating and pest control services, pool cleaning services, businesses and independent contractors who provide landscaping services, elevator repair and maintenance, security gate maintenance and repair, and other services that are necessary to maintain health, safety, and essential operations at an individual, residential, commercial, industrial, or public level. When carrying out their work, they must wear masks to cover their mouths and gloves in order to guarantee their protection and that of the customers they are serving.

The management of condominiums, gated communities, or any other residential complex under the horizontal property regime or otherwise, must ensure to achieve strict compliance with the directives of this order or be subject to penalties.

2. Roadside assistance and locksmith service companies must provide a phone number or email address as contact information for making appointments.
3. Courier companies may continue to operate while





following health, safety, and hygiene guidelines and implementing the necessary measures for maintaining physical distancing and preventing the spread of COVID-19.

4. Regarding funeral services, body collection and transfers, embalming, cremation, and burials may be performed. Wakes may be conducted in strict compliance with all precautionary measures, using face masks, practicing frequent handwashing, and following physical distancing rules. To this end, funeral homes must ensure not to exceed thirty percent (30%) of the maximum occupancy stated by the building code currently in effect in Puerto Rico (PR Building Code 2018), and to comply with the protocols established by the Department of Health. The use of common areas, such as coffee rooms, is prohibited, and children under the age of twelve (12) shall not be allowed at the facilities.

Cemeteries may remain open to the public subject to compliance with all precautionary measures, physical distancing rules, and the protocol established by the Department of Health. Children under the age of twelve (12) are not allowed to enter the facilities.

5. Regarding critical telecommunications infrastructure, all installation, repair, maintenance, and facility restoration services shall be permitted. This includes:

- a. Infrastructure related to the Puerto Rico Electric Power Authority, the Puerto Rico Aqueduct and Sewer Authority, telecommunications, road systems, solid and biomedical waste, seaports, and airports.

- b. As part of the critical telecommunications infrastructure and based on the essential nature of the services, these businesses shall provide services to the general public during regular business hours as authorized by the lockdown, by following the strictest health,

safety, and hygiene guidelines and establishing the necessary controls to achieve physical distancing, implement precautionary measures, and prevent the spread of the virus.

6. Sales, installation, repair, and maintenance of renewable or alternative energy systems.
7. Street, road, and highway repair and maintenance services.
8. Repair and maintenance of private infrastructure to ensure the continuity of exempted services and operations under this Executive Order.
9. Sales, installation, and maintenance of the necessary infrastructure and equipment to address the hurricane season.
10. Garbage collection (public or private); recycling services; maintenance and cleaning services.
11. Services related to any federal agency, including the United States Department of Defense (DOD).
12. The export of non-essential merchandise.
13. Moving services.
14. Services to ports and airports.
15. Electronic transaction processing services.
16. Telephone or online sales, for which warehouses shall be allowed to operate in order to fill orders for curbside pickup or delivery only. They shall ensure control over the number of people for whom appointments have been scheduled, in order to avoid taking care of more than one (1) customer at a time and must take all appropriate safety measures to prevent infection.
17. Supply and distribution of items for industries exempt from closure, provided that all precautionary measures are taken to mitigate the risk of infection.
18. Logistics and transportation: customs brokers; ocean or ground freight consolidation services, third-party storage and distribution services, and distribution of detergents,



disinfectants, and hygiene and cleaning products.

19. Fire prevention design, sales, and installation services.
20. Armory services, by appointment. Shooting ranges' occupancy may not exceed thirty percent (30%) of the maximum occupancy established in the building code currently in effect in Puerto Rico (PR Building Code 2018).
21. Air conditioning repair and maintenance services.
22. Transportation services by taxi drivers and public drivers interested in providing merchandise (freight) delivery services and transporting passengers, provided that they follow all COVID-19 precautionary measures in accordance with NTSP regulations.
23. Public transportation services shall continue to be provided in accordance with the COVID-19 regulations implemented by the Metropolitan Bus Authority (AMA, for its Spanish acronym) and the Tren Urbano rail line. In order to operate, these services must submit their protocols for the protection of users to the Department of Health. The "Llame y Viaje" program of the Puerto Rico Department of Transportation and Public Works shall continue to operate. Users shall be required to use face masks in order to board a bus or train. Any person who is not wearing a face mask will not be allowed to use these services. AMA drivers must ensure compliance with these rules. Everyone is required to wear a face mask while traveling on an AMA bus or within their facilities.
24. Data center operations.
25. Call center operations.
26. Notary services for all types of transactions required in their ordinary course of business.
27. Legal, accounting, and other similar professional services. These service providers may operate as long





as they prevent the gathering of people in their offices or waiting areas while also following the physical distancing protocols. It is important to take all the necessary measures to safeguard the health of all employees working at their offices and to fulfill the self-certification requirement established for all employers under this Executive Order.

28. College/university educational services, including services provided by professional associations or professional continuing education institutions. The administration of standardized tests is also authorized, subject to compliance with all precautionary measures regarding the mandatory use of face masks, frequent hand washing, and physical distancing rules. Each educational institution or Board of Examiners shall be responsible for safeguarding the health and safety of all applicants and/or students at all times while the test is being administered. Each college institution must develop a COVID-19 protocol based on the recommendations of the CDC, the Department of Health, and PROSHA's COVID-19 guidelines, including, without limitation, the six (6)-feet distance parameter, the mandatory use of face masks, and frequent hand washing. Institutions that have not submitted the self-certification required under this Executive Order to the Department of Labor and Human Resources shall not be allowed to reopen.

29. The authorization for public and private schools to prepare their facilities for when they are able to begin in-person classes remains in effect. However, courses must be offered online.

The use of these facilities to administer standardized tests is hereby authorized, provided that all precautionary measures regarding the mandatory use of face masks, frequent hand washing, and physical distancing rules are followed. Each educational institution or Board of Examiners shall be responsible for safeguarding the health and safety of all applicants

  


and/or students at all times while the test is being administered.

30. Real estate brokers, agents, and administrators may resume their work by keeping all established precautionary measures regarding the mandatory use of face masks, frequent handwashing, and physical distancing rules.

31. Electronic and traditional lottery. The Secretary of Treasury is hereby ordered to issue orders or circular letters to regulate this activity.

32. Item repair services.

33. General management and processing services ("gestoría").

**Section 10:**

**CORPORATIONS.** Article 7.12(A) of Act 164 of December 16, 2009, as amended, known as the "General Corporations Act," hereinafter referred to as the Corporations Act, provides that when a corporation's shareholders are required or allowed to participate in a meeting, a written notice shall be issued confirming the location where the meeting is to be held, if any, the date and time of the meeting, and the remote means of communications, if any, through which said corporation's shareholders and their representatives may attend and vote at said meeting.

Subsection (B) of the aforementioned article requires that said written notice be delivered to each shareholder with voting rights in said meeting no less than ten (10) days and no more than sixty (60) days before the date of the meeting. It further provides that, if the notice is sent by mail, it shall be considered to be delivered when placed in the U.S. Mail, signed, and addressed to the shareholder to the address shown in said corporation's records.

It is therefore provided that, if as a result of the COVID-19 pandemic and its effects on Puerto Rico, the board of directors of any corporation organized under the laws of Puerto Rico wishes to change the date or location of a previously notified shareholders' meeting, said corporation may notify its shareholders of such change by email, press release, radio ads, ads in newspapers of general circulation in Puerto Rico, phone call, and/or a combination

  


of the above, or, in the case of public corporations, through documents publicly filed by the corporation with the Securities and Exchange Commission, as required by law, and a press release that shall also be posted on said corporation's website immediately after its publication.

It is hereby provided that the notification of changes to dates and locations shall be allowed until the end of the state of emergency is declared.

**Section 11:**

**OUTDOOR RECREATIONAL AND SPORTS ACTIVITIES.**

Individual sports and recreational training activities are hereby authorized from Monday to Sunday during the hours permitted under the curfew, for training and recreational purposes only, by exercising individually, without physical contact, in different sport modalities, such as combat sports and mixed martial arts, basketball, volleyball, baseball, handball, soccer, boxing, judo, taekwondo, and swimming, and in strict compliance with the rules and directives issued by the Secretary of the Department of Sports and Recreation for these purposes.

Limited use of beaches, reserves, golf clubs, parks, playing fields, gyms, and cockfighting arenas shall be permitted, subject to the guidelines and restrictions imposed by the Government of Puerto Rico, the Secretary of the Department of Sports and Recreation, or the municipality where said facility is located. Pools and parks located within residential complexes, including those subject to the horizontal property regime, are authorized to operate at thirty percent (30%) of their design capacity while this Executive Order is in effect, subject to physical distancing rules and other precautionary measures. However, the consumption of alcoholic beverages is strictly prohibited. It is important to clarify that the use of gyms in residential complexes shall be limited to thirty percent (30%) of their capacity, provided that they will be able to undertake the necessary monitoring to enforce faithful compliance with all precautionary measures, physical distancing rules, and the mandatory use of face masks at all times. Other common areas, such as club houses, shall remain closed. The homeowners association of each residential complex shall be responsible for issuing the rules to be followed by their residents in order to comply with this Executive Order. The Secretary of the Department of





Sports and Recreation may issue additional guidelines.

In carrying out the authorized activities, citizens must make sure to keep the recommended ten (10)-feet distance from other people. If exercising at the same time as another person, they must position themselves diagonally so as not to face each other. To the extent possible, a face mask, scarf, or bandanna must be used to cover their mouth and nose while exercising, as recommended.

The Puerto Rico Department of Sports and Recreation (DRD, for its Spanish acronym) shall issue a circular letter stating the specific rules and guidelines for each of the authorized activities and detailing all applicable protection measures and rules.

As a recreational activity, hunting, as well as commercial and recreational fishing, shall be permitted during the hours authorized by the curfew, provided that all precautionary measures and physical distancing rules are followed by hunters and fishermen, as established by the Department of Natural and Environmental Resources in its circular letters.

**Section 12:**

**BEACHES, PUBLIC BATHING BEACHES, AND WATER**

**BODIES:** Beaches, public bathing beaches ("balnearios"), rivers, marinas, and other water bodies may be used by visitors during authorized business hours, avoiding the gathering of people in the same area and following all applicable precautionary measures. Socializing and gathering with people outside their household is hereby prohibited. It is important to maintain a mandatory distance of no less than ten (10) feet between bathers both on the sand and in the water. Beach visitors must demarcate the area around them in order to ensure the necessary physical distancing. They must wear their face masks at all times when not in the water. The use of beach chairs, umbrellas, and coolers is allowed among members of the same household. However, consumption of alcoholic beverages is prohibited. The Department of Natural Resources (DNER) shall perform preventive patrols on the beaches to educate the public and shall post signs in strategic locations around bathing beaches to inform visitors of the rules applicable to the use and enjoyment of beaches.

The use or occupancy of vessels for recreational purposes among people who are not members of the same household, as well as



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the use of several vessels arranged in close proximity to each other, are hereby prohibited.

**Section 13:**

**HORSE RACING INDUSTRY:** The horse racing industry shall continue their operations for the purposes of holding official races, subject to the implementation of safety and health measures to mitigate the risk of infection and to protect the health and safety of workers, as well as of all individuals who participate in equestrian activities, including bettors, against COVID-19. These measures shall be in line with the guidelines issued by the Centers for Disease Control and Prevention (CDC), the United States Department of Health, the Occupational Safety and Health Administration (OSHA), and the United States Department of Labor. These businesses shall be required to provide training and continuous monitoring of employees with regard to the new safety and health measures, as well as regarding all work guidelines. The supply of materials and inventory is hereby authorized, as well as the provision of support services for this sector. Official horse races may be held at the Camarero Race Track and public access to the horse racing track facilities will be allowed from Monday to Sunday during the operating hours not prohibited by the curfew, provided that they do not exceed thirty percent (30%) of the maximum occupancy stated by the building code currently in force in Puerto Rico (PR Building Code 2018). Races may be broadcast on television and/or via Internet. Bets may be placed using the "GanaDondeSea" (InterBet) online platform or at an off-track betting location ("agencia hipica"), during the operating hours authorized under the lockdown, provided that all necessary measures are taken to control the number of persons entering these locations to place their bets, that a distance of six (6) feet is kept between each person and that adequate safety and health measures are followed to prevent infection, including the use of face masks, and without exceeding thirty percent (30%) of the maximum occupancy stated in the building code currently in force in Puerto Rico (PR Building Code 2018). Lastly, the operation and use of electronic gambling machines under the Electronic Video Gaming System (SVJE, for its Spanish acronym) is hereby authorized.





**Section 14:**

**RECREATION AND TOURISM.** Based on the data obtained from contact tracing systems, community infections account for the highest percentage of confirmed COVID-19 cases on our Island. The tourism sector has been at the forefront in the design of protocols to minimize the risk of COVID-19 infection in its locations. In keeping with the above, the Puerto Rico Tourism Company (PRTC) is hereby authorized to resume efforts to promote domestic tourism exclusively, highlighting the health measures required for both visitors and tourism enterprises to prevent COVID-19 infections.

All tourism businesses are required to certify full compliance with the provisions of the Puerto Rico Tourism Company (PRTC) Health and Safety Destination Program in order to protect both the workforce in the tourism industry and consumers. These guidelines shall be available at <http://prtc-covid19.com/knowledge-base/health-and-safety-destination-wide-program/>. In accordance with the provisions of the program, all hospitality businesses must complete the "Declaration of Agreement" electronically so that the PRTC may verify compliance by means of random unannounced compliance inspection measures. In order to monitor compliance, the PRTC is hereby authorized to enter into any collaborative agreement to designate a joint compliance team that will have the authority to inspect tourism facilities and enforce faithful compliance with the provisions of this Order.

The opening of pools continues to be authorized at up to thirty percent (30%) of their design capacity, exclusively for guests and by making reservations, provided that these businesses are able to undertake the necessary monitoring to ensure faithful compliance with all precautionary measures. A physical distance of six (6) feet shall be kept among individuals in all hotel areas. The hotel management shall be responsible for having the necessary personnel to monitor compliance with health protocols at all times and shall report any violation of the provisions of this Order to the Puerto Rico Police Department. The Puerto Rico Tourism Company may issue additional guidelines.

Restaurant dining rooms may remain open during the hours authorized by the curfew, provided that their operation does not





exceed thirty percent (30%) of the maximum occupancy stated by the building code currently in effect in Puerto Rico (PR Building Code 2018) and that a physical distance of six (6) feet between diners is guaranteed. Furthermore, outdoor dining areas may operate at their maximum capacity, provided that they meet all precautionary measures regarding the use of face masks and frequent handwashing at all times and guaranteeing physical distancing. Restaurants that have a bar within their establishment (the counter area where all kinds of drinks are prepared and served) must keep the bar closed. The sale and consumption of alcoholic beverages must take place in the dining room.

It is important to clarify that if accommodating a number of people equivalent to the thirty percent (30%) maximum capacity required by this order within the same space would make it impossible to observe physical distancing, the restaurant shall be required to further reduce occupancy to a level that makes it possible to ensure that diners can remain six (6) feet apart.

Hotels and inns, including short term rentals, that do not have an Innkeeper ID Number issued by the PRTC are entirely prohibited from opening and operating at any time; therefore, their proprietors and tenants shall be subject to the noncompliance penalties imposed herein, as well as the applicable penalties established in Act 272-2003, as amended, known as the "Room Occupancy Tax Law of the Commonwealth of Puerto Rico."

Owners, managers, administrators, or people in charge of short-term rental properties (either rented independently or through platforms such as Airbnb, VRBO, Join a Join, etc.) must ensure to prohibit the entry of people who have not been properly registered as guests in the property they are attempting to enter. The holding of social activities, events, or gatherings at short term rental properties is strictly prohibited. Both property managers and tenants must comply with the provisions of this Order.

Social activities at short term rentals are prohibited. As part of the monitoring plan, the Puerto Rico Police shall perform inspections at these properties in coordination with the Tourism Company.

Hotels and inns that provide access to beaches or public bathing beaches ("balnearios") must ensure these facilities are used in accordance with the provisions of this Order.



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Casinos are authorized to open from Monday to Sunday from 5:00 a.m. to 10:00 p.m. at thirty percent (30%) of their maximum capacity, as defined by the building code currently in force in Puerto Rico (PR Building Code 2018), provided that a distance of six (6) feet is kept between each customer, by implementing physical distancing measures such as disabling slot machines between customers. The casino management must enforce the disinfection of all machines or gaming areas once they have been used by a customer. All casinos must follow the protocols established by the Gaming Commission and the Tourism Company.

Recreational activities, including nautical tourism, hiking, scuba diving, snorkeling, and guided tours, among others, are hereby authorized from Monday to Sunday, within the operating hours authorized by the curfew, provided that service providers establish an appointment and reservation system that guarantees both physical distancing between individuals who participate in these activities and adequate cleaning of all recreational equipment.

The tourism industry is hereby encouraged to work on long term plans in order to establish risk control mechanisms to develop key indicators that will allow for the gradual reopening of activities that pose a lower risk of infection.

**Section 15:**

**EVENTS.** Proposals for concerts and theatrical events may be submitted for consideration to the Governor's Chief of Staff for their approval and authorization. Said proposals shall be evaluated subject to the implementation of health and safety measures to mitigate the spread of the virus and safeguard the health and safety of workers, artists, and any other person participating in the event's development.

All activities involving mass gatherings, whether in outdoor or indoor venues, are not permitted. This includes parades, processions, and other similar activities that will foster the gathering of people in violation of the provisions of this Order. The Puerto Rico Police Department shall enforce compliance of this Order in coordination with the Municipal Police. Providing police escort services and/or controlling traffic during these events in violation of this Executive Order is hereby prohibited.



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The use of "party buses" and the hosting of mobile gatherings shall not be permitted for any event while this Executive Order is in effect.

**Section 16:**

**PRECAUTIONARY MEASURES.** Any person who visits the establishments or offices authorized to open to the public under this Executive Order during specific hours must observe the following precautionary measures:

- a) Cover their mouth and nose with a mask or scarf made of fabric or other materials. Each person shall be responsible for utilizing this protective item in conformance with the recommendations issued by the Department of Health for its proper use.
- b) Every person who visits an establishment shall maintain a distance of six (6) feet from other people.
- c) In order to protect the public and avoid unnecessary gatherings, citizens should not visit establishments authorized to open in large numbers. **Private establishments** authorized to open to the public during specific hours in accordance with the exceptions established in this Executive Order must enforce and ensure compliance with these precautionary measures. They must also safeguard the health and safety of their customers and employees. For this reason, they are instructed to comply with the following measures:
  - a) Ensuring that all employees wear a face mask and wash their hands for 20 seconds or use a hand sanitizer prior to beginning their work and periodically during their work shift. They must also disinfect their working stations upon arrival and at the end of their shift.
  - b) Ensuring that people who visit their establishments wear masks, mouth coverings, fabric scarfs, or other forms of protection for the mouth and nose area. Businesses must implement measures to prevent people who are not complying with the aforementioned precautionary measures from entering their establishments. Employees working at these establishments must be protected in the same manner.





- c) Providing on-site stations or mechanisms for people to disinfect their hands while they are on the premises.
- d) Ensuring that people who visit the establishment maintain the recommended distance of six (6) or more feet from other people, both inside and outside of the establishment. Appropriate measures must therefore be implemented to ensure compliance with the recommended physical distancing in waiting lines to enter the establishment and within the establishment; and
- e) In the case of supermarkets and pharmacies, consideration should be given to the establishment of special operating hours for customers over the age of 65.

**Section 17:** **PREFERENTIAL SERVICE.** To the extent possible, all businesses authorized to operate under this Executive Order must provide preferential service to people who work in hospitals and medical laboratories, and law enforcement officers, people over the age of 65, and people with disabilities.

**Section 18:** **EXEMPTED PERSONS.** With the curfew in place, all individuals authorized under this Executive Order due to work and/or emergency reasons shall be exempt from this lockdown.

**The provisions of this Order shall not apply to:**

1. Individuals who provide assistance, care, food, and transportation to senior citizens, children, dependents, people with disabilities or particularly vulnerable persons who require some type of medical care, provided that proper precautions are taken to prevent infection.
2. Individuals duly identified as employees of public or private safety agencies at the state or federal level.
3. Health professionals, including mental health professionals and people working in hospitals, pharmacies, pharmaceutical companies, bioscience facilities or healthcare centers.
4. Personnel working in the wholesale goods and food

manufacturing and supply chain, including those necessary for agricultural activity, such as agricultural centers, from the source up to consumer retail establishments where products are sold to consumers, including retail points of sale such as fresh produce (fruits, greens, vegetables) stands established prior to March 15, 2020.

5. Personnel working with utilities or critical infrastructure.
6. Providers of authorized services, activities, or events, while performing their official duties.
7. Call center and sensitive data center personnel.
8. Ports and airports personnel.
9. Members of the press and the media.
10. Individuals who are addressing health or emergency situations.
11. Officials who are carrying out critical duties in the Executive, Legislative, and Judicial Branches.
12. Municipal police officers.
13. Members of the Department of Natural and Environmental Resources (DNER) Ranger Corps.
14. Puerto Rico Department of Treasury's Internal Revenue Agents.
15. Legal representatives of citizens who have been charged with offenses with summons to appear before the court, bail reductions, or *habeas corpus*.
16. Legal representatives in civil cases duly summoned to appear before the court.
17. Notaries in the exercise of their duties as authorized by the Supreme Court of Puerto Rico by means of Resolution EM-2020-09 of April 24, 2020.
18. People with autism spectrum disorders are authorized to conduct therapeutic outings consisting of short walks in the area near their homes, accompanied by only one person and taking all physical distancing precautionary measures.

19. Department of Consumer Affairs (DACO) inspectors.
20. Puerto Rico State Election Commission's (CEE, for its Spanish acronym) personnel composed of each party's Electoral Commissioners and their Presidents.
21. Researchers from university laboratories and other administrative staff members, provided that they abide by the physical distancing rules and follow all precautionary measures in discharging their duties.
22. AutoExpreso toll recharging and collection personnel.
23. Specialized professionals, researchers, and general personnel and suppliers for museums, libraries, institutions, and foundations that curate public or private cultural collections.

**Section 19:**

**TOLLWAYS.** Tolls shall continue to be collected at tollways on the roads of the Government of Puerto Rico. However, no fines shall be imposed for passing through a tollway without having sufficient balance in an AutoExpreso account while this Order is in effect. All recharging lanes shall continue to operate, provided that they are able to certify the adoption of strict safety and mitigation protocols, and that all necessary measures are taken to safeguard the health of all employees.

**Section 20:**

**THE HOSTING OF RELIGIOUS EVENTS.** The Constitution recognizes the right to freedom of religion and the right to the free exercise of religion. To that end, it is recommended that religious services be held seven (7) days a week, during the hours permitted for businesses in general, as long as establishments operate at no more than thirty percent (30%) of the maximum capacity established in the building code currently in effect in Puerto Rico (PR Building Code 2018) and that physical distancing among participants is ensured. Any church, temple, mosque, or synagogue that holds in-person services during the hours permitted under the lockdown must adhere to the Guidelines for the Reopening of Religious Services, which are available at La Fortaleza's Third Sector and Faith-Based Office, and their respective health and safety protocols (the use of masks and hand sanitizer, physical distancing, etc.), provided that they operate at no more than thirty percent (30%) of the



capacity established in the building code currently in effect in Puerto Rico (PR Building Code 2018). It is hereby clarified, however, that participants must remain six feet apart from each other in indoor areas.

Parish or administrative offices may continue to operate during the hours authorized by the curfew as long as they adhere to the health and safety measures.

**Section 21:**

**THE CLOSING OF PRIVATE BUSINESSES AND ENTITIES.**

This total closure order shall apply 24 hours a day to clubs, gaming halls, theaters, bars, activity halls, and any other similar establishment or event that is not authorized under this Executive Order and which promotes the gathering of a large group of citizens in the same place. Any owner or administrator of an establishment who allows and/or promotes and/or rents the place, knowing that it promotes the gathering of people, shall be in violation of this order.

In addition, visiting friends or relatives at nursing homes is hereby prohibited, in accordance with the regulations enacted by the Department of the Family and the Department of Health. Visits to correctional institutions are prohibited while this Executive Order is in effect.

**Section 22:**

**CONSTRUCTION INDUSTRY.** The construction industry shall continue to operate, subject to the implementation of strict safety measures to safeguard the health and safety of all of our workers from COVID-19, and based on the Guidelines from the CDC, the Federal Department of Labor, and the Occupational Safety and Health Administration (OSHA). Prior to the commencement of work, they shall be required to provide workers with training, guidance, and constant supervision regarding the newly implemented occupational safety measures. This includes construction work performed at marinas in preparation for the hurricane season; repair and reconstruction projects due to natural disasters or emergencies; and private, residential, and governmental construction work.

The supply of building materials for the construction industry, including the distribution of cement and related products, is also authorized.



**Section 23:**

**MANUFACTURING.** The manufacturing industry segment shall continue to operate, subject to the implementation of safety measures to mitigate the risk of infection and to protect the health and safety of workers from COVID-19, based on the guidelines issued by Centers for Disease Control and Prevention (CDC), the Occupational Safety and Health Administration (OSHA) and the U.S. Department of Labor. Prior to the commencement of work, they shall be required to provide workers with training, guidance, and constant supervision regarding the new safety measures implemented at work. The supply of materials, inventory, and support services for this sector is hereby authorized.

**Section 24:**

**MARITIME TRAFFIC OF RECREATIONAL VESSELS.** The Faithful compliance of the guidelines enacted by the Department of Natural and Environmental Resources (DNER) is hereby ordered with regard to:

- a) any orders, guidelines, and circular letters, among others, ordering the closure of all marinas to discourage maritime traffic of recreational vessels in territorial waters and establishing exceptions to the above based on criteria such as emergencies, recreational and commercial fishing, and boat residents, and authorizing the use of jet skis, in accordance with federal regulations;
- b) establishing a costal surveillance plan in coordination with the Puerto Rico Police Bureau and any Municipal Police Department, to ensure that all vessels comply with this Executive Order and/or all DNER orders, guidelines, and circular letters, among others.

The DNER Ranger Corps, the Puerto Rico Police Bureau, and any Municipal Police force in Puerto Rico are hereby authorized to intervene with any person who disembarks from any type of vessel and who enters and/or attempts to enter our shores in violation of the Executive Order established herein and/or in violation of the DNER's orders, guidelines, and circular letters, among others. Marinas shall be responsible for ensuring faithful compliance with the provisions of this Order.

Mayors of coastal municipalities who can receive boats or any

other means of maritime transportation shall be authorized to prevent the entry of any person to Puerto Rico through these methods. They may coordinate their efforts with their Municipal Police, the DNER, and the Puerto Rico Police Department.

Maritime transportation services provided by the Maritime Transport Authority (ATM, for its acronym in Spanish) shall continue to be provided to residents and people who will be working in Vieques and Culebra. Maritime transportation services for tourists is authorized exclusively for travel to the Municipality of Culebra, as requested and provided by the ATM's Executive Director in a Circular Letter. As requested by its Municipality, the island of Vieques will not be receiving tourists.

**Section 25:**

**WORKPLACE INFECTION CONTROL RISK MANAGEMENT PLANS.**

It is hereby ordered that employers from all sectors authorized under this Executive Order develop an infection control risk management plan prior to the commencement of work, based on the OSHA 3990 Occupational Health and Safety Guidance published in March 2020 and adopted by the Puerto Rico Occupational Safety and Health Administration (PROSHA) of the Puerto Rico Department of Labor and Human Resources (DLRH) and the Centers for Disease Control and Prevention (CDC). All employers shall be required to submit their employer compliance self-certification to the Department of Labor and Human Resources (DLHR). To this end, the DLHR Secretary is hereby ordered to enforce strict compliance of the procedure to be followed to submit the self-certification required under this Order and to review said procedure, is necessary, in order for it to be adapted to the authorized sectors and to be published as widely as possible, in coordination with the Department of Economic Development and Commerce (DDEC, for its Spanish acronym). This self-certification shall be a prerequisite to be able to start operations. Once a self-certification has been submitted, it shall be understood that the facilities meet the parameters set out above and the employer shall be able to commence operations.

It is important that all employers who are currently operating due to them being exempted from the curfew under previous executive orders meet the self-certification requirement and






submit this form to the DLHR as soon and as diligently as possible, subject to penalties. While the foregoing shall not halt these employers' operations, they must fulfill this requirement.

It is important that employers limit the number of employees in common areas during working hours, such as cafeterias/break rooms, dining rooms, and terraces or outdoor spaces, where employees shall be required to comply with physical distancing rules and follow all precautionary measures.

Employers who are operating under the parameters of this Order may not terminate, discipline, or otherwise discriminate against an employee for exercising their rights under labor laws, including recently adopted acts such as the Families First Coronavirus Response Act and Act No. 37-2020, as well as for taking any available leave, or for filing a claim, testifying, or trying to testify in a case in connection with the above. Furthermore, employers must seek to protect employees who are vulnerable to being infected with COVID-19, by taking into account these circumstances in reintegrating their staff.

All employers, including business owners, shall be required to immediately report all suspected and confirmed COVID-19 cases in their staff to the Department of Health at: covidpatronos@salud.pr.gov.

It is important to clarify that an employee's return to work shall not be based on a negative molecular diagnostic test (PCR), as established by the Department of Health and CDC guidelines.

**Section 26:**

**MODIFICATIONS.** While this Order is in effect, the analysis of all measures taken and all collected infection data shall continue, in order to discuss their results and to adopt any modifications that may be required on a timely basis.

**Section 27:**

**NONCOMPLIANCE.** Failure to comply with the provisions of this Executive Order by any person or business shall result in the imposition of the criminal penalties and fines defined under the provisions of Article 6.14 of Act 20-2017, as amended, which sets a penalty of imprisonment not to exceed six (6) months, or a fine of not more than five thousand dollars (\$5,000), or both penalties, at the discretion of the court and/or any applicable law. Furthermore, in accordance with the provisions of Art. 33 of the



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Health Department Act, "[a]ny natural or juridical person who violates the provisions of this Act or the regulations issued by the Department of Health thereunder shall incur a misdemeanor, and upon conviction, may be sentenced to imprisonment that shall not exceed six (6) months, or a fine of not more than five thousand dollars (\$5,000), or both penalties in the discretion of the court." Authorities are hereby ordered to intervene with citizens who fail to comply with the precautionary measures described herein, including the mandatory use of face masks at all times.

Any person who fails to comply with the provisions of this Order shall be subject to criminal proceedings, which shall be initiated without any delay by the Public Prosecutor, whom, in turn, must request bail to be set in accordance with the Rules of Criminal Procedure.

Lastly, failure to comply with the Price Freeze Orders issued by the DACO shall result in the sanctions and fines imposed by said agency, as well as the ones mentioned herein.

The Puerto Rico Police Department is hereby ordered to take all necessary measures to enforce compliance with the provisions of this Executive Order, in coordination with the Municipal Police, the Department of Natural Resources' Ranger Corps, and the Puerto Rico Department of Public Safety.

**Section 28:**

**INTERAGENCY OVERSIGHT TEAM.** In order to monitor compliance with this Executive Order, all relevant entities, including but not limited to the Department of Public Safety and all of its components, including the Puerto Rico Police, the Special Investigations Bureau, the Puerto Rico Firefighters Corps, DACO, the Department of Treasury, the Department of Health, the Department of Family, DNER, the Permit Management Office, and the Officer of the Commissioner of Financial Institutions, are hereby authorized to establish their monitoring plans in coordination with PROSHA so that they may impose the corresponding fines and penalties within their authority and jurisdiction, in accordance with applicable laws. This includes, but is not limited to, the closure of businesses due to noncompliance with this Executive Order.

These government agencies may also establish collaborative oversight agreements with municipal governments, which may take similar actions within their respective jurisdictions as





established under Act 107-2020, known as the "Puerto Rico Municipal Code."

**Section 29:**

**ECONOMIC STABILIZATION MEASURES.** The Secretary of Treasury must submit a plan to the Monitoring Committee overseeing disbursements from the Coronavirus Relief Fund (CRF), within ten (10) days, in order to grant financial assistance to eligible entities that have incurred monetary losses due to an interruption in business since March 15, 2020, as a result of the COVID-19 pandemic.

For the purposes of this assistance, the Department of Treasury shall identify eligible entities, giving particular consideration to entities that have been forced out of businesses as a result of the emergency measures enacted under any executive order, including, without limitation, bars and restaurants.

**Section 30:**

**DEFINITION OF "AGENCY".** For the purposes of this Executive Order, the term "Agency" refers to any agency, instrumentality, office, or department of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of its name.

**Section 31:**

**PRIOR ORDERS SUPERSEDED.** This Executive Order supersedes Executive Order OE-2020-087 and any other executive order that may be inconsistent with the provisions herein, to the extent of such inconsistency.

**Section 32:**

**VALIDITY.** This Executive Order shall enter into force on January 8, 2021 and shall remain in force until February 7, 2021.

**Section 33:**

**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 34:**

**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 35:**

**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 5<sup>th</sup> day of January of 2021.

A handwritten signature in blue ink, reading "Pedro R. Pierluisi".

PEDRO R. PIERLUISI  
GOVERNOR

Enacted in accordance with the law on this 5<sup>th</sup> day of January of 2021.

A handwritten signature in blue ink, reading "Lawrence N. Seilhamer Rodríguez".

LAWRENCE N. SEILHAMER RODRÍGUEZ  
SECRETARY OF STATE

A handwritten signature in blue ink, reading "Juan E. Segarra".

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.