

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

Administrative Bulletin Number: OE-2021-014

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 REPEALING ADMINISTRATIVE BULLETIN NO. OE-2021-010.

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, lives, 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.

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: 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 so that medical-hospital resources are protected while preventing the collapse of our economy.



WHEREAS: As provided by Administrative Bulletin No. OE-2021-010, scientific data regarding the spread of COVID-19 and the effects of the holiday season, if any, have been studied. The medical and scientific data establishes that there has not been an increase in infections during the past month; to the contrary, it has declined. Likewise, a significant reduction in hospital admission rates has been reported during the same period.

WHEREAS: A series of restrictions have been implemented since March 2020 which, despite being beneficial to the health of all Puerto Ricans, have seriously impacted small and medium-sized businesses. According to data provided by the International Monetary Fund, the economy is estimated to have contracted by 4.4% in 2020. Most of the countries are facing a recession. On top of that, based on a preliminary estimate by the United States Department of Commerce, COVID-19 caused the economy to contract by 3.5% in the United States in 2020. The loss of jobs, the massive closure of small businesses and a growing inequality were evident. There was also a contraction in consumer spending, exports, private investment, and state and local government spending. Exports fell 13% and personal consumption expenditures were reduced by 3.9%. The sector most affected by the closures was the service industry.

WHEREAS: Puerto Rico's economic data are not encouraging either. They also show that the COVID-19 pandemic has had a negative impact on our Island. According to data provided by the Puerto Rico Economic Development Bank, the Economic Development Bank's Economic Activity Index decreased by 6.8% as of November 2020, as compared to the previous year. During the first months of fiscal year 2021, said reduction reached 7.1%. This has placed the service, commerce, and tourism employment sectors as the hardest hit by the pandemic crisis, among others. Clearly, an economic downturn on our Island since March 2020.

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WHEREAS: The Centers for Disease Control and Prevention (CDC) have acknowledged that, while necessary to reduce the spread of COVID-19, public health measures such as social distancing make people feel isolated and increase their stress and anxiety levels. Therefore, it has been recognized that people feel the need to visit different establishments in order to manage their stress and

anxiety. That way they are also supporting businesses, which are an important part of our community.

WHEREAS:

The CDC has acknowledged that “[s]chools are an important part of the infrastructure of communities, as they provide safe, supportive learning environments for students, employ teachers and other staff, and enable parents, guardians, and caregivers to work. Schools also help to mitigate health disparities by providing critical services including school meal programs and facilitate access to social, physical, behavioral, and mental health services.” Although said federal entity defers to the determination of each state as to whether schools should be reopened, it has issued conclusive and specific recommendations regarding the factors that should be considered for their reopening.

WHEREAS:

The CDC has proposed taking several indicators into account in order to determine when it would be appropriate to open schools. The main indicators include the underlying community transmission measurements (the number of new cases as compared to the percentage of residents and the percentage of positive RT-PCR tests) and the implementation of mitigation strategies (constant use of facemasks, social distancing, hand hygiene, cleaning and disinfection, and contact tracing, among others).

WHEREAS:

COVID-19 studies show that, in general, attending school in person is safe if precautionary measures such as the use of facemasks and other precautions are followed. The CDC found that in-school transmission is very low, even when infections are common in the same community.

WHEREAS:

Experience both at the national and international level has shown that a coordinated, planned, and carefully designed reopening of schools is possible, since it will allow for an immediate response to any COVID-19 case that may arise, thus mitigating impact and allowing the school to remain open. Therefore, when mitigation strategies are steadily and correctly implemented, the risk of COVID-19 spread within the school environment and the surrounding community is reduced.

WHEREAS:

The President of the United States, Joseph R. Biden, Jr., has expressly emphasized that schools must be reopened. To this end, he is requesting that all necessary investments be made in order

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to enable a safe return to in-person learning.

WHEREAS:

The Government of Puerto Rico is currently creating the necessary protocols to reopen schools as soon as possible and to prevent infections among teaching and non-teaching staff and students. The urgent and efficient performance of the maintenance work and purchases required to prepare schools for their reopening is a public policy priority of our Administration. Furthermore, the Government of Puerto Rico will make all necessary efforts, through media campaigns, in order to continue with all vaccination and mass testing efforts.

WHEREAS:

Given that there has been a reduction of COVID-19 infections and hospital admissions since the implementation of Administrative Bulletin No. OE-2021-010, it is possible to grant more flexibility in certain areas in order to allow for the recovery of the economic sector, which has been affected since the beginning of the pandemic, while reducing stress and anxiety among people, with public health as a main priority. Likewise, we need to move towards opening public and private schools as soon as possible. It should also be noted that this flexibility is possible because the Government of Puerto Rico is currently taking the necessary preventive measures and has working hard to vaccinate as many people as possible in the next few weeks and months.

WHEREFORE:

This flexibility is also possible because each citizen has an individual responsibility to exercise caution and act wisely in any personal, business, or professional activity that they attend or in which they are involved. If all Puerto Ricans carefully follow all the precautionary measures ordered by the CDC, by this Order, and by the Department of Health and other components of the Government of Puerto Rico, there is no doubt that we will all be protected. The flexibility allowed in certain areas does not exempt individuals from their responsibility to take all imposed precautionary measures, as well as to act wisely and not to participate in any activity that they believe may put their health at risk.

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:

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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 12:00 a.m. to 5:00 a.m. Also, all citizens must limit their social activities and family gatherings in public or private spaces due to the emergency. Any event held must comply with all safety procedures and precautionary measures established in this executive order.

Section 2:

QUARANTINE ORDER. Under the authority granted by the Constitution of Puerto Rico, by Act 20-2017, as amended, known as the Puerto Rico Department of Public Safety Act, and by Act 81 of March 14, 1912, as amended, known as the Department of Health Organic Law, 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, known as the Organic Act of the Puerto Rico Department of Health, any person who has been diagnosed with COVID-19 is hereby ordered to

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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 progresses. The purpose of the isolation is to keep those infected with the virus away from others, including within their home. This means they must be confined and that they must restrict their movements in order to avoid putting public health at risk and prevent infecting health individuals. The isolation period cannot be ended if the person has not been without symptoms for twenty-four (24) hours. 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:

INDIVIDUAL PRECAUTIONARY MEASURES. Any person who comes into contact with anyone outside of their family unit must comply with the following protective measures:

- a) cover the mouth and nose area with a mask or scarf made of fabric or other materials;
- b) maintain a distance of six (6) feet from people outside of their family unit;
- c) regularly washing their hands;
- d) not visiting authorized establishments in groups;
- e) spending the least amount of time possible at authorized locations;
- f) any other health or hygiene measures necessary to prevent the spread of the virus.

Section 5:

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. Said agency heads must follow the work plans that have already been established. These plans must include measures and precautions for protecting the health of employees and services recipients, including following the individual precautionary measures established in this Order. The plan shall consider telework as a viable alternative as determined by each agency head based on their work plan, and based on the



position's duties, the law, and applicable regulations. 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.

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. In cases where it is necessary to conduct activities in person, following the individual precautionary measures established in this Order shall be mandatory. 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.

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:

PRIVATE OPERATIONS.

- 1) All commercial, industrial, manufacturing, construction, sales, healthcare or medical, funerary, recreational, agricultural, livestock, sports, horseracing, casino, film, finance, community, consumer service, professional, non-professional, care center, religious services, as well as others not expressly prohibited in this Executive Order, may operate.




In other words, all services and businesses permitted under Administrative Bulletin OE-2021-010 shall continue to operate, subject to the criteria outlined herein.

- 2) Unless otherwise stated in this Order, these private operations may take during the established hours of 5:00 a.m. to 11:00 p.m. with a maximum capacity of (50%) for indoor establishments. Outdoor spaces may operate without a limitation on occupancy percentages. However, physical distancing of six (6) feet must be maintained at all times between people not in the same family unit.
- 1) Restaurants, including fast food restaurants and food courts, may operate during the established hours of 5:00 a.m. to 11:00 p.m. with a maximum capacity of thirty percent (30%) of the establishment's maximum occupancy, maintaining a distance of six (6) feet between tables. Outdoor restaurants may operate without a limitation on occupancy percentages, while ensuring physical distancing of six (6) feet between tables. Delivery services offered by restaurants shall be permitted from Monday to Sunday until 12:00 a.m. in order to incentivize home delivery and prevent citizens from visiting establishments in person. For the purposes of this Order, a restaurant is an establishment dedicated to the sale of food intended to be consumed either within or outside of the establishment, and whose primary activity may include the sale of alcoholic beverages as a related incidental activity.
- 3) Similarly, movie theaters may operate during the established hours of 5:00 a.m. to 11:00 p.m. with a maximum capacity of thirty (30%) percent of the establishment's maximum occupancy.
- 4) In-person meetings are authorized at condominiums subject to the Horizontal Property Regime. These activities must follow the orders or guidelines issued for said purpose by the Secretary of the Department of Consumer Affairs (DACO, for its Spanish acronym). By the authority delegated to them, the Secretary may also express himself regarding any other matter related to condominiums subject to the Horizontal Property Regime that is not expressly contemplated herein.

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- 5) The percentage (%) applicable to indoor establishments shall be established as defined by the Building Code currently in effect in Puerto Rico (PR Building Code 2018).
- 6) Should the number of people present in a space meet the percentage requirement but maintaining physical distancing is impossible, the establishment shall be required to reduce the occupancy percentage so that physical distancing of six (6) feet can be guaranteed at all times.
- 7) In order to protect the health and safety of customers, employees, and visitors at indoor malls, it is necessary to limit maximum occupancy to one (1) person per seventy-five (75) square feet in hallway areas, which shall be implemented by the mall's management. In addition, every mall must establish designated entrances for employees, suppliers, and customers.
- 8) All establishments must comply with the protocols established by the CDC, the Department of Health, and the Puerto Rico Occupational Safety and Health Administration (PROSHA), and the guidelines established for COVID-19. Businesses that have not submitted the self-certification required in previous executive orders to the Department of Labor and Human Resources (DTRH, for its Spanish acronym) shall not be permitted to reopen.
- 9) The guidelines and directives issued by local and federal authorities shall be followed as long as they do not conflict with this Order.
- 10) The relevant agencies are hereby ordered to verify that establishments are fully complying with the established protocols.
- 11) Online shopping continues to be the most recommended and safe way of making purchases and must continue to be the first choice, prioritizing delivery or curbside pickup options. Similarly, it is still recommended that businesses able to do so (such as restaurants, medical clinics, mortgage banks and lending entities, laundromats, vehicle inspection centers, beauty salons or barbershops, spas and aesthetics salons, motor vehicle retailers, publicity agencies, carwashes, among



others) require reservations or prior appointments, and/or offer curbside pickup options to offer their services or make their sales. It is recommended that tickets be sold through electronic methods. In addition, it is necessary for merchants, owners, managers, or analogous persons to oversee waiting lines outside of establishments. Establishments that are able to do so must develop a system so that, in the event that there are several appointments at the same time at the establishment, clients can wait within their respective vehicles.

- 12) As part of the infection control plan, each establishment must reserve a period of time at the end of their daily operations for cleaning and disinfecting the establishment. The same process must also be carried out for disinfecting shopping carts, grooming items, gyms, and any other public convenience item used frequently by different people. These must be disinfected constantly and after every use.
- 13) The Secretary of the Department of Health has the authority to prohibit the operation, restrict the operation, or restrict the hours of operation of certain industries and business sectors if they determine that they represent a health risk due to COVID-19.
- 14) Merchants, owners, managers, or analogous persons must ensure that they oversee waiting lines within and outside establishments, crowding inside the establishment, and compliance with established occupancy limits in order to ensure compliance with social distancing measures. Waiting lines are not prohibited, but the merchant, owner, manager, or analogous person for the establishment must ensure that all precautionary measures are being followed.
- 15) Each merchant, owner, manager, or person in charge shall be responsible for ensuring strict compliance with precautionary measures and must employ the necessary hygiene and safety measures to protect employees, visitors, and customers. Merchants and owners, as applicable, are hereby further warned that failure to comply with these measures may result in the imposition of fines pursuant to the provisions of this Order.
- 16) All medical facilities must follow the protocols established by

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the Department of Health and the corresponding regulatory entities. They must operate by appointment, and only one patient may be seen at a time while complying with the precautionary measures, including preventing patients from gathering at waiting rooms.

17) 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:

a) Phone: (787) 522-6300, extensions 6899, 6840, 6824, and 6833

b) Email: investigaciones@salud.pr.gov

18) Posters or signs must also contain the maximum number of people allowed to occupy the establishment as defined in the building code currently in effect in Puerto Rico (PR Building Code 2018). Failure to comply with the above shall constitute a violation of this executive order.

19) Each employer, including business owners, are required to immediately report suspected and confirmed COVID-19 cases within their staff to the Department of Health at the following email address: covidpatronos@salud.pr.gov. Employers must comply with the directives issued by the DTRH and the Department of Health concerning their employees and operations.

20) All private establishments are urged to register in the Department of Health's Municipal Case Investigation and Contact Tracing System (SMICRC, for its Spanish acronym). This will help the Government of Puerto Rico have more accurate case tracking information. This information will be useful in determining future flexibilization measures.




Section 7:

RECREATIONAL AND SPORTS ACTIVITIES.

Exercise and physical activity are important for physical and mental health and must be practiced in order to lead a healthy life, especially during the coronavirus crisis. Therefore, during the

hours established for private operations, sports, recreational, training, and competitive activities shall be permitted, as long as these are carried out without physical contact and following the precautionary measures imposed in this Order, as well as the restrictions established by the Department of Sports and Recreation (DRD, for its Spanish acronym) after consulting the Department of Health. The DRD must issue regulations, directives, and protocols on the matter. As an exception, the DRD may allow said activities to be carried out with physical contact when they are carried out within bubble-type isolation conditions and following the corresponding precautionary measures.

Limited use of reserves, golf courses, parks, courts, gyms, and cockfighting arenas shall be permitted, subject to the directives and limitations issued by the DRD, the Department of Natural and Environmental Resources (DNER), the Department of Health, or the municipality where the establishment is located.

Parks within residential complexes, including those subject to the horizontal property regime, are authorized to operate while this executive order is in effect, as long as the precautionary measures established in this Order are followed. It is important to clarify that the use of gyms in residential complexes shall be limited to fifty percent (50%) of their capacity, provided that they will be able to undertake the necessary monitoring to enforce faithful compliance with all precautionary measures. Should they have other common areas, such as club houses, these 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 DRD and the DACO Secretary may issue additional guidelines.

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



Section 8:

BEACHES, PUBLIC BATHING BEACHES, AND BODIES OF WATER: Beaches, public bathing beaches (“balnearios”), rivers, marinas, and other bodies of water may be used by visitors during the hours authorized for private operations, 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 reason for this is that, as the CDC has recognized, the consumption of alcohol can impair a person's capacity to adhere to COVID-19 safety measures. The 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.

Pools at residential complexes, including those subject to the horizontal property regimes, are authorized to operate while this order is in effect at fifty percent (50%) of their maximum capacity, subject to the observance of social distancing and other precautionary measures. However, the consumption of alcoholic beverages is prohibited. The DACO may issue additional directives.

Regarding marinas, these shall remain open to all types of vessels, including recreational ones. However, vessels used for recreational activities may not be used or occupied by members of different family units. The same applies to multiple vessels adjacent to each other.

Strict compliance with the directives issued by the DNER and established in this Executive Order is required in order to open a marina. The DNER Ranger Corps, the Puerto Rico Police Bureau, and all Puerto Rico Municipal Police Departments are authorized to intervene with anyone who uses any type of marine vessel in violation of what is established in this executive order and/or in violation of the orders, directives, circular letters, among others, issued by the DNER. Marinas shall be responsible for ensuring there is strict compliance with the provisions of this Order.

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Marine transportation services provided by the Marine Transportation Authority (ATM, for its Spanish acronym) shall continue to operate for residents and persons carrying out work duties at both Island Municipalities. The opening of marine transport services for tourists shall remain in effect only for the Island Municipality of Culebra, as was requested by said Municipality. As for the Island Municipality of Vieques, it shall not receive tourists, as requested by said municipality, until a different request is established.

Section 9:

TOURISM. The Puerto Rico Tourism Company (PRTC) is hereby ordered to resume efforts to promote domestic tourism, highlighting the health measures required for both visitors and tourism enterprises to prevent COVID-19 infections. Hotels shall comply with the precautionary measures established in this Executive Order. The same conditions applicable to private operations, including restaurants, shall apply. Hotel operators are responsible for having personnel available to ensure that health protocols are followed at all times and must report any incident that violates the provisions of this Order to the Puerto Rico Police. The PRTC may issue additional directives.

All tourism businesses are required to certify full compliance with the provisions of the PRTC's Health and Safety Destination Program in order to protect both the workforce in the tourism industry and consumers.

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.

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

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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.

As part of the monitoring plan, the Puerto Rico Police shall perform inspections at these properties in coordination with the Tourism Company.

Tourist activities, including nautical tourism, hiking, scuba diving, snorkeling, and guided tours, among others, are hereby authorized, as long as the precautionary measures established in this Order are followed.

Section 10:

SCHOOLS.

At this time, opening schools is one of this Administration's public policy priorities. Therefore, the Government of Puerto Rico shall make all necessary efforts to achieve the gradual reopening of schools. Currently, 100% of public schools are registered in the SMICRC. Meanwhile, private schools are nearing 50%. In addition to working on maintaining school facilities, purchasing necessary equipment, and creation the corresponding protocols, the Government of Puerto Rico shall continue its mass testing and vaccination efforts, as well as its information and prevention media campaigns.

At this moment, classes shall continue to be held online. However, before the end of this Order's term, when the Department of Education and the Department of Health believe it is safe and appropriate, they may authorize the partial and gradual reopening of public and private schools. This controlled reopening must always safeguard the health of students and both teaching and non-teaching personnel. Prior to any reopening, each school must comply with the following: 1) they must be registered in the SMICRC, 2) they must have the protocols

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approved by the Department of Health, and 3) they must have the corresponding authorization.

The Secretary of Education is hereby ordered to continue taking all necessary measures to gradually open schools as soon as possible.

The authorization for public and private schools to prepare their facilities for when they are able to begin in-person classes remains in effect. In addition, the use of schools, colleges, and universities for offering continuing education services to professionals and standardized tests is authorized.

Section 11:

PRECAUTIONARY MEASURES FOR PRIVATE OPERATORS.

Those in charge of public and private establishments are hereby ordered to comply with the following precautionary measures:

- 1) ensure that before each employee begins to carry out their work duties, they are using masks as a mandatory measure and that they periodically wash their hands with soap and water for 20 seconds or use hand sanitizer. In addition, they must disinfect their workstations upon arriving at work and upon finishing their shift;
- 2) employ control measures to achieve physical distancing between employees and clients and/or the public;
- 3) each establishment shall screen visitors before they enter their facilities;
- 4) ensure that people visiting their establishments comply with the required individual precautionary measures;
- 5) when possible, transparent protectors or other barriers must be used to separate employees and customers;
- 6) digital solutions that reduce in-person interaction must be encouraged, including online reservations and check-ins, mobile access to menus, contactless services, contactless payment options, among others;
- 7) surfaces frequently touched by different people must be cleaned and disinfected constantly, this includes, but is not limited to, public areas, bathrooms, tables, elevator buttons, water dispensers, ATM machines, pens, light switches, door handles, remotes, phones, rented

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- equipment, among others;
- 8) provide adequate ventilation and effective filtering in areas with air conditioning systems, and
 - 9) any other health and hygiene measure for preventing the spread of the virus;
 - 10) wing the rules established for workplaces adopted by the Puerto Rico Occupational Safety and Health Administration (PROSHA), the DTRH, and the Centers for Disease Control (CDC) shall continue to be followed.
 - 11) Each employer's compliance self-certification must be submitted to the DTRH. This self-certification shall be an initial requirement to be able to resume operations. It shall be understood that, once submitted, the facilities shall adjust to the requirements established above and the employer may begin their operations.

Section 12:

PROHIBITED ACTIVITIES.

- 1) The opening of bars (possessing only a bar license, cafes with an alcohol license, sports bars, and any other analogous establishment, including kiosks or "chinchorros"). This prohibition applies to bars located within a restaurant or other commercial establishment that may open under this Order. At these establishments, all drinks may only be served at dining tables.

For the purposes of this Executive Order, a bar is an establishment primarily dedicated to the sale of alcoholic beverages intended to be consumed within that establishment. In addition to any establishment that sells food and drink, such as restaurants, cafes, or cafeterias (indoor establishment that sells coffee, soft drinks, sandwiches, and other snacks), that intends to continue its operations selling alcoholic beverages, and whose primary activity becomes the sale of alcohol.

- 2) The closing of clubs, concert halls, gaming rooms, theaters, bars, public and private activity halls, recreational centers, or any analogous establishment or event that promotes the gathering of citizens in the same space that is not authorized to operate while this Order is in effect is

hereby ordered. Any owner and/or manager of an establishment that allows, promotes, and/or rents the establishment knowing that a social activity is being planned or promoted that would involve the gathering of people shall be liable for the noncompliance of this order.

- 3) In addition, friends and family are prohibited from visiting elderly care centers or retirement homes, as established by the regulations issued by the Department of the Family in coordination with the Department of Health. However, given that the elderly are being vaccinated against COVID-19 at this time, the Department of the Family is hereby ordered to create, after consulting and collaborating with the Department of Health and the Elderly Affairs Office, the corresponding protocols to be activated once this demographic sector has been vaccinated and they may be visited by their friends and family through mechanisms that safeguard everyone's health.
- 4) Visits to correctional facilities are prohibited while this order is in effect. However, given that correctional officers are currently being vaccinated against COVID-19, the Department of Correction and Rehabilitation is hereby ordered to create, after consulting and collaborating with the Department of Health, the corresponding protocols to be activated once this demographic sector has been vaccinated so that convicts may be visited by their friends and family through mechanisms that safeguard everyone's health.
- 5) Promoting the gathering of people at private parking lots of any establishment is hereby prohibited. This includes not serving food or drink at said places. People shall also not be permitted to gather outside the establishment while consuming alcoholic beverages.
- 6) Mass gatherings are prohibited both outdoors and indoors. This includes parades, processions, fairs, festivals, and analogous activities that encourage the gathering of people and that promote interactions with multiple strangers in an uncontrolled manner.
- 7) Given the emergency caused by the pandemic, elective

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surgeries that require intensive care units for recovery are limited to those that are urgent based on medical criteria. Hospitals must reinforce COVID-19 health and safety measures for health services at hospital institutions, including those established in the guide “Local Resumption of Elective Surgery Guidance,” issued by the American College of Surgeons on April 17, 2020 for scheduling elective surgeries.

- 8) The use of play areas at malls or analogous businesses is prohibited. Similarly, valet parking is prohibited when it is an optional service.
- 9) The use of “party buses” and holding mobile parties are not permitted for any event while this executive order is in effect.

The Puerto Rico Police must enforce compliance with this order, in coordination with Municipal Police. Furthermore, accompanying or providing transportation to events not authorized by this executive order and is hereby prohibited.

Section 13:

EXEMPTIONS. Proposals for concerts, theatrical events, corporate activities, parades, processions, fairs, festivals, and analogous activities, 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

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Section 14:

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.

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Section 15

Tollways. Tolls will continue to be collected at tollways for the Government of Puerto Rico's highways, although fines will not be collected for the duration of this Order for passing through a tollways with insufficient balance in your AutoExpreso account.

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Section 16:

INDIVIDUALS AND SERVICES EXEMPTED FROM THE CURFEW. 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. These include:

- 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;
- 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) roadside assistance and locksmithing companies;
- 11) package or merchandise pickup or delivery companies;
- 12) gas stations and their distribution chain, but they may not sell alcoholic beverages after 11:00 p.m.;
- 13) trash collection (private or public) and recycling services;

- 14) services related to any federal agency, including the Federal Department of Defense (DOD);
- 15) logistics and transport: customs agents, land or marine shipment consolidation services, storage, and distribution services for third parties;
- 16) people who are addressing health or emergency situations;
- 17) priests, pastors, reverends, bishops, imams, rabbis, chaplains, or any primary leader of a religious entity, for the purposes of addressing, within their ministerial duties, an emergency or crisis situation;
- 18) officials and public servants of the Executive, Legislative, and Judicial Branches;
- 19) Municipal Police;
- 20) legal representatives while they are addressing legal and judicial matters;
- 21) 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;
- 22) 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;
- 23) specialized professionals, researchers, and general personnel and suppliers for museums, libraries, institutions, and foundations that curate public or private cultural collections, and
- 24) any person who provides services to businesses and the service sector that may operate after business hours while carrying out their duties.

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Section 17:

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 18:

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 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.

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 19:

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 20:

ESTABLISHMENT OF GUIDELINES BY AGENCIES. The provisions established in this executive order may be defined, reinforced, or modified in detail through guidelines issued by any agency called upon to regulate the services discussed herein, once they have been approved by the Governor's Chief of Staff. Once approved, guidelines issued by any agency intended offer a detailed explanation of the provisions established by this Order must immediately be published as widely as possible.

In addition, the Government of Puerto Rico Human Resources Administration and Transformation Office, the Department of Labor and Human Resources, along with the Department of Health must create, review, and publish uniform rules for protocols or guidelines applicable to government agencies and private employers, as applicable.

Section 21:

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 22:

PRIOR ORDERS SUPERSEDED. This Executive Order repeals Executive Order OE-2021-010 and any other executive order that may, in whole or in part, be inconsistent with the provisions herein, to the extent of such inconsistency.

Section 23:

VALIDITY. This Executive Order shall enter into force on February 8, 2021 and shall remain in force until March 14, 2021, except in the event that a new order is issued pending public health and safety needs.

Section 24:

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

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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 25: **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 26: **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 4th day of February of 2021.



PEDRO R. PIERLUISI
GOVERNOR

Enacted in accordance with the law on this 4th day of February of 2021.



LAWRENCE N. SEILHAMER RODRÍGUEZ
SECRETARY OF STATE