

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

Administrative Bulletin Number OE-2021-027

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, TO AMEND ADMINISTRATIVE BULLETIN NO. OE-2021-026 AND IMPLEMENT NEW MEASURES TO ADDRESS THE EMERGENCY CAUSED BY COVID-19 IN PUERTO RICO

WHEREAS: On April 8, 2021, the governor of Puerto Rico issued Administrative Bulletin No. OE-2021-026, whereby, in response to the increase in COVID-19 infections, the Government took several additional precautionary measures. These measures prohibited all social activities --unless the Government granted them an exemption--, extended curfew hours, and limited the closing hours of private operators.

WHEREAS: Despite these specific precautionary measures, there continues to be an increase in infections. The proliferation of infections is because a particular sector of our population has become complacent and has failed to follow the ordered measures strictly.

WHEREAS: The COVID-19 pandemic represents a dynamic and changing scenario, which requires the Government to promptly redesign strategies to manage infections in the population so that it can safeguard lives and medical-hospital resources while avoiding a collapse of the economy.

WHEREAS: Data available to the Department of Health indicate that most infections occur in a family or social activities and closed places. Thus, it is necessary to reinforce the measures taken and limit the interaction between people.

WHEREAS: We should emphasize that every citizen has the individual responsibility to be prudent and critical of any personal, commercial, or professional activity they attend or get involved in. Each Puerto Rican that follows to the letter all the precautionary measures that recommend the Centers for Disease, Control and Prevention ("CDC"), this order, the Department of Health, and the other components of the Government of Puerto Rico, will undoubtedly ensure that we are all protected. Therefore, every citizen has the responsibility to continue taking precautionary measures, avoiding crowds of people, being judicious,



and determining not to participate in any activity 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:

SECTION 13TH: Section 5th of Administrative Bulletin No. OE-2021-026 is hereby amended to read as follows:

SECTION 5TH: GOVERNMENT OPERATIONS. Agencies shall continue to operate and provide service to the public without compromising the safety and health of public employees. To this end, all agencies shall continue with their work plans observing the measures to prevent the spread of COVID-19, including the individual precautionary measures established in this order, such as maintaining six (6) feet between employees.

Agencies shall continue to consider remote work a viable option, as determined by each agency head in accordance with its needs, the functions of the positions, applicable laws and regulations, and the continuity of services to the people. In these cases, agencies must implement remote work based on the rules adopted and validated by the Puerto Rico Human Resources Administration and Transformation Office ("OATRH," by its Spanish acronym).

Employees required by the agency head to perform their work at the office who cannot report to work for any justified reason and who cannot do remote work will have their absences charged to the corresponding leave under the applicable legal provisions.

On the other hand, government offices that receive the public and in a closed modality may operate with a maximum capacity of thirty (30) percent of the place. However, people must always maintain a distance of six (6) feet between persons who are not members of the same family unit. Crowding of persons in any governmental entity is always prohibited.

Governmental entities may carry out any activity or meeting necessary to fulfill their ministerial duties, such as holding public hearings to promulgate regulations and effectuate



protocol activities. As needed, agencies may hold these meetings or activities in governmental or non-governmental facilities. The instruction is to use, in the first instance, technological tools when citizen participation is required. In those cases where it is necessary to carry out the activities in person, it is mandatory that the individual precautionary measures imposed in this order be complied with.

Every agency head must notify the Department of Health of any case of COVID-19 in their work unit, in addition to taking all precautionary measures, notifying employees, and activating the safety protocol. Failure to do so will be understood as a violation of this order.

The appointing authorities of the municipal governments may take similar actions in their respective jurisdictions, under the provisions of Act No. 107-2020, known as the "Municipal Code of Puerto Rico."

SECTION 2ND

Section 6TH of Administrative Bulletin No. OE-2021-026 is hereby amended to read as follows:

SECTION 6TH: PRIVATE OPERATIONS.

1) All services related to sectors such as commercial, industrial, manufacturing, construction, sales, health or medical, funeral, recreational, agricultural and livestock, sports, equestrian, casino, cinema, banking, financial, community, consumer, professional, non-professional, university and post-secondary, care centers, religious, and other that this executive order did not expressly prohibit may operate. In other words, all services, and businesses that Administrative Bulletins Nos. OE-2021-010, OE-2021-014, and OE-2021-019 permitted will continue to operate, subject to the parameters established herein.

2) Unless otherwise provided in this order, these private operators may conduct their business during the hours established from 5:00 a.m. to 9:00 p.m.

3) Private operations **that provide services to the public** -- such as restaurants, sales businesses, medical offices, funeral services, recreational, sports, equestrian, casino, cinema, financial, community, consumer services, professional, non-professional, university and post-secondary, care centers, religious, among others--, **may operate with a maximum capacity of thirty percent (30%) of the facilities (excluding warehouse areas), in cases where the facility is in an enclosed space.** Outdoor spaces may operate without the limitation of the percentage of capacity. **However, people must**




always maintain a six (6) feet distance when they are not members of the same family unit. Overcrowding is always prohibited.

In restaurants, including fast food and food courts, tables should be arranged, so diners at different tables are six (6) feet apart. The recommendation is that the number of people per table is six (6) or less. For purposes of this order, a restaurant means an establishment used for dispensing food for consumption on or off the premises, which may include the dispensing of alcoholic beverages as an incidental activity.

Catering services in hotels and inns "room service" style may operate for twenty-four (24) hours, provided that the precautionary measures imposed in this order are complied with.

4) On the other hand, private operations **in enclosed spaces that do not provide services directly to the public** --such as commercial, industrial, manufacturing, construction, agricultural, livestock, administrative offices, among other similar services--, **may operate with a maximum capacity of thirty percent (30%) of the facility or must guarantee six (6) feet between employees.** Outdoor spaces may operate without the percentage capacity limitation. However, employees must always maintain a six (6) feet distance. Overcrowding is always prohibited.

5) This executive order authorizes theaters and amphitheaters to open but excludes coliseums and activity centers for the time being. These permitted venues may operate during the established hours from 5:00 a.m. to 9:00 p.m. with a maximum capacity of thirty percent (30%) of the venue. They must have a protocol that addresses the management of the entrance and exit of the public, the measures to ensure distance and avoid crowding. To this end, they should use as a basis the guidelines imposed by the CDC for these purposes, "Guidance for Organizing Large Events and Gatherings." This document is available in Spanish and can be downloaded from the following website: <https://espanol.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>. The owner, manager, or similar person shall ensure that everybody complies at all times with the precautionary measures imposed in this order.

6) This order authorizes face-to-face meetings in condominiums subject to the horizontal property regime. The guidelines that the secretary of the Department of Consumer Affairs ("DACo") issued for holding these activities shall govern. In addition, within the framework of the powers delegated to him/her, the secretary may express his/her opinion on any other matter that

this order does not expressly contemplate related to condominiums subject to the horizontal property regime.

7) The percentage applicable to establishments in enclosed spaces shall be established, as defined by the building code in force in Puerto Rico (PR Building Code 2018).

8) Suppose the number of persons coinciding in the same space reaches the percentage of occupancy, but the distance cannot be complied with. In that case, the establishment shall have an obligation to minimize the referred rate, to guarantee, at all times, the six (6) feet between people, and in restaurants six (6) feet between diners. Likewise, overcrowding is always prohibited.

9) In enclosed space shopping centers, to safeguard the health and safety of its customers, employees, and visitors, it is necessary to limit the occupancy of its capacity at the rate of one (1) person for every seventy-five (75) square feet in the aisle areas. The shopping center management shall implement this guideline. In addition, each shopping center shall establish identified entrances for employees, suppliers, and customers.

10) All establishments must comply with CDC, Department of Health, Puerto Rico Occupational Safety and Health Administration ("PROSHA") protocols and the guidelines promulgated for COVID-19. Businesses that have not submitted to the Department of Labor and Human Resources ("DTRH") the self-certification required by previous executive orders will not be allowed to reopen.

11) Guidelines and directives of local and federal authorities shall be followed if they do not conflict with this order.

12) Online sales continue to be the most recommended and safest way to shop and should continue to be the first option, prioritizing the delivery or curbside pickup model. Likewise, businesses or establishments (such as restaurants, medical offices, mortgage banks or lending institutions, laundromats, vehicle inspection, beauty salons or barbershops, spas and esthetics, dealers, advertising agencies, vehicle washing, and cleaning establishments, among others) that may do so shall continue to require a reservation, prior appointment and have a curbside pickup service to offer their services or make their sales. The sale of tickets and concessionaires is encouraged to be made by electronic means. In addition, the merchant, the owner, manager, or person




must control the waiting lines outside the establishment. Establishments that can do so must develop a system so that customers wait inside individual vehicles if several appointments coincide on-site.

13) As part of the contagion control plan, each establishment should reserve a time slot at the end of the daily operation for cleaning and disinfection of the premises. They should carry out the same procedure with the disinfection of food carts, beauty items, gymnasiums, and any other citizen assistance items frequently used by different people. It should be disinfected constantly and after each use.

14) The secretary Department of Health is empowered to prohibit or restrict the operation or service hours of specific industries and commerce sectors if they determine that they pose a health risk due to COVID-19.

15) The merchant, owner, manager, or similar person must have control of the waiting lines inside and outside the establishments, avoid crowding persons inside and outside the establishment's premises, and comply with the establishment's capacity, i.e., compliance with the social distancing. Waiting lines are not prohibited, but the merchant, owner, manager, or similar person of the establishment must ensure that all precautionary measures are complied with, including the avoidance of crowding.

16) Each merchant, owner, manager, or person in charge shall ensure faithful compliance with the precautionary measures and take the necessary hygiene and protection measures to protect employees, visitors, and customers. They are warned that should they fail to comply with these measures, the merchant or owner, as applicable, may be fined following this order's provisions.

17) All health facilities must follow the protocols established by the Department of Health and the corresponding regulatory entities. They shall attend to patients complying with precautionary measures, including avoiding overcrowding in waiting rooms. They should promote prior appointments.

18) Agencies concerned must monitor the faithful compliance of the established protocols. At the same time, we urge individuals to inform the authorities of establishments that fail to comply with this order. For citizens to contribute to the control and full compliance with this executive order, each authorized business must place posters in visible places notifying the confidential COVID-19 line created by the Department of Health. The poster or

advertisement should contain the following contact information for citizens to report non-compliance:

a) Telephone: (787) 522-6300, extensions 6899, 6840, 6824, 6833, and 6893

b) E-mail: investigaciones@salud.pr.gov

19) It is further required that the poster or sign mentioned in the preceding subsection contain the number of persons that make up the maximum occupancy required, according to the building code in force in Puerto Rico (PR Building Code 2018) and authorized by the Puerto Rico Fire Department. Should the establishment not comply with the requirements in this executive order, there will be a penalty.

20) It shall be the obligation of each employer, including business owners, to immediately report suspected and confirmed cases of COVID-19 among their employees to the Department of Health at the following e-mail address: covidpatronos@salud.pr.gov. Employers shall comply with the guidelines imposed by the Puerto Rico Department of Labor & Human Resources (DTRH, by its Spanish acronym) and the Department of Health concerning their employees and operations.

21) All private establishments are encouraged to register with the Department of Health's Municipal Case Investigation and Contact Tracking System (SMICRC, by its Spanish acronym). This will help the Government of Puerto Rico to have more accurate case tracking data. This information will help determine future easing measures.

SECTION 3RD

Section 8th of Administrative Bulletin No. OE-2021-026 is hereby amended to read as follows:

SECTION 8TH: BEACHES, SPAS, MARINAS AND BODIES OF WATER. Bathers may use beaches, spas, rivers, marinas, swimming pools, and other bodies of water during the hours established for private operations and the enjoyment of all, **without crowding and following the applicable precautionary measures.** **It is crucial that bathers who are not of the same family unit keep a mandatory distance of not less than ten (10) feet between them on the sand and in the water. They must demarcate the space around them to ensure the necessary distance and have their masks on while out of the water.** Members of the same family unit may use chairs, umbrellas, and beach coolers. **However, the consumption of alcoholic beverages is prohibited because, as recognized by the CDC, consuming alcohol may reduce a person's ability to adhere to COVID-19 safety measures.** The Puerto Rico Department of Natural and Environmental Resources (DRNA, by its Spanish acronym) will post signs




at strategic locations in the beach resorts and make preventive rounds on the beaches to guide citizens and inform them about the rules applicable to the enjoyment of the beaches.

This executive order authorizes the operation of swimming pools during the term established herein at a maximum capacity of thirty percent (30%), subject to social distancing and other precautionary measures. However, the consumption of alcoholic beverages is prohibited.

As for the marinas, they will remain open for all types of boats, including recreational boats. However, it is prohibited to attach or moor several vessels to each other. **Also, anchoring is prohibited on beaches, keys, and islets less than two hundred (200) feet from the shore, except for the use of mooring buoys, as regulated by the DNER. The DNER shall promulgate guidelines, regulations, directives, and protocols in this regard.**

This executive order requires marinas to faithfully comply with its guidelines and the DNER's for their opening. The DRNA Vigilance Corps, the Department of Health, the Puerto Rico Police Bureau, and any Municipal Police of Puerto Rico are authorized to intervene with any person using any maritime vessel in violation of the provisions of this executive order and violation of the orders, guidelines, circular letters, among others, promulgated by the DRNA. The administration of the marinas shall be responsible for ensuring faithful compliance with the provisions of this order.

The maritime transportation services provided by the Maritime Transportation Authority (ATM, by its Spanish acronym) will continue to operate for residents and persons who work in the island municipalities of Culebra and Vieques. Likewise, the opening of the tourist maritime transportation services for both island municipalities shall continue to be in effect unless their respective mayors establish a different request. However, this executive order requires that residents of both municipalities continue to strictly implement precautionary measures such as masks, social distancing, hand washing, and avoiding crowds. The ATM will establish its protocols.

SECTION 4TH

Section 10th of Administrative Bulletin No. OE-20.21-026 is amended to read as follows:

SECTION 10TH: SCHOOLS, UNIVERSITIES AND PROFESSIONAL SCHOOLS. The opening and operation of academic schools, both public and private, shall be governed by Administrative Bulletin No. OE-2021-017.

On the other hand, post-secondary educational services are authorized, including university services and services offered by professional associations or other institutions related to continuing professional education. Likewise, academic, and professional workshops or seminars are allowed. In addition, the offering of any




standardized test is also authorized if the private institutions serving the public comply with the precautionary measures imposed in this order.

Each institution or examination board will be responsible for the health and safety of applicants, students, and participants at all times during the administration of the test. Each college or university must develop a protocol for COVID-19 following the recommendations of the CDC, the Department of Health, and PROSHA's COVID-19 standards.

Any other arts or other educational organization not specified in this order may submit a reopening plan to be evaluated and potentially approved by the Office of the Chief of Staff of the Governor of Puerto Rico, in consultation with the Department of Health.

SECTION 5TH:

Section 15th of Administrative Bulletin No. OE-2021-026 is hereby amended to read as follows:

SECTION 15TH: WAIVERS. Proposals for the celebration of social activities, such as weddings, community activities, corporate activities, assemblies, and other activities not expressly permitted in this order, may be submitted to the Office of the Chief of Staff of the Governor of Puerto Rico for evaluation. Such proposals will be evaluated at the discretion of the Office of the Chief of Staff of the Governor of Puerto Rico and subject to the implementation of safety and sanitation measures to mitigate the spread of the virus and protect the health and safety of those participating in the event.

For the evaluation process of the proposals to be effective, event organizers are urged to submit their protocols and waiver requests at least two (2) weeks before the date of the activity. They must submit such requests electronically to the following e-mail address: secretariadelagobernacion@fortaleza.pr.gov or through the digital platform that the government may establish for such purposes. The proposals must contain, at a minimum, the following information: date, time, place, number of guests, the capacity of the facility, and the protocols to be implemented, which must be consistent with the provisions of this order.

If a waiver is granted, the precautionary measures detailed in this order and any other measures imposed by the Office of the Chief of Staff of the Governor of Puerto Rico, or the Department of Health must always be complied with. Among the conditions that may be imposed is the requirement that participants must have a negative COVID-19 result from a qualified SARS-CoV2 viral test (nucleic acid amplification test ["NAAT"] and antigen test) performed within 72 hours before the event. The waivers shall advise that the owner, coordinator, manager, or similar person of the location or activity center shall be responsible for ensuring that




the precautionary measures established in the waiver and the provisions of this order shall always be complied with. To this end, they shall have the personnel to supervise compliance with the sanitation protocols at all times. They also shall report to the Department of Health and the Puerto Rico Police Department any incident that violates the provisions of this order. In addition, the persons in charge must maintain a list with the contact information of all attendees to provide the information required in case the Department of Health needs to exercise its contact tracing functions. The person in charge shall keep the list for at least forty-five (45) days. Each activity shall restrict the people's attendance to the capacity percent allowed to the facility where it will take place and follow the precautionary measures established for individuals and the operations of private activities imposed in this order.

Notwithstanding the preceding, the activities carried out in the establishments authorized in Section 5th of this order shall not require a waiver from the Office of the Chief of Staff of the Governor of Puerto Rico if they are carried out during the hours and respect the permitted capacity.

SECTION 6TH:

Section 17th of Administrative Bulletin No. OE-2021-026 is hereby amended to read as follows:

SECTION 17TH: PEOPLE AND SERVICES EXCLUDED FROM CURFEW. The people and services authorized in this order shall be excluded from the curfew for work and in case of emergency. These are:

- 1) people that provide assistance, care, food, transportation for senior citizens, minors, dependents, people with disabilities or who are especially vulnerable and require some medical or professional care, provided that they take precautions to prevent contagion;
- 2) people duly identified as employees of public or private security agencies, at the state and federal level;
- 3) people providing health services, including mental health professionals, personnel working in hospitals, pharmacies, pharmaceutical industry, bioscience facilities, or health centers;
- 4) people providing services related to the distribution chain of goods and food, including those necessary for agricultural activities such as agro centers;
- 5) people providing services related to utilities or critical infrastructure;
- 6) people providing services related to call centers and sensitive data centers

- 7) people providing services related to ports and airports;
- 8) people related to press and media services;
- 9) people related to roadside assistance and locksmith services;
- 10) people providing services for the delivery and shipment of packages or merchandise;
- 11) people related to gas stations services and the gas distribution chain, but may not sell alcoholic beverages after 9:00 p.m.;
- 12) people providing garbage collection and recycling services (whether private or public);
- 13) people providing services related to any federal agency, including the Federal Department of Defense (DOD);
- 14) people related to logistics and transportation services: customs brokers, maritime or land cargo consolidation services, warehousing, and distribution services to third parties;
- 15) people who are attending to emergency or health situations, including people administering vaccines, those who at any time go to receive vaccination against COVID-19, and those accompanying a person for vaccination;
- 16) priests, pastors, reverends, bishops, imams, rabbis, chaplains, or any principal leader of any religious entity to attend, within their ministerial responsibilities, to an emergency or crisis;
- 17) officials of the executive, legislative and judicial branches;
- 18) the personnel to be determined by the State Election Commission, composed of the election commissioners of the parties and its chairman;
- 19) legal representatives while they are attending to judicial and legal matters;
- 20) people with autism spectrum disorder are authorized to go on therapeutic outings, short walks in areas close to their homes, accompanied by only one person, and with the precautionary measures of social distancing;
- 21) researchers of the laboratories of the university institutions and other administrative personnel, only if they comply with the rules of social distancing and precautionary measures in the performance of their duties;
- 22) specialized professionals, researchers and their general staff and suppliers of museums, libraries, institutions, and foundations housing public and private cultural collections while they are attending to matters related to their work, and




23) any person who provides services to businesses and the service sector that may operate after closing hours while performing such functions.

SECTION 7TH **REPEALING CLAUSE**. This Executive Order renders ineffective any parts of such other executive orders that are inconsistent, whether in whole or in part, with the provisions herein to the extent of such inconsistency.

SECTION 8TH: **SEVERABILITY**. The provisions of this Executive Order are separate and independent from each other, and if any part, section, provision, or sentence of this Executive Order is held to be unconstitutional, void, or invalid by a court with competent jurisdiction, such holding shall not affect the validity of the remaining provisions, which shall remain in full force.

SECTION 9TH: **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 10TH: **VALIDITY**. This executive order will become effective this coming Saturday, April 17, 2021, and will have a duration equal to Administrative Bulletin No. OE-2021-026 that is, until May 9, 2021.

SECTION 11TH **PUBLICATION**. This Executive Order must be filed immediately with the Department of State and the broadest possible publication is hereby ordered.



IN WITNESS 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 La Fortaleza, San Juan, Puerto Rico, on this 15th day of April 2021.

A handwritten signature in blue ink, which appears to read "Pierluisi".

PEDRO R. PIERLUISI
GOBERNADOR

Promulgated in accordance with the law on this 15th day of April 2021.

A handwritten signature in blue ink, which appears to read "Felix E. Rivera Torres".

FELIX E. RIVERA TORRES
ACTING SECRETARY OF STATE

