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| GOVERNMENT OF PUERTO RICOLA FORTALEZA **SAN JUAN, PUERTO RICO** | | |
| **Administrative Bulletin Number: OE-2021-032** | | |
| **EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, FOR THE PURPOSE OF IMPLEMENTING MEASURES TO FACE THE EMERGENCY CAUSED BY COVID-19 IN PUERTO RICO AND REPEAL Administrative Bulletin Nos. OE-2021-026 AND OE-2021-027.** | | |
| **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 the residents of Puerto Rico. | |
| **WHEREAS:** | In keeping with the state of emergency prevailing across the world, the Government of Puerto Rico has issued various executive orders aimed at implementing certain restrictive measures to control the spread of COVID-19 on the island. | |
| **WHEREAS:** | Article 6.10[sic] of Act No. 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 a epidemic threatens the health of the people of Puerto Rico, Act No. 81 of March 14, 1912, as amended, known as the “Health Department Organic 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 timely manage infections in the population so as to safeguard the medical-hospital resources and, in turn, prevent the collapse of our economy. | |
| **WHEREAS:** | Scientific studies show that COVID-19 vaccines are effective prevent being infected with the disease. For such reason, the fact that over 2 million vaccine doses have been administered in Puerto Rico is promising. This numbers increase on a daily basis. Hence, it is clear that the immunization process in Puerto Rico is being fully implemented. | |
| **WHEREAS:** | It is common knowledge that in April, more restrictive measures were implemented to stop the increase in COVID-19 infections occurring at the time. Fortunately, scientific data shows that said restrictions were effective and that infections and hospitalizations have decreased. Thus, it is possible to restore certain measures that were in effect in March. Particularly, it is possible to modify the curfew hours, business hours, and allow for certain social activities as well as the opening of schools. This shall enable the affected economic sector to continue recovering and, in turn, safeguard the health and security of the people. | |
| **WHEREAS:** | It should be noted that each citizen is responsible individually for being prudent and wise when carrying out or attending any personal, commercial, or professional activity. If every Puerto Rican follows to the letter all the precautionary measures established by the Centers for Disease Control and Prevention (CDC), this Order, the Department of Health, and the other components of the Government of Puerto Rico, indubitably we will all be protected. Thus, each citizen has the responsibility to continue adhering to the imposed precautionary measures, avoid large gatherings, as well as be prudent and decide when not to participate in any activity that would jeopardize his health. | |
| **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 the people of Puerto Rico, a curfew is hereby established as an exceptional measure, as defined in Section 5.14 of Act No. 20-2017, as amended, known as the “Puerto Rico Public Safety Department Act,” from **12:00 a.m. to 5:00 a.m**. Also, all citizens are encouraged to limit social activities and family gatherings in public and private places due to the emergency. Those activities that must be held shall comply with the safety procedures and precautionary measures imposed by this Executive Order. | |
| **Section 2:** | **QUARANTINE ORDER**. Under the authority granted by the Constitution of Puerto Rico, by Act No. 20-2017, and by Act No. 81 of March 14, 1912, any person who is reasonably suspected to have been exposed to COVID-19, regardless of whether or not said person shows 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 may had been exposed to the virus away from other people. This means that the person must remain strictly at home and maintain physical distance from other persons. The person must restrict his movement outside his 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 exposed to the virus. Failure to comply with this provision on quarantine shall be deemed to be a violation of this Executive Order. | |
| **Section 3:** | **ISOLATION ORDER:**  Under the authority granted by the Constitution of Puerto Rico, by Act No. 20-2017, and by Act No. 81 of March 14, 1912, any person who has been infected with the virus is hereby ordered to be physically isolated for at least ten (10) days counted from the time the symptoms began to show which could be extended as the investigation process for COVID-19 cases progresses. The purpose of isolation is to keep a person who has been infected with the virus away from other people, even in his home. This means that the person must remain strictly at home and restrict his movement outside their home in order to prevent jeopardizing public health and spreading the virus to non-infected persons. A person may not end the isolation period before the ten (10)-day period has elapsed from the time the symptoms began to show nor before twenty-four (24) hours after the last fever medication was taken and the person has shown no symptoms. Patients who tested positive to COVID-19 and violate the isolation provisions, thus posing a risk to other persons, shall be held criminally liable under Act No. 145[sic]-2012, as amended, known as the “Puerto Rico Penal Code,” in addition to the sanctions for noncompliance with this Order. | |
| **Section 4:** | **PRECAUTIONARY MEASURES.** Any person who is in contact with any other person outside of their family unit must observe the following precautionary measures:   1. Cover their mouth and nose with a mask or scarf made of fabric or other materials in accordance with the recommendations issued by the Department of Health. The latter may establish exceptions to this requirement based on health conditions. 2. Keep a minimum distance of six (6) feet from other people outside of their family unit, thus avoiding gatherings. 3. Wash their hands with soap and water regularly, or use a hand sanitizer approved by official health organizations. 4. Avoid group visits to authorized establishments. 5. Remain at authorized establishments for the least amount of time possible. 6. Follow any other health and hygiene measure recommended by the pertinent health authorities to avoid the spreading of the virus. | |
| **Section 5:** | **GOVERNMENT OPERATIONS.** Agencies shall continue operating and providing services to the people without compromising the health and safety of public employees. To achieve this, all agencies shall continue with their work plans adhering to the measures to prevent infections with COVID-19, including the individual precautionary measures provided in this Order, such as maintaining a six (6)-foot distance between employees.  Telework shall continue to be considered a feasible option, as determined by each appointing authority or head of agency, pursuant to the needs thereof, the duties of the job, the applicable laws and regulations, and the continuity of the services to the people. In these cases, telework shall be implemented in accordance with the rules adopted and validated by the Human Resources Transformation and Administration Office of the Government of Puerto Rico (HRATO).  Public employees who are required by the heads of agency to work must report to their workplace. In the case of employees who are not able to report to work for a valid reason, and are unable to telework, shall have their work hours deducted from any available employee leave in accordance with all applicable legal provisions.  Moreover, government offices that are indoors and open to the public may operate and receive public at a thirty percent (30%) maximum occupancy. However, a physical distance of six (6) feet between persons who are not members of the same family unit shall be maintained at all times.  Governmental agencies may engage in any activity or hold any meeting necessary to fulfill their ministerial duties, such as holding public hearings to promulgate regulations. These meetings or activities may be carried out at government or nongovernment facilities, as necessary. They are instructed to use technological tools as a first option whenever citizen participation is required. Whenever it is necessary to carry out activities in person, compliance with the individual precautionary measures imposed in this Order is mandatory.  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.” However, pursuant to Section 1.017 of said statute, this Executive Order shall prevail over the provisions of any executive order issued by a municipal government and that is related to the COVID-19 pandemic. | |
| **Section 6:** | **PRIVATE OPERATIONS.**  1) All commercial, industrial, manufacturing, construction, sales, health or medical, funeral, agricultural, livestock, sports, horse racing, casino, film, bank, financial, community, customer service professional, non-professional, college and postsecondary education services, elderly centers, and religious services, and others not expressly prohibited in this Executive Order are hereby authorized to operate. That is, services and business that were authorized to operate in Administrative Bulletins Nos. OE-2021-10, OE-2021-14, and OE-2021-019, shall continue to operate, subject to the parameters established herein.  2) Except as otherwise provided in this Order, these private operations may be conducted during the established hours, from **5:00 a.m. to 11:00 p.m.**  3) Private establishments that are **open to the public**, namely, restaurants, and businesses engaged in providing sales, medical, funeral, horseracing, casino, film, financial, community, customer service, professional and non-professional, college and postsecondary education services, elderly centers, and religious services, and other similar services may operate their establishments at a thirty percent (30%) maximum occupancy (not taking into account the warehouse area) in the case of indoor establishments. Outdoor areas may operate without any occupancy percentage limitation. However, a physical distance of at least six (6) feet shall be maintained at all times between persons who are not members of the same family unit. Crowding is prohibited at any time.  At restaurants, including fast foods and food courts, a physical distance of at least six (6) feet shall be maintained at all times between customers seated at different tables. It is hereby recommended to limit the number of persons at each table to six (6) or less. For the purposes of this Order, restaurant means an establishment engaged in the sale of food for consumption inside or outside of the venue, which could include incidentally the sale of alcoholic beverages.  Room service at hotels and *paradores* may operate twenty-four (24) hours a day, provided that the precautionary measures established in this Order are complied with.  Because food is essential, establishments that operate mainly as supermarkets and small grocery stores (“colmados”) shall be exempt from compliance with the occupancy percentage limitation. However, a physical distance of six (6) feet between persons who are not members of the same family unit and the other precautionary measures imposed in this Order shall be strictly observed.  4) Moreover, private establishments **not opened to the public**, such as commercial, industrial, manufacturing, construction, agricultural, and livestock services, and administrative offices, among other similar services, that are indoor establishments, may operate at a thirty percent (30%) maximum occupancy or guaranteeing a physical distance of at least six (6) feet between employees. Outdoor areas may operate without any percentage occupancy limitation. However, a physical distance of at least six (6) feet shall be maintained at all times between persons who are not members of the same family unit. Crowding is prohibited at any time.  It is recognized that there are scenarios in the industry and manufacturing sectors where the previously imposed physical distancing is not possible. Even though we encourage compliance with said physical distancing measure, in those situations in which it is impossible to comply therewith due to the specific circumstances of the operations, the employer – as an exception – may continue operating and adhering to the CDC’s recommendations while taking other precautionary measures such as the constant use of facial masks, and engineering controls (e.g., ventilation, work stations modifications to avoid employees facing each other, and some type of physical barrier between employees) among others.  6) Theaters and amphitheaters are hereby authorized to open, but stadiums or arenas are excluded for now. These authorized venues may be opened during the established hours between 5:00 a.m. and 11:00 p.m. at a maximum occupancy of thirty percent (30%). These venues shall have a protocol in place to manage the entrance and exit of the public, ensure physical distancing, and avoid crowding. To achieve this, the venues shall use the CDC guidelines entitled, Guidance for Organizing Large Events and Gatherings, established for such purposes. Said document is available in Spanish at: <https://espanol.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-eventsgatherings.htm>. The owner, administrator, or a similar person shall ensure compliance with the precautionary measures established in this Order.  6[sic]) The holding of in- person meetings of condominiums subject to the horizontal property regime is hereby authorized. The holding of these meetings shall be governed by the orders or guidelines issued by the Secretary of the Department of Consumer Affairs to such effects. The Secretary may also issue statements, within the scope of the powers delegated thereto, about any other matter not expressly included in this Order pertaining to condominiums subject to the horizontal property regime.  7) The percentage applicable to indoor establishments shall be established as defined in the Puerto Rico Building Code of 2018.  8) If accommodating a number of people equivalent to the thirty percent (30%) maximum occupancy required by this order within the same space would make it impossible to observe physical distancing, the establishment shall be required to further reduce occupancy to a level that makes it possible to ensure that visitors remain six (6) feet apart at all times, and in restaurants, diners shall remain six (6) feet apart. Likewise, crowding is hereby prohibited.  9) In enclosed shopping malls, 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. In addition, every shopping mall must establish designated entrances for employees, vendors, and customers.  10) Every establishment must follow all CDC, Department of Health, and Puerto Rico Occupational Safety and Health Administration (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 (DLHR) shall not be allowed to reopen.  11) The guidelines and instructions of local and federal authorities shall be observed, provided that they are not in conflict with this Order.  12) 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. Likewise, we continue to promote that businesses or establishments that are able to do so (such as restaurants, medical offices, mortgage banks or lending entities, laundries, vehicle inspection centers, hair salons or barber shops, spas and aesthetics salons, dealers, advertising agencies, auto detailing shops, among others) require reservations and/or appointments, or that offer curbside pickup or carry out to offer their services or make their sales. It is hereby promoted the sale of tickets and concession stand items by electronic means. Moreover, it is necessary for the owner, administrator, or equivalent person to monitor waiting lines inside and outside these establishments. The establishments that are able to do so 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.  13) 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, beauty supplies, gymnasiums, and any other item used to assist customers which is frequently used by different people. These shall be disinfected constantly and after each use.  14) The Secretary of the Department of Health is empowered to prohibit or restrict the operations or business hours of certain industries or business sectors if it determines that the latter poses a risk to health in connection with COVID-19.  15) The owner, administrator, or equivalent must ensure to supervise all waiting lines inside and outside these establishments, control de gathering of people within the establishment, and comply with the establishment’s occupancy restrictions, that is, complying with physical distancing rules. Waiting lines are not prohibited, however, the owner, administrator, or equivalent must ensure that all precautionary measures are complied with, including avoiding crowding.  16) Every owner, administrator, or person in charge must ensure that all precautionary measures are strictly complied with, and shall take hygiene and protection measures as are necessary to protect employees, visitors, and customers. Owners, administrators, and persons in charge are hereby advised that noncompliance with the foregoing may entail the imposition of a fine in accordance with the provisions of this Order.  17) Every health facility shall follow the protocols established by the Department of Health and the appropriate regulatory entities. Patients shall receive care in accordance with the precautionary measures, including avoiding crowding the waiting rooms. Appointments shall be encouraged.  18) Concerned agencies are hereby directed to oversee compliance with the established protocols by the establishments. People are encouraged to report to the authorities any violations to this Order by the establishments. In order for citizens to be able to contribute to the monitoring and full compliance with 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)   19) It is also required that aforementioned posters or signs indicate the number of people corresponding to the maximum occupancy limit established in accordance with the building code currently in force in Puerto Rico (PR Building Code 2018) and authorized by the Puerto Rico Firefighters Corps Bureau, subject to penalties for noncompliance with this Executive Order.  20) 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](mailto:covidpatronos@salud.pr.gov). Employers must comply with the guidelines imposed by the DLHR and the Department of Health regarding their employees and operations.  21) Private establishments are hereby encouraged to register in the Municipal Case Investigation and Contact Tracing System (MCICTS) of the Department of Health. This shall assist the Government of Puerto Rico to collect more precise data on case monitoring. This information shall be useful to identify future measures that are more lenient. | |
| **Section 7:** | **SOCIAL ACTIVITIES AND DISPENSATIONS:** The recommendation of holding special events or friends and family gatherings through the internet remains. However, social events, namely, weddings, birthdays, sweet sixteen celebrations, baby showers, gender reveal parties, graduations, ring ceremonies, award ceremonies, corporate events and meetings shall be exempt from requesting a dispensation. Provided, that the aforementioned events are held in public or private venues or centers, including those inside residential complexes and have the necessary supervision to ensure strict compliance with the precautionary measures established in this Order. To do so, there shall be 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 Department of Health and the Puerto Rico Police Department.  As a requirement to hold the event, all participants must be tested for COVID-19 through a qualified virus test SARS-CoV2 (Nucleic Acid Amplification Test or NAAT and antigen tests) performed within 72 hours prior to the event and furnish the negative result. Likewise, persons in charge shall be responsible for obtaining a list with the contact information of the people in attendance in order to furnish the necessary information in the event the Department of Health is required to conduct a contact tracing. Said list shall be kept for at least forty-five (45) days.  Each event shall limit the capacity thereof in accordance with the venue where it shall be held and abide by the precautionary measures established for individuals and private events, such as the established hours between 5:00 a.m. and 11:00 p.m., and the thirty percent (30%) maximum occupancy of the venue, if it is an indoor establishment. Outdoor spaces may operate without any occupancy percentage limitation, but shall avoid crowding. A physical distance of at least six (6) feet shall be maintained at all times between persons who are not members of the same family unit. In the case of activities where food is served, there shall be a six (6) feet physical distancing between diners at different tables. At these activities, alcoholic beverages served at the bar are hereby prohibited. Any alcoholic beverage shall be served at the table.  Authorized social events held outdoors are encouraged. Events shall not promote exchanges between multiple persons without any type of control.  The Secretary of the Department of Health, at his discretion, may order the cancellation of events if he believes that it could be a source of infection with the virus and could be detrimental to the health of Puerto Ricans.  Proposals for other activities expressly not authorized under this Order 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. | |
| **Section 8:** | **RECREATIONAL AND SPORTS ACTIVITIES.** Exercise and physical activity are important for the physical and mental health, and must be performed in order to lead a healthy life, especially during the coronavirus emergency. Hence, during the hours established for private operations, sports, recreational, training, and competitive activities shall be permitted as established by the Sports and Recreation Department (DRD, Spanish acronym) upon consultation with the Department of Health. That is, the DRD is hereby delegated the authority to promulgate guidelines, regulations, rules, and protocols to such effects.  The use of 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 DRD, the Department of Natural and Environmental Resources (DNER) or the Department of Health. As a recreational activity, hunting, as well as commercial and recreational fishing, shall be permitted during the hours authorized 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.  Parks and gymnasiums located within residential complexes, including those that are subject to the horizontal property regime, are authorized to operate, provided that the individual precautionary measures established in this Order is in effect, subject to physical distancing rules and other precautionary measures, and have the necessary supervision to ensure strict compliance with the precautionary measures established in this Order. The board of each housing development shall issue rules in order for residents to comply with this Order. | |
| **Section 9:** | **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. It is important to maintain a mandatory distance of not less than ten (10) feet both on the sand and in the water between bathers who are not members of the same family unit. Beach visitors must demarcate the area around them in order to ensure the necessary physical distancing. The use of beach chairs, umbrellas, and coolers is allowed among members of the same household. However, consumption of alcoholic beverages is prohibited, given that the CDC recognized that alcohol consumption may reduce the person’s capacity to abide by the COVID-19 safety measures. 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 opening of pools is authorized during the effectiveness of this Order at thirty percent (30%) of their design capacity, subject to physical distancing and other precautionary measures. However, consumption of alcoholic beverages inside or nearby the pool is prohibited.  Regarding marinas, these shall continue to be open to any vessel, including recreational vessels. However, arranging vessels in close proximity to each other or tying them together is hereby prohibited. Anchoring at beaches, cays, or islets at less than two hundred (200) feet from the shore, except when mooring, as regulated by the DNER, is hereby prohibited. The DNER shall promulgate guidelines, regulations, instructions, and protocols to such effects.  Strict compliance with the guidelines issued by the DNER and this Order is required to reopen the marinas. The DNER Ranger Corps, the Department of Health, the Puerto Rico Police Bureau, and any Municipal Police in Puerto Rico are hereby authorized to intervene with any person who disembarks from any type of vessel and who uses any type of vessel 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.  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 and conducting transactions in the island municipalities of Vieques and Culebra. Maritime transportation services shall continue in effect for tourists travelling to the island municipalities, except as otherwise provided by their respective Mayors. However, the residents of both island municipalities are hereby ordered to continue strictly abiding by the precautionary measures such as the use of facial masks, physical distancing, washing hands, and avoiding crowding. The ATM shall establish its own protocols. | |
| **Section 10:** | **Tourism.**  The Puerto Rico Tourism Company (PRTC) is hereby authorized to resume efforts to promote domestic tourism, highlighting the health measures required for both visitors and tourism businesses to prevent COVID-19 infections. Hotels shall comply with the precautionary measures imposed in this Executive Order. In turn, the conditions established for private operations are applicable thereto. Hoteliers are responsible for having 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 PRTC shall issue additional guidelines.  All tourism businesses are required to certify full compliance with the provisions of the Puerto Rico Tourism Company (PRTC) Health and Safety Destination Program (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. In order to monitor compliance, the PRTC is hereby authorized to enter into any collaborative agreement to designate a joint compliance team that shall have the authority to inspect tourism facilities and enforce faithful compliance with the provisions of this Order.  Lodgings, 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 owners and tenants shall be subject to the noncompliance penalties imposed herein, as well as the applicable penalties established in Act No. 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 if the limitations imposed in this Order are not complied with. Both property managers and tenants must comply with the provisions of this Order.  As part of the oversight plan, the Department of Health and the Puerto Rico Police, in conjunction with the Tourism Company shall be responsible for inspecting this locations.  Recreational activities, including nautical tourism, hiking, scuba diving, snorkeling, and guided tours, among others, are hereby authorized, provided that the precautionary measures established in this Order are complied with. | |
| **Section 11:** | **SCHOOLS, UNIVERSITIES, AND PROFESSIONAL WORKSHOPS.** According to the new recommendations of the CDC, upon the increase in infections, schools shall be the last to close after all other prevention measures in the community have been exhausted, and the first to open when it is safe to do so. Contrary to the previous recommendations, the level of contagion in the community by itself is not sufficient to make the determination to close a school. Said indicator must be analyzed together with other factors related to the school, such as the information on positive cases in the school and the implementation of prevention strategies. In general, if the indicators worsen, that is, if contagion in the community changes from low to moderate, or from substantial to high, the implementation of preventive measures must be intensified, in lieu of closing schools.  Moreover, the President of the United States, the Hon. John R. Biden, Jr., the U.S. Secretary of Education, the Hon. Miguel Cardona, the United Nations Children’s Emergency Fund (UNICEF), part of the scientific community, and many other entities have supported the opening of schools. The reason for this is that closing schools has disastrous consequences for the education and welfare of children.  Hence, in view of the decrease in contagion and hospitalizations, effective on May 10, 2021, the reopening of public and private schools is hereby authorized, provided that they comply with the health protocols and hold a preliminary or a final certification of the Department of Health. For every other aspect, school openings shall be governed by the provisions of Administrative Bulleting OE-2021-017.  In order to avoid any other outbreak at schools, the Department of Education is hereby directed to, in conjunction with the Department of Health, create a program to conduct random testing at schools in order to detect and monitor any potential infection.  In turn, the Department of Health is hereby ordered to continue inspecting schools in order to issue their final certification. Likewise, the Department of Health is hereby ordered to evaluate the “COVID-19 Surveillance Protocol for Puerto Rico’s education sector in response to and preparation for reopening schools” and the need to update it according to the CDC’s recommendations.  Moreover, postsecondary educational services are authorized, including universities and services offered by professional colleges and other institutions related to professional continuing education. Likewise, educational and professional workshops or seminars are also allowed. The administration of any standardized test is hereby authorized. The foregoing authorization is contingent upon compliance with the precautionary measures imposed in this Order for private operations that offer services to the public.  Each institution or Examining Board shall be responsible for ensuring the health and safety of candidates, students, and participants at all times during the administration of the test. Each college institution shall develop a COVID-19 protocol, pursuant to the recommendations of the CDC, the Department of Health, and PROSHA’s COVID-19 guidelines.  Any art schools or other type of educational institution not specified in this Order may submit a reopening plan to be evaluated and potentially approved by the Governor’s Chief of Staff in consultation with the Department of Health. | |
| **Section 12:** | **HEAD START CENTERS, EARLY HEAD STARTS AND DAY CARES.** For this Administration, the reopening of schools is just as important as the reopening or the continuation of operations of Head Start, Early Head Start, and day care centers, as the case may be, administered by public or private entities. This controlled reopening shall ensure the health of children as well as of its personnel at all times.  To achieve this, the centers shall adhere to the plans developed by the Department of the Family, though the Integral Childhood Care and Development Office (ACUDEN, Spanish acronym), in conjunction with the Department of Health. Likewise, the Department of the Family and ACUDEN, in conjunction with the Department of Health, shall establish the protocols to be followed by those centers.  Head Start, Early Head Start, and day care centers are encouraged to register in the MCICTS’s bio web of the Department of Health.  Moreover, the Permit Management Office (OGPe, Spanish acronym) of the Department of Economic Development and Commerce is hereby directed to address promptly and swiftly any matters pertaining to the use permits for Head Start, Early Head Start, and day care centers. Likewise, the other agencies of the Government of Puerto Rico shall make all efforts necessary for the gradual opening of this centers. | |
| **Section 13:** | **ELDERLY HOMES, CORRECTIONAL AND JUVENILE INSTITUTIONS.** It is in the interest of the Government of Puerto Rico to resume the visits to the elderly care centers, correctional and juvenile institutions, provided that it is safe for everyone. For such reason, the Government has made all efforts in connection therewith, including developing and implementing the appropriate protocols to administer the vaccine to a portion of these sectors.  Hence, the order remains for the Department of the Family, upon consultation and coordination with the Office of the Advocate for the Elderly and after approving all protocols and deems it appropriate and safe, to authorize partial and gradual visits to elderly care centers.  Likewise, the order remains for the Department of Corrections and Rehabilitation, upon consultation and coordination with the Department of Health and upon the approval of all protocols and it is deemed appropriate and safe, to authorize partial and gradual visits to correctional and juvenile institutions. | |
| **Section 14:** | **Precautionary measures for private operators:**  Persons in charge of public and private establishments are hereby directed to abide by the following precautionary measures:   1. Ensuring that all employees wear a face mask and wash their hands for twenty (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; 2. Implementation of control measures to achieve physical distancing between employees and customers/public. 3. Each establishment shall carry out a screening of visitors before entering the premises; 4. Ensure that visitors comply with the required individual precautionary measures; 5. whenever possible, use transparent protector or other barriers to separate employees from customers; 6. promote technological solution to reduce personal interactions, namely, online reservations and check in, mobile menu access, contactless services and payment options, among others; 7. clean and disinfect constantly the surfaces used frequently by different persons, including, but not limited to, public areas, bathrooms, tables, elevator buttons, water dispensers, automated teller machine, card pay stations, vending machines, pens, light switches, knobs, remote controls, telephones, leased equipment, among others; 8. provide adequate ventilation and filters in places with air conditioning systems; and 9. follow any other health and hygiene measure established by health officials to avoid the spreading of the virus.   All businesses are hereby directed to continue abiding by the protocols adopted by PROSHA, the DLHR, and the CDC. All employers shall be required to submit their employer compliance self-certification to the DLHR. This self-certification shall be a prerequisite to be able to begin operations. Once a self-certification has been submitted, it shall be understood that the facilities meet the aforementioned parameters and the employer shall be able to begin operations. | |
| **Section 15:** | **PROHIBITED ACTIVITIES.**  1) Establishments licensed to operate exclusively as bars, (bars, cafés licensed to sell alcohol, as well as sport bars and any other similar 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. At this places, any type of beverage shall be served only at the tables.  For the purposes of this Executive Order, a bar is an establishment primarily dedicated to the retail sale of alcoholic beverages intended to be consumed within the establishment itself. It is also any establishment that sells food and drink, such as restaurants, cafés, or cafeterias (indoor establishments where coffee, soft drinks, sandwiches, and other light meals are sold that intends to continue operating and selling alcoholic beverages, and this becomes its main activity.  2) The total closure of night clubs, gaming halls, or similar places or events which promote the gathering of a large group of citizens in the same place is hereby ordered.  3) The serving of food or drinks in a way that promotes gatherings of people at the private parking lots of any establishments is hereby prohibited. Under no circumstances shall people be allowed to gather outside establishments to consume alcoholic beverages.  4) The promotion of gatherings at beaches, public bathing beaches, rivers, marinas, pools, and other water bodies is hereby prohibited. To achieve this, a mandatory distance of not less than ten (10) feet between bathers who are not members of the same family unit shall be maintained.  5) 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 and promote exchanges between multiple persons without any controls.  6) In view of the emergency caused by the pandemic, elective surgery shall continue to be limited when it requires intensive care units, and emergency surgeries shall have priority over these subject to medical judgment. Hospitals shall strengthen their COVID-19 safety and health protocols for healthcare services at hospital facilities, including the Local Resumption of Elective Surgery Guidance issued by the American College of Surgeons on April 17, 2020, in order to schedule elective surgeries.  7) The use of playgrounds at shopping malls or similar establishments is hereby prohibited. Likewise, valet parking services are hereby prohibited when these are optional.  8) The use of party buses and the hosting of mobile gatherings shall not be permitted for any event while this Order is in effect. The Department of Health and the Puerto Rico Police Bureau, in conjunction with the Municipal Police, shall ensure compliance with this Order. Escorting and/or controlling traffic at any of these events prohibited in this Executive Order shall not be authorized. | |
| **Section 16:** | **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 or chronic illnesses. | |
| **Section 17:** | **PERSONS AND SERVICES EXEMPTED FROM THE CURFEW.**  With the curfew in place, all individuals and services authorized under this Executive Order due to work and/or emergency reasons shall be exempt therefrom:  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) funeral home personnel and services for the management and disposition of bodies;  5) Personnel working in the food supply chain, including those necessary for agricultural activity, such as agricultural centers;  6) Personnel working with utilities or critical infrastructure;  7) Call center and sensitive data center personnel;  8) Ports and airports personnel;  9) Members of the press and the media;  10) Road assistance and locksmith services;  11) Delivery or courier service personnel;  12) Gas station personnel and services and their distribution chain; however, these establishments shall not sell alcoholic beverages after 11:00 p.m.;  13) Public or private solid waste collection services and personnel, and recycling services;  14) Personnel and services related to any federal agency, including the U.S. Department of Defense (DOD);  15) Logistics and transportation services and personnel; customs brokers; ocean or ground freight consolidation services, third-party storage and distribution services;  16) Persons addressing emergency or health situations, including persons who administer vaccines, any person on his way to be administered the COVID-19 vaccine and their companions;  17) priests, pastors, reverends, bishops, imams, rabbis, chaplains, or any other religious leader in order to address any emergency situation or crisis within the scope of his ministerial responsibilities;  18) public officials and employees of the Executive, Legislative, and Judicial Branches;  19) election personnel working directly or indirectly in an voting event, as well as any other personnel or contractor as determined by the Chair of the State Election Commission;  20) legal representatives when addressing legal and court matters;  21) People with Autism Spectrum Disorders (ASD) 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 authorized to operate after closing hours to discharge said function. | |
| **Section 18:** | **MODIFICATIONS.** During the effectiveness of this Order, the measures taken shall continue to be analyzed for the purposes of studying the results thereof and adopt any necessary modification in a timely manner. | |
| **Section 19:** | **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 5.14[sic] of Act No. 20-2017, as amended, which sets a penalty of imprisonment not to exceed six (6) months, or a fine not to exceed 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 Organic Act of the Health Department, “[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 directed 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 criminally prosecuted, 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 Department of Health and the Puerto Rico Police Bureau are hereby directed 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 20:** | **INTERAGENCY OVERSIGHT TEAM.** In order to oversee 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 Office 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 No. 107-2020, known as the “Puerto Rico Municipal Code.”  Likewise, the Department of Health, the Puerto Rico Public Safety Department, and all of its components, including the Puerto Rico Police Bureau and the National Guard and any other pertinent agency, are hereby directed to make efforts as are necessary to increase their resources in order to enforce the provisions of this Order and ensure compliance with the quarantine orders from passengers arriving at Puerto Rico, as provided in Administrative Bulletin No. OE-2020-052, and any substitute thereof. | |
| **Section 21:** | **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 22:** | **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 23:** | **REPEALING CLAUSE**. This Executive Order supersedes Administrative Bulletin No. OE-2021-026 and No. OE-2021-027. Likewise, any other executive order that may be inconsistent, whether in whole or in part, with the provisions herein to the extent of such inconsistency is hereby repealed. | |
| **Section 24:** | **VALIDITY**. This Executive Order shall take effect on May 10, 2021, and shall remain in effect until May 23, 2021 and/or until a new order is issued, in accordance with the health and publica security needs. | |
| **Section 25:** | **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 court, such holding shall not affect the validity of the remaining provisions, which shall remain in full force. | |
| **Section 26:** | **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 27:** | **PUBLICATION**. This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered. | |
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|  | | 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 6th day of May of 2021. |
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| Promulgated in accordance with the law on this 6th day of May of 2021. | | |
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