

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

Administrative Bulletin Number: OE-2021-062

**EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, TO REQUIRE THE CONTRACTORS OF THE EXECUTIVE BRANCH, AND THE HEALTH AND LODGING SECTORS TO RECEIVE A COVID-19 VACCINE.**

**WHEREAS:**

Since March 12, 2020—after the first COVID-19 cases were reported on the island— we have been in a state of emergency to address this pandemic. From said date on, countless strategies have been implemented to control it. The most recent one was the promulgation of Administrative Bulletin No. OE-2021-058 requiring all public employees of the Executive Branch to present their COVID-19 vaccination record, subject to certain available exceptions and options.

**WHEREAS:**

At present, infections continue on the rise. The data furnished by the Department of Health of Puerto Rico shows that the daily average increased to 288 positive cases. Regarding hospitalizations, statistics show an increase in recent days for a total of 288 people hospitalized. Moreover, the positivity rate, that is, the percentage of people who test positive to the virus out of all the people who get tested, increased to 11.04% according to the data of the Department of Health.

On the other hand, the data published on August 3, 2021, by said government agency indicates that during the week of July 19 to 25, there were 191 COVID-19 cases in a total of 47 municipalities, a 65.3% of people infected during said period.

The data in the United States is similar or even more worrisome than in Puerto Rico. The average of positive cases in a week is nearly 90,000, a number we have not seen since November 2020, before COVID-19 vaccines were being administered. The average worldwide exceeds 570,000 cases. This increase is partially due to the new Delta variant. Certainly, said increase raises concerns and compels the Government to take new decisive actions to control infection and prevent any impact on the government and health services, and in turn,



protect the lives of the people. For such reason, the Government has the responsibility and a compelling interest to prevent any major event, strengthen sensitive areas such as healthcare facilities offering direct treatment to patients, and lodgings receiving tourists.

**WHEREAS:**

The increase in the positivity rate, infections, and hospitalizations both in Puerto Rico and the United States share a factor that cannot be overlooked: unvaccinated people. According to the data of the Department of Health and official United States entities, most infections and hospitalizations are among unvaccinated people. This has led to an increase in community transmission.

**WHEREAS:**

Scientific studies show that COVID-19 vaccines are the most effective measure to control COVID-19. As it was thoroughly explained in Administrative Bulletin No. OE-2021-058, the World Health Organization (WHO) has provided that the vaccines available are safe and efficient, and that they prevent that people fall seriously ill or die as a result of being infected with SARS-CoV2. Hence, WHO is encouraging vaccination, even for people who have been infected with COVID-19.

Likewise, the United States Food and Drug Administration (FDA) has issued emergency use authorizations for three (3) COVID-19 vaccines and has stated that they actually work by preventing the disease and its serious health consequences including hospitalization and death. In turn, it stated that the available information suggests that the authorized vaccines protect against strains or variants currently spreading. Thus, the FDA —the agency concerned with evaluating and authorizing vaccines— has promoted immunization as an effective tool to reduce COVID-19 spreading.

Lastly, the Centers for Disease Control (CDC) has stated that COVID-19 vaccines are safe and effective, especially in preventing serious diseases and death. It asserted that vaccines can prevent people from getting infected or spreading the virus, getting seriously ill even if they get COVID-19, and also help to protect their relatives and the people around them. In turn, the CDC clarified these vaccines are not

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experimental, for they have already undergone the clinical trial stages. Hence, they argue that the safest option to fight the pandemic is to get a COVID-19 vaccine.

**WHEREAS:**

In Puerto Rico, vaccination is currently underway. To this date, according to the CDC data, over 77.4% of people who are eligible to be vaccinated have been administered at least one doses. Moreover, approximately 67.4% of eligible people are fully vaccinated. This data and the few adverse reactions reported confirm that COVID-19 vaccines are safe and effective.

**WHEREAS:**

It should be noted that 1,920,091 people in Puerto Rico have been fully vaccinated. This means that only 60.1% of the total population of the island is duly vaccinated, and that there is still a significant percentage of people left who are not vaccinated. Moreover, the accumulated count of administered doses shows that vaccination has recently decreased, which means that, on a daily basis, not many people are been vaccinated. This fact has delayed the goal of achieving herd immunity, which is the moment where the virus cannot spread because the population is protected. Be advised that, until this is achieved, Puerto Rico is at risk of suffering the most severe consequences of COVID-19.

**WHEREAS:**

Puerto Rico's situation regarding vaccination is consistent with what is happening in other jurisdictions. A little over 15% of the population worldwide has been fully vaccinated, and 29.3% have received only one doses. In the United States of America only over 49.8% of the population has been fully vaccinated, and 56.9.% has only received one doses, out of all the population. These number confirm the need to implement measure in Puerto Rico to guarantee the safety of tourist and the people who work in this sector.

**WHEREAS:**

As to the vaccination, in general, as stated in Administrative Bulletin No. OE-2021-058, the Supreme Court of the United States has examined the power of the State to regulate their use. In *Jacobson v. Massachusetts*, 197 U.S. 11 (1905), the compulsory smallpox

vaccination was challenged. When hearing the case, the Court held that the liberty secured by the Constitution of the United States does not import an absolute right, and are subject to such reasonable conditions as may be deemed by the government essential to the safety, health, peace, good order and morals of the community.

The foregoing notwithstanding, in *Zucht v. King*, 260 U.S. 174 (1922), the Supreme Court of the United States validated a Texas law making child vaccination a condition to attendance at schools. It concluded that these ordinances confer not arbitrary power, but only that broad discretion required for the protection of the public health.

Hence, in both cases, the Supreme Court of the United States validates the State's authority to compel vaccination in a reasonable manner.

**WHEREAS:**

In Puerto Rico, in *Lozada Tirado v. Testigos de Jehova*, 177 DPR 893 (2010), our Supreme Court recognized that, even though the people have a right to reject medical treatment, this is not an absolute right. Using federal case law (*Cruzan v. Director, Missouri Dept. of Health*, 497 U.S. 261 (1990)) as its basis, the Court concluded that there may be certain interests of the State that may be taken into account, such as the protection of innocent third parties. The latter applies when seeking to submit citizens to certain medical treatment during a public health crisis. In doing so, it recognized that the State may establish certain vaccines as mandatory requirements when there is a threat of an epidemic. *Id.*, n. 13.

**WHEREAS:**

Certainly, people have the constitutional right to reject medical treatment. However, contrary to individual treatments which do not affect the health of other people, vaccines are aimed at fighting off a collective evil, rather than an individual one. For such reason, they have been considered one of the biggest achievements of the 20<sup>th</sup> century. *See, Bruesewitz v. Wyeth LLC*, 562 U.S. 223, 226 (2011).

**WHEREAS:**

In the case of COVID-19 vaccines, despite the lack of pertinent case law, as recently as on August 2, 2021, the United States Court of Appeals for the Seventh Circuit affirmed the determination of the United States District Court of Indiana. In this case, students and employees

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were mandated to be fully vaccinated to attend the university in-person. When considering the case, the Court of Appeals held that consistent with *Jacobson v. Massachusetts, supra*, there was no constitutional issue in requiring said vaccine. The basis of its decision, contrary to *Jacobson*, was that, in Indiana, the requirement was laxer and allowed for exceptions, and also, the vaccine was not mandated for all citizens, but rather as a condition to attend the university. See, *Klassen v. Trustees of Indiana University*, 2021 WL 3281209; *Klassen et al. v. The Trustees of Indiana University*, 2021 WL 3025893.

Furthermore, in *Bridges v. Houston Methodist Hospital*, 2021 WL 2399994, in which employees of a Texas hospital were required to receive the COVID-19 vaccine, the US District court upheld the hospital's actions and the vaccination mandate. It held that including vaccination as a condition for employment is not a form of coercion, and that it could be included as a condition for employment.

**WHEREAS:**

Consistent with the foregoing, on July 6, 2021, the United States Department of Justice, through its Legal Counseling Office (OLC), issued an Opinion whereby it concluded that the federal provisions for the emergency use authorization of COVID-19 vaccines do not prohibit public and private entities from imposing a SARS-CoV2 vaccination mandate. That is, it is their understanding that Section 564 of the Food, Drug, and Cosmetic Act ("FDCA"), 21 USC sec. 360bbb-3, only requires the person who administers the vaccine to inform individuals of the type of authorization granted, the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of their benefits and risks.

**WHEREAS:**

The foregoing notwithstanding, on July 29, 2021, the President of the United States, Joseph R. Biden Jr., required all federal employees and contractors to be vaccinated or get tested for COVID-19 on a weekly basis. This came after the United States Department of Veterans Affairs became the first federal agency to implement a vaccination requirement for all of its employees.

Likewise, various states and cities announced that they would be

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requiring their employees to get vaccinated. The city of New York was the first to make the announcement. Mayor Bill de Blasio ordered all municipal employees to be vaccinated as of September 13, 2021, or alternatively, to get tested for COVID-19 on a weekly basis. He also required persons who visited indoor businesses, such as restaurants, theaters, and gymnasiums, to be vaccinated. In said state, Governor Cuomo ordered hospital employees to be vaccinated before September 6, 2021. He also ordered transportation employees to be vaccinated or furnish a negative COVID-19 test on a weekly basis. Furthermore, starting this month, California shall require all public employees to be vaccinated or alternatively, get tested for COVID-19 on a weekly basis. Likewise, the Governor of New Jersey, Phil Murphy approved a vaccine mandate for all medical care, prolonged care centers, and prison employees, among others, or alternatively, to get tested for COVID-19 on a weekly basis.

**WHEREAS:**

Section 5.10 of Act No. 20-2017, as amended, known as the "Puerto Rico Public Safety Department Act," empowers the Governor to, upon declaring a state of emergency or a disaster, to promulgate measures as are necessary to manage the emergency, which measures shall be in effect for the duration of the emergency in order to protect the safety, health, and property of all of the Puerto Rico residents.

**WHEREAS:**

Subsection (b) of Section 5.10 of Act No. 20-2017, provides that the Governor may prescribe, amend, and revoke any regulations as well as issue, amend, and rescind such orders as deemed convenient which shall be in effect for the duration of the state of emergency or disaster. Regulations prescribed or orders issued during a state of emergency or disaster shall have force of law for the duration of the state of emergency or disaster.

**WHEREAS:**

The Government of Puerto Rico is responsible for making every effort as necessary 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:**

The power to govern a people entails a great responsibility of ensuring

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the health and safety of the population. In turn, the police power of the State —as delegated to the Executive Power under Act No. 20-2017— empowers the government to take measures as are necessary to protect the health and safety of its population. That is, it is the inherent power of the State that allows it to issue and promulgate regulations in general to protect the health, the safety, and general welfare. To achieve these benefits for the community, the State is empowered to limit certain personal interests, which are not absolute.

**WHEREAS:**

With the specific objective of protecting the health of the People of Puerto Rico, it is meritorious to take clear and definite actions to ensure that every citizen is healthy, and in turn, guarantee that government and health services are not interrupted. This Government has a compelling and important interest to safeguard the life of the population in general and of the employees who render essential services, namely, government, health, and hotel services. Likewise, a necessary step to achieve these goals is to take decisive actions —such as vaccination— to ensure that the people who provide services in the government, health facilities, and lodgings are vaccinated, which shall prevent contagion within said facilities. This would definitely help Puerto Rico to become a safe destination for all of our visitors and residents.

**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.

**WHEREAS:**

In view of the significant increase in infections, I have a responsibility and a duty, as the Governor, to continue closely monitoring the daily statistics of the Department of Health, and subsequently, take measures as are necessary to guarantee everyone's health. If the infections do not decrease, I would be compelled to implement significant restrictions, including a reduction in the business hours of private sector operations and the maximum capacity in public and private places.



**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) and Administrative Order No. 2021-508 issued by the Department of Health, indubitably we will all be protected. Thus, each citizen has the responsibility to continue adhering to the precautionary measures imposed by the Secretary as well as be prudent and decide when not to participate in any activity that would jeopardize his health or the health of others.

**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:**

**VACCINATION REQUIREMENT FOR CONTRACTORS OF THE EXECUTIVE BRANCH**

In order to safeguard the health of the people of Puerto Rico and prevent contagion within government facilities, and in turn, ensure the continuity of government services, I hereby order that, as of the effective date of this Executive Order, all public agencies of the Executive Branch shall require contractors and their employees who work in-person or frequently visit their offices —except as otherwise provided in Section 5 of this Executive Order— to receive a COVID-19 vaccine authorized by the FDA during this emergency. For purposes of this requirement, it shall be sufficient to show that, as of the effective date of this Executive Order, the employee has already started the vaccination process by receiving the first doses. However, they shall comply with and furnish proof to the contracting government agency of the subsequent administration of the second doses, in the event that the vaccine administered is a two-dose series vaccine. The deadline to complete this is September 30, 2021.

Every appointing authority, or their delegates, shall be responsible for requesting contractors and their employees to furnish the COVID-19





Vaccination Record Card or a document attesting to the completion or beginning of the COVID-19 vaccination process. Moreover, every contractor and his employees shall be responsible for furnishing their COVID-19 Vaccination Record Card or a document attesting to the completion or beginning of the COVID-19 vaccination process in order to work in-person at the government facilities. The vaccination record may be furnished in another authorized physical or digital format to certify vaccination.

**Section 2:**

**VACCINATION REQUIREMENT FOR EMPLOYEES OF HEALTHCARE FACILITIES:**

In order to strengthen and safeguard the health of the people of Puerto Rico and prevent complications and the collapse of the health system, I hereby order that, as of the effective date of this Executive Order, all employees of the healthcare facilities listed in this Section —except as otherwise provided in Section 5 of this Executive Order— shall receive a COVID-19 vaccine authorized by the FDA during this emergency. For purposes of this requirement, it shall be sufficient to show that, as of the effective date of this Executive Order, the employee has already started the vaccination process receiving the first doses. However, they shall comply with and furnish proof to their employer of the subsequent administration of the second doses, in the event that the vaccine administered is a two-dose series vaccine. The deadline to complete this is September 30, 2021.

Every employer shall be responsible for requesting their employees to furnish the COVID-19 Vaccination Record Card or a document attesting to the completion or beginning of the COVID-19 vaccination process. Moreover, every employee shall be responsible for furnishing their COVID-19 Vaccination Record Card or a document attesting to the completion or beginning of the COVID-19 vaccination process in order to work in-person at the healthcare facilities. The vaccination record may be furnished in another authorized physical or digital format to certify vaccination.

For purposes of this Executive Order, healthcare facilities mean places where direct healthcare services are rendered to the population.



Particularly, these include, but are not limited to hospitals, clinical laboratories, emergency rooms, medical service clinics, health centers, primary care physicians' and specialists' offices, therapy centers, blood banks, pharmacies, all older adult care center, and cannabis dispensaries, among others.

**Section 3:**

**VACCINATION REQUIREMENT FOR EMPLOYEES OF HOTELS, PARADORES, AND LODGINGS.**

In order to safeguard the health of the tourism sector, and particularly, ensure the continuity of lodging services, I hereby order that, as of the effective date of this Executive Order, all employees of hotels, *paradores*, and lodgings —except as otherwise provided in Section 5 of this Executive Order— shall receive a COVID-19 vaccine authorized by the FDA during this emergency. For purposes of this requirement, it shall be sufficient to show that, as of the effective date of this Executive Order, the employee has already started the vaccination process by receiving the first doses. However, they shall comply with and furnish proof to their employer of the subsequent administration of the second doses, in the event that the vaccine administered is a two-dose series vaccine. The deadline to complete this is September 30, 2021.

The management of hotels, *paradores*, and lodgings shall be responsible for requesting their employees to furnish the COVID-19 Vaccination Record Card or a document attesting to the completion or beginning of the COVID-19 vaccination process. Moreover, every employee shall be responsible for furnishing their COVID-19 Vaccination Record Card or a document attesting to the completion or beginning of the COVID-19 vaccination process in order to work in-person at the hotels, *paradores*, and lodgings facilities. The vaccination record may be furnished in another authorized physical or digital format to certify vaccination.

Every concessioner, business, or casino that operates inside or within the grounds of the hotels, *paradores*, and lodgings is hereby recommended to adhere to the same requirements established in this Executive Order.



**Section 4:**

**VACCINATION REQUIREMENT FOR GUESTS OF HOTELS, PARADORES, LODGINGS, AND SHORT-TERM RENTALS.**

Likewise, in order to strengthen the health of the tourism sector and the people of Puerto Rico, I hereby order that, as of the effective date of this Executive Order, all guests of hotels, *paradores*, lodgings, and short-term rentals (listed independently or through platforms such as Airbnb, VRBO, Join a Join, among others) —except as otherwise provided in Section 5 of this Executive Order— shall receive a COVID-19 vaccine authorized by the FDA during this emergency. In the event of noncompliance with the above, the provisions of Section 6 shall be applied, which require the submittal of a negative COVID-19 test.

The management of hotels, *paradores*, and lodgings as well as administrators and operators of short-term rentals shall be responsible for requesting their guests to furnish the COVID-19 Vaccination Record Card or a document attesting to the completion or beginning of the COVID-19 vaccination process. Moreover, every guest shall be responsible for furnishing their COVID-19 Vaccination Record Card or a document attesting to the completion or beginning of the COVID-19 vaccination process in order to be admitted to the hotel, *parador*, and lodging facilities. The vaccination record may be furnished in another authorized physical or digital format to certify vaccination.

**Section 5:**

**EXCEPTIONS.** For the purposes of this Order, people whose immune system is compromised and for whom vaccines may be detrimental to their health shall be exempt from the COVID-19 vaccination requirement. Also, people who have any other medical contraindication that prevents them from getting vaccinated shall be exempt from this requirement. This shall be certified by a physician authorized to practice in Puerto Rico. The physician shall also certify the duration of the medical contraindication and whether it is temporary or permanent. In the event that it is temporary, once the contraindication ceases, the person shall fulfill the vaccination mandate established in this Order, as applicable.



Moreover, refusal to be vaccinated is hereby permitted —as an exception— on the basis of religious beliefs, provided that the vaccines are against the religious observance of the contractor, employee, or guest. To comply with this exception, the person must furnish an affidavit of religious objection whereby such person, together with the minister or spiritual leader of his church or religion, state under oath and under penalty of perjury that on the basis of his religious beliefs, he cannot receive a COVID-19 vaccine. In the event there is no minister or spiritual leader, such person shall furnish an affidavit stating specifically the basis of his sincere religious beliefs. If the person fails to comply with the foregoing, the request shall be processed in accordance with the provisions of Section 6 of this Executive Order.

Persons who could not be vaccinated for any of the aforementioned exceptions, may be admitted to the concerned facilities taking all the pertinent security measures, including using a face mask, observing physical distancing, and any other as provided by the Secretary of the Department of Health from time to time.

In addition to the foregoing, these people shall –for the duration of the emergency declared in Administrative Bulletin No. OE-2020-020– comply with the following:

1. In the case of the Executive Branch contractors, if the person visits the government facilities on a daily basis, such person shall furnish a negative COVID-19 test from a qualified SARS-CoV2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) performed within a maximum of seventy-two (72) hours prior or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of the person's recovery, including a letter from a certified healthcare provider or a government health officer certifying that said person is recovered and is ready to be at a public place. If the contractor or his employees visit the facilities frequently but not daily, they shall comply with the above requirement every time they visit the government facilities every other week. The appointing authorities of public agencies, or their delegates, shall ensure compliance with

the foregoing at the beginning of each week.

2. In the case of the employees of healthcare facilities, hotels, *paradores*, and lodgings, they shall furnish on a weekly basis a negative COVID-19 test from a qualified SARS-CoV2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) performed within a maximum of seventy-two (72) hours prior or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of the employee's recovery, including a letter from a certified healthcare provider or a government health officer certifying that said person is recovered and is ready to be at a public place. The employer, or his delegate, shall ensure compliance with the foregoing at the beginning of each week.
3. Lastly, in the case of guests of hotels, *paradores*, and lodgings, and short-term rentals, they may stay at the above facilities insofar as they furnish at the beginning of their stay to the appropriate employee a negative COVID-19 test from a qualified SARS-CoV2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) performed within a maximum of seventy-two (72) hours prior or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of the their recovery, including a letter from a certified healthcare provider or a government health officer certifying that a person is recovered and is ready to be at a public place. If the person is staying for more than a week, such person shall comply with this requirement on a weekly basis. The management of these locations shall ensure compliance with the foregoing at the beginning of each week.

**Section 6:**

**VACCINATION REFUSAL.** Any contractor, his employees, or the employees of healthcare facilities, hotels, *paradores*, lodgings, and guest of short-term rentals who fails to furnish the COVID-19 Vaccination Record Card or a document attesting to the completion or beginning of the COVID-19 vaccination process, and to whom any of the exceptions does not apply, shall furnish —for the duration of the

emergency declared in Administrative Bulletin No. OE-2020-020— a negative COVID-19 test result from a qualified virus test SARS-CoV2 (Nucleic Acid Amplification Test or NAAT and antigen tests) performed within a maximum of seventy-two (72) hours prior, or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of his recovery, including a letter from a certified healthcare provider or a government health officer certifying that said person is recovered and ready to be at a public place. In these cases, the provisions of Section 5 of this Executive Order shall be complied with.

Any of the aforementioned persons who fail to furnish the COVID-19 Vaccination Record Card, the weekly negative COVID-19 test result, or the positive COVID-19 test result enclosed with the recovery documents, and who do not comply with exceptions provided in this Executive Order shall be subject to the following measures:

1. In the case of government contractors or their employees, they may not be allowed to visit the government agencies. If, due to the duties of the contractor or if, at the discretion of the contracting agency, the contractor is required to be physically present at the government entity, the latter may take measures as are necessary, which may include, but not be limited to the cancellation of the contract.
2. In the case of the employees of healthcare facilities, hotels, *paradores*, and lodgings, these may not attend work in person. Hence, the employer may take the applicable pertinent measures, including allowing the employee to avail himself of the applicable regular leaves or request an unpaid leave.
3. In the case of guests of hotels, *paradores*, and lodgings, and short-term rentals, these guests may not stay at the above locations insofar as the provisions of this Executive Order are not complied with.

**Section 7:**

**GUIDELINES AND REGULATIONS.** The Department of Health, the Department of Labor and Human Resources, the Human Resources



Transformation and Administration Office of the Government of Puerto Rico (HRATO), and the Tourism Company of the Department of Economic Development and Commerce shall establish guidelines and regulations as pertinent to their sector to enforce the provisions of this Executive Order. Moreover, they shall ensure compliance with the provisions herein. Lastly, I hereby delegate to these agencies the power to interpret the provisions herein.

**Section 8:**

**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.”

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

**Section 9:**

**MUNICIPALITIES, PUBLIC CORPORATIONS, AND OTHER GOVERNMENT BRANCHES.** The Legislative Assembly, the Judicial Branch, the public corporations, and municipalities are hereby recommended to take similar measures to the ones herein regarding private contractors, in order to guarantee and protect the lives of its employees and visitors and those who need their services.

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**Section 10:**

**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 11:**

**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 12:**

**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 13:**

**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 14:**

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

**Section 15:**

**VALIDITY.** This Executive Order shall take effect on August 16, 2021, and shall remain in effect until the emergency declared in Administrative Bulletin No. OE-2020-020 is rendered ineffective, or until this Order is amended or repealed by a subsequent Executive Order or by operation of law.

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







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PEDRO R. PIERLUISI  
GOVERNOR

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

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OMAR J. MARRERO DÍAZ  
SECRETARY OF STATE

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