

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

Administrative Bulletin Number: OE-2021-063

**EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, FOR THE PURPOSES OF REQUIRING MANDATORY COVID-19 VACCINATIONS AND SCREENING FOR THE RESTAURANT, BAR, THEATER, CINEMA, STADIUM, AND ACTIVITY CENTER SECTORS, AMONG OTHERS.**

**WHEREAS:** Since March 12, 2020—after the first cases of COVID-19 were recorded on our Island—we have been in a state of emergency to address the pandemic we are currently facing. From that date, countless strategies have been employed to control it. The most recent one was issuing administrative bulletins OE-2021-058 and OE-2021-062, in which public employees and contractors working for the Executive Branch of the Government, as well as employees in the healthcare sector and hotel employees and clients, to present a certificate of immunization against said virus, subject to certain exemptions and available alternatives.

**WHEREAS:** Currently, the rise in cases continues to accelerate. The data provided by the Puerto Rico Department of Health indicates the daily average for confirmed cases has increased to 288 positive cases. Exactly one month ago, that figure was approximately 57 cases, which is why this increase in infections may compromise our hospitals' capacity to respond. Concerning this particular point, the statistics confirm an increase in hospitalizations in recent days, totaling 346 hospitalized individuals, including 76 adults and 2 children who are in intensive care units. Statistically, one month ago, the number of adults hospitalized due to COVID-19 only represented 1%. Today, that number is 4%. In the case of intensive care units, there was an increase of 11%. There has been an increase from 2% to 3% in cases involving minors, and intensive pediatric care has increased to 2%. At the same time, the positive rate, which means the percentage of people who received a positive result out of all people tested for the virus, continues at an average of 11.42%, which represents an 8.6% increase from the previous month.

In the United States, the data is either similar or even more concerning than in Puerto Rico. Average weekly cases increased to over 120,000 cases, a number not reached since November 2020, before COVID-19 vaccinations were available. At a global



I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.

level, the average is over 570,000 cases. This increase is partly due to the emergence of the *Delta* variant. Said increase is alarming and requires that the Government take new actions to control the spread and protect the lives of all citizens. Therefore, the Government has a responsibility and a pressing and vital interest to protect the lives of others, requiring that the risk of infection is minimized at activities and places where there is a high potential for exposure to the virus.

**WHEREAS:**

The increase in the rate of positive results, infections, and hospitalizations in Puerto Rico and in the United States have common factors that cannot be ignored: individuals not vaccinated against COVID-19. According to data from the Department of Health and official entities in the United States, the vast majority of infected and hospitalized individuals are unvaccinated. This has caused an increase in infections within the community.

**WHEREAS:**

The scientific data collected in Puerto Rico shows the great effectiveness of the vaccine. In particular, it has been concluded that only 7.5% of total recorded COVID-19 cases correspond to fully vaccinated individuals. Therefore, the risk of infection for unvaccinated individuals is 6.9 times greater than the risk for those who are vaccinated. As for hospitalizations, only 4.5% of patients are vaccinated individuals. This means that the risk of an unvaccinated individual being hospitalized is 12.2 times greater than the risk for vaccinated individuals. Lastly, regarding deaths, only 2.5% of total deaths related to COVID-19 correspond to fully vaccinated individuals. This indicates that the risk of death for unvaccinated individuals is 25.7 times greater than the risk for vaccinated individuals. This is to say that being vaccinated is at least 3 times better for avoiding infection, 8 times better for avoiding hospitalization, and 16 times better for avoiding death due to COVID-19.

**WHEREAS:**

Scientific evidence shows that the most effective measure for controlling COVID-19 is vaccination. As it was thoroughly explained in Administrative Bulletin OE-2021-058, the World Health Organization (WHO) has determined that the available vaccines are safe and efficient, and that they prevent people from becoming gravely ill or dying due to SARS-CoV2. Therefore, the WHO recommends vaccination, even for those who have already been infected with COVID-19.



The United States Food and Drug Administration (FDA) has similarly indicated that the 3 COVID-19 vaccines it has authorized for emergency use do work, as they prevent said illness and its severe effects on a person's health, including hospitalization and death. It has also stated that the available information suggests that the authorized vaccines protect against the variants that are currently circulating. Therefore, the FDA—an agency in charge of evaluating and authorizing the vaccines—has promoted vaccination as an effective method for reducing the spread of COVID-19.

Lastly, the Centers for Disease Control and Prevention (CDC) has stated that COVID-19 vaccines are safe and effective, especially for preventing severe cases and death. It has asserted that they can prevent people from becoming infected and spreading the virus. In addition, they help prevent people from becoming severely ill even when they become infected with COVID-19, and they help protect their families and those around them. It also clarified that the vaccines are not experimental, because they have gone through the required stages in the clinical trials. Therefore, it sustains that the safest option for fighting said pandemic is to undergo vaccination for COVID-19.

**WHEREAS:**

In Puerto Rico, vaccinations are well underway. To date—according to data from the CDC—over 78.2% of people who can be vaccinated have received at least one dose. Approximately 68.1% of people who can be vaccinated are fully vaccinated. This data, along with the few recorded adverse reactions, confirm that COVID-19 vaccinations are safe and efficient.

**WHEREAS:**

It is important to highlight that, to date, 1,939,815 people in Puerto Rico are fully vaccinated. This means that 60.7% of our island's total population is fully vaccinated, and that a significant percentage of people have yet to be vaccinated. In addition, the cumulative count of administered doses shows that vaccination has declined in recent days, that is to say, not a lot of people are being vaccinated on a daily basis. Said fact has delayed the goal of achieving so-called "herd immunity," or the point at which the virus cannot spread because the community is protected. Be



advised that until said milestone is achieved, Puerto Rico is at risk of suffering the most severe consequences of COVID-19.

**WHEREAS:**

What is happening in Puerto Rico regarding vaccination is consistent with what is happening in other jurisdictions. At a global level, only slightly over 15.6% of the total population is fully vaccinated, and 30.2% have received a single dose. In the United States, only 49.8% are fully vaccinated and 59.9% of the total population has received a single dose. These numbers confirm the need to implement measures in Puerto Rico that guarantee the population's safety in places with high exposure to the virus.

**WHEREAS:**

Regarding vaccinations in general, as stated in Administrative Bulletin OE-2021-058, the United States Supreme Court has examined the State's authority to regulate its use. In *Jacobson v. Massachusetts*, 197 U.S. 11 (1905), mandatory smallpox vaccination was challenged. Addressing the case, the Court determined that the freedom granted by the Constitution of the United States is not an absolute right and is subject to reasonable restrictions that the government believes are necessary to promote the safety, health, peace, good order, and morals of the community.

Not satisfied with that, in *Zucht v. King*, 260 U.S. 174 (1922), the United States Supreme Court upheld a law from the state of Texas that prohibits unvaccinated children from attending school. In its reasoning, it concluded that what was ordered did not establish an arbitrary power, but rather an ample discretion required to address and protect public health.

Therefore, in both cases, the United States Supreme Court upheld the state's authority to reasonable mandate vaccinations.

**WHEREAS:**

In the case of Puerto Rico, in *Lozada Tirado v. Testigos de Jehová*, 177 DPR 893 (2010), our Supreme Court acknowledged that, although people have a right to decline a medical treatment, this right is not absolute. Using federal case law as a basis (*Cruzan v. Director, Missouri Dept. of Health*, 497 U.S. 261 (1990)), the Court concluded that the State may have certain interests that must be taken into account, such as the protection of third parties. This last one applies when intending to submit citizens to a certain medical treatment during a public health crisis. Thus, it was acknowledged that the State may require certain vaccines in a mandatory capacity



when facing the threat of a pandemic. *Id.*, n. 13.

**WHEREAS:**

Certainly, people have a constitutional right to decline a medical treatment. However, unlike individual treatments that do not affect the health of others, vaccinations are intended to combat a collective enemy, not an individual one. It is for that reason that vaccinations have been considered one of the 20th century's greatest achievements in public health. See *Bruesewitz v. Wyeth LLC*, 562 U.S. 223, 226 (2011).

**WHEREAS:**

In the case of COVID-19 vaccines, even though there is no binding case law, as recently as August 2, 2021, the United States Court of Appeals for the Seventh Circuit confirmed the decision of the federal District Court of Indiana. In this case, students and employees were required to be fully vaccinated to attend university in person. In addressing the case, the Court of Appeals decided that, according to *Jacobson v. Massachusetts, supra*, there was no constitutional obstacle to requiring said vaccination. It based its decision on the fact that, unlike *Jacobson*, in Indiana there was more latitude because they allowed certain exemptions and the vaccine was not mandatory for all citizens, instead it was a condition for attending university. See *Klaasen v. Trustees of Indiana University*, 2021 WL 3281209; *Klaasen et al v. The Trustees of Indiana University*, 2021 WL 3025893.

On the other hand, in *Bridges v. Houston Methodist Hospital*, 2021 WL 2399994, employees of a hospital in Texas were required to be vaccinated against COVID-19. The federal District Court upheld the hospital's actions and the vaccination requirement. It believed that conditioning employment to a vaccine is not a form of coercion and that it may be part of the job's conditions.

**WHEREAS:**

Consistent with the above, on July 6, 2021, the United States Department of Justice issued an Opinion through its Office of Legal Counsel (OLC) in which it concluded that federal provisions authorizing the emergency use of COVID-19 vaccines does not prohibit public and private entities from imposing SARS-CoV2 vaccinations as a requirement. That is to say, in their understanding, Section 564 of the *Food, Drug, and Cosmetic Act* (FDCA), 21 USC sec. 360bbb-3, only requires that whoever is going to administer a vaccine to a person inform them of the type of authorization given, the potential benefits and risks, and the

option to accept or decline the vaccine, including informing them of the consequences of declining it.

**WHEREAS:**

Not satisfied with the above, on July 29, 2021, the President of the United States, Joseph R. Biden Jr., required all federal employees and contractors to undergo vaccination or weekly COVID-19 testing. This occurred after the United States Department of Veteran Affairs was the first federal agency to implement a requirement for all healthcare workers to be vaccinated.

Several states and cities have also announced that they will require their employees to be vaccinated. The city of New York was the first to make such an announcement. Mayor Bill de Blasio ordered that, starting on September 13, 2021, all municipal employees must be vaccinated or, as an alternative, must undergo weekly COVID-19 testing. He also required vaccinations for people visiting indoor establishments, such as restaurants, theaters, and gyms. In said state, the Governor ordered that hospital employees be vaccinated by September 6, 2021. In addition, it was ordered that transportation employees must be vaccinated or present a negative COVID-19 test result on a weekly basis.

For its part, the state of California will require vaccinations for all of its public employees or, as an alternative, negative COVID-19 test results starting this month. Similarly, the governor of New Jersey, Phill Murphy, ordered mandatory vaccinations for healthcare employees and employees working at extended care centers and prisons, among others; as an alternative they may undergo weekly COVID-19 testing.

**WHEREAS:**

As recently as August 6, 2021, the Court of First Instance of San Juan issued a Judgment in which it upheld the vaccination requirement at schools in Puerto Rico. In its pertinent parts, it declared that “the State has an urgent interest in safeguarding public health and taking all necessary measures to effectively combat a pandemic that has affected the lives of every person on this planet and that is simply unprecedented in recent history. Without a doubt, these measures include requiring vaccinations against said disease and the use of masks in indoor spaces where people are close together, such as schools and universities.” It therefore concluded that “because it is our understanding that the executive and administrative orders in question are based on





accurate and verifiable scientific data, and that, in addition, they are carefully designed to provide reasonable accommodations for those who qualify and need them, we concluded that they are valid and completely in line with the applicable constitutional parameters.”

**WHEREAS:** After declaring a state of emergency, Article 5.10 of Act 20-2017, as amended, known as the “Puerto Rico Public Safety Department Act,” empowers me, as Governor, to establish any measures deemed necessary for the duration of the emergency in order to manage it with the goal of securing the health, property, and safety of Puerto Rico’s residents.

**WHEREAS:** Subsection (b) of Article 5.10 of Act 20-2017 establishes that, as Governor of Puerto Rico, I may enact, amend, or repeal any regulation, and to enact, amend, or rescind any order as deemed appropriate to govern during the state of emergency or disaster. The regulations enacted or orders issued during a state of emergency shall have the force of law during said state of emergency.

**WHEREAS:** The Government of Puerto Rico has a responsibility to make the necessary efforts to prevent and stop the spread of COVID-19 and safeguard the health, lives, and safety of Puerto Rico’s residents.

**WHEREAS:** The power to govern a community comes with a great responsibility to ensure that its people are safe and healthy. The power of reason of State—as delegated to the Executive Branch by Act 20-2017—empowers the government to take the necessary measures to protect the health and safety of its people. That is to say, it is the State’s inherent power which allows for the creation and enactment of regulations in general for the purposes of protecting public health, safety, and wellbeing. In order to secure these benefits for the community, the State has the power to restrict certain personal interests, which are not absolute.

**WHEREAS:** With the specific objective of safeguarding the health of the people of Puerto Rico, clear and decisive action must be taken to ensure that each citizen is healthy. This Government has an urgent and important interest to safeguard the lives of the people and to ensure to minimize the risk of infection in everyday activities and at places where exposure to the virus is high. A necessary step for achieving these objectives is to implement decisive actions—such



as requiring vaccinations or negative COVID-19 test results—at locations where prepared food and drink are sold, such as restaurants, theaters, cinemas, stadiums, and activity centers, which will prevent infections at these facilities.

**WHEREAS:** The COVID-19 pandemic presents a dynamic and changing scenario that requires the Government to redesign its strategies in order to appropriately manage infections in the population.

**WHEREAS:** In light of the significant rise in infections, I, as Governor, have a responsibility and duty to continue to carefully monitor the daily statistics issued by the Department of Health, and take the necessary measures to safeguard everyone’s health. Should these measures not have a significant impact on the increase in infections, I shall be forced to implement additional restrictions.

**WHEREAS:** I must emphasize that each citizen has an individual responsibility to exercise good judgment and care in any personal, commercial, or professional activity they are attending or involved in. If every Puerto Rican follows all of the precautionary measures issued by the CDC and the administrative orders issued by the Department of Health concerning COVID-19, there is no doubt that we would all be safer. Therefore, each citizen has a responsibility to continue following the precautionary measures issued by the Secretary, and to use good judgment and not participate in any activity they believe would put their health or the health of others 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 1:** **EMPLOYEE VACCINATION REQUIREMENTS.** In order to minimize infections and successfully safeguarding the health of Puerto Rico’s population, I hereby order that once this Executive Order enters into force, restaurants (including fast food restaurants, food courts, and cafeterias), bars, “chinchorros”, cafés, sports bars, theaters, cinemas, stadiums, convention or activity centers, and any other establishment—either indoor or outdoor—that sells prepared food or drink, must require all employees who work there in person to be fully vaccinated with a vaccine authorized by the FDA to address the COVID-19 emergency. For the purposes of this requirement, it shall be





sufficient for the employee to show that they have started the vaccination process with the first dose by the date this Executive Order goes into force, which, to wit, is August 23, 2021. However, the employee must comply with and later present evidence to their employer of having received the second dose, if the type of vaccine they have been administered requires so. They shall have until October 7, 2021 to do so.

It shall be the responsibility of each employer, or a person to whom they have delegated, to request employees to present a certificate of immunization (COVID-19 Vaccination Record Card) or a document that proves they have completed or initiated their COVID-19 vaccination process. For their part, it shall be the employee's responsibility to present their certificate of immunization (COVID-19 Vaccination Record Card) or a document that proves they have completed or initiated their COVID-19 vaccination process in order to be permitted to work in person. Certificates of immunization may be substituted with any other physical or digital method authorized for verifying vaccination status.

For the purposes of this Executive Order, the term employee applies to any natural person who works physically or in person—including contractors, but not suppliers—in exchange for a salary, wages, compensation, emolument, or any type of remuneration at a restaurant (including fast food restaurants, food courts, and cafeterias), bar, "chinchorro", café, sports bar, theater, cinema, stadium, convention or activity center, and any other establishment—either indoor or outdoor—that sells prepared food or drink, even in a partial capacity. For the purposes of the vaccination requirement, as established in this Executive Order, individuals who are providing services in a voluntary and in-person capacity at these establishments shall also be considered employees.



**Section 2:**

**EMPLOYEE EXEMPTIONS.** For the purposes of this Order, individuals whose immune systems are compromised and for whom the COVID-19 vaccine may be detrimental to their health shall be exempted from the vaccination requirement. Similarly, individuals who have other medical contraindications that preclude



their inoculation shall be exempted. This must be certified by a physician authorized to practice medicine in Puerto Rico. In addition, the physician must certify the duration of the medical contraindication and whether it is temporary or permanent. If it is temporary, once the contraindication is not present, the person must comply with the vaccination requirement, as applicable under this Order.

As an exception, declining vaccination for religious purposes is permitted, as long as the vaccine goes against the employee's religious dogma. In order to qualify for this exception, the person must present a sworn statement in which they certify, along with a minister or religious leader of their faith, both of whom shall be under oath and shall make their statement under penalty of perjury, that they cannot be inoculated against COVID-19 due to their religious beliefs. If they do not have a minister or religious leader, they must present a sworn statement in which they establish their religious convictions in a specific manner. If the above criteria are not met, said request must be processed in accordance with what is established in Section 3 of this Executive Order.

An employee that may not be vaccinated due to any of the abovementioned exceptions may work in person at the corresponding facilities, employing adequate safety measures, which include the use of masks, social distancing, and any other measure that may, from time to time, be issued by the Secretary of the Department of Health.

In addition to the above, this person must—while the emergency declared in Administrative Bulletin OE-2020-020 persists—present a negative COVID-19 test result from a qualified SARS-CoV2 viral test (Nucleic Acid Amplification Test (NAAT) or antigen test) performed no more than 72 hours prior, or a positive COVID-19 result from the past 3 months, along with documentation of their recovery, including a letter from a certified healthcare provider or a government health official that certifies that the person has recovered and is ready to be present in public spaces. The employer or a person to whom they have delegated must ensure compliance with the above.



**Section 3: EMPLOYEES WHO DECLINE VACCINATION.** Any employee of

a restaurant (including fast food restaurants, food courts, and cafeterias), bar, “chinchorro”, café, sports bar, theater, cinema, stadium, convention or activity center, and any other establishment—either indoor or outdoor—that sells prepared food or drink who does not present their certificate of immunization (COVID-19 Vaccination Record Card) or a document that verifies that they have completed or initiated the COVID-19 vaccination process, and for whom none of the exemptions apply, must—while the emergency declared in Administrative Bulletin OE-2020-020 persists—comply with the following: present a negative COVID-19 test result from a qualified SARS-CoV2 viral test (Nucleic Acid Amplification Test or antigen test) performed no more than 72 hours prior, or a positive COVID-19 result from the past 3 months, along with documentation of their recovery, including a letter from a certified healthcare provider or a government health official that certifies that the person has recovered and is ready to be present in public spaces.

Should the abovementioned individuals not present their certificate of immunization (COVID-19 Vaccination Record Card), a negative COVID-19 test result on a weekly basis, or a positive COVID-19 result with documentation of their recovery, and should they not qualify for one of the exemptions detailed in this Executive Order, they may not work in person. Therefore, the employer must take the corresponding applicable measures, including allowing them to use applicable regular leaves or an unpaid leave.

**Section 4:**

**REQUIREMENTS FOR VISITORS.** In the interest of safeguarding the health of Puerto Rico’s population and minimizing infections, I hereby order that, from the moment this Executive Order enters into force, all restaurants (including fast food restaurants, food courts, and cafeterias), bars, “chinchorros”, cafés, sports bars, theaters, cinemas, stadiums, convention or activity centers, and any other establishment, either indoor or outdoor, that sells prepared food or drink, must verify that all of their visitors above the age of 12—subject to the exemptions indicated in this section—comply with one of the following conditions:

1. The visitor is properly vaccinated with a vaccine approved by the FDA to address the COVID-19 emergency.

2. The visitor presents a negative COVID-19 result from a qualified SARS-CoV2 viral test (Nucleic Acid Amplification Test (NAAT) or antigen test) performed 72 hours prior to visiting the establishment.
3. The visitor presents a positive COVID-19 result from the past 3 months, along with documentation of their recovery, including a letter from a certified healthcare provider or a government health official that certifies that the person has recovered and is ready to be present in public spaces.

It shall be the responsibility of each business or commercial entity to request that each visitor—before entering the business—present a certificate of immunization (COVID-19 Vaccination Record Card) or viral test result. For their part, it shall be the visitor’s responsibility to present their certificate of immunization (COVID-19 Vaccination Record Card) or viral test result as a condition to access the business. The certificate of immunization or viral test may be presented through any other physical or digital method.

In addition, the private operator must ensure that all visitors comply with administrative orders 2021-508A and 2021-512, issued by the Secretary of the Department of Health, and subsequent orders. In particular, they must comply with mandatory mask usage in indoor spaces.

It is important to point out that what is established in this Executive Order does not limit the authority of any private operator to implement additional restrictions not contemplated herein. That is to say, none of what is established in this Executive Order may be interpreted as private operators not being able to take additional or more restrictive measures.

Individuals under the age of 12 are exempted from complying with the screening established in this section, as they currently cannot be vaccinated. All individuals who are exclusively acquiring food at restaurants (including fast food restaurants, food courts, and cafeterias), bars, “chinchorros”, cafés, and sports bars through a drive-through or curbside pickup; that is to say, they won’t consume the food at the establishment, are also exempted.



**Section 5:**

**CAPACITY LIMITATION.** All restaurants (including fast food restaurants, food courts, and cafeterias), bars, “chinchorros,” cafés, sports bars, theaters, cinemas, stadiums, convention or



activity centers, and any other indoor establishment that sells prepared food or drink that does not comply with the requirements established in Section 4 of this Executive Order shall be obligated to limit their capacity to 50% of the establishment's maximum capacity.

**Section 6:**

**ACCESS RESTRICTION.** Visitors may not access an establishment if they refuse to comply with the requirements established in this Executive Order as implemented by its private operator. All citizens are urged to cooperate with private operators in complying with what is established herein. Should any citizen not cooperate and attempt to force a private operator to not comply with the provisions of this Executive Order, they may be subject to what is established in Section 9 of this Order and any other applicable provision of the Puerto Rico Criminal Code.

**Section 7:**

**OVERSIGHT.** The corresponding agencies are hereby ordered to oversee faithful compliance with what is established in this Executive Order. The public is also encouraged to inform the authorities of establishments that are not complying with this Order. In order for citizens to be able to contribute to oversight efforts and full compliance with this Executive Order, all establishments are hereby ordered to display posters in visible locations advertising the confidential COVID-19 hotline created by the Department of Health. These posters or signs must include the following contact information in order for citizens to report cases of noncompliance:

a) Phone: (787) 522-6300, extensions 6899, 6840, 6824, 6833, and 3893

b) Email: [investigaciones@salud.pr.gov](mailto:investigaciones@salud.pr.gov).”

It is also hereby required that, should they not comply with the requirements established in this Executive Order, this aforementioned poster or sign must include the number of people who total the establishment's maximum required capacity of 50% based on the current Puerto Rico building code (PR Building Code 0218) authorized by the Puerto Rico Firefighters Corps Bureau; the above is under penalty of noncompliance with this Executive Order.



Citizens are urged to notify the corresponding agencies, including the Department of Health, of any private operator that is not complying with screening requirements or the limitation of an establishment's capacity to 50%, as established in this Executive Order.

**Section 8:**

**GUIDELINES AND REGULATIONS.** The provisions established in this executive order may be defined, reinforced, or modified in detail through guidelines issued by any agency called upon to regulate the services discussed herein, including the Department of Health and the Department of Labor and Human Resources. All agencies that issue guidelines in order to describe the provisions of this Executive Order in detail must publish said guidelines immediately and as widely as possible.

**Section 9:**

**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 of Act 20-2017, as amended, which sets a penalty of imprisonment not to exceed six (6) months, or a fine of not more than five thousand dollars (\$5,000), or both penalties, at the discretion of the court and/or any applicable law. Furthermore, in accordance with the provisions of Art. 33 of the Department of Health Act, “[a]ny natural or juridical person who violates the provisions of this Act or the regulations issued by the Department of Health thereunder shall incur a misdemeanor, and upon conviction, may be sentenced to imprisonment that shall not exceed six (6) months, or a fine of not more than five thousand dollars (\$5,000), or both penalties in the discretion of the court.” Any person who fails to comply with the provisions of this Order shall be subject to criminal proceedings, which shall be initiated without any delay by the Public Prosecutor, whom, in turn, must request bail to be set in accordance with the Rules of Criminal Procedure.

**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 of each other, and if any part, section, provision, or sentence of this Executive Order is declared unconstitutional, void, or invalid by a court of jurisdiction and venue, such decision shall not affect the validity of the remaining provisions, which shall remain in full force.

**Section 13:** **PRIOR ORDERS SUPERSEDED.** This Executive Order shall, when it enter into force, supersede the parts of any executive order that may, in whole or in part, be inconsistent 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 widest possible publication is hereby ordered.

**Section 15:** **VALIDITY.** This Executive Order shall enter into force on August 23, 2021 and shall remain in force until the state of emergency declared in Administrative Bulletin OE-2020-020 has been lifted, or until this Order is amended or annulled by a subsequent Executive Order or by law.

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



**PEDRO R. PIERLUISI  
GOVERNOR**

Enacted in accordance with the law on this 11<sup>th</sup> day of August of 2021.

**OMAR J. MARRERO DÍAZ  
SECRETARY OF STATE**