

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

Administrative Bulletin Number: OE-2021-075

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, TO IMPLEMENT VARIOUS INITIATIVES AGAINST COVID-19, AND TO REPEAL ADMINISTRATIVE BULLETINS NOS. OE-2021-058, OE-2021-062, OE-2021-063, AND OE-2021-064.

WHEREAS:

Since March 12, 2020—after the first cases of the disease known as COVID-19, which is caused by the new SARS-CoV2 coronavirus, were reported on the island— we have been in a state of emergency. From said date on, countless strategies have been implemented to control the pandemic, including the mask and social distancing mandates. The last measure was the promulgation of administrative bulletins nos. OE-2021-058, OE-2021-062, OE-2021-063, and OE-2021-064, which required the members of certain important sectors of the society to be vaccinated against said virus, subject to certain exceptions and alternatives available.

WHEREAS:

After said mandates, we have experienced a decrease in infections in recent months. Particularly, the daily average of confirmed cases is at 63 positive cases. When the vaccination mandates were being first promulgated, such statistic was at 233. Likewise, hospitalizations are at a total of 52 adults and 3 children. This represents 1% of the total beds available. By contrast, in August, adult hospitalizations increased by 7%. As to intensive care units, there are 9 adults and 1 child hospitalized as of today. Statistically this represents 1% for adults as well as children. In August, these statistics were around 21% in adults and 5% in children. The positivity rate, that is, the percentage of people who test positive to the virus out of all the people who get tested, is at an average of 3.1%, which constitute a significant decrease compared to August, when it reached 11.27%.

The foregoing notwithstanding, the deaths have also dropped significantly. By late August, we experienced a daily death average of around 14.3 cases daily. Today, this statistic is at 1 case daily.





WHEREAS: Vaccination has been an important factor in this improvement. Proof of this was that while the aforementioned statistics were decreasing, Puerto Rico was standing out as the jurisdiction with the highest number of persons vaccinated against COVID-19 in the United States and the Americas. According to the CDC's data, over 93.2% of persons older than age 12 have at least one doses. Moreover, 74.2% of the total population of the island is duly vaccinated; thus, we are the jurisdiction with the highest percentage of the population fully vaccinated in the United States.

WHEREAS: The World Health Organization (WHO) has provided that the vaccines available are safe and efficient, and that they prevent people from falling seriously ill or dying as a result of being infected with SARS-CoV2. In turn, vaccination reduces the likelihood of infecting other persons. 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) have stated that COVID-19 vaccines are safe and effective, especially in preventing COVID-19 and its potential serious complications, such as death. Vaccines are even effective against the known variants. They asserted that vaccines can prevent people from getting infected or spreading the virus. They particularly provided that COVID-19 vaccines protect people from the symptoms, but also help people from getting infected with the virus that causes COVID-19. Vaccination may prevent the spreading of this disease, but also

helps protect people and those around them. Although they recognize that there is a possibility of vaccine breakthrough infections – given that no vaccine is 100% effective – they prevent people from getting seriously ill and help protect their families and people around them. In turn, the CDC clarified these vaccines are not experimental, for they have already undergone the clinical trial stages. Even one of the vaccines already has been duly approved for a certain sector of the population. Hence, the CDC asserts that the most effective option to combat the pandemic is to be vaccinated against COVID-19.

WHEREAS:

The scientific data in Puerto Rico shows the great effectiveness the vaccine has had. Particularly, it was concluded that the risk of infection for unvaccinated individuals is 6.9 times more than for vaccinated individuals. As to hospitalizations, unvaccinated individuals are 12.2 times more likely to be hospitalized than vaccinated individuals. Lastly, as to deaths, the risk of death for unvaccinated individuals is 25.7 times more than for vaccinated individuals. That is, vaccination is at least 3 times better to prevent infection, 8 times better to prevent hospitalizations, and 16 times better to prevent deaths associated with COVID-19.

WHEREAS:

The data issued by the CDC is equally surprising. According to the studies, unvaccinated individuals are 6.1 times more at risk of testing positive to COVID-19 and 11.3 times more at risk of dying as a result of COVID-19, vis à vis vaccinated individuals. In the case of mRNA vaccines, it was concluded that in both studies under real conditions and clinical trials, they offered equal protection by reducing the risk of being infected or seriously ill by 90% or more in fully vaccinated individuals.

WHEREAS:

Despite how successful the vaccination process has been, there is still a significant number of unvaccinated individuals, even when unvaccinated individuals are at a serious risk of getting infected or spreading COVID-19. This situation seriously affects other people. Scientific studies even explain that unvaccinated individuals as well as the spreading of this disease can cause the appropriate environment for the development of new variants



that could be just as bad or worse than the Delta variant. Moreover, each unvaccinated individual are at risk of getting seriously ill, hospitalized, ending up in the intensive care unit, dying or developing a long-term health complication –known as long COVID-19– such as respiratory failure, blood clotting, multi-organ effects, namely cardiovascular, neurologic, or neurocognitive effects, damages to the gastrointestinal system and other organs, general wellbeing deficiencies, including discomfort, fatigue, musculoskeletal pain, and diminished quality of life, among other permanent and incapacitating health effects.

WHEREAS:

According to scientific studies, unvaccinated individuals – including asymptomatic and presymptomatic individuals – are the ones contributing most significantly to the community spread of SARS-CoV-2. Unvaccinated individuals are most likely to get infected and spread the virus to those around them. Moreover, the Delta variant has increased the contagiousness, especially between unvaccinated individuals, which has increased the risk of infection among vaccinated individuals given the lack of other mitigation strategies. This has occurred in different workplace scenarios.

Even if the Delta variant has decreased the effectiveness of the vaccine, the advantages thereof are undisputable. The medical evidence shows that vaccinated individuals infected with the Delta variant could spread the disease. Likewise, it has been found that both persons bear the same viral load. However, the infection and transmission in unvaccinated individuals is higher. That is, despite the viral load, unvaccinated individuals have a higher risk of transmission than vaccinated individuals, given that they are more likely to get infected with COVID-19. Moreover, the viral load in unvaccinated persons could disappear faster, hence, the infection period is shorter and the likelihood of transmission is lower.

WHEREAS:

In view of this scenario, where there are still unvaccinated individuals, the CDC recommends performing a screening test. Contrary to the diagnostic test, (which are used to identify current COVID-19 infections), screening tests seek to identify asymptomatic infected persons who have not known, presumed, nor notified SARS-CoV-2 exposure. Screening tests help to



identify unknown cases in order to take measures to prevent the subsequent transmission or fast spreading of COVID-19. The CDC recommends to perform these screenings to unvaccinated individuals at workplaces, as well as students, teaching staff, and employees of schools and higher education institutions, all of which are unvaccinated. In turn, the CDC recommends not performing the screening test on fully vaccinated individuals who have no symptoms and have not been exposed to COVID-19. That is, the test is recommended only when the vaccinated individual shows symptoms or has been closely in contact with a person who has tested positive to COVID-19.

Moreover, the CDC has indicated that screening tests should be performed in unvaccinated individuals in large workplaces who are more at risk of virus introduction (for instance, people who work with customers, such as restaurants and beauty salons) or who have a higher risk of transmission, such as places where it is difficult to observe social distancing.

The CDC's recommendation is to perform weekly screening tests on unvaccinated individuals. In doing so, employees infected with SARS-CoV-2 would be identified, thus, it would help prevent or reduce subsequent transmission, which constitutes an extremely important occupational health measure at the mentioned places. According to the CDC, outbreak prevention and control depends largely on frequently testing unvaccinated individuals.

Consequently, in view of this circumstances, it is necessary to promote weekly testing as well as the simplest, most effective and efficient measure against this disease: vaccination. In doing so, we also protect other persons.

WHEREAS:

Regarding precautionary measures to avoid infection, even if scientific studies recognize their importance in the efforts of preventing virus exposure, it has been stated that they are focused on prevention rather than the immune system of individuals so as to address potential exposure. Hence, the effectiveness thereof depends on the individual responsibility of each person and the effectiveness of the personal protective equipment they use. Particularly, there is a risk associated to a human error when the



appropriate social distancing is not observed, a positive case is not properly reported, and when the protective equipment was not properly used or was not properly cleaned and stored after each use, and are not replaced when they lose effectiveness. On the contrary, the vaccine works automatically with long-term effects given that it works with the immune system and does not rely on any human effort whatsoever. Hence, no other factors must be relied on, namely, equipment efficiency or the actions of other persons. In this manner, the vaccine is the most efficient and effective tool of our society.

 **WHEREAS:**

As to the validity of vaccination, 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 the use thereof. See, *Jacobson v. Massachusetts*, 197 U.S. 11 (1905) and *Zucht v. King*, 260 U.S. 174 (1922). In both cases, the Supreme Court of the United States validated the state's authority to reasonably mandate vaccination.

WHEREAS:

As a result of said decisions, vaccination has been considered throughout history as a critical tool to achieve the health and security objectives, particularly of addressing infectious and highly contagious diseases. So much so that various vaccines are mandatory since the 19th century, which has led to control various diseases. In the United States, mandatory vaccination include: diphtheria, tetanus, pertussis, polio, measles, rubella, chickenpox, and mumps, among others. In Puerto Rico, mandatory vaccination includes also diphtheria, tetanus, pertussis, hepatitis B, measles, rubella, chickenpox, and mumps, among other diseases. Therefore, the mandatory vaccination is not new and have been an additional tool for years to safeguard the health of the population.

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. 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. 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:

In the case of COVID-19 vaccines, despite the lack of pertinent case law, most challenges to the vaccination mandates have not prevailed. Particularly, the Supreme Court of the United States has opted to reject cases challenging certain vaccination mandated. As recently as October 29, 2021, said Court rejected a stay in a vaccination mandate issued by the Government of Maine to health employees, even when it did not recognize a religious belief exception. See, *Does 1-3 v. Mills*, No. 21A90, 595 U.S. ____ (2021). In said case, the U. S. Court of Appeals for the First Circuit upheld the vaccination mandate of the Government of Maine. See, *Does 1-3 v. Mills*, No. 21-1826. Moreover, the U. S. Supreme Court also refuse to review a determination of the U. S. Court of Appeals for the Seventh Circuit which validated the vaccination mandate for students of the University of Indiana. See, *Klaasen et al v. The Trustees of Indiana*, 7 F. 4th 592 (2021).

Likewise, on October 29, 2021, the U. S. Court of Appeals for the Second Circuit upheld the vaccination mandate of New York. See, *We The Patriots USA Inc. et al. v. Hochul*, et al. No 21-2179, and *Dr. A. v. Hochul*, No. 21-2566.

Furthermore, in *Bridges v. Houston Methodist Hospital*, 2021 WL 2399994, a federal district court upheld a Houston's hospital vaccination mandate for employees. It held that vaccination as a condition for employment is not coercion and is valid as such.

WHEREAS:

In Puerto Rico, the courts have had substantial cases under their consideration recently where vaccination mandates have been validated. The first was before the Court of First Instance, *Lourdes Amadeo Ocasio, et al. v. Pierluisi et al.* SJ2021CV04779, which upheld the vaccination mandate at the schools of Puerto Rico and provided that "the State as a compelling interest to safeguard the public health and take all measures as are necessary to effectively combat a pandemic that has affected the life of everyone in this planet and simply has no precedents in our modern history. Undoubtedly, these measures include requiring vaccination against said disease as well as masking in places that promote gatherings indoors, such as schools and universities." In turn, it concluded that



“because we understand that the executive and administrative orders in controversy are based on reliable and proven scientific data, and that because they are carefully designed to allow reasonable accommodation to persons who are eligible and avail themselves thereof, we conclude that they are valid and fully adjust to the applicable constitutional parameters.” Moreover, on November 1, 2021, the U. S. District Court for the District of Puerto Rico rendered a judgment dismissing a complaint filed by several public employees challenging Administrative Bulletin No. OE-2021-058. The Court concluded that the measures taken serve a convincing public interest, are related to a health crisis, include reasonable options, and do not violate the due process of law or other legal provisions. See, *Rodríguez Vélez v. Pierluisi*, No. 21-1366 (PAD).



WHEREAS:

On September 9, 2021 the President of the United States, Joseph R. Biden Jr., signed two executive orders requiring all federal employees and contractors to be vaccinated or get tested for COVID-19 on a weekly basis. In turn, on September 24, 2021, the Safer Federal Workforce Task Force issued guidelines for contractors and subcontractors of the Federal Government.

Moreover, on November 4, 2021, the Occupational Safety and Health Administration (OSHA) of the U. S. Department of Labor and Human Resources issued an Emergency Temporary Standard (ETS) requiring employers having 100 employees or more to ensure that they are vaccinated or furnish a negative COVID-19 test result. This agency had previously issued another ETS imposing workplace safety requirements that are more stringent for workers rendering healthcare and medical support services. This rule currently applies to Puerto Rico. Likewise, the Centers for Medicare & Medicaid Services (CMS) announced a vaccination mandate for all healthcare employees of participating Medicare and Medicaid facilities.

In addition, various states and cities have implemented measures to require vaccination to employees and other sectors of the society.

WHEREAS:

It should be noted that COVID-19 vaccination mandates in the United States and Puerto Rico have been effective, given that many people who

were at a crossroads of whether to be vaccinated or furnishing a negative test result have opted to get vaccinated voluntarily.

WHEREAS:

On November 2, 2021, the CDC approved the COVID-19 vaccine for children and teenagers ages 5 to 11. According to said entity, even though children have a lower risk of being seriously ill because of COVID-19 compared to adults, they could get infected with the virus that causes COVID-19, they could be seriously ill, suffer short- and long-term complications, and spread COVID-19 to others. In this sense, children infected could suffer serious complications such as the multisystem inflammatory syndrome (MIS-C) which causes inflammation in various parts of the body, such as the heart, the lungs, kidneys, brain, skin, eyes, or other gastrointestinal system organs. Moreover, the CDC indicates that children who are vaccinated help protect other family members, namely, siblings who are not eligible to be vaccinated. In addition, it allows for this population to remain at school and be able to participate in sporting activities, games, and other group activities safely.

As reported by the FDA, vaccine safety was studied in around 3,100 children ages 5 to 11 who received the vaccine and no serious side effects have been identified. Furthermore, the effectiveness found was 90.7%.

WHEREAS:

Article 5.10 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 subsequently enact any measures as necessary for the duration of the emergency to manage it in order to protect the safety, health, and property of all the residents of Puerto Rico.

WHEREAS:

Subsection (b) of Section 5.10 of Act No. 20-2017, provides that the Governor of Puerto Rico 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: Section 1.018 of Act No. 107-2020, as amended, known as the “Puerto Rico Municipal Code,” provides that when the Governor of Puerto Rico declares a state of emergency, the mayors shall be relieved from having to issue an executive order for the same purposes, and that the Governor’s executive order shall prevail and have full effectiveness as if it were promulgated by the Mayors.

WHEREAS: The power to govern a people entails a great responsibility of ensuring that the population is safe and secure. In turn, the State’s police power—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. In other words, it is the inherent power of the State that allows it to create and promote regulation in general in order to protect the health, safety, and general welfare. In order to achieve these benefits in favor of the community, the State has the power to restrict certain personal interests, which are not absolute.

WHEREAS: Given that the pandemic has proven that cases tend to arise in waves, a rise is possible at any given time more so when we have mostly returned to normal and there are indoor spaces, such as workplaces, where there are multiple persons in contact for extended periods of time, there is little ventilation, they spend too much time near one another and share common areas such as bathrooms, meeting centers, or lunch rooms. Hence, in order to avoid significant increases, it is necessary to maintain certain measures and include other definite actions within the more vulnerable sectors. Vaccination is without a doubt the most important measure to reduce the risk of anyone falling seriously ill, being hospitalized, or even dying.

As a result of this, it is necessary to promote vaccination among the various sectors.

One of the main sectors is our children given that we have to ensure their health so as to allow them to continue attending school in person, which they have missed dearly. The CDC has promoted vaccination at schools for it helps to return to schools as well as out of school and sporting activities safely. It indicates having all eligible students as well as teachers

and other personnel as well as members of the family unit vaccinated against COVID-19 is the most critical strategy to help schools fully resume their activities safely.

Secondly, it is necessary to reinforce our health system, hence, the employees of this sector must be vaccinated save for the limited constitutional exceptions. The grounds therefor are that the CDC has recognized that the medical care personnel continues to be the first line of defense against COVID-19. They render essential services to persons who are or could be infected with the virus that causes COVID-19, thus, medical care personnel have a higher risk of being exposed to or infected with the virus. For such reason, the CDC has stated that all medical care personnel must be vaccinated against COVID-19.

Lastly, there are workplaces where there is a significant number of persons which poses an actual risk of infection. Note that the CDC has identified workplaces where employees remain for an extended period of time, between eight (8) and twelve (12) hours per shift, or where employees are in near and prolonged contact with their colleagues as high-risk. In turn, it has recommended to perform screening tests in large workplaces. Therefore, it is necessary to require vaccination or a weekly COVID-19 test result in medium- and large-sized companies. In Puerto Rico, pursuant to the rules of the Department of the Treasury, a business is considered to be medium-sized when it has fifty (50) or more employees. Certainly, a gathering of fifty (50) persons or more who are in constant contact during work shifts poses a significant risk to everyone. Moreover, consistent with the statistics of the Department of the Treasury, in Puerto Rico we have over 4,700 employers with over fifty (50) employees which are considered medium-sized businesses, a number that is double the number of employers with one hundred (100) employees. Thus, given the composition of our economic sector, it is necessary to implement the recommendations of the CDC for employers with fifty (50) or more employees, which shall be effective and allow for the prevention of future infections.



WHEREAS: 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: **PUBLIC POLICY.** This Executive Order has the purpose of compiling all the provisions in effect to address the COVID-19 emergency. The main purpose thereof is to establish measures as necessary to preserve the life of all the population of Puerto Rico, thus preventing the spreading and transmission of the virus that causes COVID-19 on our Island, including the new variants thereof. Increasing the rate of vaccinated individuals is critical to fight the pandemic. Particularly, this order is promulgated to address specifically the sectors of education, health, and employers with a high volume of employees. Therefore, this executive Order shall be interpreted and implemented so as to achieve said objectives.

Section 2: **QUARANTINE ORDER.** Under the authority granted by the Constitution of Puerto Rico, by Act No. 20-2017, as amended, and by Act No. 81 of March 14, 1912, as amended, I hereby order any person who is not fully vaccinated and is reasonably suspected to have been exposed to COVID-19, regardless of whether or not he shows signs of infection, to remain in quarantine for a period of fourteen (14) days. The Department of Health may reduce such quarantine period to ten (10) days without the person having to be submitted to a molecular test, or to seven (7) days if the person shows a negative result upon being submitted to a molecular COVID-19 test within five (5) days after being exposed to the virus. Likewise, the Department of Health is empowered to establish quarantine periods for other groups as he believes is in the interest of safeguarding public safety.

For purposes of this Executive Order, a person is deemed to be fully vaccinated against COVID-19 two (2) weeks or more after having received the second dose of a two-dose series, or two (2) weeks or more after having received the one-dose vaccine, as approved or authorized by the FDA or any other included in the emergency use list of the WHO.

The purpose of the quarantine is to maintain a person that could have been

exposed to the virus isolated from other persons in order to prevent or limit infection and spreading of the virus known as COVID-19. A quarantine entails that the person must remain in his home and physically distant from others. Said person must restrict his movements outside of the residence so as to avoid the risk of infection within the community. Moreover, every citizen who has been in contact with some who has tested positive to COVID-19 is hereby instructed to get tested through a molecular or viral test available within the fifth (5th) and seventh (7th) day after the last exposure. Failure to meet this requirement of remaining quarantined, as provided in this section, shall be deemed to be a violation of this Executive Order.

Except if the Department of Health issues any communication or guideline on the contrary for any interest group, the following persons shall not be required to remain quarantined or to get tested through a diagnostic test upon being exposed to COVID-19: 1) asymptomatic persons who are fully vaccinated; 2) persons who have had a positive COVID-19 diagnostic test in the last three (3) months after being exposed to the virus and having recovered.

Section 3:

ISOLATION ORDER. Under the authority granted by the Constitution of Puerto Rico, by Act No. 20-2017, as amended, and by Act No. 81 of March 14, 1912, as amended, I hereby order any person who has been infected with the virus to be physically isolated for at least ten (10) days counted from the beginning of the symptoms, and with the potential to be extended contingent upon the investigation to be conducted on COVID-19 cases. The purpose of the isolation is to maintain infected persons away from the rest of the population, even at their homes. This means that the person must be confined and restrict his movements to avoid posing a threat to public health and prevent transmission to other persons. A person infected with COVID-19 who shows no symptoms or minor or moderate symptoms may end the isolation period when the following three (3) criteria are met:

1) at least ten (10) days since the beginning of the symptoms have elapsed (or since the first sample was taken and upon a subsequent positive test result, for asymptomatic individuals);



2) there was no fever (without using anti-fever medications) within the last twenty-four hours; and

3) shows an improvement in other symptoms associated with COVID-19.

Persons who test positive to COVID-19 do not have to wait for a negative test result to conclude their isolation period if they meet the criteria established in the Case Investigation and Contact Tracing of the Department of Health. Patients who tested positive to COVID-19 and violate this isolation order thus posing a risk to others, shall be subject to criminal liability under Act No. 146-2012, as amended, known as the "Puerto Rico Penal Code," in addition to the sanctions for noncompliance with this Executive Order.

Section 4:

INDIVIDUAL PRECAUTIONARY MEASURES. Any person who is in contact with any other person outside of his family unit shall comply with the following protective measures:

1. Cover his mouth and nose with a mask or scarf made of fabric or other material pursuant to the instructions of the Department of Health and the following guidelines:

a. Every person shall use a face mask at indoor places, such as businesses, medical offices, casinos, places that offer financial, consumer, professional, nonprofessional, college and postsecondary, or religious services, movie theaters, stadiums, bars, among others, regardless of his COVID-19 vaccine status. Persons who participate in gatherings of twenty (20) persons or less where all the attendees are fully vaccinated, or where masking is inconsistent with or affects their health shall be exempt.

b. Masking shall be required in outdoor spaces, even when the person is partially or fully vaccinated, when the activity scheduled or organized entails the gathering of fifty (50) or more persons. Masking is recommended in tourist places where visitors are also gathered.

c. Hospital and healthcare center employees shall use KN-95 or N-95 masks.

d. The Department of Health may require the use of face masks in other settings, as it determines to prevent future infections.

e. A "mask" shall be understood to be any product made of fabric or other material to cover the mouth, nose, and chin that has a head harness and may surround the head or be held behind the ears. The foregoing shall comply with the recommendations and specifications of the Department of Health and the CDC.

2. Maintain a minimum of six (6) feet between persons other than the members of his family unit, thus avoiding gatherings.

3. Wash his hands regularly with soap and water, or with disinfectants approved by the health officials.

Section 5:

MASS GATHERINGS. In order to be able to safeguard the health of the people of Puerto Rico and reduce infections, I hereby order that as of the effectiveness of this Executive Order all indoor establishments that carry out mass gatherings, that is, theaters, stadiums, convention and activity centers, and any other place where activities that promote the gathering of persons take place shall abide by the following rules:

1. The organizers, owners, administrators, or similar persons who carry out and organize events, or conduct public or private operations that promote the gathering of persons and wish to operate the venue at 100% capacity shall be compelled to require attendees to have received a full COVID-19 vaccine series approved by the FDA, or any other vaccines included in the WHO's emergency use list. The event's organizer shall be responsible for requesting attendees to show the COVID-19 Vaccination Record Card or Vacu-ID as proof of vaccination. Moreover, attendees shall be responsible for showing their COVID-19 Vaccination Record Card or Vacu-ID as proof of vaccination in order to attend the event in person.

2. As an alternative to the previous subsection, the organizers, owners, administrators, or similar persons who carry out and organize events, or conduct public or private operations that promote the gathering of persons may allow the participation of unvaccinated persons, provided that they show a negative COVID-19 test result from a qualified virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) performed within a maximum of seventy-two (72) hours prior to arriving at the venue and which has been processed by an authorized health professional. Likewise,



attendees shall also be allowed to furnish 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 official certifying that said person is recovered and ready to be at a public place. When the organizers, owners, administrators, or similar persons chose this alternative, the venue may operate at 50% capacity.

3. In view that the vaccination process for minors between the ages of five (5) and eleven (11) began recently, they may attend mass gatherings held at indoor places until January 31, 2022, by furnishing a negative COVID-19 test result from a qualified virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) performed within a maximum of seventy-two (72) hours prior before arriving at the venue and which has been processed by an authorized health professional. Beginning on February 1, 2022, said minors shall be governed by the provisions of subsections 1 and 2 of this Section.

4. Given that vaccines are not authorized for children younger than five (5) years of age, as a general rule, shall not attend mass gatherings even with a test result from a qualified virus test. The Secretary of the Department of Health or his delegate shall have discretion to evaluate any petition for exemption for these minors to attend specific activities where their health is ensured.

5. The foregoing shall not apply to religious events or public events where government services are offered.

Moreover, I hereby order that as of the effectiveness of this Executive Order, every organizer, owner, administrator, or similar person of mass gathering in outdoor venues that promotes the gathering of five hundred (500) persons or more shall coordinate with the Department of Health to establish the protocol to be followed to ensure that the event is safe for the health of all attendees. This includes the masking requirement throughout the activity and determining whether children age five (5) or younger may attend.

At mass gatherings in outdoor venues that promote the gathering of five hundred (500) persons or more, attendees shall only be required to wear



face masks at all times. In these events, however, the Department of Health shall be empowered to require any specific protocol when deemed necessary to ensure the health of all attendees.

In the case of recreational or sporting events, the Department of Sports and Recreation, in consultation with the Department of Health shall determine the appropriate protocol for each event, if any.

Section 6:

VACCINATION OR NEGATIVE COVID-19 TEST RESULT REQUIREMENT FOR GOVERNMENT EMPLOYEES AND CONTRACTORS.

In order to minimize infections and safeguard government services, I hereby order that as of the effectiveness of this Executive Order, the following provisions shall be complied with:

A. Government employees or anyone who works in person.

Employees or contractors who work in person at the public agencies of the Executive Branch, in addition to contractors and their employees or frequently visit government offices, regardless of their duties, shall comply with the following conditions:

1. To furnish their employers proof of being fully vaccinated against COVID-19 with an FDA approved or authorized vaccine, or others included in the WHO's emergency use list;

2. To get tested, at their expense, every seven (7) days through a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) approved by the FDA and processed by an authorized health professional, and furnish the negative result of said test at least every seven (7) days; or

3. To furnish their employers with 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 official certifying that said person is recovered and is ready to be at a public place.

It shall not be necessary for employees and contractors to furnish the documents associated with a medical or religious exception in order to comply with the second or third condition.

B. Municipal employees to which the mandate applies for the first

time. In the case of municipal employees, they must comply with any of the three aforementioned conditions. However, given that it is the first time that this mandate applies to them, in order to comply with the first condition, it shall be sufficient for these employees to furnish within fifteen (15) days from the effectiveness of this Executive Order, proof of having begun their vaccination process by receiving the first dose. These employees, however, must comply with and furnish subsequent proof to their employers of having received the second dose, if the vaccine series so requires it, within forty-five days from the effectiveness of this Executive Order.

C. Responsibilities. Every employer –or his delegate– shall be responsible for requiring a person or employee to furnish the COVID-19 Vaccination Record Card or Vacu-ID or document attesting to having completed or begun the COVID-19 vaccination process, as the case may be, or a negative COVID-19 test result from a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of the person’s recovery. The vaccination record may be furnished in another authorized physical or digital format to certify vaccination.

In the case of contractors of the Executive Branch, they shall be responsible for ensuring that their employees comply with the provisions herein and notify the contracting agency of their compliance with this Executive Order.

D. Noncompliance. Failure to comply with the provisions of this section by the aforementioned persons shall entail the following measures:

a. Government employees – including the employees from the Executive Branch and the Municipalities – may not work in person. Hence, the employer shall take the applicable measures as pertinent, including allowing them to avail themselves of compensatory time, applicable regular leaves, or a leave of absence, as applicable.

b. In the case of a government contractor or his employees, these may not visit the government agency and the latter may take measures as pertinent regarding the contract executed therewith, which may include,



but not be limited to the termination of said contract.

E. Definition. For the purposes of this Executive Order, the term “employee” shall be interpreted broadly and includes any natural person who works in person or teleworks for wages, or a salary, compensation, emoluments, or any type of remuneration. For the purposes of the vaccination requirement, as established in this Executive Order, any person who renders voluntary services at these places shall also be deemed to be employees.

Section 7:

VACCINATION REQUIREMENT FOR EMPLOYEES OF HEALTH

SECTOR. Regardless of the guidelines issued by the CMS, and in order to avoid complications in the health system and guarantee the operations thereof, I hereby order that, as of the effective date of this Executive Order, all employees or persons who work at healthcare facilities, regardless of their duties, shall be fully vaccinated against COVID-19 with a vaccine approved by the FDA, or any of the other vaccines included in the WHO’s emergency use list. The foregoing shall be subject to any applicable medical or religious exception, as explained in this section, then, the employee shall get tested, at his expense, every seven (7) days through a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) approved by the FDA and processed by an authorized health professional, and furnish the negative result of said test at least every seven (7) days; or furnish 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 official certifying that said person is recovered and is ready to be at a public place. It shall be understood that for an employee of the health sector the virus test or the positive result option shall be available when they furnish proof of a medical or religious exception.

Every employer –or his delegate– shall be responsible for requiring a person or employee to furnish the COVID-19 Vaccination Record Card or Vacu-ID or document attesting to having completed or begun the COVID-19 vaccination process, as the case may be, or as an exception



a negative COVID-19 test result from a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of the person's recovery. Furthermore, the person or employee shall be responsible for furnishing the COVID-19 Vaccination Record Card or Vacu-ID or document attesting to having completed or begun the COVID-19 vaccination process, as the case may be, or as an exception a negative COVID-19 test result from a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of the person's recovery. The vaccination record may be furnished in another authorized physical or digital format to certify vaccination.

For a medical exception to apply, the employee shall prove that his immune system is compromised, he is allergic to the vaccines, or has any other medical contraindication that prevents him from getting vaccinated. 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, in the event of an exception on the basis of religious beliefs, the person must furnish an affidavit of religious objection whereby such person – together with his minister or spiritual leader, or by himself– states that on the basis of his sincerely-held religious beliefs, he cannot receive a COVID-19 vaccine. It shall state specifically the nature of his refusal, an explanation as to how fulfilling the vaccination requirement imposes a substantial burden or is in conflict with his sincerely-held religious beliefs, practice, or observance; the time during which said person has observed or practiced said religious beliefs; the type of vaccine refused and if such person has been vaccinated recently. This religious exception does not protect a person based on social, political, economic, or personal

preferences. The employer shall assume that the religious exception is based on sincerely-held religious beliefs. However, he is empowered to require more information to ensure that said beliefs are sincerely-held. The employer, however, may not question the reasonableness of said religious belief.

Noncompliance with the foregoing by the aforementioned persons shall prevent them from working in person. Hence, the employer may take the applicable measures as pertinent, including allowing said employee to avail himself of compensatory time, applicable regular leaves, or a leave of absence, as the case may be.

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 8:

VACCINATION REQUIREMENT FOR THE EDUCATION SECTOR. To avoid affecting the education system and thus ensure the continuation of services, I hereby order that as of the effectiveness of this Executive Order, the following shall be complied with:

A. Students age twelve (12) or older. By virtue of the powers granted by Act No. 81 of March 12, 1912, as amended, and Act No. 25 of September 25, 1983, as amended, I hereby order that students age twelve (12) or older – including college students and students of technical education institutions – of any private or public entity shall be fully vaccinated against COVID-19 in order to attend classes in person, subject to any applicable medical or religious exception, as explained in this section. In the case of an applicable exception, the student shall have two options: 1) get tested, at their expense, every seven (7) days through a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) approved by the FDA and processed by an authorized health professional, and furnish the negative result of said test at least

every seven (7) days to the director or his delegate; or furnish 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 official certifying that said person is recovered and is ready to be at a public place; or 2) receive online education – if available – or other alternative education.

B. Students ages five (5) to eleven (11). Given that vaccination against COVID-19 was recently approved for children ages five (5) to eleven (11), I hereby order that they shall be fully vaccinated against COVID-19 by January 31, 2022, in order to attend school in person at the public or private educational institutions. These students shall be subject to any applicable medical or religious exceptions, as explained in this section. If an exception is granted, children ages five (5) to eleven (11) shall not have to furnish a weekly COVID-19 test result. However, random test may be conducted to detect any potential COVID-19 infection. If not eligible for any of the exceptions, the student shall receive online education – if available – or other alternative education.

In those cases where the student turns five (5) years-old after the effectiveness of this Executive Order, such student shall have until January 31, 2022 or sixty (60) days from his birth date, whichever is longer, to complete the vaccination process.

C. Teaching and non-teaching personnel and contractors. I hereby order teaching and non-teaching personnel and contractors of public or private schools, education centers and universities, to be fully vaccinated against COVID-19 in order to be able to offer services to the school community, subject to the applicable medical and religious exceptions, as explained in this section. In these last cases, the employee shall get tested, at his expense, every seven (7) days through a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) approved by the FDA and processed by an authorized health professional, and furnish the negative result of said test at least every seven (7) days; or furnish 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 official certifying that said person is recovered and is ready to be at a public place. It shall be understood that for the teaching and non-teaching personnel, as well as contractors at schools, educational centers, and universities, the virus test or the positive result option shall be only available when they furnish proof of a medical or religious exception.

D. Responsibility. Every director of the educational centers or his delegate, together with the concerned employers –whether public or private– shall be responsible for requiring students, employees, or contractors to furnish the COVID-19 Vaccination Record Card or Vacu-ID or document attesting to having completed or begun the COVID-19 vaccination process, as the case may be, or a negative COVID-19 test result from a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of the person's recovery.

Moreover, the parents of underage students, students who are of legal age, employees, or contractors shall be responsible for furnishing the COVID-19 Vaccination Record Card or Vacu-ID or document attesting to having completed or begun the COVID-19 vaccination process, as the case may be, or a negative COVID-19 test result from a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of the person's recovery. The vaccination record may be furnished in another authorized physical or digital format to certify vaccination.

E. Applicable exceptions. For a medical exception to apply, the parents of underage students, students who are of legal age, employees, or contractors shall prove that his immune system is compromised, he is allergic to the vaccines, or has any other medical contraindication that

prevents him from getting vaccinated. 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, in the event of an exception on the basis of religious beliefs, the parents of underage students, students who are of legal age, employees, or contractors must furnish an affidavit of religious objection whereby such person – together with his minister or spiritual leader, or by himself– states that on the basis of his sincerely-held religious beliefs, he cannot receive a COVID-19 vaccine. It shall state specifically the nature of his refusal, an explanation as to how fulfilling the vaccination requirement imposes a substantial burden or is in conflict with his sincerely-held religious beliefs, practice, or observance; the time during which said person has observed or practiced said religious beliefs; the type of vaccine refused and if such person has been vaccinated recently. This religious exception does not protect a person based on social, political, economic, or personal preferences. The employer or the school shall assume that the religious exception is based on sincerely-held religious beliefs. However, said employer or school is empowered to require more information to ensure that said beliefs are sincerely-held. The employer or the school, however, may not question the reasonableness of said religious belief.

F. Noncompliance. Failure to comply with the provisions of this section by the aforementioned persons shall entail the following measures:

a. The student may not attend school in person. The student shall receive online education – if available – or other alternative education.

b. The teaching and non-teaching personnel may not work in person. Hence, the employer shall take the applicable measures as pertinent, including allowing them to avail themselves of compensatory time, applicable regular leaves, or a leave of absence, as applicable.

c. In the case of contractors, they may not work in person. In the case of a government contractor, the contracting agency may take



measures as pertinent regarding the contract executed therewith, which may include, but not be limited to the termination of said contract.

Section 9:

VACCINATION REQUIREMENT FOR EMPLOYEES OF THE PRIVATE

SECTOR. In order to minimize contagion and safeguard the health of the people of Puerto Rico, I hereby order that as of the effectiveness of this Executive Order, the employees and persons working at hotels, *paradores*, lodgings, restaurants (including fast foods, food courts, and cafeterias) bars, “chinchorros,” small cafeterias, sport bars, theaters, movie theaters, stadiums, convention and activity centers – whether indoor or outdoor – that sell alcoholic beverages or prepared food, beauty salons, barber shops, aesthetics salon, spas, gyms, child care centers (including Head Starts, and Early Head Starts) supermarkets, minimarts (including WIC authorized establishments), casinos, and convenience stores at gas stations – regardless of their function – shall comply with the following conditions:

1. to furnish proof of being fully vaccinated against COVID-19 with an FDA approved or authorized vaccine, or others included in the WHO’s emergency use list;

2. to get tested, at their expense, every seven (7) days through a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) approved by the FDA and processed by an authorized health professional, and furnish the negative result of said test at least every seven (7) days; or

3. To furnish 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 official certifying that said person is recovered and is ready to be at a public place.

Furthermore, I hereby order that in the case of employers that have fifty (50) or more employees, said employees shall comply with the aforementioned conditions. However, given that it is the first time that this mandate applies to them, in order to comply with the first condition, it shall be sufficient for these employees to furnish within fifteen (15) days from

the effectiveness of this Executive Order, proof of having begun their vaccination process by receiving the first dose. These employees, however, must comply with and furnish subsequent proof to their employers of having received the second dose, if the vaccine series so requires it, within 45 days from the effectiveness of this Executive Order.

Employers with less than fifty (50) employees and that are not included in aforementioned list are encouraged to make adjustments as are necessary to require COVID-19 vaccination or weekly testing, even when they are not subject to the above requirements yet due to the economic implications it could have on their businesses vis à vis the benefits thereof.

Every employer, merchant, owner, manager, or similar person –or his delegate– shall be responsible for requiring a person or employee to furnish the COVID-19 Vaccination Record Card or Vacu-ID or document attesting to having completed or begun the COVID-19 vaccination process, as the case may be, or a negative COVID-19 test result from a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of the person’s recovery. The vaccination record may be furnished in another authorized physical or digital format to certify vaccination.

Employers are encouraged to allow their employees to be vaccinated during working hours and grant them time as necessary to take care of any side effects, if any. To such effects, employees may use their accrued sick leave, if any. Employers, at their discretion, may also grant special vaccination leaves.

For the purposes of this Executive Order, the term “employee” shall be interpreted broadly and includes any natural person who works in person or teleworks – including the owner, merchant, manager, or similar person, as well as contractors, but not suppliers – for wages, or a salary, compensation, emoluments, or any type of remuneration. For the purposes of the vaccination requirement, as established in this Executive Order, any person who renders voluntary services at these places shall also be



deemed to be employees.

Section 10: **REQUIREMENT TO VISITORS.** In order to minimize contagion and safeguard the health of the people of Puerto Rico, I hereby order that as of the effectiveness of this Executive Order, restaurants (including fast foods, food courts, and cafeterias) bars, “chinchorros,” small cafeterias, sport bars, theaters, movie theaters, stadiums, convention and activity centers that sell alcoholic beverages or prepared food, hotels, *paradores*, lodgings, beauty salons, barber shops, aesthetics salon, spas, gyms, and casinos, shall ascertain that all of their visitors – subject to the exceptions provided in this section – comply with one the following conditions:

1. to furnish proof of being fully vaccinated against COVID-19 with an FDA approved or authorized vaccine, or others included in the WHO’s emergency use list;

2. to furnish a negative COVID-19 test result from a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT and antigen tests) performed within seventy-two (72) hours prior to his visit, and which has been processed by an authorized health professional; or

3. to furnish 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 official certifying that said person is recovered and is ready to be at a public place.

Every business or commercial establishment shall be responsible for requiring every visitor, as applicable – before entering the establishment – to furnish the COVID-19 Vaccination Record Card or Vacu-ID, or a negative COVID-19 test result from a qualified virus test, or a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documents of the person’s recovery. Also, the visitor shall be responsible for furnishing the COVID-19 Vaccination Record Card or Vacu-ID, or a negative COVID-19 test result from a qualified virus test, or a positive COVID-19 test result performed within

the last three (3) months, together with the pertinent documents of the person's recovery. The vaccination record may be furnished in another authorized physical or digital format to certify vaccination.

It should be noted that the provisions of this Executive Order shall not limit the power of any private operator to implement restrictions in addition to the ones herein. That is, none of the provisions of this executive Order shall be construed as to preventing private operators from taking additional or more restrictive measures, including but not limited to any voluntary restriction to their business hours, self-limitation of space or number of persons who can be inside their businesses.

Children younger than age five (5) who cannot be vaccinated yet are exempt from the screening provided in this section. However, the provisions of this section shall apply to children age five (5) to eleven (11) – given that the vaccination process for them is under way – after January 31, 2022.

Likewise, in the case of restaurants (including fast foods, food courts, and cafeterias) bars, "chinchorros," small cafeterias, sport bars, any person who only and solely acquire food through delivery, curbside pickup, or pick up service, that is, who do eat inside the commercial establishment shall be exempt from this Section.

Any visitor who refuses to meet the requirements of this Executive Order, as implemented by the private operator, shall not enter the establishment. If the person is a guest at the hotel, *parador*, or lodging, including short-term rentals, such person may not visit nor stay at said place insofar as said person fails to comply with the provisions of this Executive Order. All citizens are encouraged to cooperate with private operators by complying with the provisions herein. In the event that a citizen fails to cooperate and attempts to force a private operator to incur in noncompliance with the provisions of this Executive Order, he may be subject to the provisions of Section 14 of this Order, and any other applicable provision of the Puerto Rico Penal Code.

Any restaurant (including fast foods, food courts, and cafeterias) bar, "chinchorro," small cafeteria, sport bar, theater, movie theater, stadium,

convention and activity center that sell alcoholic beverages or prepared food, hotel, *parador*, lodging, beauty salon, barber shop, aesthetics salon, spa, gym, or casino, that fails to meet the aforementioned requirements shall be required to limit the capacity of the business to 50%, in accordance with the Building Code in effect. (PR Building Code 2018).

Section 11:

OVERSIGHT. The concerned agencies are hereby directed to oversee compliance with the provisions of this Executive Order. In turn, the public is encouraged to report to the pertinent authorities any entities that fail to comply with the provisions herein. In order to allow citizens to contribute to the oversight and full compliance with this Executive Order, every business or establishment is hereby ordered to have posters displayed in conspicuous places with the confidential COVID-19 hotline created by the Department of Health. The poster or advertisement shall state whether the establishment requires proof of vaccination or a negative COVID-19 test result to enter the premises. This sign or poster shall include the following contact information for citizens to report any noncompliance:

a) Telephone (787) – 522-6300, extensions 6899, 6840, 6824, 6833, 6893.

b) Email: investigaciones@salud.pr.gov

If said screening is not conducted at a business, said sign or poster shall include the number of persons that constitute the required 50% maximum occupancy, pursuant to the Building Code in effect (PR Building Code 2018), and as authorized by the Bureau of the Firefighters Corps of Puerto Rico; otherwise, it shall constitute noncompliance with this Executive Order.

Citizens are hereby encouraged to report to the concerned agencies, including the Department of Health, any private operator who is not complying with the screening or the required 50% capacity limitation, provided in this Executive Order.

Section 12:

GUIDELINES AND REGULATIONS. 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, including the Department of Health, the Human Resources Administration and Transformation Office of the Government of Puerto Rico, the Department of Labor and Human Resources, the Occupational Safety and Health Administration of Puerto Rico, the Department of Education and the Tourism Company, in conjunction with the Office of the Legal Advisor of the Governor. All agencies that promulgate guidelines in order to explain in detail the provisions of this executive Order shall publish them immediately and as broadly as possible.

Section 13:

TESTING CENTERS. In order to facilitate the necessary COVID-19 monitoring and the compliance with this Executive Order, the Department of Health shall continue to facilitate testing to detect said virus, as established in Administrative Bulletin No. OE-2021-001. Said agency shall publish in electronic media, including the webpage of the Department of Health, the locations where testing is being conducted. Moreover, it is hereby order to continue disseminating educational material to raise awareness of the benefits of vaccination against COVID-19.

Section 14:

NONCOMPLIANCE. Failure to comply with the provisions of this Executive Order by any person and/or business shall entail the imposition of the criminal penalties and fines established in Section 5.14 of Act No. 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 Section 33 of the "Organic Act of the Department of Health," "[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.” Moreover, subsection (b) of said Section provides that: “[a]ny natural or juridical person who violates the provisions of this Act or the regulations set forth by the Department of Health hereunder for the first time, shall be liable for an administrative fine of not more than five thousand dollars (\$5,000), as provided in [Act No. 38-2017, the Government of Puerto Rico Uniform Administrative Procedure Act”]; in the case of a new violation of this Act or the regulations set forth by the Department by virtue thereof within the term of one (1) year, the fine imposed may be raised to a maximum of ten thousand dollars (\$10,000).”

Any person who fails to comply with the provisions of this Order shall be subject to criminal prosecution, which may be initiated without delay by the Department of Justice, which, in turn, shall request the imposition of bail, as established in the Rules of Criminal Procedure.

Section 15:

SUPREMACY. This Executive Order is not intended to be in conflict with any guidelines or orders issued by any federal agency. On the contrary, the provisions of this Act shall be interpreted in accordance with the federal provisions and the applicable case law on vaccination of employees of the public and private sector, as well as on the population in general.

Section 16:

REVIEW AND MODIFICATIONS. The Government of Puerto Rico is constantly reviewing scientific data and the progress of each measure implemented. This Executive Order may be amended depending on the collected data and the results obtained, in order to adopt any modification as necessary to address a particular situation.

Section 17:

DEFINITION OF THE TERM 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 18: **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 19: **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 of competent jurisdiction, such holding shall not affect the validity of the remaining provisions, which shall remain in full force.

Section 20: **REPEALING CLAUSE.** This Executive Order renders ineffective, upon its effectiveness, administrative bulletins nos. OE-2021-058, OE-2021-062, OE-2021-063, and OE-2021-064, and any other executive orders that are inconsistent, whether in whole or in part, with the provisions herein to the extent of such inconsistency. Furthermore, pursuant to Section 5.10 of Act No. 20-2017, administrative orders OA 508; OA 508A; OA 509; OA 509B; OA 512; OA 513; and OA 518B issued by the Department of Health and all those that are inconsistent with the provisions herein are hereby repealed. However, administrative bulletin nos. OE-2021-037 and OE-2021-073 shall remain in effect.

Section 21: **PUBLICATION.** This Executive Order must be filed immediately with the Department of State and the broadest possible publication is hereby ordered.

Section 22: **EFFECTIVENESS.** This Executive Order shall take effect immediately and shall remain in effect until it is rendered ineffective the emergency declared in Administrative Bulletin No. OE-2020-020, or until this Order is amended or repealed by a subsequent order or by 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 15th day of November of 2021.



**PEDRO R. PIERLUISI
GOVERNOR**

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

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