

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

Administrative Bulletin Number: OE-2021-080

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI AMENDING EXECUTIVE BULLETIN OE-2021-075 FOR THE PURPOSE OF INCLUDING NEW MEASURES TO COMBAT COVID-19.

WHEREAS: Since March 12, 2020—after the first cases of the disease designated COVID-19 were recorded in our Island, which is caused by the novel coronavirus SARS-CoV-2—we have been in a state of emergency. Since that date, countless strategies have been employed to control the pandemic, including issuing a mandate requiring the use of masks, social distancing, and requiring certain important sectors of our community to be vaccinated against the abovementioned virus or present a negative COVID-19 test, subject to certain available exceptions and alternatives.

WHEREAS: Although these measures have been effective for the past few months, we have recently had a significant increase in positive cases. Particularly, the number of daily confirmed cases has reached 461 positive cases and suspected cases are at 412. Just a week ago, the average daily confirmed cases were at 85 positive cases and suspected cases were at 36. The positivity rate, which is the percentage of people who test positive for the virus out of the total number of tested individuals, increased to 12.5%--a significant increase compared to a week ago when it was 2.65%. In other words, in less than a week, the positivity rate went from low to high levels. Keep in mind this statistic hasn't reached those levels since April.

WHEREAS: Once a state of emergency has been decreed, Article 5.10 of Act 20-2017, as amended, better known as the "Puerto Rico Public Safety Department Act," empowers me as Governor to enact any measures that result necessary to ensure the safety and wellbeing and protect the property of Puerto Rico's residents for as long as the state of emergency is in effect.

WHEREAS: Subsection (b) of Article 5.10 of Act 20-2017 establishes that, as Governor of Puerto Rico, I may enact, amend, and repeal any regulation, and issue, amend, and rescind any order that I deem convenient 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 while said state of emergency persists.

WHEREAS: The Government of Puerto Rico has a responsibility to continue the efforts necessary for preventing and stopping the spread of COVID-19, and to safeguard the health, lives, and wellbeing of all of Puerto Rico's residents.

WHEREAS: Having the authority to govern a community entails taking on the great responsibility of ensuring that its people are safe and healthy. The State's power of reason—as delegated to the Executive Power by Act 20-2017—empowers the government to implement measures necessary for safeguarding the health and wellbeing of its people. In other words, it is the State's inherent authority which allows for the creation and enactment of regulation in general for the purposes of safeguarding the general health, safety, and wellbeing. In order to achieve these benefits for the community, the State has the power to restrict certain personal interests, which are not absolute.

WHEREAS: Faced with the abovementioned scenario, in which a significant increase in positive COVID-19 cases is being experienced, in part due to the various group activities being carried out, it is necessary to resort to demanding that all individuals present their COVID-19 test results before attending such activities. This is because, in addition to vaccinations, testing is a safe and efficient way of helping to prevent the spread of COVID-19 and carrying out said activities in a safe manner. Many individuals who are infected with COVID-19 don't experience any symptoms, but they can still spread the virus. Therefore, performing screening tests before group activities makes it possible to detect infected individuals before they can spread the virus and prevent those activities from leading to a significant outbreak.

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: Section 5 of Administrative Bulletin OE-2021-075 is amended to read as follows:

SECTION 5: GROUP ACTIVITIES. In the interest of successfully



safeguarding the health of Puerto Rico's entire population and minimizing infections, I hereby order that, starting when this Executive Order enters into force, all indoor or outdoor establishments that host group activities, including theaters, amphitheaters, stadiums, colosseums, convention and activity centers, and any other venue at which activities that promote gatherings of people, must comply with the following rules:

1. The organizers, owners, administrators, or analogous individuals who host and organize public or private events and operations must require all individuals attending said activities to be fully vaccinated with a vaccine authorized by the FDA for preventing COVID-19, or any others included in the WHO's emergency use list. It shall be the event organizer's responsibility to request that those attending present an immunization certificate (COVID-19 Vaccination Record Card or Vacu ID) that verifies they have completed their vaccination process. For their part, it shall be the event attendee's responsibility to present an immunization certificate (COVID-19 Vaccination Record Card or Vacu ID) that verifies they have completed their vaccination process in order to be allowed to physically attend the event.

The scientific data available indicates that a booster shot increases immune response. Therefore, it is recommended, and all people able to do so are encouraged to receive a booster shot before attending a group event.

2. In addition to requiring proof of vaccination, organizers, owners, administrators, or analogous individuals who host and organize public or private events and operations that promote gatherings of people must demand all participants present a negative COVID-19 test result obtained from a qualified viral test (nucleic acid amplification or antigen test) performed no more than forty-eight (48) hours prior to physically attending the venue. This test must have been administered by an authorized medical professional. Presenting a positive COVID-19 test result from the past three (3) months, along with documentation of their recovery and a letter from a certified medical professional or government health official certifying that they have recovered and are ready to be present at public spaces, shall also be permitted.
3. Because the vaccination process for minors between the ages of five (5) and eleven (11) began recently, they may attend group



events in outdoor and indoor establishments until January 31, 2022 by presenting a negative COVID-19 test result obtained from a qualified viral test (nucleic acid amplification or antigen test) performed no more than forty-eight (48) hours prior to physically attending the venue. This test must have been administered by an authorized medical professional. Starting on February 1, 2022, these minors must comply with what is established in subsections 1 and 2 of this Section.

4. Because no vaccines have yet to be authorized for children under the age of five (5), as a general rule, they may not attend group events in indoor spaces that promote gatherings of people, even if they have been tested with a qualified viral test. The Secretary of the Department of Health, or the person they delegate, shall have discretion to evaluate any exemption requests for these minors to attend specific activities that guarantee the safety of those attending.
5. The above shall not apply to religious events or public events at which government services are being provided.

In addition, I hereby order that, starting when this Executive Order enters into force, all organizers, owners, administrators, or analogous individuals of outdoor group events—that are not being held at an amphitheater, stadium, activity center, or any other outdoor venue—which involve the gathering of five hundred (500) or more people, must coordinate with the Department of Health to establish the protocol to be followed in order to ensure that the activity is safe for the health of those attending. This includes the mandatory requirement of masks for the entire duration of the activity and determining if it is appropriate for children under the age of five (5) to attend.

Outdoor group activities not held at an amphitheater, stadium, activity center, or any other outdoor venue that involve the gathering of under five hundred (500) people shall not be required to coordinate with the Department of Health to establish protocols, but all individuals attending said events are required to wear masks at all times. However, the Department of Health shall have the authority to require any specific protocols for these activities when it deems it necessary to ensure the safety of those present.

In the case of recreational or sport activities, the Department of Recreation and Sports, with the guidance of the Department of Health, must determine the appropriate protocols, if any, for each activity.

Section 2:

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 3: **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 4: **PRIOR ORDERS SUPERSEDED.** This Executive Order shall 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 5: **PUBLICATION.** This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.

Section 6: **VALIDITY.** This Executive Order shall enter into force on December 22, 2021 and shall remain in force until the state of emergency declared in Administrative Bulletin OE-2020-020 concludes, or until this Order is amended or repealed by a future Executive Order or 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, at La Fortaleza, in San Juan, Puerto Rico, on this 19^h day of December of 2021.



**PEDRO R. PIERLUISI
GOVERNOR**

Enacted in accordance with the law on this 19th day of December of 2021.

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