

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

Administrative Bulletin Number: OE-2021-081

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI AMENDING EXECUTIVE BULLETIN OE-2021-037 and 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 686 positive cases and suspected cases are at 526. 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 13%--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 a significant increase in positive COVID-19 cases, it is necessary to take further steps in addition to those issued in Administrative Bulletin OE-2021-080. In particular, it is imperative to require all travelers arriving at Puerto Rico to present a negative COVID-19 test result, regardless of their vaccination status. This is because vaccinations and having negative COVID-19 test results are efficient ways of preventing the spread of COVID-19. It is also necessary to order all unvaccinated travelers to quarantine, regardless of their negative results, because the scientific data is clear regarding the effectiveness of the vaccine.

It is also vital to require restaurants, bars, food kiosks ("*chinchorros*"), diners, sport bars, movie theaters, community or activity centers, casinos, and any other establishments that sell prepared food or drinks to carry out mandatory screening tests to detect COVID-19 among visitors. In addition, it is necessary to eliminate the possibility that these businesses may limit their capacity to fifty percent (50%) when they do not comply with the requirement concerning screening their visitors. In those cases, they shall only be able to operate through delivery, drive-thru, or pickup services. These measures will allow for the detection of

individuals that are infected with the virus before they can spread it, and will prevent infected individuals from visiting vulnerable locations where the virus is more likely to spread..

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 1 of Administrative Bulletin OE-2021-037 is amended to read as follows:

SECTION 1: TRAVEL DECLARATION. All travelers over the age of two (2) who arrive at Puerto Rico on a flight coming from any state or territory of the United States of America, or any international destination, shall be required to complete a "Travel Declaration Form, COVID-19 Alert", which may be accessed digitally prior to their arrival at the following website: <https://1link.travelsafe.pr.gov/>. In the event that it is not possible to access said document in its electronic form, the traveler may complete it in person upon arriving at the airport. Completing the travel declaration includes, among other things, attaching a copy of the "COVID-19 Vaccination Record Card" and a negative COVID-19 test result from a qualified SARS-CoV2 viral test (nucleic acid amplification or antigen test), as required in this Executive Order. In said declaration, the traveler certifies, under oath, that they are in compliance with the orders issued regarding their behavior during their stay.

The Department of Health may, when deemed appropriate, allow any traveler with a Vacu-ID issued by the Government of Puerto Rico to be exempted from being required to complete the Travel Declaration Form, COVID-19 Alert. It shall also issue the corresponding guidelines to make that exemption effective.

Section 2: Section 2 of Administrative Bulletin OE-2021-037 is amended to read as follows:

SECTION 2: PASSANGERS OF DOMESTIC FLIGHTS. Starting when this Executive Order enters into force, all passengers over the age of two (2) who arrive at Luis Muñoz Rivera International Airport, Mercedita International Airport, Rafael Hernández International Airport, or any other airport on the Island, from any state or territory of the United States of America, must comply with the following:

- 1) Vaccinated individuals:
 - a. present evidence (COVID-19 Vaccination Record Card or Vacu-ID issued by the Government of Puerto Rico) that shows they are fully inoculated with a vaccine authorized or approved by the FDA, or any other vaccine on the World Health



Organization'

- b. present a negative COVID-19 test result from a qualified SARS-CoV2 viral test (nucleic acid amplification or antigen test) performed no more than forty-eight (48) hours prior to their arrival, or
- c. a positive COVID-19 test result from the three (3) months prior to the flight, along with documentation of their recovery, including a letter from a certified medical care provider or from a government health official which certifies that the passenger has recovered and is ready to travel.

2) Unvaccinated individuals:

- a. present a negative COVID-19 test result from a qualified SARS-CoV2 viral test (nucleic acid amplification or antigen test) performed no more than forty-eight (48) hours prior to their arrival, or
- b. a positive COVID-19 test result from the three (3) months prior to the flight, along with documentation of their recovery, including a letter from a certified medical care provider or from a government health official which certifies that the passenger has recovered and is ready to travel.

All unvaccinated individuals are required to complete a quarantine—as defined in Administrative Bulletin OE-2021-075—for a period of seven (7) days starting when they arrive at Puerto Rico, regardless of whether they presenting a negative COVID-19 test result or a positive result with documentation of their recovery.

In addition, all passengers—vaccinated and unvaccinated—who do not present a COVID-19 test result upon arrival shall be required to undergo testing and present the results within forty-eight (48) hours of their arrival, subject to the following guidelines:

- a) Vaccinated individuals: It shall not be necessary to complete a quarantine until the results for the test taken within forty-eight (48) hours of their arrival have been received. However, if the result is positive, the person must comply with the isolation requirement established in Administrative Bulletin OE-2021-075 and follow the protocols established by the Department of Health. Should they not present a negative result within forty-eight (48) hours of their arrival, the Department of Health must impose the corresponding sanctions or fines.
- b) Unvaccinated individuals: They must remain in quarantine for a period of seven (7) days from their arrival at Puerto Rico. They may only leave the location where they are quarantining to procure medical and therapeutic services, and to be tested for COVID-19. If the result is positive, the person must comply with the isolation requirement established in Administrative Bulletin OE-2021-075 and



follow the protocols established by the Department of Health. If the test result is negative, they must continue the quarantine for the established period. Should they not present a negative result within forty-eight (48) hours of their arrival, the Department of Health must impose the corresponding sanctions or fines.

For the purposes of this Executive Order, a person is fully inoculated or vaccinated once two (2) weeks have passed since they received a second dose of the Pfizer or Moderna vaccines, or once two (2) weeks have passed since they received a single dose of the Johnson & Johnson's Janssen vaccine. If an individual does not meet these requirements, they shall not be considered fully vaccinated, and must therefore comply with what is established herein for unvaccinated individuals.

The available scientific data indicates that a booster shot increases immune response. Therefore, all individuals who can receive a booster shot are encouraged to do so before boarding a domestic flight.

Section 3:

Section 3 of Administrative Bulletin OE-2021-037 is amended to read as follows:

SECTION 3: PASSANGERS OF INTERNATIONAL FLIGHTS.

Passengers arriving from any international destination must adhere to the rules imposed by the President of the United States, Joseph R. Biden Jr., in the proclamation issued on October 25, 2021 titled "Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic," and by the orders issued by the CDC titled "Amended Order Implementing Presidential Proclamation on Advancing Safe Resumption of Global Travel During the COVID-19 Pandemic" and "Requirements for Negative Pre-Departure COVID-19 Test Result or Documentation of Recovery from COVID-19 for All Airline or other Aircraft Passengers Arriving into the United States from any Foreign Country." This includes, but is not limited to, requiring all international citizens who are not United States citizens or immigrants to be fully vaccinated against COVID-19, subject to the rules and exceptions established in the proclamation and the CDC's orders.

In addition, under the abovementioned rules, all passengers over the age of two (2) must present: (a) a negative COVID-19 test result from a qualified SARS-CoV2 viral test (nucleic acid amplification or antigen test) approved by a pertinent national authority that was performed one (1) day prior to boarding the airplane, regardless of whether the person is vaccinated against COVID-19 or not, or (b) a positive COVID-19 test result from the ninety (90) days preceding the flight, along with documentation of their recovery, including a letter from a certified medical care provider or a government official certifying that the passenger has recovered and is ready to travel. Certain individuals are exempted, as specified in the abovementioned CDC orders.



Should President Biden or the CDC modify the rules explained above, the new rules must be adhered to. On the other hand, should the rules be eliminated, all passengers arriving at Puerto Rico on an international flight must comply with the requirements established in Section 2 of this Executive Order.

Section 4:

Section 6 of Administrative Bulletin OE-2021-037 is amended to read as follows:

SECTION 6: EXCEPTION TO EXECUTIVE ORDER. All flight crew members or aviation mechanics who will not remain in Puerto Rico for a period of over seventy-two (72) hours, federal agents, state agents, officials working on extradition processes, active military personnel, and any other personnel specified by the Department of Health, are exempted from complying with what is established in this Executive Order. Individuals returning to Puerto Rico from a trip with a duration of under forty-eight (48) hours are also exempted from complying with what is established herein. They must present evidence of their flight leaving Puerto Rico.

In all of the exempting circumstances specified above, the person must comply with the following: (1) complete the travel declaration established in this Executive Order, for proper oversight and monitoring by the Department of Health; (2) comply with all of the orders, instructions, protocols, and requests for information issued by the Department of Health, the National Guard, and any other pertinent government entity, and (3) comply with the precautionary measures established in the Governor's executive orders and the Department of Health's administrative orders.

Section 5:

Section 7 of Administrative Bulletin OE-2021-037 is amended to read as follows:

SECTION 7: COMPLIANCE. The Department of Health—in coordination with the National Guard, the Ports Authority, the Department of Public Safety, and any other government entity deemed pertinent—shall take the measures necessary to implement the provisions of this Executive Order. Among others, they must maintain the specific protocols that establish the details of the process for gathering the information of each passenger, as applicable; the handling of information by government authorities, and the proper notification of the provisions contained in this Executive Order and the rights that each passenger has, including the strictest confidentiality in the handling of said information.

No passenger may leave the premises at an airport without having completed the process established by the Department of Health in coordination with the National Guard of Puerto Rico in accordance with the provisions of this Executive Order, which includes completing the travel declaration where applicable.

The Tourism Company and the Ports Authority must establish communication with travel agencies, airlines, and the hotel industry to collaborate in properly notifying passengers



concerning the requirements for traveling to Puerto Rico.

Section 6:

Section 10 of Administrative Bulletin OE-2021-037 is amended to read as follows:

SECTION 10: REQUIREMENTS FOR VISITORS. In order to safeguard the health of Puerto Rico's entire population and minimize infections, I hereby order that, starting when this Executive Order enters into force, all restaurants (including fast food restaurants, food courts, and cafes), bars, food kiosks ("chinchorros"), diners, sport bars, movie theaters, community or activity centers (where family activities are held), any other establishment that serves prepared food or drinks, hotels, resorts, hostels, beauty salons, barber shops, aesthetics salons, spas, gyms, and casinos must verify that all of their visitors—subject to the exceptions established in this section—meet one of the following requirements:

1. that the visitor present evidence that they are properly inoculated with a vaccine authorized by the FDA for addressing the COVID-19 emergency or any of the vaccines in the WHO's emergency use list;
2. that the visitor present a negative COVID-19 test result from a qualified SARS-CoV2 viral test (nucleic acid amplification or antigen test) performed no more than forty-eight (48) days prior to the visit and processed by an authorized medical professional, prior to entering the business, or
3. that the visitor present a positive COVID-19 test result from the past three (3) months, along with documentation of their recovery, including a letter from a certified medical care provider or government official certifying that the individual 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 applicable visitor—before entering the establishment—present an immunization certificate (COVID-19 Vaccination Record Card or Vacu ID), a negative viral test result, or a positive COVID-19 test result from the past three (3) months along with documentation of their recovery. For their part, it shall be the visitor's responsibility to present their immunization certificate (COVID-19 Vaccination Record Card or Vacu ID), a negative viral test result, or a positive COVID-19 test result from the past three (3) months along with documentation of their recovery, as a requirement to being permitted to enter the establishment. The immunization certificate or viral test may be presented through any other physical or digital method.

It is important to point out that what is established in this Executive Order does not limit the authority any private operator has to implement restrictions in addition to those established herein. That is to say, nothing established in this Executive Order may be



interpreted as a limitation on the authority private operators have to take additional or more restrictive measures, including but not limited to, a voluntary restriction on their business hours, limiting their space, or limiting the number of people who may remain in their establishment.

Minors under the age of five (5) are exempted from the screening established in this section because it is currently not possible for them to be vaccinated. On the other hand, minors between the ages of five (5) and eleven (11)—for which the vaccination process is currently underway—must adhere to the provisions in this section after January 31, 2022.

In the case of restaurants (including fast food restaurants, food courts, and cafes), bars, food kiosks (“chinchorros”), diners, and sport bars, all individuals who are solely and exclusively acquiring food through delivery, drive-thru, or pickup services, are exempted from this Section; in other words, those who will not consume food within the commercial establishment.

Any visitor who refuses to comply with the requirements established in this Executive Order, as implemented by a private operator, shall not be permitted to enter the establishment. If said individual is a guest at a hotel, resort, or hostel, including short-term rentals, they may not enter or sleep at said establishment until they comply with the provisions of this Executive Order. 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 any private operator to not comply with the provisions of this Executive Order, they shall be subject to what is established in Section 14 of this Order and any other applicable provisions of the Puerto Rico Penal Code.

All restaurants (including fast food restaurants, food courts, and cafes), bars, food kiosks (“chinchorros”), diners, sport bars, movie theaters, community or activity centers (where family activities are held), casinos, or any other establishments where prepared food and drinks are served shall be required to comply with what is explained above. Should an establishment not be in compliance with what is required herein, and it is a restaurant (including fast food restaurants, food courts, and cafes), bar, food kiosk (“chinchorro”), diner, or sport bar, they shall only be permitted to operate through delivery, drive-thru, or pickup services, and they shall not be permitted to welcome patrons within the establishment at 50% of the establishment’s capacity as established by the current building code in Puerto Rico (PR Building Code 2018).

On the other hand, all beauty salons, barber shops, aesthetics salons, spas, or gyms that are not in compliance with the requirements established above shall be required to limit their establishment’s maximum capacity to 50%, as established by the current building code in Puerto Rico (PR Building Code 2018).

Section 7: Section 11 of Administrative Bulletin OE-2021-037 is amended to read as follows:

SECTION 11: OVERSIGHT. The pertinent agencies are hereby ordered to oversee compliance with what is established in this Executive Order. In addition, the public is encouraged to report entities that fail to comply with what is established herein to the pertinent authorities. In order to help citizens assist in the oversight and compliance of this Executive Order, all businesses or establishments are hereby ordered to display signs in visible locations that notify the public of the confidential COVID-19 hotline created by the Department of Health. The sign or ad must specify whether the establishment performs screening by verifying vaccination status or by requiring negative test results at their entrance. This sign or poster must contain the following contact information so that citizens may report instances of noncompliance:

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

b) Email: investigaciones@salud.pr.gov

In addition, hair salons, barber shops, aesthetics salons, spas, and gyms that decide not to perform the screening established herein must add to the abovementioned sign the number of people that can occupy the establishment when it is operating at 50% of its maximum capacity, as established in PR Building Code 2018 and authorized by the Puerto Rico Firefighters Corps. Failing to do so shall constitute a failure to comply with this Executive Order.

Citizens are encouraged to notify the pertinent agencies, including the Department of Health, of any private operator that is not complying with the screening or 50% capacity requirements at their establishment as established in this Executive Order.

Section 8: **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 9: **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 their name.

Section 10: **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 11: **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 12: **PUBLICATION.** This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.

Section 13: **VALIDITY.** This Executive Order shall enter into force on December 27, 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 20th day of December of 2021.



**PEDRO R. PIERLUISI
GOVERNOR**

Enacted in accordance with the law on this 20th day of December of 2021.

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