

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

Administrative Bulletin Number: OE-2021-086

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI ISSUED FOR THE PURPOSE OF IMPLEMENTING A LIMITATION ON BUSINESS HOURS FOR PRIVATE ENTITIES AS A MEASURE FOR ADDRESSING THE EMERGENCY CAUSED BY COVID-19 IN PUERTO RICO AND FOR OTHER RELATED PURPOSES.

WHEREAS: The Government of Puerto Rico has a constitutional responsibility to carry out 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, as well as of those who decide to visit us.

WHEREAS: The COVID-19 pandemic is a dynamic and changing situation, which requires that the Government redesign its strategies to manage infections in the population in a timely manner so that medical and hospital resources may be safeguarded while also preventing an economic collapse.

WHEREAS: In line with the state of emergency that persists at a global level, as Governor of Puerto Rico, I have issued multiple executive orders in response to the pandemic in order to implement certain measures intended to combat COVID-19 infections on the Island. In particular, in addition to Administrative Bulletin OE-2021-075, during the past several weeks, I have issued administrative bulletins OE-2021-080, OE-2021-081, OE-2021-082, and OE-2021-085 to amend the former and implement various initiatives to combat the rise in COVID-19 infections. Specifically, in addition to the vaccination mandates, starting on December 19, 2021, the following measures were implemented:

1. It was required that, at group activities with over 500 participants held at theaters, amphitheaters, stadiums, colosseums, and convention centers, all individuals attending must be fully vaccinated against COVID-19 and must present a negative COVID-19 test result.
2. All passengers arriving at Puerto Rico were required to present a negative COVID-19 test result, and all passengers who are not fully vaccinated were ordered to quarantine.



3. All restaurants, bars, food kiosks (“*chinchorros*”), diners, sport bars, movie theaters, community or activity centers, casinos, and all other establishments that serve prepared food or drink were ordered to require their visitors to present proof of vaccination or a negative COVID-19 test result.
4. COVID-19 vaccine booster shots were required for employees in the medical sector, as well as for teachers, staff, and contractors in the education sector.
5. It was required that establishments where people tend to remove their masks due to the sale or availability of food or drink limit their capacity to 50% in order to prevent crowding in situations where that protection is not in place.

WHEREAS: Despite issuing said executive orders, the scientific data indicates that it is necessary to take additional corrective actions. This is because, as is common knowledge, the positivity rate in Puerto Rico has reached never-before-seen record numbers.

WHEREAS: Infection rates are currently at very high levels. The data provided by the Puerto Rico Department of Health indicates that average daily confirmed cases have reached 1,875 positive cases, and suspected cases have reached 4,605. The statistics confirm a significant number of hospitalizations due to COVID-19, totaling 403 people—317 of which are adults and 86 of which are children. In mid-December, adult hospitalizations for COVID-19 represented less than 1% of hospitalizations. Today, they represent 5%. As for intensive care units, today the percentage is 6%, while in mid-December it was 1%. Pediatric cases are somewhat more concerning. Hospitalizations in mid-December were under 1%, and today they are at 7%. However, pediatric intensive care units remain at 1%.

On the other hand, the positivity rate, that is to say, the percentage of people who test positive for the virus out of all people who are tested, reached 32.14%.

WHEREAS: The abovementioned statistics are concerning and require that the Government take new corrective actions to control infections and safeguard the lives of all citizens. This is because the Government has a responsibility to protect the lives of the entire population, and to protect Puerto Rico’s economy. It is therefore necessary to



implement measures for certain high-risk activities and locations in order to minimize infections and, consequently, prevent a rise in hospitalizations and deaths. Specifically, it is necessary to limit, for a period of 2 weeks, the business hours of private operations open to the public where alcoholic beverages are sold and consumed during the hours of 12:00 a.m. to 5:00 a.m. This is because, during these hours, the general public—but in particular, those between the ages of 20 and 29, a demographic which has the highest COVID-19 number of confirmed COVID-19 cases, tend to visit various establishments to gather and consume alcoholic beverages, which diminishes their capacity to adhere to the established precautionary measures. Likewise, due to the rise in infections, it is important to cancel and prohibit all group activities of over 250 people with the purpose of preventing significant outbreaks.

WHEREAS: The measures in this Executive Order are consistent with the ones implemented since January 2, 2021, when I was sworn in as Governor. In all of these, a fair balance was struck between the health and safety of the entire population and their adverse effects on the economy. Likewise, the measures implemented in this Executive Order are similar to the ones implemented during the months of May, June, and September, which were certainly effective.

WHEREAS: It should be emphasized that each citizen has an individual responsibility to be sensible and rational when considering any personal, commercial, or professional activity they are attending or involved with. If each Puerto Rican follows all of the precautionary measures ordered by the CDC, the Department of Health, the other components of the Government of Puerto Rico, and this Executive Order, we will all undoubtedly be safer. Therefore, each citizen has a responsibility to continue adhering to the established precautionary measures, avoiding gatherings, and also to be more sensible and not to attend any activity that they believe could put their health, or the health of others, at risk

WHEREAS: Article 5.10 of Act 20-2017, as amended, better known as the “Puerto Rico Public Safety Department Act,” empowers me as Governor to decree a state of emergency, to “issue any state regulation, order, plan, or measure for emergency situations or



disasters, or to modify them at their discretion,” and to “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.”

Since March 12, 2020, Puerto Rico has been in a state of emergency due to the COVID-19 pandemic. This Executive Order is therefore issued to establish certain measures necessary to address the emergency declared in Administrative Bulletin OE-2020-020.

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: **LIMITATIONS ON BUSINESS HOURS.** As a measure for controlling COVID-19 infections, all private operations open to the public, including but not limited to, commercial, professional, non-professional, consumer services, retail, financial, recreational, entertainment, sport, among others, are hereby ordered to close between the hours of 12:00 a.m. and 5:00 a.m. As an exception, only the following may operate without a limitation on business hours:

- a. private operations not open to the public, such as commercial, industrial, manufacturing, construction, distribution, agricultural, livestock and farming, administrative offices, and other similar operations;
- b. medical services, including mental health services, hospitals, pharmacies, pharmaceutical companies, bioscience installations, medical centers, vaccination centers, clinical laboratories, tracing centers, among others;
- c. funerary services, for the purposes of handling and disposing of bodies;
- d. services related to ports and airports;
- e. press and media services;
- f. roadside assistance and locksmithing services;
- g. security services;



- h. transportation services, including distribution and mass transit, such as transportation services to the island municipalities of Vieques and Culebra;
- i. utility and critical infrastructure services;
- j. shipping and delivery services for packages and merchandise;
- k. religious services;
- l. gas station services;
- m. grocery and convenience stores;
- n. businesses that sell essential products;
- o. food services at restaurants, including fast food restaurants, but between the hours of 12:00 a.m. and 5:00 a.m., they may only operate through delivery or pickup services;
- p. food services at hotels and resorts. Between the hours of 12:00 a.m. and 5:00 a.m., these services may only be provided to guests;
- q. private operations that provide essential services;
- r. and any other service that the Department of Health permits through an exemption.

In addition, during the hours of 12:00 a.m. and 5:00 a.m., the sale of alcoholic beverages shall be prohibited at establishments that remain open, such as pharmacies, gas stations, hotels, resorts, grocery stores, convenience stores, among others.

Likewise, the consumption of alcoholic beverages at public spaces is prohibited during the hours of 12:00 a.m. and 5:00 a.m.

Between the hours of 12:00 a.m. and 5:00 a.m., businesses that provide different products or services may only sell or provide the products or services exempted.

It is also prohibited to hold or continue gatherings of people and social activities at private or public establishments between the hours of 12:00 a.m. and 5:00 a.m. These include weddings, anniversaries, birthdays, quinceañeras/sweet sixteens, baby showers, gender reveals, dances, other family and neighborhood activities, among other similar gatherings.



The Secretary of the Department of Health is authorized to prohibit, restrict, or permit the operations or business hours of private operations based on the risk posed to public health due to COVID-19.

Section 2: **GROUP ACTIVITIES.** As a temporary measures while this Executive Order is in force, all group activities that involve the gathering of over 250 people are hereby cancelled and prohibited regardless of where the activity is to be held—whether indoor or outdoor—or when the activity is scheduled. Therefore, while this Executive Order is in force, Section 5 of Administrative Bulletin OE-2021-075, as amended, is suspended.

Section 3: **OVERSIGHT.** The corresponding 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 faithful 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 poster 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.

Section 4: **MODIFICATIONS.** While this Order is in force, the established measures shall continue to be analyzed in order to study the results they produce and promptly adopt any necessary modifications.

Section 5: **NONCOMPLIANCE.** Failure to comply with the provisions of this Executive Order by any person or business shall result in the imposition of the criminal penalties and fines defined under the provisions of Article 5.14 of Act 20-2017, as amended, which sets

a penalty of imprisonment not to exceed six (6) months, or a fine of not more than five thousand dollars (\$5,000), or both penalties, at the discretion of the court and/or any applicable law. Furthermore, in accordance with the provisions of Art. 33 of the Department of Health Act, “[a]ny natural or legal 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.” Intervention with any citizen who fails to comply with the precautionary measures described in this Order, including mandatory mask usage, is hereby ordered.

Any person who fails to comply with the provisions of this Order shall be subject to criminal proceedings, which shall be initiated without any delay by the Public Prosecutor, whom, in turn, must request bail to be set in accordance with the Rules of Criminal Procedure. The Department of Health and the Puerto Rico Police Bureau are hereby ordered to coordinate with the Municipal Police, the Department of Natural and Environmental Resources Ranger Corps, and the Puerto Rico Department of Public Safety to take the necessary measures to enforce compliance with this Executive Order.

Section 6:

INTERAGENCY OVERSIGHT TEAM. In order to monitor compliance with this Executive Order, all relevant entities, including but not limited to the Department of Public Safety and all of its components, including the Puerto Rico Police, the Special Investigations Bureau, the Puerto Rico Firefighters Corps, the Department of Consumer Affairs, the Department of Treasury, and the Department of Health are hereby ordered to establish their monitoring plans so that they may impose the corresponding fines and penalties within their authority and jurisdiction, in accordance with applicable laws. This includes, but is not limited to, the closure of businesses due to noncompliance with this Executive Order.

These government agencies may also establish collaborative oversight agreements with municipal governments, which may take any actions intended to establish oversight and ensure

compliance with this Order within their respective jurisdictions, in accordance with the provisions of Act 107-2020, known as the “Puerto Rico Municipal Code.”

Section 7: **GUIDELINES AND REGULATIONS.** The provisions of this Executive Order may be defined, interpreted, reinforced, or modified in detail through guidelines issued by the Department of Health in coordination with the Office of the Governor’s Legal Advisor. These must immediately be published as widely as possible.

Section 8: **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 9: **PRECEDENCE.** In accordance with Article 1.018 of Act 107-2020, as amended, known as the “Puerto Rico Municipal Code”, this Executive Order shall supersede the provisions of any executive order issued by a municipal government that is related to the emergency and intended to address the COVID-19 pandemic.

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: **NON-CREATION OF ENFORCEABLE RIGHTS.** This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

Section 12: **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 13: **VALIDITY.** This Executive Order shall enter into force on January

4, 2022, and shall remain in force until January 18, 2022 unless a new order is issued, based on public health and safety needs.

Section 14:

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



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 31st day of December of 2021.

**PEDRO R. PIERLUISI
GOVERNOR**

Enacted in accordance with the law on this 31st day of December of 2021.

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

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