

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

Administrative Bulletin No: OE-2022-003

**EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, IN ORDER TO REQUIRE A COVID-19 BOOSTER SHOT FOR STUDENTS, THE LODGING SECTOR, THEATERS, MOVIE THEATERS, COLISEUMS, CONVENTION AND ACTIVITY CENTERS**

**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 mandate, social distancing, and requiring the members of certain important sectors of the society to be vaccinated against said virus or presenting a negative COVID-19 test result, subject to certain exceptions and alternatives available.

**WHEREAS:** Although said measures have been effective for the past months, positive cases have increased significantly in recent weeks. Data provided by the Department of Health of Puerto Rico indicate that the daily average of confirmed cases is 1,634 positive cases, and 4,585 probable cases. Similarly, statistics show a significant number of COVID-19 hospitalizations, totaling 905 people, of which 810 are adults and 95 are children. These hospitalization rates are the highest seen since the start of the pandemic. By mid-December, adult COVID-19 hospitalizations represented less than 1%. Today, these represent 12%. As for intensive care units, such rate today is 18%, whereas in mid-December, it was 1%. Pediatric cases are a little more concerning. Children hospitalizations by mid-December were less than 1%, and today, they are 8%. Furthermore, pediatric intensive care units are at 6%.

Moreover, the positivity rate, that is, the percentage of people who test positive for the virus out of those who get tested reached 36.1%.

Lastly, deaths have also increased significantly. Daily average deaths are 12; these numbers are the highest seen since the surge in August and September 2021.

**WHEREAS:** Section 5.10 of Act No. 20-2017, as amended, better known as the “Puerto Rico Public Safety Department Act,” empowers me, as Governor, upon declaring a state of emergency or disaster, to enact any measures as are 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 I, as 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 adopted or orders issued during a state of emergency shall have force of law for the duration of the state of emergency.

**WHEREAS:** The Government of Puerto Rico has the responsibility to continue making efforts as are necessary to prevent and stop the spread of COVID-19, as well as protect health, life, and safety of all the residents of Puerto Rico.

**WHEREAS:** The power to govern a people entails the 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:** As it has been reiterated in other Executive Orders promulgated to address the pandemic, scientific evidence shows that vaccination is the most effective tool to control COVID-19. Furthermore, the Centers for Disease Control and Prevention (CDC) and the United States Food and Drug Administration (FDA) have stated that even though COVID-19 vaccines are

effective at preventing serious illness, recent data has shown a decline in effectiveness over time against infections or breakthrough infections. This reduced effectiveness is likely due to the waning of vaccine protection over time and the fact that dominant strains are more contagious.

Therefore, the aforementioned entities have stated that data from clinical trials have shown that a booster shot increased the immune response in persons who completed a primary series of the authorized or approved vaccines. With an increased immune response, people should have improved protection against getting infected with COVID-19.

**WHEREAS:** With regard to infections, official CDC statistics show the effectiveness of a booster shot. Data shows that out of 100,000 inhabitants, 450.90 unvaccinated people, 133.83 vaccinated people, and 48.02 vaccinated people with the booster shot get infected. In turn, statistics show that unvaccinated people are 10 times more likely to test positive for COVID-19 than vaccinated people who received a booster shot, and 20 times more at risk of dying. Thus, fully vaccinated individuals who received an additional dose or a booster shot had lower case rates compared to those who did not receive an additional dose or booster shot. Additionally, both groups had a much lower risk of testing positive for COVID-19 and a lower risk of dying from COVID-19 compared to people who were not vaccinated.

**WHEREAS:** With regard to the vaccines' effectiveness at preventing hospitalizations, the CDC have concluded that unvaccinated individuals ages 18 and older are 8 times more likely to be hospitalized compared to vaccinated individuals. In the case of 18–49-year-old individuals, such probability is 12 times higher. In the case of 12-17-year-old children, unvaccinated children are 10 times more likely to be hospitalized compared to unvaccinated [sic] children.

**WHEREAS:** On December 20, 2021, the CDC reported that the omicron variant is now the dominant strain in the United States of America. Reported figures show that this variant accounts for 73% of new infections, which represents nearly a sixfold increase within a week. Therefore, the CDC has stated that the recent appearance of the omicron variant further stresses the



importance of the vaccine, the booster shots, and the prevention efforts necessary to be protected against COVID-19. Note that, while this variant appears to be less severe, it spreads easily and may have significant long-term health consequences—known as Post-Covid Conditions or Long COVID-19— such as respiratory failure, blood clots, multiorgan effects, to wit, cardiovascular, neurological or neurocognitive, harm to the gastrointestinal tract and other organs, and general health effects including discomfort, fatigue, joint and muscle pain, and poor quality of life, among others.

**WHEREAS:**

Given that scientific and medical data promote the need for a booster shot, and that the laws and case law in effect— explained in detail in Administrative Bulletin No. OE-2021-075, and which is incorporated by reference and made a part hereof— have supported vaccination mandates, it is necessary to promote the COVID-19 booster shot in the hotel, *paradores*, and lodging sectors, as well as in theaters, movie theaters, coliseums, convention and activity centers, and students. Specifically, it is critical for the employees of the lodging sector to be protected with a booster shot, because they receive a high number of visitors, some of whom may be infected and must isolate in these places, thus jeopardizing the health and safety of all these workers. Furthermore, the health of people who work in crowded and busy places. Even though mass gatherings are currently restricted, it is necessary to require the employees of the places where these events are held to get a COVID-19 vaccine booster shot, as a preventive measure before resuming such activities, in order to protect them and their visitors. Lastly, in order to continue in-person classes in public and private educational institutions, it is necessary that students get a COVID-19 booster shot, given that the virus spreads more easily in enclosed environments such as these institutions.



**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: BOOSTER SHOT REQUIREMENT FOR CERTAIN PRIVATE SECTOR EMPLOYEES.**

In order to reduce infections, I hereby order that, by February 15, 2022, those persons who work in hotels, *paradores*, lodgings, theaters, movie theaters, coliseums, and convention and activity centers, who are already vaccinated against COVID-19, should have received a booster shot, if they are eligible therefor, in order to be considered fully vaccinated.

For the purposes of this Executive Order, a booster shot, as defined by the CDC, means an additional dose of a vaccine administered to a person for the purpose of improving protection or restoring waning protection of primary vaccine. Furthermore, a person is eligible to receive a booster shot in accordance with the following CDC guidelines:

1. Individuals ages 12 years and older who received the Pfizer-BioNTech vaccine shall be eligible for a booster shot at least five (5) months after completing the primary vaccine series or an additional principal dose in the case of immunocompromised people.
2. Individuals ages 18 years and older who received the Moderna COVID-19 vaccine shall be eligible to receive a booster shot at least five (5) months after completing the primary vaccine series or an additional principal dose in the case of immunocompromised people.
3. Individuals ages 18 years and older who received the Johnson & Johnson's Janssen COVID-19 vaccine shall be eligible to receive a booster shot at least 2 months after receiving the single dose for such purpose.

If a person is still unable to receive a booster shot, because such person is still not eligible or due to any other condition, he or she shall meet the booster shot requirement as soon as possible. Such person shall have a period of thirty (30) days from the time he or she becomes eligible or the

condition ceases to receive a booster shot.

Thus, pursuant to this Executive Order and to comply with the provisions of Administrative Bulletin No. OE-2021-075 and this Section, these persons shall meet one of the following conditions:

1. Present proof of being fully vaccinated against COVID-19 with a vaccine approved or authorized by the FDA, or any other COVID-19 vaccine included in the WHO's emergency use list, including a booster shot in case of eligible persons; or
2. If the person is not vaccinated or is vaccinated and eligible for receiving a booster shot, but has failed to do so, said person shall get tested, at his expense, at least every seven (7) days through a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT or antigen tests) approved by the FDA and processed by an authorized health professional, and present to his employer a negative result of said test at least every seven (7) days; or
3. Present a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documentation 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.

If the aforementioned persons fail to comply with the foregoing, such persons shall be prevented from working in person. Hence, the employer may take the applicable measures as appropriate, including allowing said employees to avail themselves of compensatory time, applicable regular leaves, or a leave of absence, as the case may be.

All employers are encouraged to allow employees to get vaccinated during work hours and to allow them enough time for the monitoring any side effects. Thus, employees may use any sick leave accrued, if any. Employers may also grant, at their discretion, a special vaccination leave.

For purposes of this Executive Order, the term "employee" shall be interpreted broadly and include any natural person who works in person—



including the owner, merchant, administrator, or similar person, as well as contractors, but not suppliers— for a wage, salary, pay, remuneration or any type of compensation. 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 an employee.

**SECTION 2: BOOSTER SHOT REQUIREMENT FOR STUDENTS.** In order to reduce infections and allow the continuation of in-person classes in schools and universities, I hereby order that, by February 15, 2022, to attend class in person, students ages 12 years and older—including university and technical college students— of any public or private institution, who are already vaccinated against COVID-19, should have received a booster shot, if they are eligible therefor, in order to be considered fully vaccinated.

For the purposes of this Executive Order, a booster shot, as defined by the CDC, means an additional dose of a vaccine administered to a person for the purpose of improving protection or restoring waning protection of primary vaccine. Furthermore, a person is eligible to receive a booster shot in accordance with the following CDC guidelines:

1. Individuals ages 12 years and older who received the Pfizer-BioNTech vaccine shall be eligible for a booster shot at least five (5) months after completing the primary vaccine series or an additional principal dose in the case of immunocompromised people.
2. Individuals ages 18 years and older who received the Moderna COVID-19 vaccine shall be eligible to receive a booster shot at least five (5) months after completing the primary vaccine series or an additional principal dose in the case of immunocompromised people.
3. Individuals ages 18 years and older who received the Johnson & Johnson's Janssen COVID-19 vaccine shall be eligible to receive a booster shot at least 2 months after receiving the single dose for such purpose.

If a student is still unable to receive a booster shot, because such student is still not eligible or due to any other condition, he or she shall meet the

booster shot requirement as soon as possible. Such student shall have a period of thirty (30) days from the time he or she becomes eligible or the condition ceases to receive a booster shot.

Thus, pursuant to this Executive Order and to comply with the provisions of Administrative Bulletin No. OE-2021-075 and this Section, students must be fully vaccinated against COVID-19, including the booster shot if eligible therefor, and may only be exempted under an applicable medical or religious exception, as provided in Administrative Bulletin No. OE-2021-075. Should any of these exception applies, students ages 12 years and older shall have two options:

1. Get tested, at his expense, at least every seven (7) days through a qualified SARS-CoV-2 virus test (Nucleic Acid Amplification Test or NAAT or antigen tests) approved by the FDA and processed by an authorized health professional, and present to the director or his or her delegate a negative result of said test at least every seven (7) days; or present a positive COVID-19 test result performed within the last three (3) months, together with the pertinent documentation 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. Attend online classes— if available— or by any other alternative method. Students who fail to comply with the foregoing shall not attend school in person. However, such students may attend online classes, if available, or through any other alternate mechanism.

Children ages 12 years and younger shall adhere to the provisions of Section 8 of Administrative Bulletin No. OE-2021-075.

**Section 3:** **GUIDELINES.** The provisions of this Executive Order may be defined, construed, reinforced, or modified in detail through guidelines issued by the Department of Health.

**Section 4:** **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 5:** **DEFINITION OF THE TERM AGENCY.** For the purposes of this Executive Order, the term “Agency” means any agency, instrumentality, office, or department of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of its name.

**Section 6:** **SEVERABILITY.** The provisions of this Executive Order are separate and independent from each other. If any part, section, provision, or sentence of this Executive Order were 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 and effect.

**Section 7:** **REPEALING CLAUSE.** This Executive Order renders ineffective the parts of all such executive orders that are inconsistent, whether in whole or in part, with this Order to the extent of such inconsistency.

**Section 8:** **PUBLICATION.** This Executive Order shall be filed immediately with the Department of State and the broadest possible publication thereof is hereby ordered.

**Section 9:** **EFFECTIVENESS.** This Executive Order shall take effect immediately and shall remain in effect until the emergency declared in Administrative Bulletin No. OE-2020-020 is rendered ineffective, or until this Order is amended or repealed by a subsequent Executive Order or by operation of 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 13<sup>th</sup> day of January, 2022.

**PEDRO R. PIERLUISI**  
**GOVERNOR**

CERTIFIED TRANSLATION

Promulgated in accordance with the law on this 13<sup>th</sup> day of January, 2022.



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