

Executive Order 2020-087 Repeals EO 2020-080; New Restrictions Announced

ATTORNEYS

- Arturo J. García-Solá
- Marcos Rodríguez-Ema
- Rubén Méndez-Benabe
- Isis Carballo-Irigoyen
- Carlos J. Fernández-Lugo
- Patricia George-Iguina
- Anita Montaner-Sevillano
- Miguel Rivera-Arce
- Magda M. Boyles
- Laura Femenías-Jové
- Sila M. González-Calderón
- Carla S. D'Almeida-Aracena

PRACTICE AREAS

- Government Affairs

An McV Government Affairs Alert

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On December 3, 2020, Governor Wanda Vázquez-Garced signed Executive Order 2020-087 (“EO 2020-087” or the “Executive Order”) to, among other matters, repeal Executive Order 2020-080, order a shelter-in-place for Sundays and implement other more restrictive measures to curb the spread of COVID-19 in Puerto Rico.

In addition, EO 2020-087, which is effective from December 7th until January 7th, 2021, unless otherwise extended or modified, reintroduces certain restrictions by considering the recommendations of the Puerto Rico Economic and Medical Task Forces and the guidelines set forth in the United States Department of National Security’s Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response.

For your convenience, in this Alert we will highlight the major modifications and amendments in this new Executive Order. We will refer to our previous Alerts as needed.

Change in Curfew and Shelter-in-Place Order for Sundays (Section 1 of the Executive Order)

EO 2020-087 imposes a curfew **from 9:00pm until 5:00am**, which will continue in effect until January 7th, 2021. EO 2020-087 also orders a **mandatory “Shelter-In-Place” order** requiring all persons to remain in their residence or place of lodging every Sunday during the effectiveness of the Executive Order.

Prohibition of Retail Sale of Alcohol for Weekends (Section 4 of the Executive Order)

The Executive Order also issues a weekend-long prohibition, effective from 5:00am on Saturdays until 5:00am on Mondays, on the retail sale and consumption of alcoholic beverages for all authorized businesses and establishments during the effectiveness of the Executive Order.

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Authorized Private Businesses and Exceptions (Section 7 of the Executive Order)

■ Food Businesses

Pursuant to Section 7 of EO 2020-087, restaurants may keep their dining rooms open Monday through Saturday until curfew, at or below 30% of their maximum capacity, as defined in PR Building Code 2018. Under no circumstance will people be allowed to crowd outside of a restaurant consuming alcoholic beverages.

Restaurant dining rooms must remain closed on Sundays, and operations must be limited to drive-thru, carry-out, or delivery retail food services. The Executive Order provides that, in order to incentivize delivery services, delivery food services may operate Monday through Sunday until 11:00pm.

Grocery stores may also operate Monday through Sunday from 5:00am until 8:30pm.

■ Pharmacies

Pharmacy stores may remain open to the public Monday through Sunday from 5:00am until 8:30pm. However, the Executive Order exempts pharmacy areas located within stores from complying with the hours under curfew in order to continue dispensing medication.

■ Gas Stations and Supply Chain

Gas stations and their supply chain may continue to operate Monday through Sunday from 5:00am until 8:30pm during the effectiveness of the Executive Order.

■ Other Businesses

The following businesses may continue operating Monday through Saturday until 8:30pm at or below 30% of their maximum capacity, where applicable, as defined in PR Building Code 2018.

■ Advertising Agencies

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- Armory Services
- Automobile Dealerships
- Barbershops and Beauty Salons
- Car Wash Establishments
- Casinos
- Film Industry
- Drive-in Cinemas
- Funeral Homes
- Gyms
- Hardware Stores
- Laundries/Dry Cleaners
- Laundromats
- Movie Theaters
- Museums
- Official Vehicle Inspection Centers
- Open Layout Shopping Malls
- Ornamental Gardening Businesses
- Retail Stores
- Spas and Esthetics
- Travel Agencies
- Wholesale Businesses

Required Signage (Section 7 of the Executive Order)

The Executive Order requires that authorized businesses visibly display a sign with the contact information of the confidential COVID-19 hotline created by the PR Department of Health to allow citizens to contribute with the enforcement and compliance of EO 2020-087.

The sign must also include the maximum number of people allowed inside the establishment in light of the 30% maximum occupancy set forth in the Executive Order.

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Beaches

Section 12 of EO 2020-087 provides that beaches be closed to persons wishing to sunbathe, socialize or gather in groups. Beaches may continue open strictly for professional or recreational sports (runners, surfers, sailing and rowing athletes, and divers, among others).

Horse Racing Industry and Sport

Section 13 of EO 2020-087 provides that the horse racing industry may continue to celebrate official races from Monday through Saturday during the hours permitted by curfew. The general public may attend the races held at the Camarero Racetrack so long as occupancy does not exceed 30% of the racetrack's official capacity, as set forth in the PR Building Code 2018.

Tourism and Recreation

Section 14 of EO 2020-087 provides that the use of bars in hotel and inns is not allowed during the effectiveness of this Executive Order. Hotels and inns with pools and beach access must ensure compliance with the measures set forth in the Executive Order. Specifically, EO 2020-087 mandates that the use of pools in hotel and inns be limited to 30% occupancy with prior appointment for hotel guests only. Other hotel and inn common areas, however, must remain closed during the effectiveness of the Executive Order.

Restaurants located within hotels may remain open from Monday through Saturday during the hours permitted by curfew, so long as occupancy does not exceed 30% of the official dining room capacity, as set forth in the PR Building Code 2018. During Sundays, restaurant dining rooms may remain open, subject to the aforementioned capacity limitations, exclusively for hotel guests, and offer carry-out and pick-up services to non-hotel guests.

Events

Section 15 of the Executive Order provides that proposals for virtual concerts and theater activities may be submitted for the approval and authorization of the Governor's Chief of Staff. Proposals will be evaluated subject to the implementation of health and safety measures to safeguard employees' health. Venues may not reopen during the effectiveness of EO 2020-087.

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Mass gatherings that encourage the crowding of persons are prohibited.

Closure of Businesses and Private Entities (Section 21 of the Executive Order)

While Section 21 of EO 2020-087 emphasizes that nightclubs, concert halls, game rooms, theaters, and bars, *inter alia*, must remain closed during the effectiveness of the Executive Order; Section 21 also provides that visits to family members and friends at senior care centers and asylums are suspended pursuant to regulations implemented by the Puerto Rico Department of Family Affairs and the Puerto Rico Department of Health.

Recreational Maritime Traffic (Section 24 of the Executive Order)

Section 24 of EO 2020-087 orders the closure of all marinas to discourage the use of recreational vessels, including jet skis, on territorial waters. The Department of Natural and Environmental Resources (the “DNER”) will issue directives on the aforementioned closure and exceptions to the same in light of emergency criteria, commercial fishing, residents of vessels and federal regulations.

The Puerto Rico Police Bureau and Municipal Police will establish a coastal vigilance plan and work with Mayors that supervise coastal municipalities to refuse the entry of maritime transportation in their shores.

Maritime transportation services provided by the Maritime Transportation Authority will be limited exclusively to individuals performing work in and residents of either Island Municipality.

Other EO 2020-087 Provisions

The following Sections of EO 2020-087 **remain unaltered**. For additional details, you may access all previous COVID-19 related Executive Orders on our McV COVID-19 Information Center, which you can access **here**.

- Section 2 – Quarantine Order
- Section 3 – Isolation Order
- Section 5 – Government Operations
- Section 6 – Guidance Established by Agencies

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- Section 8 – Definitions
- Section 9 – Authorized Services
- Section 10 – Corporations
- Section 11 – Recreational Activities and Outdoor Sports
- Section 16 – Safety Measures to be followed by the Public and Exempted Businesses
- Section 17 – Preferential Services
- Section 18 – Excluded Persons
- Section 19 – Road Tolls
- Section 20 – Celebration of Religious Events
- Section 22 – Construction Services
- Section 23 – Manufacturing
- Section 25 – Workplace Risk Management Plans
- Section 26 – Modifications
- Section 27 – Penalties
- Section 28 – Inter-agency Oversight Group

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