

Executive Order 2021-019 Modifies Curfew; Additional Modifications Announced

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PRACTICE AREAS

- Government Affairs

An McV Government Affairs Alert

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On March 11, 2021, Governor Pedro R. Pierluisi signed Executive Order 2021-019 (“EO 2021-019” or the “Executive Order”) to, among other matters, extend the curfew established in the previous administrative bulletin and modify certain restrictions in connection with Government efforts to curb the spread of COVID-19 in Puerto Rico.

In addition, EO 2021-019, which is effective from March 15 until April 11, 2021, unless otherwise extended or modified, eases certain restrictions by considering the recommendations of the Puerto Rico Economic and Medical Task Forces.

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.

Extension of Curfew (Section 1 of the Executive Order)

EO 2021-019 extends until April 11, 2021 the effectiveness of the curfew (from 12:00am until 5:00am) imposed by the previous administrative bulletin.

The Executive Order also urges people to limit social activities and family gatherings in light of the ongoing emergency, and provides that all activities comply with precautionary and safety measures (including social distancing, use of face masks, frequent hand washing, etc.).

Private Operations (Section 6 of the Executive Order)

- Authorized Businesses

The following businesses may continue operating Monday through Sunday until from 5:00am until 11:00pm at or below 50% of their maximum capacity, where applicable, as defined in PR Building Code 2018.

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- Advertising Agencies
- 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
- Museums
- National Security
- Official Vehicle Inspection Centers
- Open Layout Shopping Malls
- Ornamental Gardening Businesses
- Retail Stores
- Security
- Spas and Esthetics
- Travel Agencies
- Wholesale Businesses

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 2021-019.

The sign also may include the maximum number of people allowed inside the establishment in light of the 50% maximum occupancy set forth in the Executive Order.

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■ Food Businesses

Pursuant to Section 6 of EO 2021-019, restaurants may keep their dining rooms open Monday through Sunday until 11:00pm, at or below 50% of their maximum capacity, as defined in PR Building Code 2018. Outdoor areas of restaurants may continue to operate at full capacity. Restaurants must serve alcoholic beverages only at dining tables, and may seat only members of the same family unit.

Drive-thru, carry-out, or delivery operations of retail food services are permitted Monday through Sunday until 12:00am.

Grocery stores also may continue operating Monday through Sunday from 5:00am to 11:00pm. Grocery store delivery services may operate Monday through Sunday until 12:00am.

■ Theaters, Amphitheaters and Activity Centers

Theaters, amphitheaters and activity centers may reopen from 5:00am until 11:00pm at or below 30% of their maximum capacity, as defined in PR Building Code 2018. However, coliseums must remain closed during the effectiveness of EO 2021-019.

■ Movie Theaters

Movie theaters may remain open to the public Monday through Sunday from 5:00am until 11:00pm at or below 30% of their maximum capacity, as defined in the PR Building Code 2018.

Social Activities and Waivers (Section 7 of the Executive Order)

While virtual activities continue to be the recommended method for socializing with friends and family, social activities – such as weddings, birthdays, baptisms, baby showers, gender reveals, graduations, ring ceremonies, and other analogous activities – are exempt from obtaining waivers during the effectiveness of the Executive Order. These types of social activities are permitted only in public or private activity centers, during the hours of 5:00am until 11:00pm and at 50% capacity in indoor spaces, and provided that all necessary precautionary and safety measures are observed. Outdoor areas may continue to operate at full capacity.

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Employees of activity centers are responsible for obtaining a complete list of all patrons in attendance and their contact information, in the event the PR Department of Health must perform any contact tracing. These lists must be preserved for at least 45 days. The owner, administrator or manager of an activity center will be responsible for ensuring compliance with the requirements of the Executive Order. As such, business owners are encouraged to appoint employees to overlook compliance with health and safety protocols.

If food is served during the activity, there must be a distance of 6 feet between tables. Alcohol may be served at tables; however, the Executive Order prohibits the opening of bars at these activities.

Schools

Section 11 of the Executive Order provides that the reopening of schools will be governed by Executive Order EO-2021-017. Any educational or arts organization not otherwise specified in the aforementioned administrative bulletin may send a proposal for reopening, which will be evaluated by the Governor's Chief of Staff in conjunction with the PR Department of Health.

Head Start, Early Head Start and Care Centers (Section 12 of the Executive Order)

Head Start, Early Head Start and other care centers must coordinate with the PR Department of Family Affairs, via its Office of Licensing and Administration for the Integral Care and Development of Childhood in conjunction with the PR Department of Health in order to reopen.

Under the Executive Order, the Permit Management Office (OGPe, per its Spanish acronym) is ordered to prioritize matters concerning use permits for Head Start, Early Head Start and care centers.

Elderly Care Centers, Detention Centers and Juvenile Institutions (Section 13 of the Executive Order)

During the effectiveness of the Executive Order, the Department of Family Affairs, in coordination with the PR Department of Health and the Solicitor for the Elderly, may authorize partial visits to elderly care centers upon the approval of appropriate health and safety protocols.

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Likewise, the Department of Corrections and Rehabilitation, in coordination with the PR Department of Health, may authorize partial visits to correctional facilities and juvenile centers upon the approval of appropriate health and safety protocols.

Other EO 2021-019 Provisions

The following Sections of EO 2021-019 **remain unaltered** from previous administrative bulletins. For additional details, you may access all previous COVID-19 related Executive Orders in our McV COVID-19 Information Center, which you can access **here**.

- Section 2 – Quarantine Order
- Section 3 – Isolation Order
- Section 4 – Individual Precautionary Measures
- Section 5 – Government Operations
- Section 8 – Recreational Activities and Outdoor Sports
- Section 9 – Beaches, Marinas and Bodies of Water
- Section 11 – Safety Measures to be followed by the Public and Exempted Businesses
- Section 10 – Tourism
- Section 14 – Precautionary Measures for Private Operators
- Section 15 – Prohibited Activities
- Section 16 – Preferential Services
- Section 17 – Persons and Services Exempted from Curfew
- Section 18 – Modifications
- Section 19 – Penalties
- Section 20 – Inter-agency Oversight Group
- Section 21 - Guidelines Established by Agencies

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