

Executive Order 2021-010 Modifies Curfew and Lifts Sunday Lockdowns; Additional Modifications Announced

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PRACTICE AREAS

- Government Affairs & Public Policy

An McV Government Affairs Alert

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On January 5, 2021, Governor Pedro R. Pierluisi signed Executive Order 2021-010 (“EO 2021-010” or the “Executive Order”) to, among other matters, modify the curfew established in previous administrative bulletins and ease certain restrictions in connection with Government efforts to curb the spread of COVID-19 in Puerto Rico. This is Governor Pierluisi's first pandemic-related Executive Order since his recent inauguration.

In addition, EO 2021-010, which is effective from January 8th until February 7th, 2021, unless otherwise extended or modified, eases 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; Lifting of Sunday Lockdowns (Section 1 of the Executive Order)

EO 2021-010 imposes a curfew **from 11:00pm until 5:00am**, which will continue in effect until February 7, 2021. EO 2021-091 also lifts the previously mandated lockdown order that required all persons to remain in their residence or place of lodging during Sundays.

The Executive Order urges citizens 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.).

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Authorized Businesses (Section 7 of the Executive Order)

- Food Businesses

Pursuant to Section 7 of EO 2021-091, restaurants may keep their dining rooms open Monday through Sunday until 10:00pm, at or below 30% 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 only seat members of the same family unit.

Drive-thru, carry-out, or delivery operations of retail food services are permitted Monday through Sunday until 11:00pm.

Restaurants may not serve food or beverages in their private parking lots to discourage the crowding of people. The crowding of people consuming alcoholic beverages outside of a restaurant also is prohibited under the Executive Order.

Bars (with a bar-only license, sports bars, cocktail lounges, and other analogous businesses) must remain closed during the effectiveness of EO 2021-091. These restrictions also apply to bars located inside restaurants or other businesses that are authorized to operate under the Executive Order.

Grocery stores also may operate Monday through Sunday from 5:00am until 10:00pm. Grocery store delivery services may operate Monday through Sunday until 11:00pm.

- Pharmacies

Pharmacy stores may remain open to the public Monday through Sunday from 5:00am until 10:00pm.

- Gas Stations and Supply Chain

Gas stations and their supply chain may continue to operate Monday through Sunday from 5:00am until 10:00pm during the effectiveness of the Executive Order.

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- Other Businesses

The following businesses may continue operating Monday through Sunday until 10:00pm at or below 30% of their maximum capacity, where applicable, as defined in PR Building Code 2018.

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

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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 2021-010.

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

Recreational Activities and Outdoor Sports

Section 11 of EO 2021-010 provides that, within permissible curfew hours (5:00am to 10:00pm), persons are allowed to exercise outdoors, provided they wear face masks and adhere to the recommended social distancing practices of keeping a 10-foot distance among participants.

Beaches, golf courses, reserves, parks, sport courts, swimming pools, gymnasiums and cockpits may reopen subject to the directives and limitations set forth by the Government of Puerto Rico, the Secretary of the Department of Sports and Recreation, or the Municipality where such facilities are located.

Community pools, parks, and gyms located within residential complexes may open at 30% capacity, subject to social distancing and other precautionary measures. Consumption of alcoholic beverages is prohibited. Other residential common areas, such as club houses, must remain closed during the effectiveness of the Executive Order.

Beaches

Section 12 of EO 2021-010 provides that beaches may reopen, provided that a 10-foot distance is kept between individuals at all times and that social gatherings with persons outside of a same family unit are prohibited. The use of beach chairs and umbrellas is allowed within members of the same family unit. However, the consumption of alcoholic beverages is prohibited.

Horse Racing Industry and Sport

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Section 13 of EO 2021-010 provides that the horse racing industry may continue to celebrate official races from Monday through Sunday 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 2021-010 provides that the use of bars in hotels 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 2021-010 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 must ensure a social distancing of at least 6-feet between guests.

Restaurants located within hotels may remain open from Monday through Sunday from 5:00am until 10:00pm, so long as occupancy does not exceed 30% of the official dining room capacity, as set forth in the PR Building Code 2018. Hotel guests may remain in the restaurant until 11:00pm.

Outdoor areas of restaurants may continue to operate at full capacity. Restaurants must serve alcoholic beverages at dining room tables.

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 2021-010.

Mass gatherings that encourage the crowding of persons are prohibited during the effectiveness of the Executive Order.

Recreational Maritime Traffic (Section 24 of the Executive Order)

Section 24 of EO 2021-010 orders the closure of all marinas to discourage the use of recreational vessels on territorial waters. The Department of Natural and Environmental Resources (the "DNER") will issue directives on the

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aforementioned closure and exceptions to the same in light of emergency criteria, commercial fishing, residents of vessels, jet skis 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.

Economic Stabilization Measures (Section 29 of the Executive Order)

Within ten (10) days of the effectiveness of the Executive Order, the Secretary of the Treasury must present before the Coronavirus Relief Fund Supervising Committee of Disbursements a plan to grant economic assistance to eligible entities suffering economic losses due to the interruption of operations since March 15th, 2020 as a result of the COVID-19 pandemic, including bars and restaurants.

Other EO 2021-010 Provisions

The following Sections of EO 2021-010 **remain unaltered** from previous administrative bulletins. 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 4 – Government Operations
- Section 5 – Municipal Government Operations
- Section 6 – Guidelines Established by Agencies
- Section 8 – Definitions
- Section 9 – Authorized Services
- Section 10 – Corporations
- Section 16 – Safety Measures to be followed by the Public and Exempted Businesses

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- Section 17 – Preferential Services
- Section 18 – Excluded Persons
- Section 19 – Road Tolls
- Section 20 – Celebration of Religious Events
- Section 21 – Closure of Businesses and Private Entities
- 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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