

Executive Order 2020-066 Extends Curfew; New Modifications Announced

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PRACTICE AREAS

- Government Affairs & Public Policy

An McV Government Affairs Alert

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On September 11, 2020, Governor Wanda Vázquez-Garced signed Executive Order 2020-066 (“EO 2020-066” or the “Executive Order”), to repeal the shelter-in-place previously ordered for Sundays and extend for an additional three weeks the effectiveness of the curfew set forth in EO 2020-044, among other matters.

In addition, EO 2020-066, which is effective from September 12 until October 2, unless otherwise extended or modified, reintroduces certain reopening measures 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 highlight the major modifications and amendments contained in this new Executive Order. We will refer to our previous Alerts as needed.

Extension of Curfew

The curfew set forth in EO 2020-044, from 10:00pm until 5:00am, continues in effect until October 2, 2020.

Private Businesses and Exceptions (Section 5 of the Executive Order)

Pursuant to Section 5 of EO 2020-066, the following businesses may operate within the hours permitted by the curfew:

■ **Food**

- Outdoor dining restaurants, cafés and cafeterias: Starting September 12, outdoor dining restaurants, cafés and cafeterias may operate Monday through Sunday so long as dining room occupancy is at or below 50% of their maximum capacity, as defined in PR Building Code 2018. Bars located within restaurants must remain closed during the effectiveness of the

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Executive Order, and alcoholic beverages may only be sold, served and consumed in the main dining area.

- Bars, sport bars, cocktail lounges and other analogous establishments with issued licenses to operate under an alcoholic beverage use permit, and other businesses principally dedicated to the sale of alcohol, **must remain closed during the effectiveness of EO 2020-066.**
- EO 2020-066 lifts the prohibition on the sale and consumption of alcohol after 7:00pm. Restaurants may now continue serving alcoholic beverages until the 10:00pm curfew.
- Other authorized food businesses, as identified in previous orders, may continue operating Monday through Sunday until curfew. For details please refer to our EO 2020-060 Alert.

- **Gyms**
 - Gyms may resume operations Monday through Sunday until curfew so long as occupancy does not exceed 25% of their maximum capacity, as defined in PR Building Code 2018.
 - Gyms must adopt measures to prevent COVID-19 infection (including the mandatory use of face masks, frequent hand washing and keeping a 6-ft. distance between clients) and must also set aside time at the end of the day for the cleaning and disinfection of the premises.
 - The administrators of gyms located within housing complexes or residential developments must ensure compliance with all precautionary and social distancing measures.

- **Casinos**
 - Starting September 12, casinos may reopen so long as occupancy does not exceed 25% of their official capacity, as set forth in the PR Building Code 2018. Casinos must comply with the guidelines and protocols set forth by the CDC, the Puerto Rico Department of Health and PROSHA.

- **Movie Theaters**
 - Movie theaters may resume operations Monday through Sunday until curfew by promoting the sale of tickets online.
 - Movie theaters must adopt measures to prevent COVID-19 infection (including the use of face masks, frequent hand washing and keeping a 6-ft. distance between moviegoers) and must also set aside time at the end

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of the day to clean and disinfect the premises.

The following businesses may continue operating Monday through Sunday until curfew **at or below 50% of their maximum capacity**, as defined in PR Building Code 2018:

- Advertising Agencies
- Automobile Dealerships
- Laundry and Laundromat Services
- Museums
- Open Layout Shopping Malls
- Ornamental Gardening Businesses
- Retail Stores (Including Auto Repair/Parts Shops and Hardware Stores)
- Wholesale Businesses

For additional details on any of these, please refer to our EO 2020-044 Alert.

Provisions regarding the following businesses and industries remain unaltered from previous orders, and may continue operating until curfew from Monday through Sunday:

- Beauty Salons and Barbershops
- Car Wash Establishments
- Closed Layout Shopping Malls
- Daycare Centers
- Drive-in Movie Theaters
- Film Industry
- Financial Institutions
- Gas Stations and their Distribution Chain
- IT Sector Establishments
- National Security
- Organizations or Groups that Provide Services that Address the Basic Needs of Vulnerable Persons
- Safety

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- Spas and Esthetics
- Supply Chain
- Textile
- Vehicle Inspection Centers

Exempted Services (Section 7 of the Executive Order)

The services listed below, which were authorized under previous Executive Orders, are modified as follows:

- Armory services for the security sector and the occupation of shooting ranges so long as occupancy is at or below 50% of their maximum capacity, as defined in PR Building Code 2018.
- Funeral services – Wakes are limited in capacity to 50% of the establishment's capacity, as set forth in the PR Building Code 2018.

Outdoor Sports and Recreational Activities

Section 9 of EO 2020-066 provides that individuals are allowed to exercise outdoors until curfew, provided they wear facemasks and adhere to social distancing practices. Outdoor group exercise classes are not permitted during the effectiveness of EO 2020-066.

Recreational sports and sport trainings are limited to groups of six (6) people. Competitive activities (whether professional or non-professional) are not allowed during the effectiveness of the Executive Order. Requests for any such activities must be made to the Governor's Chief of Staff.

Community or common areas in condominiums (i.e. gyms, pools, basketball and/or tennis courts, etc.) may reopen to the public.

Beaches

Section 10 of EO 2020-066 provides that beaches may reopen. However, socializing and the grouping of people are not allowed without the proper precautionary measures and social distancing.

Horse Racing Industry and Sport

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Section 11 of EO 2020-066 provides that the Camarero Racetrack may continue operating Monday through Sunday until curfew so long as occupancy does not exceed 50% of its maximum capacity, as set forth in the PR Building Code 2018.

The operation and use of Electronic Video Game Systems (SVJE, per its Spanish acronym) is allowed under EO 2020-066.

Tourism

Section 12 of EO 2020-066 provides that the use of hotel and inn pools is allowed up to 25% occupancy of their design. Hotels and inns with pools and beach access must ensure compliance with the measures set forth in the Executive Order.

Restaurants located within hotels may remain open, so long as occupancy does not exceed 50% of the official capacity, as set forth in the PR Building Code 2018.

Other provisions regarding short-term rentals remain unaltered and are summarized in our EO 2020-060 Alert.

Events

Section 13 of EO 2020-066 provides that proposals for concerts, theater shows and corporate activities must be submitted for approval by the Governor's Chief of Staff.

These activities are subject to precautionary measures to prevent COVID-19 infection (including the use of face masks, frequent hand washing, keeping a 6-ft. distance and complying with social distancing norms), as well as a use plan and the regular disinfection of portable bathrooms for attendees.

The Executive Order does not authorize mass gatherings that encourage the crowding of persons.

Celebration of Religious Events

Section 18 of the Executive Order provides that religious services may be held seven days a week within curfew hours, so long as they comply with the "Guidelines for the Reopening of Religious Services" published by La Fortaleza and occupancy is at or below 50% of their maximum capacity, as defined in PR Building Code 2018.

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Closure of Businesses and Private Entities (Section 19 of the Executive Order)

EO 2020-066 provides for a total 24-hour closure of nightclubs, concert halls, theaters, children's play areas, bars, activity rooms or any analogous place conducive to the gathering of individuals within the same place.

Recreational Maritime Traffic (Section 22 of the Executive Order)

EO 2020-066 orders the Puerto Rico Department of Natural and Environmental Resources to issue orders, directions, and circular letters to allow recreational navigation and fishing within curfew hours and to work with the Puerto Rico Police Bureau and Municipal Police to establish a coastal vigilance plan.

The use of boats and vessels is permitted under EO 2020-066 provided that they do not anchor within 15 feet of each other. Jet skis are allowed during this phase.

Mayors that supervise costal municipalities may refuse entry of maritime transportation in their shores.

Other Provisions

The following Sections of EO 2020-066 **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 – Government Operations
- Section 4 – Guidance Established by Agencies
- Section 8 – Corporations
- Section 14 – Safety Measures to be followed by the Public and Exempted Businesses
- Section 15 – Preferential Services
- Section 16 – Excluded Persons
- Section 17 – Road Tolls
- Section 20 – Construction Services

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- Section 21 – Manufacturing
- Section 23 – Workplace Risk Management Plans
- Section 24 – Modifications
- Section 25 – Penalties
- Section 26 – Interagency Oversight Group

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