State of Delaware

Executive Department
Dover

TWENTY-SECOND MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has determined that a novel coronavirus ("COVID-19") presents a serious public health threat, and has advised the public that asymptomatic individuals may be carriers of the COVID-19 virus and may unknowingly spread the virus to other individuals in close proximity, and therefore, social distancing is required to help mitigate the individual exposure to (and community spread of) the COVID-19 virus; and

WHEREAS, it is in the best interests of the State to protect its citizens from a public health emergency that could threaten the lives of those who live and work here; and

WHEREAS, on March 12, 2020 at 3:00 p.m. E.D.T., I issued a State of Emergency declaration due to the public health threat of COVID-19, which became effective as of 8:00 a.m. E.D.T. on March 13, 2020 (the "COVID-19 State of Emergency"); and

WHEREAS, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Modification to the COVID-19 State of Emergency declaration to advise that the CDC issued new guidance for large

events and mass gatherings, recommending that organizers halt gatherings of fifty (50) people or more for the next eight weeks due to the public health threat of COVID-19, including conferences, social events, concerts and other types of assemblies; and

WHEREAS, on March 18, 2020 at 2:00 p.m. E.D.T., I issued the Second Modification to the COVID-19 State of Emergency declaration that modified the limitations on public gatherings of fifty (50) or more people and, among other things, placed certain restrictions on the operation of certain businesses and facilities in the State of Delaware; and

WHEREAS, on March 21, 2020 at 12:00 p.m. E.D.T., I issued the Third Modification to the COVID-19 State of Emergency declaration to close all Delaware beaches, except to persons using the beaches for exercise or to walk their dogs, subject to certain precautions recommended by the CDC on COVID-19, which became effective as of 5:00 p.m. E.D.T.; and

WHEREAS, on March 23, 2020 at 4:00 p.m. E.D.T. and 4:02 p.m. E.D.T., respectively, I issued the Fourth and Fifth Modifications to the COVID-19 State of Emergency declaration to close all non-essential businesses in Delaware, except those that can offer goods and services on the Internet, and to order a Shelter in Place for Delaware residents; and

WHEREAS, on March 24, 2020 at 4:00 p.m. E.D.T. I issued the Sixth Modification to the COVID-19 State of Emergency declaration to provide a moratorium on evictions and foreclosure proceedings to enable Delawareans to shelter in place safely, extended the presidential primary, provided for absentee balloting during the COVID-19 crisis, provided for a modified state procurement process, and placed a moratorium on cancellation of insurance policies for delay in premium payments caused by the economic uncertainty; and

WHEREAS, on March 29, 2020 at 4:30 p.m. E.D.T., I issued the Seventh Modification to the COVID-19 State of Emergency declaration to provide for the self-quarantine of travelers from areas severely impacted by COVID-19 outside the State of Delaware into the State; and

WHEREAS, on March 30, 2020 at 5:00 p.m. E.D.T., I issued the Eighth Modification to the COVID-19 State of Emergency declaration to permit a comprehensive approach to the provision of childcare in the State of Delaware during the State of Emergency to support essential workers; and

WHEREAS, on April 1, 2020 at 3:00 p.m. E.D.T., I issued the Ninth Modification to the COVID-19 State of Emergency declaration to prohibit gatherings of ten (10) or more people and increase safety precautions for businesses and their visitors; and

WHEREAS, on April 6, 2020 at 6:00 p.m. E.D.T., I issued the Tenth Modification to the COVID-19 State of Emergency declaration to further restrict the operation of non-essential businesses to limit the spread of COVID-19; and

WHEREAS, on April 10, 2020 at 3:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration, as modified; and

WHEREAS, on April 15, 2020 at 9:00 a.m. E.D.T., I issued the Eleventh Modification to the COVID-19 State of Emergency declaration to provide increased guidance and support to long-term care facilities to protect our most vulnerable populations and to permit remote notarization under limited circumstances; and

WHEREAS, on April 23, 2020 at 4:15 p.m. E.D.T., I issued the Twelfth Modification to the COVID-19 State of Emergency declaration to allow the Public Health Authority to activate more out-of-state health care workers to assist in Delaware's fight against COVID-19; and

WHEREAS, on April 25, 2020 at 4:00 p.m. E.D.T., I issued the Thirteenth Modification to the COVID-19 State of Emergency declaration to require the use of cloth face coverings in public settings where other social distancing measures are difficult to maintain, including in grocery stores and pharmacies, especially in areas of significant community-based transmission; and

WHEREAS, on April 29, 2020 at 6:00 p.m. E.D.T., I issued the Fourteenth Modification to the COVID-19 State of Emergency declaration limiting the rent that may be charged to holdover tenants and preventing landlords from charging holdover tenants with losses not covered by the expired rental agreement; and

WHEREAS, on May 7, 2020 at 10:00 a.m. E.D.T., I issued the Fifteenth Modification to the COVID-19 State of Emergency declaration to permit minimum operations by certain small businesses to begin a gradual process toward businesses reopening, and to extend deadlines for statewide, municipal, and school district elections due to the ongoing public health concerns caused by COVID-19; and

WHEREAS, on May 8, 2020 at 12:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a second time; and

WHEREAS, on May 10, 2020 at 1:15 p.m. E.D.T., I issued the Sixteenth Modification to the COVID-19 State of Emergency declaration to suspend end-of-year evaluations for educators, professional development requirements and assessments due to the suspension of the school year caused by COVID-19; and

WHEREAS, on May 14, 2020 at 5:00 p.m. E.D.T., I issued the Seventeenth Modification to the COVID-19 State of Emergency declaration to reopen Delaware beaches, boardwalks, certain

on-premise businesses, and swimming facilities, subject to precautions needed to protect public health; and

WHEREAS, on May 18, 2020 at 12:30 p.m. E.D.T., I issued the Eighteenth Modification to the COVID-19 State of Emergency declaration encouraging virtual services but expanding the ability of houses of worship and places of religious expression to conduct in-person services with safety precautions; and

WHEREAS, on May 22, 2020 at 4:00 p.m. E.D.T., I issued the Nineteenth Modification to the COVID-19 State of Emergency declaration to allow restaurants to expand outdoor seating capacity and provide the parameters of the Phase 1 Reopen Plan; and

WHEREAS, on May 31, 2020 at 3:30 p.m. E.D.T., I issued the Twentieth Modification to the COVID-19 State of Emergency declaration to expand and clarify the Phase 1 Reopen Plan; and

WHEREAS, on June 6, 2020 at 12:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a third time; and

WHEREAS, on June 14, 2020 at 5:00 p.m. E.D.T., I issued the Twenty-First Modification to the COVID-19 State of Emergency declaration to set forth the parameters for the Phase 2 Reopen Plan; and

WHEREAS, reopening the State in a phased approach allows for officials to continue to monitor the spread of COVID-19 and react appropriately; and

WHEREAS, the Phase 2 Reopen Plan, like the interim steps before it and like the steps taken afterwards, was formulated in close consultation with public health officials to ensure that the core principle of controlling the spread of COVID-19 is considered at a time when the State must continue to exercise heightened caution.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, to control and prevent the spread of COVID-19 within the State of Delaware, do hereby order that the COVID-19 State of Emergency declaration, as modified by the First through Twenty-First Modifications and extended on April 10, 2020, May 8, 2020, and on June 6, 2020, shall remain in effect until further notice, with the following modifications and additions:

A. PHASE 2 INTERIM STEPS:

1. Effective June 20, 2020, at 8:00 a.m. E.D.T., Paragraph D.7.m. of the Twenty-First Modification to the COVID-19 State of Emergency declaration related to businesses is hereby modified as shown by strike through and underline.

    m. *Youth Sports and Adult Recreational Sports.* Youth sports, other types of physical activity for children, and adult recreational sports may resume, provided that all players, staff, coaches, officials and spectators must comply with social distancing guidelines of six (6) feet or more to the greatest extent possible ~~and no tournaments are held~~. Tournaments may resume subject to organizers receiving prior approval of a tournament-specific plan by the Division of Public Health. Tournament-specific plans must include a method to collect contact information for all players, staff, coaches, officials and spectators, as well as team rosters and game schedules. Tournaments include a series of games, matches or other activities where individual teams have more than one game with more than one team. Tournaments may not resume for the following sports, which are considered high risk: football, wrestling, rugby, and hockey (ice and roller). Basketball tournaments may only be played outside. Competitions may resume in Phase 2 with the exception of competitions for the following sports: football, wrestling, rugby, and hockey (ice and roller), which are considered high-risk. Basketball may only be played outside. Additional requirements for youth sports and adult recreational sports are listed in the Phase 2 Reopen Plan and the Division of Public Health Guidance on Youth Sports / Suggested Guidelines for Returning to Sports Safely During COVID-19.

2. Effective June 22, 2020, at 8:00 a.m. E.D.T., Paragraph D.7. of the Twenty-First Modification to the COVID-19 State of Emergency declaration related to businesses is hereby modified as shown by strike through and underline.

    e. *Personal Care Services.* This section shall apply to barber shops, hair salons, tanning salons, tattoo services, massage therapy services, nail care, brow care, spas, waxing services, and similar services. These consumer services may continue

operations or reopen to the general public, provided, however, that the total number of guests permitted in an establishment at any one time shall not exceed ~~thirty percent (30%)~~ sixty percent (60%) of that facility's stated fire occupancy requirements. Additional requirements for consumer services are listed in the Phase 2 Reopen Plan.

j. *Parks and Recreation Facilities.* Parks and recreation facilities include any public or private park and any outdoor recreational facility such as a zoo, miniature golf course, outdoor tennis facility or batting cage and other similar activities not explicitly listed by Section E, below. Parks and recreation facilities may remain open, or may re-open if closed, with modifications to ensure visitors can maintain social distancing at all times. ~~Consider closing or closely monitoring facilities and areas where social distancing cannot be maintained (e.g., basketball courts, playgrounds).~~ All gatherings or events held in parks and recreation facilities shall comply with the gathering requirements set forth by this Twenty-First Modification. Additional requirements for parks and recreation facilities are listed in the Phase 2 Reopen Plan.

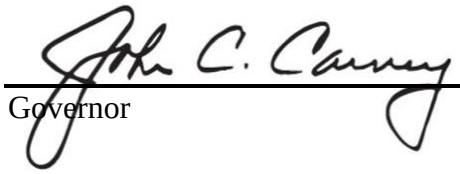
3. Effective June 22, 2020, at 8:00 a.m. E.D.T., Paragraph E.2. of the Twenty-First Modification to the COVID-19 State of Emergency declaration related to businesses is hereby modified as shown by underline.

2. Indoor children's play areas, including softscape or hardscape playground facilities, trampoline parks and children's museums, unless they can create a facility-specific plan to observe the industry guidance provided for indoor children's play areas, including that that the total number of guests permitted in a facility at any one time shall not exceed thirty percent (30%) of that facility's stated fire occupancy requirements. Plans should be emailed to covid19faq@delaware.gov for consideration. The responsibility for enforcing the occupancy limits lies with the facility operator.

B. MISCELLANEOUS:

1. This Order has the force and effect of law. Any failure to comply with the provisions contained in a Declaration of a State of Emergency or any modification to a Declaration of the State of Emergency may constitute a criminal offense. 20 Del. C. §§ 3115 (b); 3116 (9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.

APPROVED this 19th day of June 2020 at 3:30 p.m.



Governor