State of Delaware

Executive Department
Dover

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 has determined that a novel coronavirus ("COVID-19") presents a serious public health threat, and that this threat is likely to impact the State of Delaware; and

WHEREAS, the Delaware Department of Health & Social Services' Division of Public Health (DPH) has determined that it is vital for the State of Delaware to prepare for the possible community transmission of COVID-19 and take steps to avoid the transmission of the virus, which may include avoiding public gatherings; and

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

WHEREAS, the predicted public health threat created by COVID-19 will likely continue to create dangerous and potentially life-threatening public health conditions and may result in additional public safety responses.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, do hereby declare a State of Emergency in Delaware. This State of Emergency will be effective as of Friday, March 13, 2020 at 8:00 a.m. E.S.T., and shall continue until terminated as provided under state law. The nature of the emergency is the public health threat from the COVID-19. Along with such other actions authorized by Title 20, Chapter 31 of the Delaware Code, I specifically direct and authorize:

1. All departments and agencies of the State of Delaware shall assist in response and recovery activities, as directed by and in coordination with the Delaware Emergency Management Agency (DEMA), in consultation with the Secretary of the Department of

Safety and Homeland Security (DSHS), necessary in those areas affected by the COVID-19. Further, DEMA is authorized to enact the Delaware Emergency Operations Plan.

2. The Delaware National Guard shall take precautionary or responsive actions directed by the Director of DEMA, in consultation with the Secretary of DSHS, upon request by local authorities.

3. Pursuant to the authority provided in Title 20, Chapter 31 of the Delaware Code, DPH, in consultation with DEMA and the Secretary of DSHS, shall consider responsive actions with respect to facility closures, isolation and quarantine measures, including quarantine of individuals or groups of individuals, and such other measures as they deem necessary to protect the health and safety of the public. DPH is authorized to purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical agents, health care supplies or medical supplies.

4. As of Friday, March 13, 2020 at 8:00 a.m. E.S.T., and until further notice, there are no driving restrictions in effect in the State.

5. As of Friday, March 13, 2020 at 8:00 a.m. E.S.T., all public meetings of executive branch public bodies governed by 29 Del. C. §§10001 et. seq. (including boards, commissions, task forces, and any other similar public body) may be conducted electronically, either by means of telephone conference call or video-conference call. The technology used must permit members of the public body to hear the comments of and speak to all those participating, and members of the public to hear the comments of and speak to such members of the public body contemporaneously. Public participants must also be permitted to electronically access presentation materials and submit questions or comments. During any public meeting conducted by electronic means, each member of the public body will identify him or herself before speaking so that members of the public are able to hear the comments of the members of the public body. Notice requirements of public meetings will continue as required by law and will include the electronic information necessary for participation. Meetings already noticed shall be updated as soon as practicable with the information necessary for members and the public to participate electronically.

6. Given that Delaware has evidence of the presence of COVID-19, it is important that social events be held safely to prevent the spread of infection. Proper precautions are essential. Event hosts should review the potential risks and cancel all "non-essential mass gatherings" of 100 people or more. CDC event guidance strongly emphasizes that those at highest risk (over age 60 and with chronic health conditions) not attend large gatherings. Large gatherings, if held, should provide the following: adequate space allowing 6 feet between individuals; adequate air flow; warm water and soap along with hand sanitizer stations; signage that emphasizes that ill individuals not attend; and a process in place to manage an ill individual safely. As of Friday, March 13, 2020 at 8:00 a.m. E.S.T., DPH and DEMA are authorized to cancel gatherings should it be deemed necessary for public health reasons, and such cancellation shall not constitute a taking and shall not entitle the owner or organizer to just compensation.

7. Schools are encouraged to review activities that bring attendees in close proximity to each other based upon the CDC's guidance for social events. Schools should have a rigorous cleaning process and emphasize that sick students and staff stay home. DPH is not recommending that school facilities close at this time, but DPH will continue to coordinate closely with school district leadership to prevent community spread of the COVID-19.

8. Facilities serving older adults, including skilled nursing facilities, assisted living facilities, hospice providers, and rehabilitation facilities with older patients should:
    a. Screen and restrict access by those who meet the following: 1) signs or symptoms of a respiratory infection such as cough, fever, shortness of breath or sore throat; 2) in the last 14 days had contact with someone with a confirmed diagnosis of COVID-19, or 3) are ill with respiratory illness.
    b. All individuals permitted to enter the facility must wash hands upon entry; if soap and water are not available, alcohol-based sanitizer may be used.
    c. Make online methods of face-to face communication and phone calls available.
    d. Facility staff should be restricted from international travel and should be monitored if they have travelled out of the country in the last 14 days.
    e. Staff should be monitored if they have been in contact with someone who is under investigation for COVID-19 or have traveled out of state.
    f. Staff should be monitored if they are showing any signs of respiratory infection such as fever, cough or sore throat.
    g. Any staff member who has these signs or symptoms should not go to work. Any staff that develop these signs or symptoms on the job should immediately stop working, put on a face mask, and self-isolate at home.
    h. Staff who develop these signs and symptoms should inform the infection preventionist and contact their primary care doctor, as well as the Division of Public Health at 1-866-408-1899 for next steps.
    i. Nursing homes should increase availability of alcohol-based hand sanitizers, tissues, no-touch receptacles for disposal, and facemasks at entrances, waiting rooms, and resident check-ins.
    j. Signage should be increased for vigilant infection prevention.
    k. Properly clean, disinfect, and limit sharing of medical equipment between residents and areas of the facility.

9. No entity doing business in this state shall engage in price gouging as a result of this public health emergency, which shall mean an excessive price increase of goods or services offered for sale beyond the sale price in the usual course of business immediately prior to the date of this state of emergency, unless the increase is attributable to additional costs imposed on the supplier of such goods or services, such price not to increase more than 10% from the cost customarily applied in the usual course of business prior to this state of emergency. A violation of this paragraph shall be deemed an unlawful practice under § 2513 of Title 6 of the Delaware Code and a violation of Subchapter II of Chapter 25 of Title 6.

10. State employees shall refrain from any business travel out of state. If you are scheduled for business travel that you feel is essential, please notify your supervisor.

11. The Department of Health and Social Services and the Department of Safety and Homeland Security are exempted from 29 Del. C. Chap. 69 for purposes of purchasing materials necessary for responding to this public health emergency.

12. I reserve the right to take or direct state or local authorities to take, without issuance of further written order, any other necessary actions authorized by Title 20, Chapter 31 of the Delaware Code to respond to this emergency.

APPROVED this 12th day of March 2020 at 3:00 p.m.

Governor