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216-RICR-50-15-7

TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 50 – ENVIRONMENTAL HEALTH

SUBCHAPTER 15 - HEALTHY ENVIRONMENT

PART 7– Safe Activities By Covered Entities During the COVID-19 Emergency

7.1 Authority

A. These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws §§ 23-1-1, 23-1-17, and 42-35-2.10 and to Executive Order 20-50 and its predecessors and successors, for the purpose of establishing certain criteria for safe activity by and at covered entities in Rhode Island during the COVID-19 state of emergency in the interest of the public health.

B. These regulations are intended to supplement and not replace COVID-19 related regulations promulgated by other State agencies and departments.

~~C. In accordance with R.I. Gen. Laws § 42-35-2.10, these regulations shall remain in effect until no later than September 5, 2020, unless renewed for a period not exceeding sixty (60) days.~~

7.2 Definitions

A. Wherever used in this Part, the terms listed below shall be construed in the following manner:

1. "Act" means R.I. Gen. Laws Chapter 23-1.

2. “Breakroom” means an indoor location at an establishment, which has neither (a) operable windows or doors to the outside to allow for airflow; nor (b) adequate space to enable two (2) or more employees within the area to stay at least six (6) feet apart from each other, and which location is used by employees for breaks during work. For the purposes of this Part, this includes kitchens, conference rooms, and other areas used for breaks during work that have neither (a) nor (b) above. This definition does not include cafeterias or other establishment locations ordinarily used for food service.

3. “Business” means a person, firm, corporation, partnership, association, receiver or trustee in bankruptcy, having one or more individuals, including oneself, in service.

4. “CDC” means the Centers for Disease Control and Prevention.

5. “Civil penalty” or “penalty” or “fine” means a means a monetary sum assessed by the Director in response to a violation of, or a failure to comply with, these regulations.

6. “Cloth face covering” means a protective article that covers the wearer’s mouth and nose.

7. “Covered entity” means any person, business, state agency, political subdivision of the State, non-profit organization, school, religious institution, public or private park or beach, or campground.

8. "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.

9. "COVID-19 symptoms” means the occurrence of any of the symptoms of COVID-19, as set forth in CDC guidance, when they develop over a period of hours to days and cannot be explained by allergies or other non-infectious disease. Such symptoms include, among others, sweating, chills, repeated shaking with chills, muscle pain, body aches or other symptoms consistent with fever, temperature measured above 100.4°F, cough, congestion, sore throat, shortness of breath, headache, or new loss of taste or smell.

10. "Department" means the Rhode Island Department of Health.

11. "Director" means the Director of the Rhode Island Department of Health or his or her agents or subordinates to whom the Director has delegated the powers and duties vested in the Director by these regulations.

12. “Establishment” means a physical location operated in whole or part by any Covered Entity or any place of public gathering. For purposes of this definition, a residential dwelling, or any portion of an establishment used exclusively as a residential dwelling (such as an apartment in an apartment building), is not deemed an establishment.

13. “Health care facilities” means any person or entity that provides in-person health care services or whose establishment is the location for in-person health-care services.

14. “Hot spot” means a location identified by the Department where there is (a) a significantly elevated number of COVID-19 suspect or positive cases or (b) a significant number or severe violations of these regulations or (c) an establishment being operated in a manner that significantly increases

the likelihood of employees, patrons, visitors or other individuals being exposed to COVID-19.

15. “Indoor sporting facility” means an establishment operated by a covered entity for the purpose of indoor sporting such as indoor ice rinks, multi-use sports facilities, basketball courts, racquet sport courts, swimming pools, dance and gymnastic studios and tracks during the time when such facility is used for individual, team or group sports, whether for practice, games or otherwise.

156. “Lodging operations and accommodations” means establishments that provide lodging accommodations including but not limited to hotels, motels, bed and breakfasts, inns, short-term rentals of properties (including residential and shared residential rentals), parks for recreational vehicles and campgrounds, and all public and private camping facilities.

176. “Personal services” means the services that are provided by, including but not limited to, barbers, hairdressers, cosmeticians, manicurists, estheticians, and instructors as defined in 216-RICR-40-05-04; tattoo artists, as defined in 216-RICR-40-10-15; body piercing technicians, as defined in 216-RICR-40-10-14; and massage therapists, as defined by 216-RICR-40-05-10; the services provided in tanning facilities, as defined in 216-RICR-40-10-24; in addition to any non-healthcare services that attend to the physical appearance of an individual.

187. "Physical distancing" means the practice of keeping space between oneself and others when outside of the home in order to restrict the spread of infectious disease. The practice of physical distancing, also known as social distancing, involves:

a. staying at least six (6) feet ~~(two (2) meters)~~ from people outside the same household unless separated by a physical barrier that prevents individuals from having direct contact and contact with any droplets from another individual’s coughing, sneezing or talking;

b. not gathering in groups;

c. staying out of crowded places; and

d. avoiding mass gatherings.

~~18~~19. “Physical barrier” means a non-porous barrier (partition) made of a material which complies with the interior finish requirements (flame spread index and smoke-developed index) of the State Fire Safety Code.

7.3 Universal Practices

A. All individuals in public or in an establishment shall be required to maintain physical distancing at all times, to the extent feasible.

1. When physical distancing is not feasible, individuals should minimize the time of exposure to the extent possible.

B. All individuals in public or in an establishment shall wear a cloth face covering~~ unless physical distancing can be maintained easily and continuously~~.

C. Employers must arrange for cloth face coverings or materials for the making of such face coverings for each employee at no expense to the employee. An employee may fashion his or her own cloth face covering or voluntarily provide and wear other equivalent or more protective face coverings (such as N95 respirators and surgical masks) unless the employer establishes a uniform set of rules regarding acceptable face coverings, in which case the employee must follow those rules subject to the exceptions below. This subsection will remain in effect unless and until the Occupational Safety and Health Administration (OSHA) regulates the use of cloth face coverings.

D. Exceptions

1. Cloth face coverings are not required for individuals who are required by their employers, this Part, or by state or federal law to wear other more protective respiratory protection (such as N95 respirators and surgical masks).

2. Cloth face coverings are not required for any person: (i) who is under two years of age; (ii) whose health would be damaged thereby; or (iii) who is developmentally unable to comply, including young children who may not be able to effectively wear a mask or cloth face covering. In addition, a mask or cloth face covering shall not be required for any person when:

a. Consuming food or drink;

b. A face covering would impede communication by or with a person who has a hearing impediment;

c. Working alone in an office or at a job site, or when workers can easily, continuously, and measurably maintain 6 feet of distance in

a workplace. If customers, coworkers, or visitors can reasonably be expected to approach or interact with a worker, a mask or cloth face covering must be worn by the worker;

d. Speaking to a broadcast, webcast, or audience when no person is within 6 feet of the person speaking;

e. In a vehicle alone or with members of the same household;

f. Undergoing a medical or dental procedure; or

g. Performing live provided there is: (i) at least fourteen (14) feet of physical distance between performers and any other person (including other performers); or (ii) at least six (6) feet of physical distance between performers and any other person (including other performers) if all performers wear cloth face coverings throughout the performance and there is no vocal performance, or there is a physical barrier separating performers and any other person.

~~Cloth face coverings are not required for:~~

~~a. Anyone for whom use of such face covering would damage his or her physical or mental health; or~~

~~b. Anyone who is developmentally unable to use a cloth face covering, including young children who may not be able to effectively wear a cloth face covering; or~~

~~c. When a face covering would directly inhibit an activity of daily living (e.g. eating); or~~

~~d. When a face covering would itself negatively impact the safety of an individual or lead to an increased risk of harm to others; or~~

~~e. In outdoor settings when people can easily and continuously maintain at least six (6) feet of distance from other people.~~

7.4 Rules for Establishments

7.4.1 Universal Rules for Establishments

A. For the duration of the state of emergency caused by COVID-19, covered entities that have establishments that they wish to open and/or remain open, must take the following steps to limit the spread of COVID-19:

1. Every covered entity (other than an individual who is not acting as a sole proprietorship) shall develop, maintain, and ensure compliance with a written plan for the safe operation of its establishment(s) with regard to COVID-19 during the state of emergency. Such plan must be made available to the Department for review upon request. This plan must include procedures that, to the reasonable satisfaction of the Department, meet, at a minimum, the requirements of applicable executive orders, as well as these and other applicable regulations and ~~applicable~~ guidance issued by the Department. The plan must address the following elements:

    a. physical distancing, including additional measures to be taken in high-traffic, communal, or other areas where physical distancing is not feasible;

    b. wearing of cloth face coverings;

    c. procedures for cleaning and decontamination of surfaces;

    d. procedures for denying access to the establishment by COVID-19 positive or symptomatic individuals;

    e. procedures for responding to a positive case or outbreak;

    f. coordinating with the Department regarding any potential hot spot investigation, including the designation of a point of contact who will work with the Department on testing, contact tracing, case investigation, isolation and quarantine follow up;

    g. protocols and designated staff to ensure capacity limits and physical distancing are maintained, including in spaces where bottlenecks may occur, such as points of ingress and egress; ~~and~~

    h. appointing a designated individual to monitor and ensure compliance with these regulations~~.~~; and

    i. procedures for all employees to~~shall~~ be trained to follow the standards and requirements of these regulations and procedures for new employees ~~shall~~to be trained as they are hired.

2. Each covered entity (other than an individual who is not acting as a sole proprietorship) shall implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason.

    a. Such screening shall include, at a minimum:

(1) visual assessment, self-screening, or a written questionnaire, or a combination of any of these screening methods regarding COVID-19 symptoms and contact in the last fourteen (14) days with other individuals who are COVID-19 positive or who have COVID-19 symptoms; and

(2) at all entrances to an establishment, notice that all individuals entering must be screened or self-screened, and to not enter if they are COVID-19 positive, have COVID-19 symptoms, or have had close contact in the last fourteen (14) days with an individual who at the time had COVID-19. Samples of screening criteria for entrants can be found, in English and Spanish, at http://www.ReopeningRI.com.

b. If an individual is identified as exhibiting multiple symptoms of COVID-19 or COVID-19 positive, the covered entity shall deny access to that individual unless

(1) the establishment is a cooling center, warming center, or emergency shelter;

(2) the establishment is a health care facility with other access requirements or limitations; or

(3) the individual is a resident in a multi-unit residential establishment.

3. Each covered entity shall instruct any person entering an establishment to wear cloth face coverings except when ~~physical distancing from others in the establishment is easily, continuously, and measurably maintained or~~ § 7.3(D)(2) of this Part applies. ~~Without limitation of the foregoing, individuals must wear a cloth face covering when at an entrance, exit and common areas of any establishment including, but not limited to: check-in, registration, reception, waiting areas, hallways, corridors, bathrooms, elevators, and stairways.~~

a. If any employee refuses to wear a cloth face covering when required by these regulations and such individual is not otherwise exempt from the requirements pursuant to § 7.3(D)(2) of this Part, a covered entity shall deny access to the establishment. Nothing in this Part shall require a store or other business to refuse entry to a customer not wearing a face covering; however, such stores and other businesses shall actively remind customers that they must wear a mask or cloth face covering.

4. All covered entities shall ensure the placement of posters or signs at entry to its establishments educating any individual at the establishment concerning entry screening, required physical distancing, use of cloth face coverings, and other subjects as provided in guidance issued by the Department. Copies of acceptable posters can be found here: https://health.ri.gov/.

5. All covered entities shall ensure that their establishments have their restrooms open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times.

6. All covered entities shall ensure the performance of environmental cleaning of their establishments once per day. In addition, commonly touched surfaces, such as shared workstations, elevator buttons, door handles and railings should be cleaned in accordance with CDC guidance for specific industries, found here: https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html. Covered entities shall use, and have readily available to service providers, cleaning/disinfecting products designed to clean/disinfect the surfaces they are cleaning/disinfecting and shall use the products in the manner intended.

7. All covered entities shall maintain records documenting the date, time, location and procedures for the cleaning activities required in § 7.4.1(A)(6) of this Part.

8. All covered entities shall maintain an employee work log that identifies the full name, phone number, and the date and time of all shifts worked by each employee. The work log shall be maintained for at least thirty (30) days.

9. All covered entities shall perform a thorough cleaning of any establishments prior to reopening as permitted by executive order.

10. All covered entities shall prohibit the use of water fountains.

11. The use of hookahs or waterpipes at any establishment is prohibited indoors. Smoking bars may permit either: a single use disposable hookah or waterpipe or a customer-owned personal hookah or waterpipe that is stored at the establishment, if permitted by the establishment.

    a. Used, disposable hookahs and waterpipes shall either be taken by the customer upon exiting the establishment or be disposed of in a dedicated trash bin within the premise.

b. Used disposable hookahs and waterpipes cannot be taken back into the establishment.

c. All hookahs and waterpipes shall only be used by a single ~~owner~~ person and cannot be shared.

12. Congregating and/or mingling in an establishment or areas under the establishment's control, such as dance floors, is prohibited.

13. In the event the Department identifies a hot spot, the affected covered entity shall cooperate fully with the Department to restrict the further spread of COVID-19 within an affected establishment and/or the community at large, which cooperation shall, at minimum, include providing access to all the covered entity's records required by these regulations.

14. Each covered entity will cooperate with the Department on testing, contact tracing, case investigation, isolation and quarantine follow-up matters relating to the covered entity's establishment.

15. All covered entities must also comply with all applicable federal, state and local laws and regulations governing safety and health in their establishments.

16. All covered entities operating establishments that do not have staff or employees present at all times (e.g., 24-hour gyms and laundromats), shall, in addition to compliance with all other applicable laws and regulations:

a. Post contact information for an establishment's point of contact in a conspicuous manner so that all customers can inform the establishment of health and safety concerns;

b. Provide hand sanitizer and other cleaning supplies to individuals to clean their hands and equipment before and after use; and

c. Provide the COVID Task Force with contact information for the point of contact and be available remotely or at the establishment for an inspection by the COVID Task Force.

7.4.2 Outdoor and Indoor Dining

A. All covered entities operating establishments, which for purposes of § 7.4.2 of this Part includes licensed catering businesses, that offer outdoor and indoor

dining shall ensure the following, in addition to compliance with all other applicable laws and regulations:

1. Unless separated by a physical barrier of an appropriate height, tables must be:

    a. Indoor dining. Indoor dining tables must be separated by at least eight (8) feet from table edge to table edge or separated by at least six (6) feet of spacing between seated customers at different tables; and

    b. Outdoor dining. Outdoor dining tables must be separated by at least six (6) feet from table edge to table edge or separated by at least six (6) feet of spacing between seated customers at different tables; and

    c. At least six (6) feet away from areas with regular customer foot traffic.

2. Self-service seating is prohibited.

3. Service to standing customers is prohibited; an exception may be made for food pick up, so long as the pick-up is from a reservation station, counter, or other workstation from a bar, where standards for pick-up follow the physical distancing requirements in § 7.3(A) of this Part. Congregating and/or mingling within a restaurant, bar, or catered event is not permitted. All customers consuming food or drink on premises must be seated in accordance with all indoor and outdoor dining requirements.

4. Self-service food stations (such as salad bars or buffet tables) are prohibited.

5. Bar seating is not permitted unless:

    a. Parties seated at the bar are seated six (6) feet apart; or

    b. Parties seated at the bar have a physical barrier installed between parties.

6. If parties are seated at the bar, no staff are permitted to work in any areas behind the bar unless a physical barrier of appropriate height is installed between the bar work areas and customers. Even with physical barriers between bar work areas and customers, staff may only serve seated customers drinks and food through a gap or opening in the physical barrier that is no more than eight (8) inches in size and working bar areas (e.g.

drink making stations or glassware storage) must be located at least six (6) feet from these gaps. If no customers are seated at the bar, the bar area must be roped off or otherwise separated from the rest of the establishment and service to customers from staff behind the bar may not occur.

7. An establishment may provide supplementary rules for the wearing of face coverings when customers are dining (e.g., requiring face coverings when customers are speaking with or ordering from a server) provided that those rules permit the exceptions under § 7.3(D)(2) of this Part and are otherwise permitted by applicable law.

8. Information must be collected from all visitors and other entrants who have interacted with others present on site for a period of 15-minutes or more solely for the purposes of contact tracing. The information collected must be maintained for thirty (30) days; records dating before the previous thirty (30) days must be permanently destroyed. Visitors and other entrants whose information is collected shall be notified at the time of collection that the information is being collected solely for the purpose of contact tracing. The following information should be collected:

    a. Full name;

    b. Phone number; and

    c. Date and time(s) on site.

9. Live performances shall be permitted, provided there is at least fourteen (14) feet of physical distance between performers, between performers and tables, and between performers and high traffic areas. This distance may be reduced to six (6) feet if all performers wear cloth face coverings throughout the performance and there is no vocal performance, or there is a physical barrier separating performers from other performers, tables, and high traffic areas.

7.4.3 Retail establishments

A. All covered entities operating retail establishments that offer in-person shopping shall ensure the following, in addition to compliance with all other applicable laws and regulations:

1. Individual retailers shall discontinue the sampling or application of personal goods (i.e., makeup, perfume, lotion) unless they provide single-use applicators or with a no-touch option.

2. Multi-retailer and multi-tenant establishments must:

   a. Maintain capacity limitations within all common areas and within individual business settings; and.

   b. Ensure that any utilization of public or shared spaces allows for adequate physical distancing and prevents congregation.

7.4.4 Recreation, Entertainment, and Assembly Venues or Establishments

A. All covered entities operating establishments that offer outdoor recreation and entertainment activities, not including any public or private park or beach, campground, farmer's market, or nature center, shall ensure the following, in addition to compliance with all other applicable laws and regulations:

1. In structured/seated venues (e.g. movie theaters, concert halls, and comedy clubs), parties must be spaced by a minimum of six (6) feet on all sides.

2. Live performances shall be permitted, provided there is at least fourteen (14) feet of physical distance between performers, between performers and customers/audience members, and between performers and high traffic areas. This distance may be reduced to six (6) feet if all performers wear cloth face coverings throughout the performance and there is no vocal performance, or there is a physical barrier separating performers from other performers, customers/audience members, and high traffic areas.

3. Establishments must sanitize all commonly touched surfaces (e.g., seats) and objects (e.g., audio guides) between uses. If surfaces or objects used in a recreational or historical/cultural activity cannot be sanitized between uses (e.g. interactive displays), then this activity must be prohibited and access to these surfaces or objects must be limited.

7.4.5 Fitness Centers and Gymnasiums

A. All covered entities operating gymnasiums and fitness center establishments shall ensure the following, in addition to compliance with all other applicable laws and regulations:

1. That iIndividuals in a fitness center or gym should must wear a cloth face covering at all times while in the establishment, unless doing so would damage his or her physical health. If an individual does not wear a face covering while engaged in vigorous exercise, they must be at least fourteen (14) feet of physical distance apart from other individuals in the

~~gym of fitness center~~ provided that face coverings shall not be required for any activities in swimming pools and subject to the exceptions in Section 7.3(D)(2) of this Part;

2. That all exercise equipment, including cardio equipment, ~~must be~~is separated by at least six (6) feet;

3. That no mutual use of equipment is permitted without thorough sanitization between uses;

4. That there ~~must be~~is adequate time between classes or sessions (e.g., 30 minutes) to thoroughly clean the equipment and exercise space. If surfaces, equipment or objects cannot be sanitized between uses, then the applicable fitness activity is prohibited;

5. That hand sanitizer and other cleaning supplies ~~must be~~is ~~are~~ available to individuals to clean their hands and equipment before and after use;

6. That information ~~must be~~is collected from all visitors, and other entrants who have interacted with others present on site for a period of 15-minutes or more solely for the purposes of contact tracing. The information collected must be maintained for thirty (30) days; records dating before the previous thirty (30) days must be permanently destroyed. Visitors and other entrants whose information is collected shall be notified at the time of collection that the information is being collected solely for the purpose of contact tracing. The following information should be collected:

    a. Full name;

    b. Phone number; and

    c. Date and time(s) on site.

7.4.6 Personal Services

A. All covered entities operating establishments that offer personal services shall ensure the following, in addition to compliance with all other applicable laws and regulations:

1. That hand sanitizer ~~be~~ is available to individuals to clean their hands;

2. That all commonly touched surfaces, equipment, objects and work stations are sanitized between uses;

3. That services where the individual receiving the service must remove his or her mask, including in shared, communal facilities, or enclosed spaces, shall only be performed if:

   a. The personal service professional wears a cloth face covering with protection equivalent to an N-95 respirator, such as a KN-95 respirator, and eye protection, such as goggles or a face shield; and

   b. The unmasked individual maintains physical distancing from all other individuals, besides the personal service professional.

4. That information must be collected from all visitors, and other entrants who have interacted with others present on site for a period of 15-minutes or more solely for the purposes of contact tracing, provided that information from individuals who received a service in accordance with § 7.4.6(A)(3) of this Part, above, must be collected regardless of the amount of time he or she was present on site. The information collected must be maintained for thirty (30) days; records dating before the previous thirty (30) days must be permanently destroyed. Visitors and other entrants whose information is collected shall be notified at the time of collection that the information is being collected solely for the purpose of contact tracing. The following information should be collected:

   a. Full name;

   b. Phone number; and

   c. Date and time(s) on site.

7.4.7 Lodging Operations and Accommodations

All covered entities operating lodging operations and accommodations establishments shall require as a prerequisite to check-in, that all guests complete and submit to the establishment a certificate of compliance with out-of-state travel quarantine/testing requirements, which certificate shall be in a form approved by the Department. Each certificate of compliance must be retained on paper or electronically by the receiving establishment for no fewer than thirty (30) days and must be provided to the Department upon request.

7.4.8 Breakrooms

A. The provisions of § 7.4.8 of this Part shall automatically terminate after January 15, 2021.

B. The use of breakrooms for breaks during work is prohibited; provided, however, that the breakrooms may be used for the purpose of employee food storage and, as such, may be accessed by employees during work breaks to store and obtain food. Congregating in breakrooms at any time is prohibited.

1. If it is not feasible for employees to eat or otherwise take breaks in a safe, alternate location inside or outside the establishment, breakrooms may be used by employees for breaks during work in accordance with current Department guidance available at: https://reopeningri.com/wp-content/uploads/2020/10/Workplace-Common-Area-Guidance-101420-final.pdf

C. Cloth face coverings must be worn in breakrooms at all times, subject to the exceptions set forth in § 7.3(D) of this Part.

D. Physical distancing must be maintained at all times in breakrooms.

E. Soap and running water or hand sanitizer, and other appropriate cleaning supplies, must be available to individuals for use in the breakroom.

F. Covered entities must ensure that breakroom surfaces are thoroughly cleaned in accordance with applicable guidance at least once per day. If establishment employees must take their breaks in shifts, then the covered entity shall ensure thorough cleaning of the breakroom, including frequently touched surfaces (e.g., refrigerators) after each shift.

7.4.9 In-Home Services

All covered entities providing services in residential dwellings shall require and ensure that all employees entering such residential dwellings wear cloth face coverings unless such employees are required by their employers, this Part, or by state or federal law to wear other more protective respiratory protection (such as N95 respirators and surgical masks).

7.4.10 Indoor Sporting Facilities

A. All covered entities operating indoor sporting facilities shall ensure the following, in addition to compliance with all other applicable laws and regulations:

1. All individuals must wear a cloth face covering at all times while in the indoor sporting facility, regardless of whether such individuals are engaged in a sporting activity, provided that face coverings shall not be required for any activities in swimming pools and subject to the exceptions of § 7.3(D)(2) of this Part;

2. Shared equipment and seating must be thoroughly cleaned between uses by separate individuals. If that shared equipment or seating cannot be thoroughly cleaned between such uses for any reason, including lack of adequate time to effect thorough cleaning, then the applicable activity is prohibited;

3. Snack bars, restaurants, bars, and concession establishments located within indoor sporting facilities are subject to the provisions set forth in Section 7.4.2 of this Part;

4. All locker rooms must be closed unless:

   a. The capacity of any locker rooms is limited to no higher than the number of occupants able to maintain physical distancing within the locker room at any given time, and the indoor sporting facility ensures that occupancy does not exceed that limit;

   b. As applicable, visual markers are used to indicate six (6) feet of physical distancing between each individual within any locker rooms;

   c. The indoor sporting facility is able to ensure adequate ventilation, in accordance with Department guidance, is maintained; and

   d. Locker rooms are thoroughly cleaned and sanitized between uses by different occupants.

5. All group showers must be closed. Single stall showers may remain open, provided they are thoroughly cleaned between uses;

6. Use of clubrooms, common areas or other rooms used for congregating is prohibited unless physical distancing between all individuals can be easily and continuously maintained;

7. Hand sanitizer and other cleaning supplies must be available to individuals to clean their hands and equipment before and after use;

8. Solely for the purposes of contact tracing, (i) the establishment must collect contact information from all visitors and other entrants; and (ii) prior to entry into the facility, any league or team that uses the indoor sporting facility must provide the indoor sporting facility with a current and complete roster of their respective players, coaches and staff. The information collected must be maintained for thirty (30) days; records dating before the previous thirty (30) days must be permanently destroyed. Those whose information is collected shall be notified at the time of collection that the

information is being collected solely for the purpose of contact tracing. The following information must be collected:

a. Full name;

b. Phone number; and

c. Date and time(s) on site.

B. Exceptions

1. Sections 7.4.10(A)(1) and (4) of this Part do not apply to any indoor sporting facility during the time that such facility is used for the sole purpose of hosting games, practices or other sport related activities by (i) an institution of higher education that is a member of the National Collegiate Athletic Association or (ii) a sport where athletes receive payment for their performance and are part of a nationally recognized professional sports association.

7.4.11~~0~~ Exceptions

A. §§ 7.4.1(A)(2), (3), (5) and (6) and 7.4.4 of this Part do not apply to any public or private park or beach, campground, or nature center, unless that facility has staff at all points of entry.

B. §§ 7.4.1(A)(2) and (5) of this Part do not apply to public bus transportation.

7.5 Closure of Establishments

If the Director determines that a hot spot or other circumstance exists which requires immediate action to protect the health, welfare, or safety of the public or any member of the public, the Director may issue an immediate compliance order, as provided for in R.I. Gen. Laws § 23-1-21, effecting the closure of the establishment until such time as the violation has been remedied, to the satisfaction of the Director. Such remedy shall be in addition to any other penalty that may be prescribed by law.

7.6 Enforcement

A. Inspections

1. The Department and its authorized representatives may enter and inspect any establishment's premises in a reasonable manner, including, without limitation, all equipment, materials, containers, records, processes and

controls, in order to ascertain compliance with these regulations, any applicable Executive Orders, and the Act.

2. The Department may coordinate with or delegate to law enforcement and/or other state or federal agencies to conduct inspections hereunder.

B. Penalties

1. The Department may take any combination of the following actions against an establishment for violation of these regulations, any applicable Executive Order, and/or the Act:

a. Issue a compliance order;

b. If immediate action to protect the health, welfare, or safety of the public or any member of the public is required, issue an immediate compliance order pursuant to § 7.5(A) of this Part;

c. Levy a civil penalty in accordance with § 7.6(C) of this Part; and/or

d. Take any other action authorized by these regulations, the Act or other applicable law.

C. Civil Penalties

1. The Department may assess civil penalties of not more than five hundred dollars ($500) per violation for each individual violation of this Part or any applicable executive order. Each day's failure to comply will constitute a separate violation.

D. All hearings and reviews required under the provisions of R.I. Gen. Laws § 23-1 shall be held in accordance with the provisions of the Act and the rules and regulations regarding Practices and Procedures Before the Department of Health (Part 10-05-4 of this Title) and Access to Public Records (Part 10-05-1 of this Title).

E. Administrative action including civil penalties imposed by the Department on account of violations hereunder are in addition to any criminal penalties provided for under applicable law.

7.7 Severability

If any provision of these regulations, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of the regulations which can be given effect without the invalid

provision or application, and to this end the provisions are declared to be severable.

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TITLE 216 - DEPARTMENT OF HEALTH

CHAPTER 50 - ENVIRONMENTAL HEALTH

SUBCHAPTER 15 - HEALTHY ENVIRONMENT

PART 7 - SAFE ACTIVITIES BY COVERED ENTITIES DURING THE COVID-19 EMERGENCY

Type of Filing: Amendment

Agency Signature

E-SIGNED by Ana Novais on 2020-11-09 17:57:33 GMT	November 09, 2020
Agency Head Signature	Agency Signing Date

Governor's Signature

Claire Richards

Signed By

E-SIGNED by Office of the Governor on 2020-11-09 18:46:49 GMT	November 09, 2020
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