STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 9B

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC – REVISIONS TO SELF-QUARANTINE FOR CERTAIN TRAVELERS, ENFORCEMENT PROVISIONS FOR MASKING AND GATHERING REQUIREMENTS, REPEAL OF EXTENDED CREDIT PERIOD FOR LIQUOR PERMITTEES

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall remain in effect until February 9, 2021, unless earlier terminated; and

WHEREAS, pursuant to such declarations, I have issued sixty-nine (69) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic (the "COVID-19 Orders"); and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including limitation on the size of gatherings, maintaining a safe distance from others, and wearing masks or face coverings; and

WHEREAS, COVID-19 has caused unanticipated health effects that are not well understood by the medical community, no vaccine or effective treatment for COVID-19 has been approved or made

available for wide distribution, and residents, businesses, and government agencies face new and unanticipated economic, fiscal, and operational challenges as a result of the COVID-19 pandemic; and

WHEREAS, in order to reduce the risk of COVID-19 transmission related to travel to states most affected by COVID-19, Executive Order No. 7III, and subsequently, Executive Order No. 7BBB, required travelers arriving from states with high rates or incidence of COVID-19 infection to self-quarantine for fourteen days; and

WHEREAS, continued progress in limiting transmission of COVID-19 within the state and increased testing availability have made possible certain adjustments to provide more narrowly focused requirements and flexibility in compliance with those orders; and

WHEREAS, while the people of Connecticut have shown great diligence and cooperation in complying with the protective measures to reduce COVID-19 transmission, local health directors and municipal officials have described certain situations, including violations of limits on gatherings and requirements to wear a mask or face covering, where existing education efforts and enforcement tools are proving insufficient, increasing the risk that a small subset of businesses and persons will create conditions that lead to COVID-19 transmission among customers and people attending gatherings; and

WHEREAS, the ability to provide more flexibility in protective measures against COVID-19 transmission rests on the reduction of remaining transmission risks and increasing compliance with protective measures where activities or gatherings pose the greatest risk; and

WHEREAS, Executive Order Nos. 7S, Section 3 and 7OOO, Section 2 extended the period of credit for certain liquor licensees in recognition of the fact that the prohibition of on-premise food and beverage sales would hinder their ability to make timely payments to their creditors; and

WHEREAS, the State of Connecticut has allowed businesses with on-premise food and liquor sales to open by following strict rules to protect public health, thereby better enabling those businesses to make timely payments to creditors, such that a gradual return to the credit period in place during normal circumstances is appropriate;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, and pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020 and the new public health and civil preparedness emergencies declared on September 1, 2020, do hereby **ORDER AND DIRECT:**

1. **Amendments to Mandatory Self-Quarantine for Travelers from States with High COVID-19 Levels.** Section 2 of Executive Order No. 7III is hereby amended to provide that for travel into Connecticut occurring on and after 12:01 a.m. on Friday, September 18, 2020, the additional subsection (g) of Section 19a-131a of the Connecticut General Statutes created by that order shall read as follows:

(g) (1) **Definitions.** For purposes of this subsection, an "Affected State" means a state with a positive case rate higher than 10 per 100,000 residents, or higher than a 10% test positivity rate over a seven-day rolling average, which criteria may be modified by the Commissioner of Public Health from time to time in the travel advisory issued pursuant to subdivision (5) of this subsection as she deems necessary; an "Affected Country" means a country for which the Centers for Disease Control and Prevention (CDC) has issued a Level 3 Travel Health Notice; and an "Affected Traveler" means a person entering into or returning to the State of Connecticut who has spent twenty-four hours or longer in an Affected State or an Affected Country within fourteen days prior to arriving in Connecticut, but does not include an individual remaining in Connecticut for less than twenty-four hours.

(2) **Self-Quarantine for Affected Travelers.** All Affected Travelers shall self-quarantine for a period of fourteen days from the time of last contact with such Affected State or such Affected Country, for any portion of such fourteen-day period they spend in Connecticut, or for the duration of such Affected Travelers' stay in Connecticut, whichever is shorter.

(A) **Testing Alternative.** An Affected Traveler is exempt from the self-quarantine requirement if he or she has had (i) a test for COVID-19 in the seventy-two hours prior to arrival in Connecticut, (ii) the result of such COVID-19 test is negative, and (iii) such Affected Traveler submits written proof of such negative test result to the Commissioner or her designee. Only results for nucleic acid COVID-19 tests, such as reverse transcriptase polymerase chain reaction (RT-PCR) tests, shall be accepted. From time to time, as she deems necessary, the Commissioner may expand or modify the type or types of tests that are acceptable for such testing alternative by modifying the travel advisory issued pursuant to subdivision (5) of this subsection. If a test was obtained in the seventy-two hours prior to arrival in Connecticut, or following arrival in Connecticut, and such Affected Traveler has not yet received his or her test results, such Affected Traveler shall remain in self-quarantine while in Connecticut until a negative test result is submitted to the Commissioner or her designee.

(B) **Essential Workers.** Affected Travelers traveling to, or returning to, Connecticut from Affected States or Affected Countries who work in critical infrastructure as designated by the Cybersecurity and Infrastructure Security Agency, including students in exempt health care professions, are exempted from the self-quarantine requirement when such travel is related to their work. This includes any state, local, and federal officials and employees traveling in their official capacities on government business. If such worker was in an Affected State or an Affected Country for a reason other than work (e.g., vacation), such worker shall be required to self-quarantine in accordance with this subdivision 2.

(C) **Additional Protocols.** The Commissioner of Public Health may issue additional protocols for other extraordinary circumstances or when a self-quarantine is not possible, provided such measures continue to safeguard public health.

(3) **Travel Health Forms Required.** All Affected Travelers, prior to or no later than upon the day of arrival in Connecticut, shall complete a Travel Health Form developed by the Commissioner requiring such persons to disclose their name, the last Affected State or Affected Country in which such Affected Traveler has spent twenty-four hours or longer, last date of stay in such Affected State or such Affected Country, date of arrival in Connecticut, address of designated self-quarantine location in Connecticut, length of stay, address in home state or country, cell phone number, contact phone number while in Connecticut, method of travel into Connecticut and information regarding accompanying minors. All Affected Travelers shall complete a Travel Health Form and submit it either electronically at ct.gov/travel form or to any location or person designated by the Commissioner. Such Travel Health Form may be modified by the Commissioner as she deems necessary.

(4) **Self-Quarantine Enforcement Provisions.**

(A) Any Affected Traveler who violates this subsection by refusing or failing to self-quarantine, refusing or failing to submit the Travel Health Form, or refusing or failing to complete the Travel Health Form truthfully and accurately shall be subject to a civil penalty of five hundred dollars for each such violation. Nothing in this Section shall be construed to limit, alter, modify or suspend any other existing penalties that otherwise apply to violations of orders issued pursuant to a civil preparedness or public health emergency.

(B) The Department of Public Health (the "Department") may impose the civil penalty authorized by this subsection by providing the Affected Traveler with a written notice of civil penalty. The Commissioner may delegate to local or district health directors the authority to issue a written notice of civil penalty authorized by this subsection.

(C) Any person assessed with a notice of civil penalty authorized by this subsection may, within ten business days of the date of the notice of civil penalty, request a hearing before the Commissioner, which hearing shall be held within thirty business days of receipt of the request. At any such hearing, the Department shall be required to prove, by a preponderance of the evidence, that the Affected Traveler (i) refused or failed to self-quarantine, (ii) refused or failed to submit the Travel Health Form, or (iii) refused or failed to truthfully and accurately complete the Travel Health Form. The Department shall have the authority to issue subpoenas, compel testimony and order the production of books, records and documents in order to put on its case.

(D) Failure to make a timely request for a hearing shall result in the civil penalty being a final order imposing the civil penalty. A hearing request, to be timely, shall be submitted to the Department electronically or mailed and postmarked within ten business days of the date of the notice of civil penalty.

(E) A hearing under this section shall be deemed a contested case in accordance with Chapter 54 of the General Statutes. A final order of the Department assessing a

civil penalty shall be subject to appeal as set forth in section 4-183 of the General Statutes.

(F) The Department may waive or modify the civil penalty upon such terms and conditions as, in its discretion, it deems proper or necessary.

(5) **Travel Advisory.** The Commissioner shall issue a travel advisory, which shall be communicated widely at all major points of entry into Connecticut, including on highway message boards and Connecticut airports, communicating the requirements of this subsection. Such travel advisory may include additional protocols for other extraordinary circumstances or when self-quarantine is not possible, provided such measures continue to safeguard the public health.

2. **Authorization for the Issuance of Fines.** Section 51-164n(b) of the Connecticut General Statutes is amended to authorize the Commissioner of Public Health, local health directors, district health directors, and their designees; municipal chief executive officers and their designees; and state and municipal police officers, peace officers as defined in Section 53a-3(9) of the Connecticut General Statutes, special police forces described in Section 10a-156b of the Connecticut General Statutes, and public safety departments of institutions of higher education to issue fines for the violations listed below. All fines collected pursuant to this order shall be distributed to the General Fund. In any case in which a person is charged with a violation pursuant to this order, the procedures set forth in Section 51-164n through 51-164r of the Connecticut General Statutes shall apply. Nothing in this Section shall be construed to limit, alter, modify or suspend any penalties or remedies that otherwise apply to violation of orders issued pursuant to civil preparedness and public health emergencies or that are otherwise available through existing executive orders. For purposes of this section, "business entity" means a public or private corporation, a limited liability company, an unincorporated association, a partnership of any kind, or a sole proprietor.

a. Any person who, while in any public place or in any location where and for whom wearing a mask or face covering is required by Executive Order No. 7NNN or any DECD Sector Rules, or other lawful authority, as each is amended from time to time, other than a person who qualifies for the medical exemption set forth in Executive Order No. 7NNN or who while outdoors maintains a distance of approximately six feet from every other person, who fails to wear a mask or cloth-face covering shall be guilty of a violation and fined one hundred dollars. A business entity, rather than the employee, is liable for a fine of the same amount for any employee's failure to wear a required mask or cloth-face covering while at work.

b. Any person or business entity who organizes, hosts, or sponsors a gathering that violates the gathering size restrictions set forth in the DECD Rules for Gatherings and Venues and Sector Rules for Outdoor Events issued pursuant to Section 2 of Executive Order No. 7ZZ and Section 2 of Executive Order No. 7NNN, as

amended from time to time, shall be guilty of a violation and fined five-hundred dollars.

c. Any person who attends a gathering that violates the gathering size restrictions set forth in the DECD Rules for Gatherings and Venues and Sector Rules for Outdoor Events issued pursuant to Section 2 of Executive Order No. 7ZZ and Section 2 of Executive Order No. 7NNN, as amended from time to time, shall be guilty of a violation and fined two-hundred and fifty dollars.

3. **Repeal of Executive Orders Extending Liquor Permittee Credit Period.** Effective September 17, 2020, Executive Order Nos. 7OOO, Section 2 and 7S, Section 3, are repealed. Any deliveries occurring during the period Executive Order Nos. 7OOO, Section 2 and 7S, Section 3 were in effect shall be governed by the respective and applicable terms of those orders.

Unless otherwise specified herein, this order shall take effect immediately and remain in effect until November 9, 2020.

Dated at Hartford, Connecticut, this 15th day of September, 2020.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State