State of Delaware

Executive Department
Dover

THIRD 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 has determined that a novel coronavirus ("COVID-19") presents a serious public health threat; and

WHEREAS, on March 12, 2020 at 3:00 p.m. E.D.T., I issued a State of Emergency 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; and

WHEREAS, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Amended Modification to the State of Emergency declaration to advise that the Centers for Disease Control and Prevention (CDC) issued new guidance for large events and mass gatherings, recommending that organizers halt gatherings of 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 Amended Modification to the State of Emergency declaration to further restrict events and gatherings; to restrict food service to only take-out or delivery; to close casinos, bowling alleys, concert venues, movie theatres, sports facilities, fitness centers and health spas; to ensure additional precautions in nursing

homes, retirement facilities, or assisted-living facilities; to provide authority to the Delaware Emergency Management Agency and the Division of Public Health to cancel gatherings for public health reasons; to authorize the Secretary of Labor to develop emergency rules relating to unemployment insurance; to address requirements for telemedicine services; and to address the sale of alcoholic beverages; and

WHEREAS, patrons of the Delaware beaches have failed to follow appropriate social distancing recommendations, and continued access to the Delaware beaches increases the risk of community spread of COVID-19;

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in Delaware remain safe and secure; and

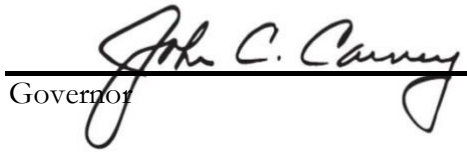
WHEREAS, in the interest of protecting the citizens of this state from this public health threat, pursuant to 20 Del. C. ch. 31, 7 Del. C. ch. 68, and 7 Del. Admin. C. § 3.0-3.2, the Governor and the Secretary of the Department of Natural Resources and Environmental Control are authorized to protect the health, safety, and the general welfare of the public and private beaches within the State and to secure compliance with the State of Emergency Declarations and the findings or recommendations of the Division of Public Health to address this emergency.

NOW THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, do hereby declare that the State of Emergency that I issued on March 12, 2020 at 3:00 p.m. E.D.T., the First Amended Modification of the State of Emergency I issued on March 16, 2020 at 2:00 p.m. E.D.T. and Second Amended Modification of the State of Emergency I issued on March 18, 2020 at 2:00 p.m. E.D.T., shall remain in effect until further notice, with the following modifications:

1. Effective March 21, 2020 at 5:00 p.m. E.D.T., all beaches as defined in 7 *Del. C.* § 6802, whether privately or publicly owned, including beach access points, shall be closed until

after May 15, 2020, or the public health threat of COVID-19 has been eliminated. This restriction shall not apply to persons using the beaches for exercise or to walk their dogs, provided such persons follow the precautions recommended by the CDC on COVID-19, including hand hygiene and social distancing, and subject to additional closures at the discretion of local authorities.

APPROVED this 21st day of March 2020 at 12:00 p.m.



Governor