State of Delaware

FIFTH 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

WHEREAS, on March 12, 2020 at 3:00 p.m. E.D.T., I issued a Declaration of 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 Modification of the Declaration of a State of Emergency to advise that the CDC issued new guidance for large events and mass gatherings, 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 of the Declaration of a State of Emergency to further restrict events and gatherings; to restrict food service to only take-out or delivery; to close casinos, bowling alleys, concert venues, movie theaters, sports facilities, fitness centers and health spas; to ensure additional precautions in nursing homes, retirement facilities, or assisted-living facilities; to promote authority to the Delaware

Emergency Management Agency and the Division of Public Health to cancel any 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, on March 21, 2020 at 12:00 p.m. E.D.T., I issued the Third Modification of the Declaration of a State of Emergency 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 22, 2020 at 4:00 p.m. E.D.T., I issued the Fourth Modification of the Declaration of a State of Emergency; and

WHEREAS, because of the risk of the rapid spread of the virus, and the need to protect all Delaware citizens, especially health care providers and citizens most vulnerable to the virus, additional efforts are needed to mitigate community spread of COVID-19; and

WHEREAS, it is critical to ensure that law enforcement and public and private health resources not be unnecessarily diverted from responding to COVID-19-related issues and maintaining public safety and health; and

WHEREAS, Delawareans should refrain from organizing or attending social gatherings of any size, except for regular interactions with immediate family members, members of the same household, caregivers, or individuals with whom you have a close personal relationship; and

WHEREAS, requiring all individuals located in Delaware to shelter in place—that is, to stay at home or at their place of residence—except with respect to certain essential activities and to work to provide essential business and government services, is in the interests of preserving public safety and health and limiting community spread of COVID-19.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, do hereby declare that the Declaration of a State of Emergency, as modified through the First Modification, the Second Modification, the Third Modification, and the Fourth Modification shall remain in effect until further notice, with the following modifications:

1. **Shelter in place of residence.** Effective March 24, 2020 at 8:00 a.m. E.D.T., with the exceptions as outlined below, all individuals currently living within the State of Delaware are ordered to shelter in place, at their home or place of residence except as permitted in this Fifth Modification of the Declaration of a State of Emergency. To the extent individuals are using shared or outdoor space when outside their residence, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements set forth in this Fifth Modification of the Declaration of a State of Emergency and with the guidelines set by the CDC. All persons may leave their homes or places of residence only for Essential Activities or Essential Travel, as defined below.
2. Individuals experiencing homelessness are strongly urged to find shelter, and government agencies are urged to take steps needed to provide shelter for those individuals, in accordance with CDC guidance. Homeless individuals are otherwise not subject to this shelter in place order.
3. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their homes and stay at a safe alternative home or residence.
4. Individuals at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residences to the extent possible except as necessary to seek medical care.

Nothing in this Fifth Modification of the Declaration of a State of Emergency prevents DEMA from issuing and enforcing isolation and quarantine orders pursuant to 20 Del. C. § 3136 or DPH from issuing and enforcing isolation and quarantine orders pursuant to 16 Del. C. § 505.

5. For purposes of this Fifth Modification of the Declaration of a State of Emergency, homes and residences include hotels, motels, shared rental units, shelters and similar facilities.

6. **Prohibited and permitted travel.** All travel (including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, and public transit), except Essential Travel or travel for Essential Activities, as defined below, is prohibited. Passengers traveling by public transit must comply with Social Distancing Requirements to the greatest extent feasible.

7. **Leaving your home or residence for Essential Activities is permitted.** Individuals may only leave their residence to carry out Essential Activities or Essential Travel. For purposes of this Order, Essential Activities are defined as follows:

    a. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

    b. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, food supplies, dry goods, pet supplies and any other household consumer products, and

products necessary to maintain the safety, sanitation, and essential operation of residences.

c. To engage in outdoor activity, providing the individuals comply with Social Distancing Requirements, as defined below, such as, by way of example and without limitation, walking, running, biking, or fishing. Individuals may go to public parks and open outdoor recreation areas (except beaches, which may be used only as described in my Third Modification of the Declaration of a State of Emergency).

d. To perform work permitted by the Fourth Modification of the Declaration of a State of Emergency.

e. To care for a family member, friend, or pet in another household, and to transport family members, friends, pets, or livestock as allowed by this Order.

8. **Leaving your home or residence for Essential Travel is permitted.** For the purposes of this Order, Essential Travel includes travel for any of the purposes set forth in this paragraph. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements.

a. Any travel related to the provision of or access to Essential Activities or Minimum Basic Operations.

b. Travel to care for elderly persons, minors, dependents, persons with disabilities, other vulnerable persons, pets, or livestock.

c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and for receiving any other related services.

d. Travel to return to a place of residence in Delaware from outside the jurisdiction.

e. Travel required or authorized by a law enforcement officer or court order.

f. Travel required for non-residents to return to their place of residence outside the State.

9. **Social distancing measures are required.** For the purposes of this Order, "Social Distancing Requirements" include maintaining at least six-foot social distancing from individuals, washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (not with hands), regularly cleaning high-touch surfaces, and not shaking hands. These requirements incorporate any subsequent guidance from the CDC issued after the issuance of this Order.

10. **Minimum Basic Operations.** For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with the Fourth Modification of the Declaration of a State of Emergency and Social Distancing Requirements, to the extent possible, while carrying out such operations:

    a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.

    b. The minimum necessary activities to facilitate employees of the business being able to work remotely or continue to work remotely from their residences.

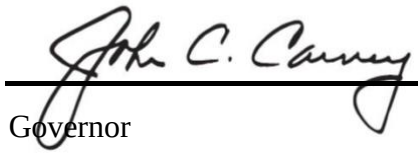
11. **Intent of this Order.** The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the extent feasible, while enabling essential services to continue, in order to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform essential services, or to otherwise facilitate Essential Activities and Minimum

Basic Operations necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements. All provisions of this Fifth Modification of the Declaration of a State of Emergency should be interpreted to effectuate this intent.

12. **Testing**: All COVID-19 testing shall be made available to those persons who meet criteria for such testing as established and modified from time to time, by the CDC. All health care providers, facilities and entities that decide to offer testing shall make that testing available to any person presenting at the testing site who meets the CDC criteria without regard to that person's ability to pay, type of health insurance, or participation in any particular provider network. Health care providers shall provide testing to the extent that testing costs are not covered by the payments by individuals and health insurance carriers and will be covered by Delaware's Health Care Connection Program.

13. **Enforcement.** 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 a State of Emergency constitutes 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 22d day of March 2020 at 4:02 p.m.



Governor