State of Delaware

Executive Department
Dover

SEVENTEENTH 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 has advised the public that asymptomatic individuals may be carriers of the COVID-19 virus and may unknowingly spread the virus to other individuals in close proximity, and therefore, social distancing is required to help mitigate the individual exposure to (and community spread of) the COVID-19 virus; and

WHEREAS, it is in the best interests of the State to protect its citizens from a public health emergency that could threaten the lives of those who live and work here; 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 (the "COVID-19 State of Emergency"); and

WHEREAS, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Modification to the COVID-19 State of Emergency declaration to advise that the 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 Modification to the COVID-19 State of Emergency declaration that modified the limitations on public gatherings of 50 or more people and, among other things, placed certain restrictions on the operation of certain businesses and facilities in the State of Delaware; and

WHEREAS, on March 21, 2020 at 12:00 p.m. E.D.T., I issued the Third Modification to the COVID-19 State of Emergency declaration 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 23, 2020 at 4:00 p.m. E.D.T. and 4:02 p.m. E.D.T., respectively, I issued the Fourth and Fifth Modifications to the COVID-19 State of Emergency declaration to close all non-essential businesses in Delaware, except those that can offer goods and services on the Internet, and to order a Shelter in Place for Delaware residents; and

WHEREAS, on March 24, 2020 at 4:00 p.m. E.D.T. I issued the Sixth Modification to the COVID-19 State of Emergency declaration to provide a moratorium on evictions and foreclosure proceedings to enable Delawareans to shelter in place safely, extended the presidential primary, provided for absentee balloting during the COVID-19 crisis, provided for a modified state procurement process, and placed a moratorium on cancellation of insurance policies for delay in premium payments caused by the economic uncertainty; and

WHEREAS, on March 29, 2020 at 4:30 p.m. E.D.T., I issued the Seventh Modification to the COVID-19 State of Emergency declaration to provide for the self-quarantine of travelers from areas severely impacted by COVID-19 outside the State of Delaware into the State; and

WHEREAS, on March 30, 2020 at 5:00 p.m. E.D.T., I issued the Eighth Modification to the State of Emergency declaration to permit a comprehensive approach to the provision of childcare in the State of Delaware during the State of Emergency to support essential workers; and

WHEREAS, on April 1, 2020 at 3:00 p.m. E.D.T., I issued the Ninth Modification to the COVID-19 State of Emergency declaration to permit a comprehensive approach to the provision of childcare in the State of Delaware during the State of Emergency to support essential workers; and

WHEREAS, on April 6, 2020 at 6:00 p.m. E.D.T., I issued the Tenth Modification to the COVID-19 State of Emergency declaration to further restrict the operation of non-essential businesses to limit the spread of COVID-19; and

WHEREAS, on April 10, 2020 at 3:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration, as modified; and

WHEREAS, on April 15, 2020 at 9:00 a.m. E.D.T., I issued the Eleventh Modification to the COVID-19 State of Emergency declaration to provide increased guidance and support to long-term care facilities to protect our most vulnerable populations and permit remote notarization under limited circumstances; and

WHEREAS, on April 23, 2020 at 4:15 p.m. E.D.T., I issued the Twelfth Modification to the COVID-19 State of Emergency declaration to allow the Public Health Authority to activate more out-of-state health care workers to assist in Delaware's fight against COVID-19; and

WHEREAS, on April 25, 2020 at 4:00 p.m. E.D.T., I issued the Thirteenth Modification to the COVID-19 State of Emergency declaration to require the use of cloth face coverings in public settings where other social distancing measures are difficult to maintain, including in grocery stores and pharmacies, especially in areas of significant community-based transmission; and

WHEREAS, on April 29, 2020 at 6:00 p.m. E.D.T., I issued the Fourteenth Modification to the COVID-19 State of Emergency declaration limiting the rent that may be charged to holdover tenants and preventing landlords from charging holdover tenants with losses not covered by the expired rental agreement; and

WHEREAS, on May 7, 2020 at 10:00 a.m. E.D.T., I issued the Fifteenth Modification to the COVID-19 State of Emergency declaration to permit minimum operations by certain small businesses to begin a gradual process toward businesses reopening, and to extend deadlines for statewide, municipal, and school district elections due to the ongoing public health concerns caused by COVID-19; and

WHEREAS, on May 8, 2020 at 12:30 p.m. E.D.T., I extended the State of Emergency a second time; and

WHEREAS, on May 10, 2020 at 1:15 p.m. E.D.T., I issued the Sixteenth Modification to the COVID-19 State of Emergency declaration to suspend end-of-year evaluations for educators, professional development requirements and assessments due to the suspension of the school year caused by COVID-19; and

WHEREAS, there continues to be an effort to identify ways in which certain business activities can resume in a safe manner; and

WHEREAS, the summer months are a time when many citizens have traditionally enjoyed certain recreational activities, and State officials have been developing a plan for these things to take place in a safe manner during the State of Emergency; and

WHEREAS, the State will continue to assess how changes to the State of Emergency are being implemented and will evaluate further modifications as a result.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, to control and prevent the spread of COVID-19 within the State of Delaware, do hereby order that the COVID-19 State of Emergency declaration, as modified by the First through Sixteenth Modifications and extended on April 10, 2020 and on May 8, 2020, shall remain in effect until further notice, with the following modifications and additions:

A. BEACHES: Effective May 22, 2020, at 5:00 p.m. E.D.T., the Third Modification of the Declaration of a State of Emergency closing all Delaware beaches is stricken and replaced with the following:

1. Subject to closures or limitations declared at the discretion of local authorities**,** Delawareans and non-Delawareans who have been in the state for at least fourteen (14) days are permitted to use the Delaware beaches (which shall include public beaches, private beaches, state-owned ocean beaches and bay beaches) provided that beachgoers maintain social distancing of at least six (6) feet from any person outside of their household while on the boardwalks or the beach. Individuals over thirteen (13) years old must wear a cloth face covering compliant with the Thirteenth Modification of the State of Emergency while on the boardwalk. Individuals with underlying health conditions or who are over the age of sixty-five (65) are encouraged to avoid beaches and boardwalks and to continue to shelter in place.

2. At a minimum, towns must:

    a. Clean bathrooms, boardwalk railings, and benches multiple times per day;
    b. Close arcade games on boardwalks;
    c. Demarcate (using tape, cones, etc.) six (6) foot intervals in front of certain retailers on boardwalks where lines are likely to form, at entrances to the beach, or any other area where congregating or waiting in lines is likely to occur; and
    d. Identify enforcement teams.

3. Towns are recommended to:

    a. Implement systems to limit capacity (like timed or day passes) on the beach;

    b. Limit parking spaces;

    c. Limit access points;

    d. Designate Beach Ambassadors to educate beachgoers about social distancing and serve as liaisons to law enforcement; and

    e. Station Beach Ambassadors at access points.

4. Regulations for beachgoers:

    a. Face coverings are required on boardwalks, and encouraged on the beach if social distancing cannot be maintained.

    b. Members of different households must remain six (6) feet apart at all times.

    c. Individuals with underlying health conditions or who are over the age of 65 are encouraged to shelter in place.

    d. Avoid water fountains.

5. Regulations for on-premise beach vendors:

    a. Food and beverage concession vendors must follow restaurant regulations and may only provide take-out or delivery service. Concession vendors must wear face coverings. Vendors must ensure social distancing of at least six (6) feet between waiting customers.

    b. Rentals of beach accessories - such as umbrellas, chairs, mats, and kayaks - are permitted by customer walk-up (at the curb or on the beach or boardwalk) so long as the vendor properly disinfects equipment between transactions and maximizes

contactless payment. Vendors must ensure social distancing of at least six (6) feet between waiting customers.

6. The Delaware Secretary of the Department of Natural Resources and Environmental Control ("DNREC") is authorized to develop capacity limits for State beaches (including but not limited to Cape Henlopen, Delaware Seashore and Fenwick Island) on the number of vehicles and visitors allowed to enter the parks as well as limits on parking spots.
7. Paragraph 4.e. of the Eighth Modification of the State of Emergency is hereby stricken and replaced with the following: "Any vehicle on the beach for the purpose of surf fishing may only be occupied by members of the same household. Vehicles on the beach for this purpose must be at least twenty (20) feet from any other vehicle. Persons on the beach for the purpose of surf fishing must follow the Social Distancing Requirements detailed as part of the State of Emergency. All other rules and regulations regarding surf fishing shall apply."
8. Paragraph 7.c. of the Fifth Modification of the Declaration of the State of Emergency is hereby modified by striking the provision (noted by strikethrough below) to read as follows: "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~~)."
9. Paragraph 3 of the Thirteenth Modification of the Declaration of the State of Emergency is hereby modified to add the following:

    f. when they are on any boardwalk at the Delaware beaches.

B. BUSINESS:

1. Effective May 15, 2020, at 5:00 p.m. E.D.T., line 7.11 of Paragraph 1.f. of the Tenth Modification of the Declaration of a State of Emergency is hereby stricken in its entirety and superseded by the following:

    a. Ice cream, water ice, custard, or similar shops, and ice cream trucks may operate by take-out, curbside, or delivery with the following restrictions:

        1. Children under twelve (12) years old may not order from a window or an ice cream truck unless accompanied by an adult.
        2. Businesses must ensure social distancing in lines, maximize the use of contactless transactions, and mark six (6) foot spacing in check-out lines.
        3. When practical, customers are encouraged to remain in their cars and to call in orders for curbside pickup.

2. Effective May 22, 2020, at 5:00 p.m. E.D.T., line 7.1.e. of Paragraph 1.f. of the Tenth Modification of the Declaration of a State of Emergency is hereby stricken in its entirety and superseded by the following:

    a. Swimming facilities (public or community) may operate with the following restrictions:

        1. Allow no more than twenty percent (20%) of stated fire occupancy requirements on the premises (deck and pool) at any given time;
        2. Swim lessons and swim team practices and events are prohibited;
        3. Facilities must operate in accordance with the Delaware Division of Public Health ("DPH") guidance regarding COVID-19 pool operations.

3. Effective May 22, 2020, at 5:00 p.m. E.D.T., Paragraph B.2.a.7. of the Fifteenth Modification of the Declaration of a State of Emergency permitting curbside pickup is hereby modified, as noted in italics below, as follows:

> 7. Consumer goods rentals, *except that rentals of beach accessories - such as umbrellas, chairs, mats, and kayaks- are permitted by customer walk-up (at the curb or on the beach or boardwalk) so long as the vendor properly disinfects equipment between transactions and maximizes contactless payment. Vendors must ensure social distancing of six (6) feet between waiting customers.*

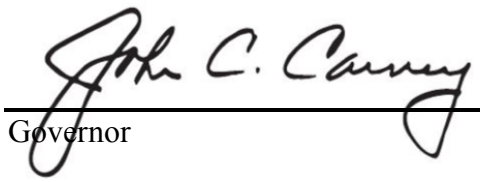
C. MISCELLANEOUS:

1. Paragraph B.3. of the Fifteenth Modification of the State of Emergency, modifying paragraph 3.i. of the Tenth Modification, is modified by strikethrough and italics as follows: Golf courses may provide guests with golf carts, provided that carts are limited to ~~one (1)~~ ~~rider~~ *riders from the same household only* and the business ensures proper cleaning between customers. *Score cards and pencils for each round of golf may be placed with the cart prior to its use and disposed of by the golfer after use.*

2. During the pendency of the State of Emergency declaration, 31 *Del. C.* 1101(b) shall not apply to medical assistance recipients' contact information exchanged between the Division of Medicaid and Medical Assistance and the Public Health Authority.

3. 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 the 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 14th day of May 2020 at 5:00 p.m.



Governor