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State of Rhode Island

Gina M. Raimondo
Governor

EXECUTIVE ORDER

21-09

January 29, 2021

ONE HUNDRED AND FIFTEENTH SUPPLEMENTAL EMERGENCY DECLARATION – REVISED PROTECTING YOUR HOUSEHOLD ORDER

WHEREAS, on March 9, 2020, I declared a state of emergency due to the dangers to health and life posed by COVID-19 and such declaration has been extended until at least February 17, 2021;

WHEREAS, despite progress in some key areas, the State continues to suffer from the health and economic effects of the pandemic;

WHEREAS, it is critical that Rhode Island's economic, cultural and civic life be re-opened to the greatest extent possible consistent with public health and that the public's health shall always be of paramount concern in connection with such re-opening;

WHEREAS, Rhode Islanders must make every effort to assess and mitigate their individual risk of contracting COVID-19. I urge the public to keep exposure well below the caps set forth in this Executive Order; the lower the attendance and gathering size, the lower the risk;

WHEREAS, despite the best efforts of public health officials, the incidence of COVID-19 is surging in the country, regionally and in Rhode Island; and a new, more contagious, strain of the virus has been identified within the region;

WHEREAS, continued aggressive efforts are necessary to slow the spread of COVID-19 and to lessen the strain on our healthcare system;

WHEREAS, such immediate measures are also necessary to maintain in-person learning for Rhode Island students;

WHEREAS, targeted, time-limited measures imposed now can make a difference in Rhode Island's COVID-19 infection rate, reducing the numbers of Rhode Islanders who are hospitalized or die due to the virus; and

WHEREAS, in consultation with the Director of RIDOH, I sought modified mitigation measures to continue maintaining public health and safety with appropriate, less restrictive means.

NOW, THEREFORE, I, GINA M. RAIMONDO, by virtue of the authority vested in me as Governor of the State of Rhode Island, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, and Title 23, Chapter 8 do hereby order as follows:

Vulnerable Populations Strongly Advised to Remain Home

1. All vulnerable populations identified by the Centers for Disease Control and Prevention (CDC), which include those who are 65 years of age and older, are still strongly advised to stay at home unless they must go to work, travel for medical treatment or obtain other necessities such as groceries, gas or medication. The CDC identifies conditions that make people at higher risk for severe illness from COVID-19 at https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html.

International Travel Restrictions Remain in Place

2. Any person arriving from a location outside the 50 states or the District of Columbia must immediately self-quarantine for 10 days upon arrival in Rhode Island unless and until that person obtains a negative COVID-19 test result from a specimen taken on day 5 or later upon arrival in Rhode Island

(day 0) and self-quarantines until day 7 or later upon arrival in Rhode Island (day 0).

3. Any person who has travelled outside the 50 states or the District of Columbia in the last 10 days must immediately self-quarantine for the remainder of the 10-day period upon arrival in Rhode Island unless and until that person obtains a negative COVID-19 test result from a specimen taken on day 5 or later upon arrival in Rhode Island (day 0) and self-quarantines until day 7 or later upon arrival in Rhode Island (day 0).

4. Instructions for self-quarantine can be found at RIDOH's website: https://covid.ri.gov/covid-19-prevention/quarantine-and-isolation.

Domestic Travel Restrictions from Areas with High Community Spread Rates

5. Any person coming to Rhode Island for a non-work-related purpose from locations with a high community spread rate as set forth on a list maintained by RIDOH at https://covid.ri.gov/ must immediately self-quarantine for 10 days unless and until that person obtains a negative COVID-19 test from a specimen taken after arrival in Rhode Island. This quarantine requirement shall not apply to a person who has a negative COVID-19 test from a specimen taken no more than seventy-two (72) hours prior to arrival in Rhode Island. This paragraph shall not apply to public health, public safety or healthcare workers. It shall also not apply to anyone traveling for medical treatment, to attend a court hearing, to attend funeral or memorial services, to obtain necessities such as groceries, gas or medication, to drop off or pick up children from day care or to anyone who must work on their boats.

6. Instructions for self-quarantine can be found at RIDOH's website: https://covid.ri.gov/covid-19-prevention/quarantine-and-isolation.

Coordinating Travel Restrictions with Neighboring State

7. The criteria and the protocols set forth in paragraph 5 of this Order have been coordinated with Connecticut in order to ensure that Rhode Island and our neighboring state are protected from community transmission of COVID-19 while permitting free travel between the states.

Further Limitations on Indoor and Outdoor Social Gatherings

8. Effective immediately, attendance at all indoor public and private social gatherings, parties and celebrations shall be limited to members of a single household, in accordance with RIDOH guidance. Notwithstanding these restrictions, indoor catered events with licensed catering on site in a non-residential setting may have up to fifteen (15) people, provided restaurant rules are applied. The Department of Business Regulation (DBR) may grant exceptions for previously booked, indoor weddings with licensed catering on site. The lower attendance at such events, the lower the risk.

9. Effective immediately, attendance at all outdoor public and private social gatherings, including holiday gatherings, parties and celebrations shall be limited to members of a single household, in accordance with RIDOH guidance. Notwithstanding these restrictions, outdoor catered events with licensed catering on site in a non-residential setting may have up to fifty (50) people, provided restaurant rules are applied. The DBR may grant exceptions for booked, outdoor weddings with licensed catering on site. The lower attendance at such events, the lower the risk.

Limits on Indoor and Outdoor Venues of Assembly

10. Subject to strict adherence to social distancing, masking, screening, and sanitation protocols, indoor and outdoor venues of assembly, including convention centers, concert halls, performance venues, and theaters may operate at up to 25% of capacity, subject to Phase III guidelines, to a cap of one hundred and twenty-five (125) people.

11. Religious and faith-based organizations may conduct indoor in-person activities up to 25% percent of worship space capacity, subject to a cap of one hundred and twenty-five (125) people and to the Phase III guidelines for religious and faith-based organizations which are available at https://ReopeningRI.com. Live streaming or broadcasting of religious services or attendance through outdoor drive-in services are permitted and strongly recommended, particularly for vulnerable populations, including those over 65 years of age. Outdoor religious services may operate at 25% of capacity to a cap of one hundred and twenty-five (125) people, with physical distancing and masking in effect.

12. All houses of worship must develop a COVID-19 Control Plan which shall be available for inspection by the Task Force created by Executive Order 20-32. A template for COVID-19 Control Plans can be found at https://ReopeningRI.com.

13. Houses of worship where the facility's space can accommodate significantly more than 125 persons within the facility's 25% capacity limit may submit a detailed COVID-19 control plan to DBR to exceed the 125-person cap. Plan approval shall be at the discretion of DBR, and any approved plan must be predicated on preventing the spread of COVID-19 and must adequately address physical distancing and ingress and egress.

Limits on Other Places of Public Interaction

14. Working from home remains the most important arrangement to reduce work-related spread among employees and is required when possible. Additionally, businesses are encouraged to postpone or cancel all non-essential, business-related employee travel and refrain from scheduling future travel until the Stay at Home Advisory is no longer in place.

Office-Based Business Limits – Continue Working Remotely to the Extent Possible

15. For office-based businesses, employees who are able to work remotely are required to do so. If an employee's duties require an on-site presence on a daily or periodic basis, the employer may permit the performance of such duties in person.

16. All office-based businesses must comply with RIDOH's regulations, including, but not limited to, requirements for cleaning, screening employees, wearing masks or cloth face coverings, collecting contact tracing information, posting appropriate signs and notices and other health and safety protocols. Office-based businesses must review the guidance applicable to them available at https://ReopeningRI.com and must also complete a template for COVID-19 Control Plans available on that website.

Retail Businesses

17. All retail businesses with a physical location in Rhode Island may continue to conduct in-store pickup and limited browsing. All retail businesses may continue to allow up to one customer per 100 square feet of store area open to customers

generally, except in the case of retail businesses with a store area greater than 30,000 square feet or multi-tenant retail complexes greater than 30,000 square feet. Retail businesses with store areas greater than 30,000 square feet and multi-tenant retail complexes greater than 30,000 square feet may allow up to one person, inclusive of employees, per 150 square feet. Capacity limits must be posted in clearly visible, large format signs at all entrances as well as on the retail establishment's website, if possible, and the retail establishment must actively manage the number of patrons in the store area. Malls and other multi-tenant retailers may remain open but common spaces, such as seating areas, must be closed or roped off. Food court restaurants with their own dedicated seating area are permitted to remain open, subject to applicable restaurant rules.

18. By 11:59 p.m. on Tuesday, November 24, all retail establishments must develop a plan, based on templates that will be made available by DBR, on how they will manage these capacity limits, especially during the busy holiday shopping season. Each retail establishment's plan must be posted at the main entrance and on the establishment's website, if possible. Such plans must also be available for review by representatives of the State.

19. Retail businesses and multi-tenant retail complexes or operations are required to review the applicable guidance available at https://ReopeningRI.com, regulations set forth by RIDOH, relevant executive orders and any other law applicable to retail businesses. All retail businesses must also develop a COVID-19 Control Plan which shall be available for inspection by the Task Force created by Executive Order 20-32. A template for COVID-19 Control Plans can be found at https://ReopeningRI.com.

20. Stores and other places of business shall remind customers to wear a mask or cloth face covering. In addition, retail businesses with store areas greater than 30,000 square feet and multi-tenant retail complexes greater than 30,000 square feet must make masks available to customers.

Continued and Modified Relief for Restaurants and Bars – Indoor and Outdoor Dining

21. Section 3-7-7 of the Rhode Island General Laws requiring a Class B licensee to sell alcohol for consumption only on the premises shall continue to be suspended. A Class B licensee is permitted to sell, with take-out food orders, up to 2 bottles of wine, 144 ounces of beer or mixed beverages in original factory sealed containers,

and 144 ounces of draft beer or 72 ounces of mixed beverages containing not more than 9 ounces of distilled spirits in growlers, bottles or other containers sealed in such a way as to prevent re-opening without obvious evidence that the seal was removed or broken, provided such sales shall be made in accordance with Section 1.4.10 of the Department of Business Regulation Liquor Control Administration Regulations, 230-RICR-30-10-1 and any other DBR regulations. Any restaurant, bar or establishment that offers beer, mixed beverages or wine pursuant to this Order must do so in accordance with the physical distancing protocols and regulations set forth by RIDOH as well as Executive Order 20-61 and any of its successors and related regulations.

22. Restaurants may continue limited indoor dining in addition to outdoor dining (subject to applicable municipal approval), pick-up, delivery, and drive-through operations subject to the requirements described in the Phase III Guidelines for Restaurants available at https://ReopeningRI.com and the regulations set forth by RIDOH. Licensed caterers must operate in accordance with these restaurant regulations.

23. Service to standing customers is prohibited except for food pick-up following the requirements for pick-up described in Phase III Guidelines for Restaurants and regulations set forth by RIDOH. An establishment's indoor dining capacity is limited to 50% of an establishment's regular seating capacity. Indoors, establishments may only seat one household per table, up to a maximum of eight (8) people. When taking a reservation or receiving customers without a reservation, an establishment must ask whether each party contains only members of the same household. Establishments must prominently display the one household maximum rule for indoor dining.

24. Outdoor dining is still encouraged as long as the restaurant does not service more than its normal operating capacity. Up to two households may be seated at any outdoor table, up to a maximum of eight (8) people, provided they wear masks when not eating or drinking. When taking a reservation or receiving customers without a reservation, an establishment must ask whether each outdoor table contains no more than the members of two households. Establishments must prominently display the two-household maximum rule for outdoor dining. If an establishment has established extra outdoor dining capacity, that additional outdoor capacity may remain if the municipality continues to approve such additional capacity (in accordance with the municipality's approval processes).

25. The provisions of Chapter 3-7 of the General Laws permitting the service of alcoholic beverages by a licensee for on-premises consumption are hereby suspended. At all times, a licensee must close its bar area, including but not limited to the bar counter and seating at the bar counter, and ensure that the bar area is not accessible to patrons. All such bars, restaurants and other establishments must rope off the bar area and make seating at the bar counter unavailable to customers. However, tables may be placed within six (6) feet of any section of the bar counter where personnel are not working. Customers must order, receive and consume alcoholic beverages while seated at tables in accordance with Phase III guidelines for restaurants at: https://reopeningri.com.

26. All other provisions of this Executive Order and RIDOH regulations applicable to bars and restaurants shall remain in effect including, but not limited to, regulations prohibiting service to standing customers and mingling or congregating.

27. All restaurants operating in Phase III must maintain and/or develop a COVID-19 Control Plan (a template for COVID-19 Control Plans is available at https://ReopeningRI.com) which shall be available for inspection by the Task Force established by Executive Order 20-32.

Recreational/Entertainment Businesses and Historical/Cultural Establishments

28. Subject to strict adherence to social distancing, masking, screening, and sanitation protocols, indoor and outdoor recreational or entertainment businesses and historical/cultural establishments, that are not venues of assembly, may conduct operations at one (1) person per 150 square feet and must require individuals physically exerting themselves to remain fourteen (14) feet apart from individuals outside of their household.

29. Museums and historical sites may allow up to one (1) visitor per 100 square feet of museum area open to visitors generally.

30. All indoor and outdoor recreational and entertainment establishments, that are not venues of assembly, including historic/cultural establishments must develop a COVID-19 Control Plan which shall be available for inspection by the Task Force created by Executive Order 20-32. A template for COVID-19 Control Plans can be found at https://ReopeningRI.com.

31. Nightclub operations must remain closed.

Personal Services Businesses

32. Personal services businesses and operations, including, but not limited to, hair salons and barbershops, nail salons, tattoo parlors, tanning parlors, estheticians, and massage therapists may open subject to all of the requirements of their professional or facility licensing, the requirements of the Phase III guidelines for personal services at https://ReopeningRI.com and regulations set forth by RIDOH. Such personal service businesses may allow up to one customer per 100 square feet.

33. Particular personal services where masks or cloth face coverings cannot be worn continuously in accordance with this and other executive orders by both customers and professionals, such as facials, make-up applications, facial hair removal, face piercings and face tattoos shall only operate as directed in regulations to be promulgated by RIDOH.

34. Given the need to reduce the risk to clients, employees and the community from the operation of close contact businesses, the regulations set forth by RIDOH in effect for these businesses must be closely followed. If, upon inspection by the Task Force, any business owner or professional is found in violation of these regulations, the business may be immediately closed.

35. All personal services businesses must develop a COVID-19 Control Plan which shall be available for inspection by the Task Force created by Executive Order 20-32. A template for COVID-19 Control Plans can be found at https://ReopeningRI.com.

Gyms, Fitness Centers and Small Group Fitness Classes

36. Gyms and fitness centers may continue operations at one (1) person per 150 square feet with individuals remaining fourteen (14) feet apart indoors and six (6) feet apart outdoors, subject to Phase III guidance. Under certain conditions, plexiglass or equivalent barriers may be used to reduce spacing between individuals, with DBR pre-approval. Indoor and outdoor group classes are permitted, provided appropriate spacing and that no person may come in physical contact with another person. One-on-one or personal training is permitted. In indoor and outdoor gym

and fitness centers, masks must be worn at all times in accordance with RIDOH regulations.

37. All gyms and fitness centers must develop a COVID-19 Control Plan which shall be available for inspection by the Task Force created by Executive Order 20-32. A template for COVID-19 Control Plans can be found at https://ReopeningRI.com.

Indoor Sports Facilities

38. All indoor sporting facilities, such as indoor ice rinks and basketball courts, may operate at one (1) person per 150 square feet. This paragraph does not apply to the use of these facilities by professional or intercollegiate athletic programs.

Restricting Sports Competitions and Practices

39. Consistent with guidance from RIDOH, moderate and lower risk sports may resume practices, competitions, scrimmages and games. Competitions, games and scrimmages of higher risk sports, such as wrestling and boxing, shall be prohibited; practices of higher risk sports may resume. Examples of higher, moderate and lower risk sports may be found at: https://reopeningri.com/wp-content/uploads/2021/01/Sports-Risk-Slide_2021.pdf. This paragraph does not apply to activities of professional or intercollegiate athletic programs.

Restricting Interstate Sporting Activities

40. All sports teams and groups are prohibited from participating in tournaments, matches, games, competitions, practices, etc. with out-of-state teams or sporting groups, except for professional and intercollegiate athletic programs.

Restricting Spectators from Attending Sporting Events or Practices

41. Spectators are prohibited from attending sporting events or practices for athletes over the age of eighteen (18), with the exception of certain approved intercollegiate athletic events for which, for each athlete, up to six (6) individuals from a single household may attend. For sporting events or practices with athletes under the age of eighteen (18), no more than two (2) parents or guardians of the athlete and the athlete's siblings may be present.

All State Parks and Beaches Remain Open

42. All state parks and beaches shall remain open subject to limits on use, parking, capacity and other restrictions. Those requirements and restrictions are available at www.riparks.com/covid19.

Child-Care Services to Continue in Small, Stable Groups

43. Child-care services shall continue in small, stable groups pursuant to emergency regulations promulgated by the Rhode Island Department of Human Services.

Elective Medical Procedures and Medical Services to Continue

44. Elective medical procedures and other medical services shall continue pursuant to plans submitted by healthcare providers and approved by RIDOH.

Public Health Regulations

45. RIDOH shall continue to promulgate emergency regulations on the implementation of this Order. The regulations shall include enforcement provisions, including the imposition of civil fines sufficient to ensure compliance.

46. The Director of RIDOH or her designees are hereby authorized to assess civil penalties for violation of this Order. Such civil penalties shall be in addition to any other penalties authorized by law.

Enforcement Task Force to Continue its Education, Inspection and Enforcement Mandate

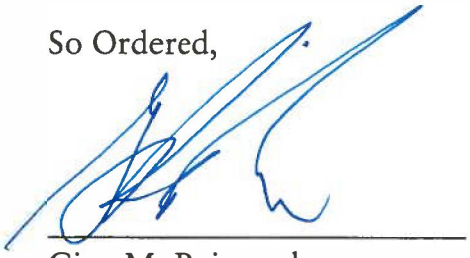
47. The Task Force created by Executive Order 20-32 shall continue its work to educate businesses, governmental entities and other establishments on safely maintaining and re-opening operations in Phase III. Task Force inspectors shall continue to conduct inspections of businesses, governmental establishments and other establishments as well as to enforce the emergency regulations promulgated by RIDOH. The Task Force, through RIDOH, shall issue compliance orders under Chapter 1 of Title 23.

48. The DBR shall make determinations regarding the ways in which a business, organization, or operation (or a portion of such business, operation or

organization) is to be categorized within the provisions of this executive order or within other state guidance documents. In doing so, DBR may determine the executive order and guidance provisions under which a business or organization is to operate or by which it is to be guided.

This Executive Order supersedes Executive Orders 20-108 and 21-07. It shall take effect immediately and shall remain in full force and effect through February 27, 2021 unless renewed, modified, or terminated by a subsequent Executive Order.

So Ordered,



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