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State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

20-40

May 29, 2020

THIRTY-SEVENTH SUPPLEMENTAL EMERGENCY DECLARATION – PHASE II RE-OPENING

**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 June 5, 2020;

**WHEREAS,** Rhode Island has stabilized its COVID-19 hospitalizations and continues to see a sustained decrease in new hospitalizations per day;

**WHEREAS,** the State projects over the next 30 days that less than 70% of hospital beds available for COVID-19 patients will be used by such patients;

**WHEREAS,** Rhode Island estimates that the effective reproduction rate of COVID-19 is less than 1.1;

**WHEREAS**, Rhode Island has reduced the rate of spread of COVID-19 through social distancing and other State orders effectively dampening overwhelming effects on the State's healthcare system;

**WHEREAS,** despite progress in some key areas, the State continues to suffer from the 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,** the factors continue to be in place for Rhode Island to cautiously continue into the next phase of re-opening its economic, cultural and civic life ("Phase II Re-Opening"); and

**WHEREAS,** the continued easing of COVID-19 restrictions must be accompanied by clear and concise regulations and guidelines which must be effectively implemented and stringently enforced to protect the health and safety of the public.

**NOW, THEREFORE, I, GINA M. RAIMONDO,** by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, 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 14 days upon arrival in Rhode Island.

3. Instructions for self-quarantine can be found at the Rhode Island Department of Health's (RIDOH's) website: https://health.ri.gov/diseases/ncov2019/.

*Domestic Travel Restrictions Limited to Lockdown Areas*

4. Any person coming to Rhode Island for a non-work-related purpose from another city, town, county or state that has imposed a stay-at-home restriction, a shelter-in-place restriction or similar restriction, declaration, or announcement due to a COVID-19 outbreak, must immediately self-quarantine for 14 days. This quarantine restriction shall not apply to public health, public safety or healthcare workers. It shall also not apply to anyone traveling for medical treatment, 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.

5. Instructions for self-quarantine can be found at RIDOH's website: https://health.ri.gov/diseases/ncov2019/.

*Social Gathering Limit Expanded to Fifteen*

6. All social gatherings of more than fifteen (15) people in any public or private space such as an auditorium, stadium, arena, large conference room, meeting hall, library, theater, parade, fair, festival, park or beach, are prohibited.

*Limited Reopening of Office-Based Businesses – Work Remotely to the Extent Possible*

7. Working from home is still strongly encouraged when possible. For office-based businesses that were closed or operated with a minimal workforce on-site through Phase I, up to 33% of workers (or up to 15 staff members, whichever is greater) may work on site at the same time as long as physical distancing standards, regulations and other guidance described in Phase II guidelines for Office-based Businesses can be maintained. This guidance also applies to offices that were closed or operated with a minimal workforce on-site through Phase I within non-office-based businesses. For any workplace where more than 33% of employees have been working on site during Phase I, the

employer is not required to reduce the number of staff on site and may return a limited number of employees to on-site work.

8. All office-based businesses must follow state requirements on cleaning, screening employees, wearing masks, collecting contact tracing information, posting appropriate signs and notices and other health and safety protocols. Such businesses with employees returning to work must develop a COVID-19 Control Plan which shall be available for inspection by the Task Force created by Executive Order 20-32. Office-based businesses must operate in accordance with the requirements and recommendations in the guidance available at https://ReopeningRI.com and must also complete a template for COVID-19 Control Plans available on that website.

*Expansion of Non-Critical Retail Business*

9. Non-critical retail businesses with a physical location in Rhode Island may continue to conduct in-store pickup and limited browsing. Non-critical retail businesses may now allow up to one customer per 150 square feet of store area open to customers generally. A list of critical and non-critical retail businesses can be found at https://dbr.ri.gov/documents/DBRCriticalRetailBusinessesList_04032020.pdf.

10. Non-critical retail businesses and multi-tenant retail complexes or operations are required to operate in accordance with the requirements and recommendations in the guidance available at https://ReopeningRI.com, regulations set forth by RIDOH, relevant executive orders and any other law applicable to non-critical retail businesses. All non-critical 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.

*Continued and Further Relief for Restaurants and Bars – Indoor and Outdoor Dining*

11. 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 (DBR) Liquor Control Administration Regulations, 230-RICR-30-10-1 and any guidance or 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 social distancing protocols, regulations and guidance set forth by RIDOH.

12. In Phase II, restaurants may begin limited indoor dining in addition to outdoor dining (subject to applicable municipal approval), pick-up, delivery, and drive-through operations subject to the requirements and recommendations described in the Phase II Guidelines for Restaurants available at https://ReopeningRI.com and the regulations set forth by RIDOH.

13. Service to standing customers (e.g., in a bar area) is prohibited with the exception of food pick-up following the requirements and recommendations for pick-up described in Phase II 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. Outdoor dining is still encouraged as long as the restaurant does not service more than its normal operating capacity. Additionally, if an establishment has established extra outdoor dining capacity in Phase I, that additional outdoor capacity may remain in Phase II if the municipality continues to approve such additional capacity (in accordance with the municipality's approval processes). Parties are limited to 15 people, up to 8 people may be seated at an individual table, and customers are encouraged to minimize the number of non-household members with whom they dine.

14. Bars may reopen for seated service only and subject to the requirements and recommendations described in the Phase II Guidelines for Restaurants and the regulations set forth by RIDOH. Given the need to reduce risk to customers, employees and the community once bars and bar areas within restaurants resume operations, the Phase II guidelines in effect for these businesses must be closely followed. If, upon inspection by the Task Force, any business owner is found in violation of these guidelines, the business may be immediately closed.

15. All restaurants operating in Phase II must 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.

*Personal Services Businesses May Reopen Under Strict Controls*

16. 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 reopen subject to all of the requirements of their professional or facility licensing, the requirements and recommendations of the Phase II guidelines for personal services at https://ReopeningRI.com and regulations set forth by RIDOH.

17. Particular personal services where masks cannot be worn continuously in accordance with this and other executive orders by both customers and professionals, like facials, make-up applications, facial hair removal, face piercings and face tattoos, are prohibited.

18. 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.

19. 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 May Resume*

20. Outdoor group fitness activities are preferred but are limited to 1 person per 150 square feet, with all social distancing guidelines to be observed.

21. Gyms and fitness centers may begin limited indoor re-openings subject to the requirements and recommendations in the Phase II guidelines for gyms and fitness centers which is available at https://ReopeningRI.com and the

regulations set forth by RIDOH. Activities involving physical contact or where social distancing cannot be easily, continuously, or measurably maintained are prohibited in Phase II. In open gym settings, capacity is limited to 1 person per 150 square feet. In class settings (e.g., yoga, exercise and spin), group size is limited to 15, not including staff, with social distancing requirements in place. All exercise space and exercise equipment must be thoroughly cleaned between uses. Whirlpools, communal saunas, and steam rooms must remain closed. All licensed pools may only be operated in accordance with regulations issued by RIDOH.

22. 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.

*Re-Opening of All State Parks and Beaches*

23. The Department of Environmental Management shall open all state parks and beaches subject to limits on use, parking, capacity and other restrictions. Those requirements and restrictions are available at www.riparks.com/covid19.

*Restrictions on Indoor Places of Assembly; Limited Outdoor Assembly Activities Permitted*

24. All recreation and entertainment establishments, except those operated by the State, shall continue to cease in-person operations except as permitted in accordance with Phase II Guidance for Outdoor Recreational Businesses and Cultural/Historical Sites. Recreation and entertainment operations subject to this Order include, but are not limited to, theaters, cinemas, sporting events, bowling alleys, night clubs, performance venues (e.g. theaters, concert halls, comedy clubs), and arcades.

25. Recreational businesses and historical/cultural establishments may conduct limited outdoor operations and, under certain circumstances (described in Phase II Guidance for Outdoor Recreational Businesses and Cultural/Historical Sites), related indoor operations. Examples of these operations include outdoor mini golf courses, batting cages, go-kart tracks, rail biking, bumper cars, zoos, horseback riding, and historical sites. These operations are subject to (1)

capacity limits of one person per 150 square feet of generally-accessible space, (2) capacity limits of the lesser of 25% or one person per 150 square feet for any indoor space; (3) applicable municipal approval(s), and (4) Phase II Guidance for Outdoor Recreation Businesses and Historical/Cultural Sites. The DBR shall make determinations regarding whether such establishments including historical/cultural sites are permitted to conduct indoor operations.

26. Indoor and outdoor events must adhere to the social gathering limit of 15 people.

27. All recreational and entertainment establishments, 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.

28. Notwithstanding the foregoing restrictions on places of assembly, religious and faith-based organizations may resume indoor in-person activities up to 25% percent of worship space capacity and subject to the Phase II 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.

29. 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.

*Child-Care Services to Resume in Small, Stable Groups*

30. Child-care services shall resume 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*

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

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

32. 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 II. 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.

33. 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.

Paragraphs 28 and 29 of this Order shall take effect on Saturday, May 30, 2020. The remaining provisions of this Order shall take effect Monday, June 1, 2020 and shall remain in full force and effect until Monday, June 29, 2020 unless renewed, modified, or terminated by subsequent Executive Order.

So Ordered,

Gina M. Raimondo
Governor