State of Delaware

Executive Department
Dover

FIRST 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.S.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.S.T. on March 13, 2020; and

WHEREAS, the State of Emergency advised that social gatherings of 100 or more persons placed people at risk, but on March 15, 2020, 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, the CDC also recommends that events of any size should be continued only if they can be carried out with adherence to guidelines for protecting vulnerable populations, including proper hand hygiene and adequate social distancing; and

WHEREAS, as of Friday, March 13, 2020 at 8:00 a.m. E.S.T., the Department of Health & Social Services' Division of Public Health (DPH) and Delaware Emergency Management Agency (DEMA) were authorized to cancel gatherings should it be deemed necessary for public health reasons, and such cancellation shall not constitute a taking and shall not entitle the owner or organizer to just compensation; and

WHEREAS, in the interests of protecting the citizens of this state from this public health threat, by law the Governor is authorized to issue a proclamation to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business where strict compliance with the statute may hinder necessary action in coping with the 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.S.T. shall remain in effect until further notice, with the following modifications:

1. Effective March 16, 2020 at 8:00 p.m. E.S.T., organizers and sponsors of public gatherings of 50 or more people shall cancel the gatherings immediately and not reschedule them until after May 15, 2020, or the public health threat of COVID-19 has been eliminated.
2. Effective March 16, 2020 at 8:00 p.m. E.S.T., all restaurants, bars and taverns shall only provide food and beverage service through take-out, drive through and off premises delivery. No indoor or outdoor seating for food or beverage service, including the use of outdoor patios, is permitted. This restriction shall not apply to food service provided within hospitals to hospital staff/employees, patients and patient visitors.
3. Effective March 16, 2020 at 8:00 p.m. E.S.T., all casinos operating in the state shall cease gaming operations.
4. Owners and operators of places of public accommodation (excluding grocery stores, pharmacies and similar establishments that sell food, cleaning supplies and health needs for

people and animals) are strongly encouraged to do the following: ensure that no more than 50 people are present in the space at the same time and provide the precautions recommended by the CDC on COVID-19, including hand hygiene and social distancing.

5. No senior center, nursing home/retirement facility, assisted-living facility etc. shall knowingly permit a gathering of more than 10 persons that includes any person aged 60 or over or any person with an underlying health condition that puts any person in attendance at increased risk if exposed to COVID-19. Individuals who are at higher risk for severe illness, including those age 60 or older with underlying health conditions, are strongly encouraged to avoid gatherings of more than 10 persons unless the CDC COVID-19 guidelines can be followed, including at senior centers, nursing home/retirement facilities and assisted living facilities.
6. DEMA and DPH are authorized to cancel gatherings should it be deemed necessary for public health reasons.
7. The Delaware Secretary of Labor is authorized to develop emergency rules, amending the Delaware Unemployment Insurance Code, effective Monday, March 16, 2020, such emergency rules to remain in effect until the State of Emergency declaration has been rescinded. These rules should enhance the flexibility of the unemployment insurance program in response to COVID-19, and alleviate some of the burden of temporary layoffs, isolation, and quarantine by ensuring unemployment benefits are available to individuals whose employment has been impacted directly by COVID-19.

APPROVED this 16th day of March 2020 at 2:00 p.m.

John C. Carney

Governor