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State of Rhode Island

Daniel J. McKee
Governor

EXECUTIVE ORDER

21-27

March 19, 2021

ONE HUNDRED AND THIRTIETH
SUPPLEMENTAL EMERGENCY DECLARATION –
AMENDED AND RESTATED PROTECTING YOUR HOUSEHOLD ORDER

WHEREAS, on March 9, 2020, Executive Order 20-02 was issued for a declaration of a state of emergency due to the dangers to health and life posed by COVID-19 and that Order has been extended to remain in effect until at least April 14, 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;

WHEREAS, despite the best efforts of public health officials, COVID-19 remains a serious public health threat in the country, in the region, 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 contain the spread of COVID-19 and to lessen the strain on our healthcare system;

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

WHEREAS, targeted measures continue to 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 Rhode Island Department of Health (RIDOH), I sought further modified mitigation measures to continue maintaining public health and safety with appropriate, less restrictive means.

NOW, THEREFORE, I, DANIEL J. MCKEE, 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 one of the following exemptions applies:

    a. the 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); or

b. the person (i) has received the final dose of an approved COVID-19 vaccination series or the only dose of an approved one-dose COVID-19 vaccine at least 14 days prior to the date of the person's arrival in Rhode Island, and (ii) is asymptomatic upon arrival in Rhode Island; or

c. the person (i) was previously diagnosed with COVID-19, (ii) had COVID-19 symptoms, the onset of which occurred no more than 90 days prior to the date of the person's arrival in Rhode Island, (iii) completed the isolation requirement in accordance with Executive Order 21-17 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island; or

d. the person (i) was tested positive for COVID-19 from a specimen taken no more than 90 days prior to the date of the person's arrival in Rhode Island, (ii) had no COVID-19 symptoms previously, (iii) completed the isolation requirement in accordance with Executive Order 21-17 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island.

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 one of the following exemptions applies:

a. the 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); or

b. the person (i) has received the final dose of an approved COVID-19 vaccination series or the only dose of an approved one-dose COVID-19 vaccination series or the only dose of an approved COVID-19 vaccine at least 14 days prior to the date of the person's arrival in Rhode Island, and (ii) is asymptomatic upon arrival in Rhode Island; or

c. the person (i) was previously diagnosed with COVID-19, (ii) had COVID-19 symptoms, the onset of which occurred no more than 90 days prior to the date of the person's arrival in Rhode Island, (iii) completed the isolation requirement in accordance with Executive Order 21-17 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island; or

d. the person (i) was tested positive for COVID-19 from a specimen taken no more than 90 days prior to the date of the person's arrival in Rhode Island, (ii) had no COVID-19 symptoms previously, (iii) completed the isolation requirement in accordance with Executive Order 21-17 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island.

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 one of the following exemptions applies:

a. the person obtains a negative COVID-19 test result from a specimen taken after arrival in Rhode Island; or

b. the person (i) has received the final dose of an approved COVID-19 vaccination series or the only dose of an approved COVID-19 vaccine at least 14 days prior to the date of the person's arrival in Rhode Island and (ii) is asymptomatic upon arrival in Rhode Island; or

c. the person (i) was previously diagnosed with COVID-19, (ii) had COVID-19 symptoms, the onset of which occurred no more than 90 days prior to the date of the person's arrival in Rhode Island, (iii) completed the isolation requirement in accordance with Executive Order 21-17 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island; or

d. the person (i) was tested positive for COVID-19 from a specimen taken no more than 90 days prior to the date of the person's arrival in Rhode Island, (ii) had no COVID-19 symptoms previously, (iii) completed the isolation requirement in accordance with Executive Order 21-17 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island; or

e. the person has a negative COVID-19 test result from a specimen taken no more than 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 Executive 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.

Updated 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 15 people. Notwithstanding these restrictions, indoor catered events with licensed catering on site or in a restaurant may have up to 75% of regular seating capacity with a cap of 100 people, provided the responsible parties, which include event hosts, organizers, venue operators and vendors ("Responsible Parties") confirm that pre-event testing is conducted when there are more than 15 attendees, follow restaurant rules and designate a point of contact for RIDOH's case investigation and contact tracing efforts. More information on catered events and pre-event testing can be found at https://ReopeningRI.com.

9. Effective immediately, attendance at all outdoor public and private social gatherings, including holiday gatherings, parties and celebrations shall be limited to 50 people. Notwithstanding these restrictions, outdoor catered events with licensed catering on site or in a restaurant may have up to 200 people, provided Responsible Parties confirm that pre-event testing is conducted when there are more than 15 attendees, follow restaurant rules and designate a point of contact for RIDOH's case investigation and contact tracing efforts. More information on catered events and pre-event testing can be found at https://ReopeningRI.com.

Limits on Indoor and Outdoor Venues of Assembly

10. Subject to strict adherence to physical distancing, masking, screening, and sanitation protocols, venues of assembly, including convention centers, concert halls, performance venues, spectator sporting event venues and theaters may operate at (a) up to 50% of capacity with a cap of 250 people indoors and (b) up to 50% capacity with a cap of 500 people outdoors. Beginning (i) May 1, 2021, outdoor venues of assembly may operate up to 10% of capacity with a cap of 1,000 people, and (ii) July 15, 2021, outdoor venues of assembly may operate for events with more than 1,000 people, all subject to the submission of a detailed COVID-19 control plan to the Department of Business Regulations (DBR) at least 30 days prior to the proposed event date, DBR pre-approval, applicable municipal pre-approval, and other such requirements (including pre-event testing, maximum capacity, cap of attendees, etc.) as may be specified by DBR and/or the applicable municipality.

11. Religious and faith-based organizations may conduct in-person activities up to 75% percent of worship space capacity, the 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.

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 ("Enforcement Task Force"). A template for COVID-19 Control Plans can be found at https://ReopeningRI.com.

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

13. Working from home remains the most important arrangement to reduce work-related spread among employees and is strongly recommended. For office-based businesses, up to 50% of workers may work on site at the same time but employees who are able to work remotely are strongly recommended 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.

14. 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

15. 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 operations subject to the indoor requirements of allowing no more than (a) one customer per 50 square feet of store area open to customers generally for any retail business with a store area of no more than 30,000 square feet and (b) one person, exclusive of employees, per 100 square feet for any retail business with a store area greater than 30,000 square feet or any multi-tenant retail complex greater than 30,000 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.

16. All retail establishments must have a plan, based on templates that will be made available by DBR, on how they will manage these capacity limits. 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.

17. 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 have a COVID-19 Control Plan which is available for inspection by the Enforcement Task Force. A template for COVID-19 Control Plans can be found at https://ReopeningRI.com.

18. 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

19. 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 Executive Order must do so in accordance with the physical distancing protocols and regulations set forth by RIDOH as well as this Executive Order and any of its successors and related regulations.

20. 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 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.

21. Service to standing customers is prohibited except for food pick-up following the requirements for pick-up described in regulations and guidelines for Restaurants and regulations set forth by RIDOH. An establishment's indoor dining capacity is limited to 75% of an establishment's regular seating capacity. Indoors, establishments may seat up to eight people per table.

22. Outdoor dining is still encouraged as long as the restaurant does not service more than its normal operating capacity. Up to eight people may be seated at any outdoor table, provided they wear masks when not eating or drinking. If an establishment has established extra outdoor dining capacity, that additional outdoor capacity may remain if the municipality approves such additional capacity (in accordance with the municipality's approval processes).

23. 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. A licensee may open its bar area, including but not limited to the bar counter and seating at the bar counter. All such bar areas must follow the requirements described in the guidelines for Restaurants available at https://ReopeningRI.com and the regulations set forth by RIDOH. At bar areas, establishments may seat up to four people in the party, and separate parties must be seated at least six feet apart unless a plexiglass or similar partition is installed, in which case separate parties must be seated at least three feet apart. Parties at bar areas may not be seated for more than 90 minutes. From 11 p.m. until closing, 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, except the licensee may keep the bar area open until midnight in the case of customers who are seated and order food by 11 p.m.

24. 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.

25. All restaurants 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 Enforcement Task Force.

Recreational/Entertainment Businesses and Historical/Cultural Establishments

26. Subject to strict adherence to physical 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 person per 50 square feet and must require individuals to remain 14 feet apart for activities involving singing or performances (e.g., karaoke), or otherwise six feet apart, from individuals outside of their household.

27. 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 Enforcement Task Force. A template for COVID-19 Control Plans can be found at https://ReopeningRI.com.

28. Nightclub operations must remain closed.

Personal Services Businesses

29. 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 for personal services at https://ReopeningRI.com and regulations set forth by RIDOH. Such personal service businesses may allow no more than one customer per 50 square feet.

30. 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.

31. 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 Enforcement Task Force, any business owner or professional is found in violation of these regulations, the business may be immediately closed.

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

Gyms, Fitness Centers and Small Group Fitness Classes

33. Gyms and fitness centers may continue operations (a) indoors at one person per 50 square feet with individuals remaining at least six feet apart and (b) outdoors with individuals remaining at least six feet apart, all subject to the guidance for gyms and fitness centers found at https://ReopeningRI.com. Under certain conditions, plexiglass or equivalent barriers, increased ventilation, or on-site testing of customers may be used to reduce spacing between individuals or reduce the one person per 50 square feet capacity limit, with DBR pre-approval. Indoor and outdoor group classes are permitted, provided appropriate spacing. 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.

34. All gyms and fitness centers must develop a COVID-19 Control Plan which shall be available for inspection by the Enforcement Task Force. If exceptions to capacity are requested, such plan must include increased ventilation or on-site testing, if applicable, or other such requirements as may be specified by DBR. A template for COVID-19 Control Plans can be found at https://ReopeningRI.com.

Indoor Sports Facilities

35. All indoor sporting facilities, such as indoor ice rinks and basketball courts, may operate at one person per 50 square feet.

Restricting Sports Competitions and Practices

36. Consistent with guidance from RIDOH, moderate and lower risk sports may continue practices, competitions, scrimmages and games. Competitions, games and scrimmages of higher risk sports, such as wrestling and boxing, shall be prohibited unless they take place outdoors; practices of all higher risk sports may continue. 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

37. Sports teams and groups are prohibited from participating in tournaments. A "tournament" is a formal contest that consists of multiple competitions or a series of games between multiple persons or teams, that might include multiple stages, played in a condensed period of time, such as over the course of a single day or multiple days in a row. For the avoidance of doubt, a series of games, "jamboree," "weekend series," "showcase," or tournament style play (one team playing multiple games vs. multiple opponents in a single day or over the course of a weekend), is deemed to be a tournament even in the absence of an overall prize, scores, eliminations, brackets, or otherwise.

38. Sports teams and groups may participate in matches, games, competitions, practices, etc., with teams or sporting groups from states not listed as having high community spread rate as set forth on a list maintained by RIDOH at https://covid.ri.gov/.

39. The seven-state suspension, in coordination with Connecticut, Massachusetts, New Hampshire, New Jersey, New York, and Vermont, of interstate youth hockey competitions for public and private schools and youth hockey leagues remains in place. The prohibition does not impact interstate collegiate, professional, or U.S. national team hockey activities.

40. Professional and intercollegiate athletic programs are exempt from all interstate competition restrictions.

Restricting Spectators from Attending Sporting Events or Practices

41. For sporting events or practices with athletes under the age of 18, no more than two parents or guardians of the athlete and the athlete's siblings may be present.

Child-Care Services to Continue in Small, Stable Groups

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

Public Health Regulations

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

44. The Director of RIDOH or her designees are hereby authorized to assess civil penalties for violation of this Executive 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

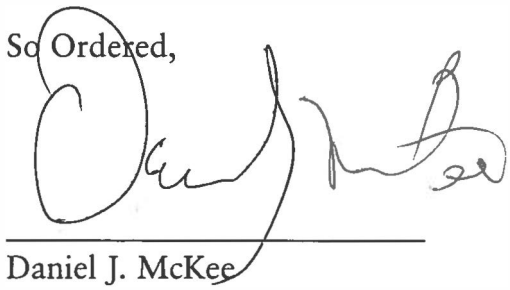
45. The Enforcement Task Force shall continue its work to educate businesses, governmental entities and other establishments on safely maintaining and re-opening operations. Enforcement Task Force inspectors shall continue to conduct inspections

of businesses, governmental establishments and other establishments as well as to enforce the emergency regulations promulgated by RIDOH. The Enforcement Task Force, through RIDOH, shall issue compliance orders under Chapter 1 of Title 23.

46. 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 Order 21-18. It shall take effect immediately and shall remain in full force and effect through April 17, 2021 unless renewed, modified, or terminated by a subsequent Executive Order.

So Ordered,



Daniel J. McKee
Governor