State of Delaware

Executive Department
Dover

TWENTY-FOURTH 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 declaration 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 fifty (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 fifty (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 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 1, 2020 at 3:00 p.m. E.D.T., I issued the Ninth Modification to the COVID-19 State of Emergency declaration to prohibit gatherings of ten (10) or more people and increase safety precautions for businesses and their visitors; 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 to 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 COVID-19 State of Emergency declaration 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, on May 14, 2020 at 5:00 p.m. E.D.T., I issued the Seventeenth Modification to the COVID-19 State of Emergency declaration to reopen Delaware beaches, boardwalks, certain

on-premise businesses, and swimming facilities, subject to precautions needed to protect public health; and

WHEREAS, on May 18, 2020 at 12:30 p.m. E.D.T., I issued the Eighteenth Modification to the COVID-19 State of Emergency declaration encouraging virtual services but expanding the ability of houses of worship and places of religious expression to conduct in-person services with safety precautions; and

WHEREAS, on May 22, 2020 at 4:00 p.m. E.D.T., I issued the Nineteenth Modification to the COVID-19 State of Emergency declaration to allow restaurants to expand outdoor seating capacity and provide the parameters of the Phase 1 Reopen Plan; and

WHEREAS, on May 31, 2020 at 3:30 p.m. E.D.T., I issued the Twentieth Modification to the COVID-19 State of Emergency declaration to expand and clarify the Phase 1 Reopen Plan; and

WHEREAS, on June 6, 2020 at 12:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a third time; and

WHEREAS, on June 14, 2020 at 5:00 p.m. E.D.T., I issued the Twenty-First Modification to the COVID-19 State of Emergency declaration to set forth the parameters for the Phase 2 Reopen Plan; and

WHEREAS, on June 19, 2020 at 3:30 p.m. E.D.T., I issued the Twenty-Second Modification to the COVID-19 State of Emergency declaration to expand and clarify the Phase 2 Reopen Plan; and

WHEREAS, on June 30, 2020 at 4:00 p.m. E.D.T., I issued the Twenty-Third Modification to the COVID-19 State of Emergency declaration to close drinking establishments in certain zip codes experiencing an outbreak and to modify restrictions contained in the Sixth Modification to

the COVID-19 State of Emergency declaration relating to insurance, evictions, foreclosures and utilities; and

WHEREAS, on July 6, 2020 at 1:30 E.D.T., I extended the COVID-19 State of Emergency declaration a Fourth Time; and

WHEREAS, reopening the State in a phased approach allows for officials to continue to monitor the spread of COVID-19 and react appropriately; and

WHEREAS, case investigation and contact tracing, a core disease control measure employed by local and state health department personnel for decades, is a key strategy for preventing further spread of COVID-19; and

WHEREAS, the CDC strongly encourages communities to scale up case investigation and contact tracing to stop COVID-19 transmission; and

WHEREAS, the Phase 2 Reopen Plan, like the interim steps before it and like the steps taken after, was formulated in close consultation with public health officials to ensure that the core principle of controlling the spread of COVID-19 is considered at a time when the State must continue to exercise heightened caution.

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 Twenty-Third Modifications and extended on April 10, 2020, May 8, 2020, June 6, 2020, and July 6, 2020, shall remain in effect until further notice, with the following modifications and additions:

A. FACE COVERINGS: Paragraph 2 of the Thirteenth Modification to the COVID-19 State of Emergency declaration is hereby modified as follows:

2. Any child ~~aged two years or less~~ under two years of age must not wear a face covering because of the risk of suffocation. This Order does not require that any child aged twelve years or less wear a face covering. Parents and caregivers must supervise use of face coverings by children to avoid misuse.

B. PHASE 2 INTERIM STEPS:

1. Effective July 27, 2020, at 8:00 a.m. E.D.T., Paragraph D.7. of the Twenty-First Modification to the COVID-19 State of Emergency declaration related to businesses is hereby modified as shown below by strike through and underline. The restrictions set forth in Section A. of the Twenty-Third Modification of the COVID-19 State of Emergency declaration, relating to taprooms and bar service in restaurants in specified towns and zip codes, remain in effect and are not modified by the provisions below.

> b. *Food and Drink Establishments*. Providers of food or drink, such as restaurants, breweries, taverns, and taprooms that provide table service may continue operations or reopen, provided, however, that the total number of guests within an establishment shall not exceed sixty percent (60%) of that establishment's stated fire occupancy requirements. Food and Drink Establishments are required to notify patrons that they may provide their name and phone number or email address to the establishment, and that the establishment will keep the information on file for the sole purpose of allowing the Division of Public Health (DPH) to contact the patron if another patron or an employee is later found to have tested positive for COVID-19. If a patron leaves such contact information, the establishment must retain the information for twenty-eight (28) days. The establishment need not deny service to patrons who do not provide contact information for this purpose. Additional requirements for Food and Drink Establishments are listed below and in the Phase 2 Reopen Plan.
>
> (i) Tables and booths must be arranged in a way that ensures customers at one table are at least six (6) feet apart from customers who are adjacent to or facing them unless barriers are present. If barriers are used:
>
> a. Must be at least six (6) feet in height and start no more than two (2) feet from the floor.
> b. Must be wide enough to provide coverage for people seated at the table.

c. Can be installed for this purpose, but walls, booths, etc., that meet the size requirements are acceptable.

(ii) Establishments that are not able to reach at least sixty percent (60%) of fire code occupancy (excluding staff) while complying with safety requirements may submit an alternative plan for COVID-safe dining to the Division of Public Health. Plans may not be implemented until approved by DPH.

(iii) Other than when eating or drinking, staff and customers must wear a cloth face covering in accordance with the State of Emergency Order at all times.

(iv) Whether indoors or outdoors, tables and booths must be arranged in a way that ensures seated customers at one table are at least six feet apart from seated customers at another table.

(v) A table must be disinfected before each new party is seated.

(vi) All patrons must have a seat, be seated, and remain seated unless going to the restroom or participating in an approved bar game activity.

(vii) Bar games such as pool, darts, pinball machines, and the like may be played as long as participants are kept six feet apart at all times and wear face coverings at all times, as long as no equipment is shared and all equipment is disinfected between uses, and as long as any surfaces that participants touch are disinfected every fifteen (15) minutes to two (2) hours using an EPA-approved disinfectant.

(viii) For food and drink establishments that provide table service:

a. Customers must have a reservation unless the establishment has a system for ensuring that customers without a reservation do not gather while waiting to be seated.
b. Takeout may continue under pre-Phase 1 guidelines, as long as patrons do not enter the dining facility when picking up an order.

(ix) For food and drink establishment that do not provide table service:

a. Counter service locations must be spaced six (6) feet apart.
b. Signage and floor markings must be used to designate appropriate spacing for patrons waiting in line.
c. Staff must be designated to monitor patrons entering the facility, to monitor lines and to ensure social distancing throughout the facility.

d. The total number of guests within a facility shall at no time exceed sixty percent (60%) of fire occupancy requirements.

(x) All condiments (salt, pepper, ketchup, mustard, mayo, sugar, etc.) must be provided directly to diners in single-use, disposable containers or re-usable containers that are cleaned between uses by new parties.

(xi) Cups, lids, napkins, and straws must be delivered to the table after the party has been seated.

(xii) Proper precautions must be taken when handling ready-to-eat foods. Variances or other allowances for bare hand contact are void until these restrictions are lifted.

(xiii) Self-service food and buffet options may only reopen if the facility assigns dedicated staff to distribute food, and any customers at the buffet are socially distanced from others who are not from the same household.

(xiv) Bar service and seating at a bar may reopen as long as proper social distancing is observed between those not from the same household.

(xv) Any to-go containers for food guests bring home after dining must be protected from possible contamination.

(xvi) Every restaurant must have its own reopening plan and must follow DPH guidance.

(xvii) Dance floors and similar spaces where social distancing is not practical may not reopen.

2. Effective immediately, Paragraph D.7. of the Twenty-First Modification and Paragraphs A.1. and A.2. of the Twenty-Second Modification to the COVID-19 State of Emergency declaration related to businesses are hereby modified as shown by strike through and underline.

e. *Personal Care Services*. This section shall apply to barber shops, hair salons, tanning salons, tattoo services, massage therapy services, nail care, brow care, spas, waxing services, and similar services. These consumer services may continue operations or reopen to the general public, provided, however, that the total number of guests permitted in an establishment at any one time shall not exceed sixty

percent (60%) of that facility's stated fire occupancy requirements. If a customer must remove a face covering for a service to be performed (e.g. make-up application, facial, etc.) the professional providing services shall wear a face covering AND face shield during the procedure until the client is able to wear their face covering or the procedure is complete, and six feet of social distance can be maintained. Additional requirements for consumer services are listed in the Phase 2 Reopen Plan.

m. *Youth Sports and Adult Recreational Sports*. Youth sports, other types of physical activity for children, and adult recreational sports may resume, provided that all players, staff, coaches, officials and spectators must comply with face covering and social distancing guidelines of six (6) feet or more to the greatest extent possible ~~and no tournaments are held~~. Tournaments may resume subject to ~~organizers~~ facilities receiving prior approval of a tournament-specific plan by the Division of Public Health. Tournament-specific plans must include a method to collect contact information for all players, staff, coaches, officials and spectators, as well as team rosters and game schedules. Tournaments include a series of games, matches or other activities where individual teams have more than one game with more than one team. Tournaments may not resume for the following sports, which are considered high risk: football, wrestling, rugby, and hockey (ice and roller). ~~Basketball tournaments may only be played outside.~~ Competitions may resume in Phase 2 with the exception of competitions for the following sports: football, wrestling, rugby, and hockey (ice and roller), which are considered high-risk. Indoor contact sports (e.g., basketball and soccer) may not resume, unless a facility-submitted plan has been reviewed and approved by DPH. ~~Basketball may only be played outside.~~ Additional requirements for youth sports and adult recreational sports are listed in the Phase 2 Reopen Plan and the Division of Public Health Guidance on Youth Sports / Suggested Guidelines for Returning to Sports Safely During COVID-19.

x. *Personal Driving Schools*. Personal driving schools and instruction may reopen, provided that at a maximum the vehicle may contain one adult and one student in front driver and passenger seats, and one additional person in the back seat. All occupants must wear face coverings at all times. Windows should be open as much as possible to help air exchange within the vehicle to reduce viral load.

3. Effective immediately, with respect to the following business categories, maximum occupancy means thirty percent (30%) of stated fire occupancy requirements, excluding employees, provided that the business must ensure social distancing of six (6) feet between individuals throughout the business' location and compliance with cloth face coverings as required by the Thirteenth Modification and applicable amendments.

a. *Senior centers, adult day centers and senior congregate nutrition programs*. Senior centers, adult day centers and senior congregate nutrition programs may reopen, provided, however, that the total number of guests (excluding staff) permitted in a facility at any one time shall not exceed thirty percent (30%) of that facility's stated fire occupancy requirements. Senior centers, adult day centers and senior congregate nutrition programs are strongly encouraged to develop a plan to support contact tracing if a positive case is associated with the business location, including to request that customers provide contact information (name, email address, and telephone numbers) and to record the date of service. In addition to the responsibilities for all businesses, senior centers, adult day centers and senior congregate nutrition programs must also:

(i) Identify a staff member who will serve as the Pandemic Response Person for the program, responsible for communicating and implementing COVID-19 mitigation efforts.

(ii) Prior to beginning operations, senior centers must develop a written plan to address all applicable guidance and restrictions for operation. The plan must be available upon request for review by DPH. The plan should include new policies on senior center operations due to COVID-19 and senior centers should communicate those policies to participants prior to reopening. These policies include, but are not limited to:

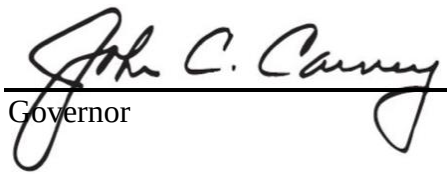
a. Operational policies to address social distancing, the number of participants attending at any one time, changes in programming, and communicating with participants.
b. Meal service policies that allow for social distancing, any changes in meal service such as how meals will be served, use of a reservation system, and how the senior center will manage meal service if it must serve fewer participants due to social distancing. Refer to FDA Best Practices guidance for reopening food establishments.
c. Sanitation and cleaning policies.
d. Staff and participant testing policies.
e. Staff and participant screening policy – Routinely use the State of Delaware's standardized health screening tool.
f. Masks and Personal Protective Equipment (PPE) requirement policies.

(iii) Additional best practices can be found in the Department of Health and Social Services Guidance.

C. MISCELLANEOUS:

1. 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 may constitute 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 24th day of July 2020 at 3:45 p.m.



Governor