State of Delaware

**Executive Department**
**Dover**

**FIFTEENTH 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 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 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 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 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 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 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 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**, in the next 30 days, multiple statewide, municipal, and school district elections are scheduled to be conducted in accordance with the terms and conditions set forth in the Sixth and Ninth Modifications to the COVID-19 State of Emergency declaration; and

**WHEREAS**, businesses have offered feedback on how they can transact business while maintaining safe social distancing, and that feedback has been evaluated from a public health perspective to ascertain how the feedback can be implemented safely; and

**WHEREAS**, some limited measures such as curbside pickup, hair care services for certain individuals, and others, can be an effective way of allowing small businesses to recover revenue and can be done in certain ways that ensure safe social distancing is maintained; and

**WHEREAS**, these initial reopening steps will allow for an assessment of how well measures will be followed ahead of additional reopening efforts.

**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

Fourteenth Modifications and extended on April 10, 2020, shall remain in effect until further notice, with the following modifications and additions:

**A. ELECTIONS**:

1. Effective immediately, the Delaware presidential primary election, originally scheduled to be conducted on April 28, 2020 pursuant to 15 Del. C. § 3181 and rescheduled to June 2, 2020 pursuant to the Sixth Modification of the COVID-19 State of Emergency declaration, is hereby further rescheduled to July 7, 2020. The Department of Elections shall mail absentee ballot applications to all registered Democrats and Republicans in the State of Delaware, in order to provide all such registered voters the opportunity to vote by absentee ballot in the presidential primary election and, pursuant to the Sixth Modification, the ability to select the "sick or physically disabled" reason if a voter is asymptomatic of COVID-19 infection and otherwise abiding by CDC and DPH guidelines by exercising self-quarantine or social distancing to avoid potential exposure to (and community spread of) COVID-19, and who herself or himself freely chooses to use such qualification to vote by absentee ballot. In addition to mailing absentee ballot applications to all registered Democrats and Republicans in the State of Delaware, the Department of Elections shall set up and operate a reduced number of polling places on the election day. There shall be at least six (6) such polling places in each county to allow voters to vote in person should they choose not to vote by absentee ballot. Department of Elections is encouraged to implement social distancing requirements, require all persons age 13 and older to wear a face covering at all times, and enforce crowd limitations of 10 persons at a time at polling places.

2. All elections for school board members in any Delaware school district scheduled to be conducted on May 12, 2020 pursuant to 14 Del. C. § 1072(c) and, pursuant to the Sixth

Modification to the COVID-19 State of Emergency declaration, delayed until June 16, 2020, are hereby further rescheduled for July 21, 2020. The terms of current school board members currently ending on June 30, 2020 are hereby extended to and through July 31, 2020. The term of any board member elected in the July 21, 2020 election shall commence on August 1, 2020, and the end of such term shall be governed by 14 Del. C. § 1052(d) and shall not be affected by this Modification. Districts are required to implement social distancing requirements, require all persons age 13 and older to wear a face covering at all times, and enforce crowd limitations of 10 persons at a time at polling places.

3. Notwithstanding the Sixth and Ninth Modifications to the COVID-19 State of Emergency declaration, municipal elections scheduled to be conducted pursuant to a municipality's charter or municipal code after the date of this Order but prior to the rescission of the State of Emergency may be conducted at the discretion of the municipality. Municipalities conducting such elections are required to implement social distancing requirements, to enforce the requirement that all persons age 13 and older wear a face covering at all times, and to enforce crowd limitations of 10 persons at a time at polling places. Municipalities are also encouraged to mail absentee ballot applications to all eligible voters in the municipality and to reduce the number of physical polling places on election day. Municipalities may also consider extending voting hours to reduce crowd size at the polling places.

4. In order to provide the Department of Elections sufficient time and resources to process the anticipated significant increase in the volume of absentee voting resulting from the shelter in place and social distancing requirements mandated by the State of Emergency and the requirement in this Modification to mail absentee ballot applications to all registered voters in the Democratic and Republican parties, the earliest time the Department may begin the

processing of such absentee ballots as set forth in 15 Del. C. § 5510 is hereby further extended from 10 calendar days before the day of the election to 30 calendar days before such election.

**B. BUSINESSES:**

1. Effective May 8, 2020, at 8:00 a.m. E.D.T., Paragraphs 1.e., 2, and 3 of the Tenth Modification and Paragraph 1.b. of the Eighth Modification to the COVID-19 State of Emergency declaration are modified as expressly set forth in Paragraphs 2-6 herein. For any matters related to businesses addressed by prior Modifications to the COVID-19 State of Emergency declaration that may appear to conflict, the provisions of this Fifteenth Modification of the COVID-19 State of Emergency declaration shall control.

2. Paragraph 2 of the Tenth Modification to the COVID-19 State of Emergency declaration is hereby amended as follows:

a. The following Non-Essential Businesses may transact business via curbside pickup:

1. Department stores, clothing stores, and shoe stores;
2. Craft or hobby retailers;
3. Book and periodical retailers;
4. Office supply, stationery, and gift stores;
5. Tobacco and vape shops;
6. Used merchandise retailers;
7. Consumer goods rentals;
8. Electronics retailers;
9. Video, video game, or computer game rental or similar retail;
10. Other general merchandise retailers.

b. Non-Essential Businesses and Limited Operation Non-Essential Businesses that are authorized to transact by appointment only shall not also transact business via curbside pickup.

c. Notwithstanding Paragraph 2.b. herein, and in order to limit interior access to public spaces such as malls, Non-Essential Business and Limited Operation Non-Essential Business that

are authorized to transact via appointment only and that are not directly accessible through stand-alone exterior access points may transact business by curbside only.

3. Paragraph 3.i. of the Tenth Modification to the COVID-19 State of Emergency declaration is hereby modified as follows: Golf courses may provide guests with golf carts, provided that carts are limited to one (1) rider and the business ensures proper cleaning between customers.

4. Paragraph 3 of the Tenth Modification to the COVID-19 State of Emergency declaration is hereby modified by adding the following additional provisions:

k. Pawn shops, by appointment only with a maximum of two appointments per half hour;

l. Furniture stores, by appointment only with a maximum of two appointments per half hour;

m. Jewelry, luggage, and leather goods retailers, by appointment only with a maximum of two appointments per half hour;

n. Sporting goods retailers, by appointment only with a maximum of two appointments per half hour;

o. Music and musical instruments retailers, by appointment only with a maximum of two appointments per half hour;

p. Hair salons and barber shops, by appointment only for essential personnel and with the following restrictions:

1. Hair care services only;

2. No more than two appointments at a time per location (and includes a stylist for each appointment and essential operations staff);

3. Appointments must be scheduled with a minimum of fifteen (15) minutes between appointments for proper cleaning;

4. Entrance doors must include signage that walk-ins are not permitted;

5. Social distancing requirements of 6 feet should be maintained when feasible;

6. Employees/owners who (per CDC guidelines) are over 65 years of age, or who have severe underlying medical conditions like heart or lung disease, moderate to severe asthma, severe obesity, chronic kidney or liver disease, diabetes or are immunocompromised and at higher risk for COVID-19 illness/complications, are still encouraged to refrain from going to work, but must wear a FDA cleared surgical mask at all times if they choose to go to work; employees/owners under 65 and without severe underlying medical conditions and customers shall wear a cloth face covering at all times; customers must cancel appointments if they have any reason to believe they may be ill or may have come into contact with COVID19; customers over 65 years of age or who have underlying medical conditions like the above are strongly recommended to avoid utilizing hair care or other

cosmetology services at this time due to the serious risks associated with coming into close and sustained contact with others;
7. Employees must wash hands with warm water and soap between customers, and more frequently as time permits;
8. For those employees who must report to work, each employee must be asked about and report daily body temperature. Employees with a temperature at or above 99.5 degrees Fahrenheit must stay home.
9. Customer stations must be sanitized between uses, along with any equipment used for the customer.
10. Magazines or other materials may not be provided by the salon or shared among customers.

q. Drive-in services, such as graduations and drive-in movies, are permitted with the following restrictions:
1. People attending the service must remain in their vehicles at all times and are permitted to open their windows halfway if needed.
2. Vehicles attending services may only include immediate family members who live in the same household.
3. No outdoor seating shall be permitted, including outdoor seating in an open bed of a vehicle.
4. Vehicles must remain at least 9 feet from each other (including side-to-side while parked).
5. Owners/operators of the property being used for drive-in services shall clearly mark spacing appropriate to identify 9 feet between cars.
6. No exchange of materials shall take place between attendees and each other or attendees and the providers of the services.
7. There must be strict adherence to social distancing guidelines recommended by the CDC and the Division of Public Health.
8. Owners/operators shall provide clear signage regarding these requirements.

5. Paragraph 1.b. of the Eighth Modification to the COVID-19 State of Emergency declaration is hereby modified and includes the words in italics below: "In addition to the authority in 1.a. above, during the State of Emergency, the Secretary of DSCYF, in consultation with the Secretary of the Department of Health and Social Services (DHSS), the Secretary of the Department of Education (DOE), and the Director of the Office and Management and Budget (OMB), is authorized to direct all licensed childcare homes and centers (collectively "childcare") in the State of Delaware to provide childcare to "any *employee of a* business deemed essential or

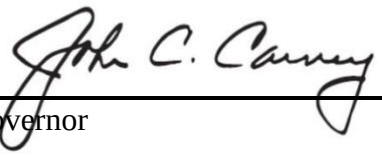
open for business, as defined by the Modifications to the State of Emergency, including developing the following guidelines for implementation:"

6. With the exception of the provision above permitting childcare, all childcares not designated as Emergency Childcare Sites pursuant to the 8th Modification shall remain closed.

**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 constitutes 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 7th day of May 2020 at 10:00 a.m.



Governor