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State of Rhode Island

Gina M. Raimondo
Governor

EXECUTIVE ORDER

20-90

October 30, 2020

EIGHTY-FIFTH SUPPLEMENTAL EMERGENCY DECLARATION – AMENDED AND RESTATED PHASE III 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 November 2, 2020;

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, as the pandemic wears on and the State continues its phased re-opening, Rhode Islanders must make every effort to assess and mitigate their individual risk of contracting COVID-19. I urge the public to keep exposure well below the caps set forth in this Executive Order; the lower the attendance and gathering size, the lower the risk;

WHEREAS, Rhode Island is working in conjunction with Connecticut, in light of the significant risk posed to the health and welfare of all residents by the further spread of COVID-

19 to Rhode Island and our neighboring state, to protect the progress made and keep disruptions to essential business and daily life to a minimum;

WHEREAS, despite the best efforts of public health officials, the incidence of COVID-19 is surging in the country, regionally and in Rhode Island;

WHEREAS, in the past few weeks, the State has seen particular increases in transmission in smaller, unstructured social gatherings and at sporting events;

WHEREAS, further aggressive efforts are necessary to slow the spread of COVID-19 and to lessen the strain on our healthcare system;

WHEREAS, such immediate measures are also necessary to maintain in-person learning for Rhode Island students and to preserve, to the greatest extent possible, the State's economy;

WHEREAS, targeted, time-limited measures imposed now can make a difference in Rhode Island's COVID-19 infection rate;

WHEREAS, in consultation with the Director of the Rhode Island Department of Health (RIDOH), additional guidance will be issued to restrict patient visitation at hospitals and nursing homes over the next two weeks; and

WHEREAS, in consultation with the Director of RIDOH, I will also be seeking additional voluntary mitigation efforts, including an increase in remote work by businesses where possible and a return to and expansion of remote services at houses of worship.

NOW, THEREFORE, I, GINA M. RAIMONDO, 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 14 days upon arrival in Rhode Island.

3. Any person who has travelled outside the 50 states or the District of Columbia in the last 14 days must self-quarantine for the remainder of the 14-day period upon arrival in Rhode Island.

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

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 health.ri.gov/covid must immediately self-quarantine for 14 days or until such time as they receive a negative COVID-19 test. This quarantine requirement shall not apply to a person who has a negative COVID-19 test from a specimen taken no more than seventy-two (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 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://health.ri.gov/diseases/ncov2019/.

Coordinating Travel Restrictions with Neighboring State

7. The criteria and the protocols set forth in paragraph 5 of this 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.

Easing Limits on Indoor and Outdoor Social Gatherings

8. All indoor social gatherings of more than ten (10) people in any public or private space are prohibited. Notwithstanding these restrictions, indoor social gatherings in a restaurant or with licensed catering on site such as weddings may have up to fifty (50) people, provided that restaurant rules are applied. The lower attendance at such events, the lower the risk.

9. All outdoor social gatherings of more than ten (10) people in any public or private space are prohibited. Notwithstanding these restrictions, outdoor social gatherings at a restaurant or with licensed catering on site such as weddings may have up to one hundred (100) people, provided that restaurant rules are applied. The lower attendance at such events, the lower the risk. The Department of Business Regulation (DBR) may grant exceptions to booked outdoor weddings at a restaurant or with licensed catering on site with more than 100 people.

Easing Limits on Indoor and Outdoor Venues of Assembly

10. Subject to strict adherence to social distancing, masking, screening and sanitation protocols, indoor venues of assembly, including convention centers, concert halls, performance venues, and theaters may operate at up to 66% of capacity or 1 person per 100 square feet, subject to Phase III guidelines, to a cap of one hundred and twenty-five (125) people.

11. Subject to strict adherence to social distancing, masking, screening and sanitation protocols, outdoor venues of assembly that host events such as fairs, festivals, concerts, and performances may operate at up to 66% of capacity or 1 person per 100 square feet, subject to Phase III guidelines, to a cap of two hundred and fifty (250) people.

12. Consistent with the foregoing restrictions on places of assembly, religious and faith-based organizations may conduct indoor in-person activities up to 66% percent of worship space capacity, subject to a cap of one hundred and twenty-five (125) people and to the Phase III 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. Outdoor religious services may operate at 66% of capacity to a cap of two hundred and fifty (250) people, with social distancing and masking in effect.

13. 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.

Easing Limits on Other Places of Public Interaction

Office-Based Business Limits – Work Remotely to the Extent Possible

14. Working from home is still strongly encouraged when possible. For office-based businesses, up to 66% of workers may work on site at the same time as long as physical distancing standards, regulations and other guidance required in Phase III guidelines can be maintained. This guidance also applies to offices that were closed or operated with a minimal workforce on-site through Phase II within non-office-based businesses. For any workplace where more than 66% of employees have been working on site during Phase II, the employer is not required to reduce the number of staff on site.

15. 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 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.

Expansion of Retail Businesses

16. All retail businesses with a physical location in Rhode Island may continue to conduct in-store pickup and limited browsing. All retail businesses may now allow up to one customer per 100 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.

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 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.

18. Nothing in this Executive Order shall require a store owner or other place of business to refuse entry to a customer not wearing a face covering; however, stores and other places of business shall actively remind customers that they must wear a mask.

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 Order must do so in accordance with the physical distancing protocols and regulations set forth by RIDOH as well as Executive Order 20-61 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 Phase III 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 (e.g., in a bar area) is prohibited with the exception of food pick-up following the requirements for pick-up described in Phase III Guidelines for Restaurants and regulations set forth by RIDOH. An establishment's indoor dining capacity is limited to 66% 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 II, that additional outdoor capacity may remain in Phase III if the municipality continues to approve such additional capacity (in

accordance with the municipality's approval processes). Parties of 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.

22. Bars may remain open for seated service only and subject to the requirements described in the Phase III 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 III guidelines in effect for these businesses are required to follow the requirements in the Phase III guidelines. If, upon inspection by the Task Force, any business owner is found in violation of the requirements of these guidelines, the business may be immediately closed.

23. All restaurants operating in Phase III 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 Task Force established by Executive Order 20-32.

Recreational/Entertainment Businesses and Historical/Cultural Establishments

24. Subject to strict adherence to social distancing, masking, screening and sanitation protocols, recreational or entertainment businesses and historical/cultural establishments, that are not venues of assembly, may conduct indoor and outdoor operations subject to a capacity limit of up to 66% or 1 person per 100 square feet, according to Phase III guidelines.

25. 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 Task Force created by Executive Order 20-32. A template for COVID-19 Control Plans can be found at https://ReopeningRI.com.

26. Nightclub operations must remain closed.

Further Relief for Personal Services Businesses

27. 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 of the Phase III guidelines for personal services at https://ReopeningRI.com and regulations set forth by RIDOH. Such personal service businesses may allow up to one customer per 100 square feet.

28. 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 shall only operate as directed in regulations to be promulgated by RIDOH.

29. 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.

30. 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.

Easing of Restrictions on Gyms, Fitness Centers and Small Group Fitness Classes

31. Outdoor group fitness activities are preferred but are limited to one person per 100 square feet, with all physical distancing guidelines to be observed.

32. Gyms and fitness centers may continue limited indoor operations subject to the requirements in the Phase III 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 physical distancing cannot be easily, continuously, or measurably maintained are still prohibited in Phase III, unless permitted in accordance with regulations set forth by RIDOH. In open gym settings, capacity is limited to one person per 100 square feet. All exercise space and exercise equipment must be thoroughly cleaned between uses. Whirlpools, communal saunas, and steam rooms, and all licensed pools may only be operated in accordance with regulations issued by RIDOH.

33. 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.

Temporary Closure of Indoor Sports Facilities in Preparation for Winter Season

34. All indoor sporting facilities, such as indoor ice rinks and basketball courts, may not host games, practices, or any other sport, for the period beginning on Monday, November 2nd through Sunday, November 8th. To the extent that such facilities are used for purposes other than sports activities, they may continue to be open. This Order does not apply to activities of professional or collegiate interscholastic athletic programs; only professional and collegiate interscholastic athletic programs may conduct indoor activities during this time. If a gymnasium or fitness center has an indoor sport facility within its establishment, it may not be used for games, practices, or any other sport for the period beginning on Monday, November 2nd through Sunday, November 8th.

Restricting Spectators from Attending Sporting Events or Practices

35. Spectators are prohibited from attending any sporting event or practice, except in the case of athletes ages ten (10) or younger. One (1) parent or guardian of an athlete age ten (10) or younger may be present at a sporting event or practice.

All State Parks and Beaches Remain Open

36. All state parks and beaches shall remain open subject to limits on use, parking, capacity and other restrictions. Those requirements and restrictions are available at www.riparks.com/covid19.

Child-Care Services to Continue in Small, Stable Groups

37. Child-care services shall continue 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

38. 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

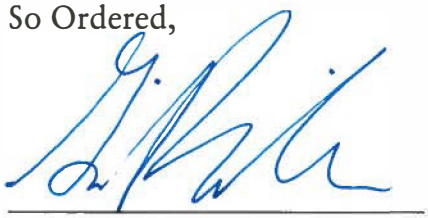
39. The Task Force created by Executive Order 20-32 shall continue its work to educate businesses, governmental entities and other establishments on safely maintaining and

re-opening operations in Phase III. 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.

40. 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 20-88. It shall take effect immediately and shall remain in full force and effect through November 29, 2020 unless renewed, modified, or terminated by subsequent Executive Order.

So Ordered,



Gina M. Raimondo
Governor