

Executive Order 2020-048 Extends Curfew; New Modifications Announced

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PRACTICE AREAS

- Government Affairs & Public Policy

An McV Government Affairs Alert

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On June 29, 2020, Governor Wanda Vázquez-Garced signed Executive Order 2020-048 (“EO 2020-048” or the “Executive Order”) to, among other matters, extend the curfew set forth in Executive Order 2020-044 and continue with the gradual reopening of the economy.

EO 2020-048 also continues to ease the limitations imposed by previous administrative bulletins by considering the recommendations of the Puerto Rico Economic and Medical Task Forces to establish a fourth phase of reopening and the guidelines set forth in the United States Department of National Security’s *Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response*.

For your convenience, in this Alert we will highlight the major modifications and amendments contained in this new Executive Order as the Government continues to ease into an economic reopening transition. We will refer to our previous Alerts as needed.

Extension of Curfew

The curfew set forth in EO 2020-044, from 10:00pm until 5:00am, continues until July 22nd, 2020.

Quarantine Order

Section 2 of EO 2020-048 orders individuals who reasonably believe to have been exposed to COVID-19 or who have been diagnosed with COVID-19 to remain in their place of residence for a period of 14 days, as detailed in our EO 2020-038 Alert.

Government Operations

According to Section 3 of EO 2020-048, government agencies will continue offering services that may be rendered remotely, as detailed in our EO 2020-038 Alert.

Executive Order 2020-048 Extends Curfew; New Modifications Announced

To continue with the gradual reopening of government agencies and instrumentalities, and in addition to the government employees previously directed to report back to work as detailed in our EO 2020-041 Alert and our EO 2020-044 Alert, career employees (*empleados de carrera*) that the Appointing Authority determines necessary in its Work Plan are directed to return to work at their respective agencies on July 1st, 2020.

Starting on July 6th, and subject to each agency's health and safety parameters, government agencies that offer services to the public shall reopen to the public in their facilities.

Guidance Established by Agencies

The provisions of the Executive Order may be supplemented by regulations or guidance issued by government agencies, as detailed in our EO 2020-038 Alert.

Private Businesses and Exceptions (Section 5 of the Executive Order)

Pursuant to Section 5 of EO 2020-048, the following businesses, which were not previously covered under previous administrative bulletins, may proceed with their reopening:

■ **Food**

- Sale of prepared food: Starting July 1st, restaurants are authorized to open their dining rooms Monday through Sunday until curfew, **at or below 75% of their maximum capacity**, as defined in PR Building Code 2018. Reservations are encouraged in order to comply with the capacity limitations set forth in the Executive Order.
- Establishments selling alcoholic beverages: Starting July 1st, bars are authorized to open Monday through Sunday until curfew, **at or below 75% of their maximum capacity**, as defined in PR Building Code 2018.
- Farmer's markets, provided that they follow the necessary precautionary measures and social distancing.
- Other food businesses and services identified in our EO 2020-038 and our EO 2020-044 Alerts.

■ **Ornamental Gardening Businesses**

- Ornamental gardening businesses may continue operating Monday through Sunday until curfew, **at or below 75% of their maximum**

Executive Order 2020-048 Extends Curfew; New Modifications Announced

capacity, as defined in PR Building Code 2018.

■ **Retail Stores**

■ Online sales continue to be preferred. Starting July 1st, retail stores (including auto repair and parts shops and hardware stores) may continue operating Monday through Sunday until curfew so long as occupancy is at or below 75% of their maximum capacity, as defined in PR Building Code 2018. For additional details on the required health and safety measures, please refer to our EO 2020-044 Alert.

■ **Please see restrictions for retail stores located in open and closed layout malls below.**

■ **Open Layout Shopping Malls**

■ Starting July 1st, open layout shopping malls may continue operating Monday through Sunday until curfew so long as occupancy **is at or below 75% of their maximum capacity**, as defined in PR Building Code 2018. For additional details on the required health and safety measures, please refer to our EO 2020-044 Alert.

■ **Closed Layout Shopping Malls**

■ Provisions on the operations and occupational limits of closed layout shopping malls remain unaltered. For additional details, please refer to our EO 2020-044 Alert.

■ **Wholesale Businesses**

■ Starting July 1st, wholesale businesses may continue operating Monday through Sunday until curfew so long as occupancy **is at or below 75% of the maximum capacity**, as defined in PR Building Code 2018. For additional details on the required health and safety measures, please refer to our EO 2020-044 Alert.

■ **Automobile Dealerships**

■ Automobile dealerships may continue providing services by appointment only Monday through Sunday until curfew, so long as occupancy **is at or below 75% of their maximum capacity**, as defined in PR Building Code 2018. For additional details on the required health and safety measures, please refer to our EO 2020-044 Alert.

Executive Order 2020-048 Extends Curfew; New Modifications Announced

- **Travel Agencies**

- Travel agencies may continue providing services by appointment only Monday through Sunday until curfew so long as occupancy **is at or below 75% of their maximum capacity**, as defined in PR Building Code 2018. These businesses must set aside time at the end of the day to clean and disinfect the premises *See Workplace Risk Management Plans Below*

- **IT Sector Establishments**

- Provisions on the operations of IT Sector Establishments remain unaltered. For additional details, please refer to our EO 2020-044 Alert.

- **Advertising Agencies**

- Advertising agencies may continue operations by appointment only Monday through Sunday so long as occupancy **is at or below 75% of their maximum capacity**, as defined in PR Building Code 2018. For additional details on the required health and safety measures, please refer to our EO 2020-044 Alert.

- **Movie Theaters and Drive-in Cinemas**

- Provisions on the operations of movie theaters and drive-in cinemas remain unaltered. For additional details, please refer to our EO 2020-044 Alert.

- **Museums**

- Museums may continue operations Monday through Sunday until curfew by promoting the sale of tickets online. **Occupancy must not exceed 75% of their maximum capacity**, as defined in PR Building Code 2018. For additional details on the required health and safety measures, please refer to our EO 2020-044 Alert.

- **Gyms**

- Gyms may continue operations Monday through Sunday until curfew **so long as occupancy does not exceed 75% of their maximum capacity**, as defined in PR Building Code 2018. For additional details on the required health and safety measures, please refer to our EO 2020-044 Alert.

- **Daycare Centers**

- Starting July 1st, daycare centers may operate within the hours allowed by the curfew and ensuring compliance with measures to prevent COVID-19

Executive Order 2020-048 Extends Curfew; New Modifications Announced

infection (including the mandatory use of face masks, frequent hand washing and keeping a 6-ft. distance) and must also set aside time at the end of the day to clean and disinfect the premises.

■ **Film Industry**

- Provisions on the operations movie theaters and drive-in cinemas remain unaltered. For additional details, please refer to our EO 2020-044 Alert.

■ **Other Private Businesses**

- Provisions regarding the following businesses and industries remain unaltered from previous administrative bulletins:
 - Healthcare, Medications, Medical Items or Equipment, and Pharmacies: For additional detail, please refer to our EO 2020-038 Alert and our EO 2020-044 Alert.
 - Gas Stations and their Distribution Chain: For additional detail, please refer to our EO 2020-038 Alert.
 - Financial Institutions: For additional detail, please refer to our EO 2020-038 and our EO 2020-041
 - Organizations or Groups that Provide Services that Address the Basic Needs of Vulnerable Persons: For additional detail, please refer to our EO 2020-038 Alert.
 - Textile: For additional detail, please refer to our EO 2020-038 Alert.
 - Laundry and Laundromat Services: For additional detail, please refer to our EO 2020-044 Alert.
 - Vehicle Inspection Centers: Provisions on the operations of vehicle inspection centers remain unaltered. For additional details, please refer to our EO 2020-044 Alert.
 - Safety: For additional detail, please refer to our EO 2020-038 Alert.
 - National Security: For additional detail, please refer to our EO 2020-038 Alert.
 - Car Wash Establishments: For additional detail, please refer to our EO 2020-044 Alert.
 - Beauty Salons and Barbershops: For additional detail, please refer to our EO 2020-044 Alert.
 - Spas and Esthetic Clinics: For additional detail, please refer to our EO 2020-044 Alert.

Executive Order 2020-048 Extends Curfew; New Modifications Announced

■ **Price Control Measures**

- EO 2020-048 also advises exempted businesses to comply with any Price Control Measures issued by the Puerto Rico Department of Consumer Affairs (“DACO” for its Spanish acronym) throughout this period.

Exempted Services (Section 6 of the Executive Order)

The services listed below, which remained prohibited under previous Executive Orders, may now be provided:

- Armory services for the security sector and the occupation of shooting ranges so long as occupancy is at or below 75% of their maximum capacity, as defined in PR Building Code 2018.
- Transportation services by taxi drivers, and public and private carriers who wish to deliver merchandise (cargo) and transport passengers, provided they comply with the required precautionary measures set forth by the Bureau of Transportation and Other Public Services (NTSP, per its Spanish acronym).
- Public transportation services, pursuant to the regulations set forth by the Metropolitan Bus Authority (AMA, per its Spanish acronym) and the *Tren Urbano*.

For a complete list of the previously exempted services, please refer to our EO 2020-038, our EO 2020-041, and EO 2020-044 Alerts.

Corporations

Provisions for rescheduling date and/or place of previously notified shareholder meetings remain unaltered. For more detail, please refer to our EO 2020-038 Alert.

Outdoor Sports and Recreational Activities

Starting 15th, within permissible curfew hours, professional sports leagues that do not entail physical contact may resume public sporting events. Other competitive events, such as professional boxing, mixed martial arts and combat sports may resume public sporting events starting August 1st.

For additional details on other permissible sporting activities, please refer to our EO 2020-044 Alert.

Executive Order 2020-048 Extends Curfew; New Modifications Announced

Beaches

Section 9 of EO 2020-048 provides that beaches may remain open; however, socializing and the grouping of people are not allowed without the proper precautionary measures and social distancing.

Horse Racing Industry and Sport

Section 10 of EO 2020-048 provides that the horse racing industry may continue to celebrate official races. Official horse races are permitted in the Camarero Racetrack, and the general public may attend the races so long as occupancy **does not exceed 75% of the racetrack's official capacity**, as set forth in the PR Building Code 2018.

For additional details on horse races, please refer to our EO 2020-041 and our EO 2020-044 Alerts.

Tourism

Section 11 of EO 2020-048 provides that, starting July 1st, casinos may reopen so long as occupancy **does not exceed 75% of their official capacity**, as set forth in the PR Building Code 2018. Casinos must comply with the guidelines and protocols set forth by the Games of Change Division, which are in compliance with recommendations from the CDC, the Puerto Rico Department of Health and PROSHA.

Common areas at hotels and inns may be used by guests, so long as occupancy **does not exceed 75% of their official capacity**, as set forth in the PR Building Code 2018.

Subject to the management and development of COVID-19, Puerto Rico will be available to coordinate external tourism starting July 15th.

Entertainment

Starting July 1st venues for on-site events and concerts may reopen so long as they are compliant with the necessary precautionary measures to prevent COVID-19 infection (including the use of face masks, frequent hand washing, keeping a 6-ft. distance and complying with social distancing norms). See **Workplace Risk Management Plans** *Below*.

Executive Order 2020-048 Extends Curfew; New Modifications Announced

For additional details on permissible entertainment events, please refer to our EO 2020-044 Alert.

Safety Measures to be followed by the Public and Exempted Businesses

To protect the health and safety of employees and customers, Section 13 of the Executive Order provides that private businesses must require their employees and customers to comply with the health and safety measures included in previous Orders. Please refer to our EO 2020-038 Alert for additional details.

Preferential Services

Section 14 of the Executive Order provides that businesses allowed to resume operations pursuant to EO 2020-048 must, if possible, offer preferential services to hospital or clinical lab workers, public safety agents, persons over 65 years of age and persons with disabilities.

Excluded Persons (Section 15 of the Executive Order)

The list of persons exempted from the curfew remains unaltered. For additional details, please refer to our EO 2020-038 Alert.

Road Tolls (Section 16 of the Executive Order)

Provisions on road tolls remain unaltered. For additional details, please refer to our EO 2020-038 Alert.

Celebration of Religious Events (Section 17 of the Executive Order)

Provisions on the celebration of religious events remain unaltered. For additional details, please refer to our EO 2020-038 Alert and our EO 2020-044 Alert.

Closure of Businesses and Private Entities (Section 18 of the Executive Order)

EO 2020-048 provides for a total 24-hour closure of nightclubs, gaming halls, or any analogous place conducive to the gathering of individuals within the same place.

Executive Order 2020-048 Extends Curfew; New Modifications Announced

Construction Services (Section 19 of the Executive Order)

Provisions on construction services remain unaltered. For additional details, please refer to our EO 2020-038 Alert.

Manufacturing (Section 20 of the Executive Order)

Provisions on manufacturing remain unaltered. For additional details, please refer to our EO 2020-038 Alert.

Recreational Maritime Traffic (Section 21 of the Executive Order)

Provisions on recreational maritime traffic remain unaltered. For additional details, please refer to our EO 2020-041 Alert.

Workplace Risk Management Plans (Section 22 of the Executive Order)

Before resuming operations, all exempted businesses must prepare an infection risk management plan based on OSHA 3990 guidelines, as detailed in our EO 2020-038 Alert.

Modifications

The Governor reserves the right to modify this Executive Order to address any change in the rate of infection that may result from the easing of restrictions introduced by EO 2020-048.

Penalties for Failing to Comply with EO 2020-048

Any person who fails to comply with the provisions of EO 2020-048 may face up to six months of incarceration and/or a fine of up to \$5,000.

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