

## Executive Order 2020-054 Repeals EO 2020-048 and Reverses Certain Reopening Measures; New Restrictions Announced

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### PRACTICE AREAS

- Government Affairs & Public Policy

### An McV Government Affairs Alert

July 17, 2020

On July 16, 2020, Governor Wanda Vázquez-Garced signed Executive Order 2020-054 (“EO 2020-054” or the “Executive Order”) to, among other matters, repeal Executive Order 2020-048 and implement more restrictive measures to curb the spread of COVID-19 in Puerto Rico.

EO 2020-054, which will be effective from July 17<sup>th</sup> until July 31<sup>st</sup>, also reverses moves to reopen businesses set forth in previous administrative bulletins by considering the recommendations of the Puerto Rico Economic and Medical Task Forces 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. 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 in effect until July 31<sup>st</sup>, 2020.

#### **Prohibition of Sale of Alcoholic Beverages**

Section 3 of EO 2020-054 prohibits the consumption and sale of alcoholic beverages after 7:00pm in all businesses and establishments during the effectiveness of the Executive Order.

#### **Government Operations**

According to Section 4 of EO 2020-054, government agencies will continue offering services that may be rendered remotely, as detailed in our [EO 2020-038 Alert](#).

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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 Head of Agency determines necessary in its Work Plan are directed to return to work at their respective agencies.

### **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](#).

### **Authorized Private Businesses and Exceptions (Section 6 of the Executive Order)**

Pursuant to Section 6 of EO 2020-054, restaurants may keep their dining rooms open Monday through Sunday until curfew, **at or below 50% of their maximum capacity**, as defined in PR Building Code 2018. Pursuant to Section 3 of the Executive Order, restaurants may not sell alcoholic beverages after 7:00pm. Under no circumstance will people be allowed to crowd outside of a restaurant consuming alcoholic beverages.

Businesses dedicated mainly to the retail sale and consumption of alcoholic beverages outside or within its premises (**bars, canteens, cocktail lounges and any business whose earnings are primarily derived from the retail sale of alcohol**) will be closed during the effectiveness of the Executive Order.

The following businesses may continue operating Monday through Sunday until curfew **at or below 50% of their maximum capacity**, as defined in PR Building Code 2018. For additional details on any of these, please refer to our [EO 2020-044 Alert](#).

- Ornamental Gardening Businesses
- Retail Stores
- Open Layout Shopping Malls
- Wholesale Businesses
- Automobile Dealerships
- Travel Agencies

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- Advertising Agencies
- Drive-in Cinemas
- Museums

Provisions regarding the following businesses and industries remain unaltered from previous administrative bulletins:

- Other food businesses identified in our [EO 2020-038](#) and our [EO 2020-044](#)
- 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](#)
- Closed Layout Shopping Malls: For additional detail, please refer to our [EO 2020-044 Alert](#)

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- Daycare Centers: For additional detail, please refer to our [EO 2020-044 Alert](#)
- IT Sector Establishments: For additional detail, please refer to our [EO 2020-044 Alert](#)
- Film Industry: For additional detail, please refer to our [EO 2020-044 Alert](#)

Lines are not allowed outside of authorized businesses not operating by appointment or reservation or that do not offer curbside pickup services. Customers must wait in their cars.

### **Price Control Measures**

EO 2020-054 reiterates compliance with any Price Control Measures issued by the Puerto Rico Department of Consumer Affairs (“DACO” for its Spanish acronym) throughout this period.

### **Authorized Services (Section 7 of the Executive Order)**

The services listed below, which were authorized under previous Executive Orders, are modified as follows:

- Armory services for the security sector and the occupation of shooting ranges so long as occupancy is **at or below 50% of their maximum capacity**, as defined in PR Building Code 2018.
- With the exception of the DTOP’s “Call and Travel” (“*Llame y Viaje*”) Program, public transportation services are suspended during the effectiveness of the Executive Order.

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.

### **Outdoor Sports and Recreational Activities (Section 9 of the Executive Order)**

Starting on July 17<sup>th</sup>, and within permissible curfew hours, **only** individual sports and recreational training that do not entail physical contact are allowed. **Competitive activities of any kind, professional or non-professional, are not allowed during the effectiveness of the Executive Order.**

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For additional details on other permissible sporting activities, please refer to our [EO 2020-044 Alert](#).

### **Beaches**

Section 10 of EO 2020-054 provides that beaches will be closed to persons wishing to sunbathe, socialize or gather in groups. Beaches may continue open strictly for professional or recreational sports (runners, surfers, sailing and rowing athletes, and divers, among others).

### **Horse Racing Industry and Sport**

Section 11 of EO 2020-054 provides that the horse racing industry may continue to celebrate official races. The general public may attend the races held at the Camarero Racetrack so long as occupancy **does not exceed 50% of the racetrack's official capacity**, as set forth in the PR Building Code 2018.

Video game terminals will not be allowed to operate during the effectiveness of the Executive Order.

For additional details on horse races, please refer to our [EO 2020-041](#) and our [EO 2020-044 Alerts](#).

### **Tourism**

Section 12 of EO 2020-054 provides that the use of hotel and inn common areas, such as pools and bars, is not allowed during the effectiveness of the Executive Order. Hotels and inns with pools and beach access must ensure compliance with the measures set forth in the Executive Order.

Restaurants located within hotels may remain open, so long as occupancy does not exceed 50% of the official capacity, as set forth in the PR Building Code 2018.

### **Casinos may not operate during the effectiveness of the Executive Order.**

Subject to the management and development of COVID-19, Puerto Rico will be available to coordinate external tourism starting August 15<sup>th</sup>.

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### **Events**

Section 13 of the Executive Order provides that proposals for virtual concerts and theater activities may be submitted for the approval and authorization of the Governor's Chief of Staff. Proposals will be evaluated subject to the implementation of health and safety measures to safeguard employees' health. Venues may not reopen during the effectiveness of EO 2020-054.

Mass gatherings where the crowding of persons is encouraged are unauthorized by the Executive Order.

### **Other EO 2020-054 Provisions**

The following Sections of EO 2020-054 remain unaltered from previous administrative bulletins:

- Section 2 of the Executive Order – Quarantine Order. For additional detail, please refer to our [EO 2020-038 Alert](#)
- Section 8 of the Executive Order – Corporations. For additional detail, please refer to our [EO 2020-038 Alert](#)
- Section 14 of the Executive Order – Safety Measures to be followed by the Public and Exempted Businesses. Please refer to our [EO 2020-038 Alert](#) for additional details
- Section 15 of the Executive Order – Preferential Services. Please refer to our [EO 2020-038 Alert](#) for additional details
- Section 16 of the Executive Order – Excluded Persons. For additional details, please refer to our [EO 2020-038 Alert](#)
- Section 17 of the Executive Order – Road Tolls. For additional details, please refer to our [EO 2020-038 Alert](#)
- Section 20 of the Executive Order – Construction Services. For additional details, please refer to our [EO 2020-038 Alert](#)
- Section 21 – Manufacturing. For additional details, please refer to our [EO 2020-038 Alert](#)
- Section 23 – Workplace Risk Management Plans. For additional details, please refer to our [EO 2020-038 Alert](#)

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### **Celebration of Religious Events (Section 18 of the Executive Order)**

The celebration of religious events may continue under the Executive Order, so long as occupancy **does not exceed 50% of the official capacity**, as set forth in the PR Building Code 2018. For additional details, please refer to our [EO 2020-038 Alert](#) and our [EO 2020-044 Alert](#).

### **Closure of Businesses and Private Entities (Section 19 of the Executive Order)**

EO 2020-054 provides for a total 24-hour closure of **movie theaters, nightclubs, concert halls, theaters, gaming halls, casinos, theme parks, gymnasiums, bars**, or any analogous place that is conducive to the gathering of individuals within the same place.

### **Recreational Maritime Traffic**

Section 22 of EO 2020-054 orders the closure of all marinas to discourage the use of recreational vessels, including jet skis, on territorial waters. The Department of Natural and Environmental Resources (the “DNER”) shall issue directives on the aforementioned closure and exceptions to the same in light of emergency criteria, commercial fishing, residents of vessels and federal regulations.

The Puerto Rico Police Bureau and Municipal Police will establish a coastal vigilance plan and work with Mayors that supervise costal municipalities to refuse the entry of maritime transportation in their shores.

Maritime transportation services provided by the Maritime Transportation Authority will be limited exclusively to individuals performing work in and residents of either Island Municipality.

### **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 restrictions introduced by EO 2020-054.

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### **Penalties for Failing to Comply with EO 2020-054**

Any person who fails to comply with the provisions of EO 2020-054 may face up to six months of incarceration and/or a fine of up to \$5,000.

### **Interagency Oversight Group (Section 26 of the Executive Order)**

In order to monitor compliance with the restrictions set forth in EO 2020-054, all relevant Puerto Rico government entities (*inter alia*, the Public Safety Department and all of its components, including the Police Department, the Special Investigations Unit, the Firefighters Corps, as well as DACO, the Department of Treasury, the Department of Health, the Department of Family, the DNER, the Permits Management Office, and the Office of the Commissioner of Financial Institutions) are authorized to establish monitoring plans in concert with PROSHA so that they may issue fines and sanctions (including the closure of businesses) corresponding to each agency's jurisdiction and competence.

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