

2021 MAY 18 AM 11:48

99



State of Rhode Island

Daniel J. McKee
Governor

EXECUTIVE ORDER

21-55

May 18, 2021

ONE HUNDRED AND FIFTY-EIGHTH
SUPPLEMENTAL EMERGENCY DECLARATION -
PROTECTING YOUR HOUSEHOLD ORDER

WHEREAS, on March 9, 2020, Executive Order 20-02 was issued for a declaration of a state of emergency due to the dangers to health and life posed by COVID-19 and that Order has been extended to remain in effect until at least June 10, 2021;

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, reduced rate of COVID-19 related deaths along with increasing rates of COVID-19 vaccination in Rhode Island and projected vaccination coverage continue to make possible further incremental relaxation of public health and safety restrictions;

WHEREAS, Rhode Islanders must continue to make every effort to assess and mitigate their individual risk of contracting COVID-19;

WHEREAS, while vaccination reduces the risk of contracting COVID-19, the duration of immunity after vaccine administration is uncertain. It is critical that the public, in particular people at higher risk for severe complications of COVID-19, continue taking measures to protect themselves from exposure to COVID-19;

WHEREAS, targeted measures continue to make a difference in Rhode Island's COVID-19 infection rate, reducing the numbers of Rhode Islanders who are hospitalized or die due to the virus;

WHEREAS, on May 13, 2021, the Centers for Disease Control and Prevention updated its guidance on generally not requiring mask wearing or physically distancing for fully vaccinated people; and

WHEREAS, in consultation with the Director of Rhode Island Department of Health (RIDOH), I sought further modified mitigation measures to continue maintaining public health and safety with appropriate, less restrictive means.

NOW, THEREFORE, I, DANIEL J. MCKEE, 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:

International Travel

1. Any person arriving from a location outside the United States and U.S. territories must immediately self-quarantine for 10 days upon arrival in Rhode Island unless one of the following exemptions applies:
 - a. the person obtains a negative COVID-19 test result from a specimen taken on day 5 or later upon arrival in Rhode Island (day 0) and self-quarantines until day 7 or later upon arrival in Rhode Island (day 0); or
 - b. the person (i) has received all recommended dose(s) of a COVID-19 vaccine authorized by the U.S. Food and Drug Administration (FDA) or World Health Organization (WHO) at least 14 days prior to the date of the person's arrival in Rhode Island, and (ii) is asymptomatic upon arrival in Rhode Island; or
 - c. the person (i) was previously diagnosed with COVID-19, (ii) had COVID-19 symptoms, the onset of which occurred no more than 90 days prior to the date of the person's arrival in Rhode Island, (iii) completed the isolation requirement in accordance with Executive Order 21-26 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island; or

- d. the person (i) was tested positive for COVID-19 from a specimen taken no more than 90 days prior to the date of the person's arrival in Rhode Island, (ii) had no COVID-19 symptoms previously, (iii) completed the isolation requirement in accordance with Executive Order 21-26 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island.
2. Any person who has travelled outside the United States and U.S. territories in the last 10 days must immediately self-quarantine for the remainder of the 10-day period upon arrival in Rhode Island unless one of the following exemptions applies:
 - a. the person obtains a negative COVID-19 test result from a specimen taken on day 5 or later upon arrival in Rhode Island (day 0) and self-quarantines until day 7 or later upon arrival in Rhode Island (day 0); or
 - b. the person (i) has received all recommended dose(s) of a COVID-19 vaccine authorized by FDA or WHO at least 14 days prior to the date of the person's arrival in Rhode Island, and (ii) is asymptomatic upon arrival in Rhode Island; or
 - c. the person (i) was previously diagnosed with COVID-19, (ii) had COVID-19 symptoms, the onset of which occurred no more than 90 days prior to the date of the person's arrival in Rhode Island, (iii) completed the isolation requirement in accordance with Executive Order 21-26 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island; or
 - d. the person (i) was tested positive for COVID-19 from a specimen taken no more than 90 days prior to the date of the person's arrival in Rhode Island, (ii) had no COVID-19 symptoms previously, (iii) completed the isolation requirement in accordance with Executive Order 21-26 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island.
 3. Instructions for self-quarantine can be found at RIDOH's website: <https://covid.ri.gov/covid-19-prevention/quarantine-and-isolation>.

Domestic Travel

4. 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 <https://covid.ri.gov/> must immediately self-quarantine for 10 days unless one of the following exemptions applies:

- a. the person obtains a negative COVID-19 test result from a specimen taken after arrival in Rhode Island; or
- b. the person (i) has received all recommended dose(s) of a COVID-19 vaccine authorized by FDA or WHO at least 14 days prior to the date of the person's arrival in Rhode Island and (ii) is asymptomatic upon arrival in Rhode Island; or
- c. the person (i) was previously diagnosed with COVID-19, (ii) had COVID-19 symptoms, the onset of which occurred no more than 90 days prior to the date of the person's arrival in Rhode Island, (iii) completed the isolation requirement in accordance with Executive Order 21-26 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island; or
- d. the person (i) was tested positive for COVID-19 from a specimen taken no more than 90 days prior to the date of the person's arrival in Rhode Island, (ii) had no COVID-19 symptoms previously, (iii) completed the isolation requirement in accordance with Executive Order 21-26 or its successor, and (iv) is asymptomatic upon arrival in Rhode Island; or
- e. the person has a negative COVID-19 test result from a specimen taken no more than 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 a court hearing, 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.

5. Instructions for self-quarantine can be found at RIDOH's website: <https://covid.ri.gov/covid-19-prevention/quarantine-and-isolation>.

Coordination of Travel Arrangement with Neighboring State

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

Indoor and Outdoor Social Gatherings

7. Attendance at all indoor public and private social gatherings, parties and celebrations shall be limited to 25 people. Notwithstanding these restrictions, indoor catered events with licensed catering on site or in a restaurant may have up to 80% of regular seating capacity with a cap of 200 people, provided the responsible parties, which include event hosts, organizers, venue operators and vendors (“Responsible Parties”) confirm that pre-event testing is conducted for student celebrations, including proms, graduations and other similar events, follow restaurant rules and designate a point of contact for RIDOH’s case investigation. More information on catered events and pre-event testing can be found at <https://ReopeningRI.com>.
8. Attendance at all outdoor public and private social gatherings shall be limited to 75 people. Notwithstanding these restrictions, outdoor catered events with licensed catering on site or in a restaurant may have up to 500 people, provided Responsible Parties confirm that pre-event testing is conducted for student celebrations, including proms, graduations and other similar events, follow restaurant rules and designate a point of contact for RIDOH’s case investigation. More information on catered events and pre-event testing can be found at <https://ReopeningRI.com>.

Indoor and Outdoor Venues of Assembly

9. Subject to compliance with applicable requirements such as masking, venues of assembly, including convention centers, concert halls, performance venues, spectator sporting event venues and theaters may operate up to 80% of regular venue capacity with a cap of 500 people indoors. Any event operation with more than 2,500 people is subject to the submission of a detailed COVID-19 control plan to the Department of Business Regulation (DBR) for its pre-approval, applicable municipal pre-approval, and other such requirements (including pre-event testing, maximum capacity, cap of attendees, etc.) as may be specified by DBR and/or the applicable municipality.
10. Religious and faith-based organizations may conduct in-person activities up to 80% percent of worship space capacity, the guidelines for religious and faith-based organizations which are available at <https://ReopeningRI.com>.
11. 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 (“Enforcement Task

Force”). A template for COVID-19 Control Plans can be found at <https://ReopeningRI.com>.

Office-Based Businesses

12. Working from home remains an effective arrangement to reduce work-related spread among employees. Office-based businesses may operate up to 80% of office capacity.
13. All office-based businesses must comply with RIDOH’s regulations, including, but not limited to, requirements for cleaning, screening employees, wearing masks or cloth face coverings, posting appropriate signs and notices and other health and safety protocols. 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.

Retail Businesses

14. All retail businesses may operate up to 80% of store capacity. Capacity limits must be posted in clearly visible, large format signs at all entrances as well as on the retail establishment’s website, if possible, and the retail establishment must actively manage the number of patrons in the store area. Common spaces of malls and other multi-tenant retailers, such as seating areas, including food court and restaurant self-service seating areas, are subject to applicable rules, including capacity and restaurant rules.
15. All retail establishments must have a plan, based on templates that will be made available by DBR, on how they will manage these capacity limits. Each retail establishment’s plan must be posted at the main entrance and on the establishment’s website, if possible. Such plans must also be available for review by representatives of the State.
16. 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 have a COVID-19 Control Plan which is available for inspection by the Enforcement Task Force. A template for COVID-19 Control Plans can be found at <https://ReopeningRI.com>.
17. Stores and other places of business shall remind customers who are not fully vaccinated to wear a mask or cloth face covering. A person is considered fully vaccinated if the person has received all recommended dose(s) of a COVID-19 vaccine authorized by FDA or

WHO and at least 14 days have elapsed since the administration of the final dose. In addition, retail businesses with store areas greater than 30,000 square feet and multi-tenant retail complexes greater than 30,000 square feet must make masks available to customers.

Restaurants and Bars – Indoor and Outdoor Dining

18. 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 Executive Order must do so in accordance with the protocols and regulations set forth by RIDOH as well as this Executive Order and any of its successors and related regulations.
19. Restaurants may operate 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 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.
20. Service to standing customers is prohibited indoors except for food pick-up following the requirements for pick-up described in regulations and guidelines for Restaurants and regulations set forth by RIDOH. An establishment's indoor dining capacity is limited to 80% of an establishment's regular seating capacity.
21. If an establishment has established extra outdoor dining capacity, that additional outdoor capacity may remain if the municipality approves such additional capacity (in accordance with the municipality's approval processes).
22. The provisions of Chapter 3-7 of the General Laws permitting the service of alcoholic beverages by a licensee for on-premises consumption are hereby suspended. A licensee may open its bar area, including but not limited to the bar counter and seating at the bar

counter. All such bar areas must follow the requirements described in the guidelines for Restaurants available at <https://ReopeningRI.com> and the regulations set forth by RIDOH.

23. All other provisions of this Executive Order and RIDOH regulations applicable to bars and restaurants shall remain in effect including, but not limited to, regulations prohibiting indoor service to standing customers and mingling or congregating.
24. All restaurants 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 Enforcement Task Force.

Recreational/Entertainment Businesses and Historical/Cultural Establishments

25. Subject to masking, screening, and sanitation protocols, indoor and outdoor recreational or entertainment businesses and historical/cultural establishments that are not venues of assembly may conduct operations up to 80% of an establishment's capacity.
26. 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 Enforcement Task Force. A template for COVID-19 Control Plans can be found at <https://ReopeningRI.com>.
27. Nightclubs may operate up to 50% of operating capacity, provided DBR may grant permission for operation up to 100% of operating capacity if a nightclub can demonstrate its requirement of each on-site attendee, including, but not limited to, any customer, contractor, or employee, presenting proof of being fully vaccinated prior to entering the premises. A person is considered fully vaccinated if the person has received all recommended dose(s) of a COVID-19 vaccine authorized by FDA or WHO and at least 14 days have elapsed since the administration of the final dose.

Personal Services Businesses

28. 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 for personal services at <https://ReopeningRI.com> and regulations set forth by RIDOH. Such personal service businesses may operate up to 80% of operating capacity.

29. Particular personal services where masks or cloth face coverings cannot be worn continuously in accordance with this and other executive orders by both customers and professionals, such as facials, make-up applications, facial hair removal, face piercings and face tattoos shall only operate as directed in regulations to be promulgated by RIDOH.
30. 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 Enforcement Task Force, any business owner or professional is found in violation of these regulations, the business may be immediately closed.
31. All personal services businesses must develop a COVID-19 Control Plan which shall be available for inspection by the Enforcement Task Force. A template for COVID-19 Control Plans can be found at <https://ReopeningRI.com>.

Gyms, Fitness Centers and Small Group Fitness Classes

32. Gyms and fitness centers may operate (a) indoors up to 80% of operating capacity and (b) outdoors, all subject to the guidance for gyms and fitness centers found at <https://ReopeningRI.com>.
33. All gyms and fitness centers must develop a COVID-19 Control Plan which shall be available for inspection by the Enforcement Task Force. If exceptions to capacity are requested, such plan must include increased ventilation or on-site testing, if applicable, or other such requirements as may be specified by DBR. A template for COVID-19 Control Plans can be found at <https://ReopeningRI.com>.

Indoor Sports Facilities

34. All indoor sporting facilities, such as indoor ice rinks and basketball courts, may operate up to 80% of facility capacity.

Child-Care Services to Continue in Small, Stable Groups

35. Child-care services shall continue in small, stable groups pursuant to emergency regulations promulgated by the Rhode Island Department of Human Services.

Public Health Regulations

36. RIDOH shall continue to promulgate emergency regulations on the implementation of this Executive Order. The regulations shall include enforcement provisions, including the imposition of civil fines sufficient to ensure compliance.
37. The Director of RIDOH or her designees are hereby authorized to assess civil penalties for violation of this Executive Order. Such civil penalties shall be in addition to any other penalties authorized by law.

Enforcement Task Force to Continue its Education, Inspection and Enforcement Mandate

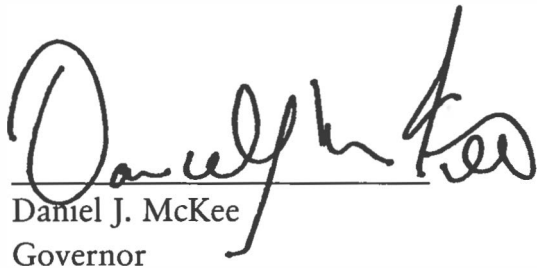
38. The Enforcement Task Force shall continue its work to educate businesses, governmental entities and other establishments on safely maintaining and re-opening operations. Enforcement Task Force inspectors shall continue to conduct inspections of businesses, governmental establishments and other establishments as well as to enforce the emergency regulations promulgated by RIDOH. The Enforcement Task Force, through RIDOH, shall issue compliance orders under Chapter 1 of Title 23.
39. 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.

Establishments may Implement More Restrictive Protocols

40. Nothing herein shall prohibit or otherwise prevent a business, organization, operation, or governmental establishment from developing, adopting and/or implementing protocols or policies that are more restrictive than this Executive Order.

This Executive Order supersedes Executive Orders 21-27, 21-29, 21-31, 21-34, 21-39 and 21-41. It shall take effect immediately and shall remain in full force and effect through May 21, 2021 unless renewed, modified, or terminated by a subsequent Executive Order.

So Ordered,



Daniel J. McKee
Governor