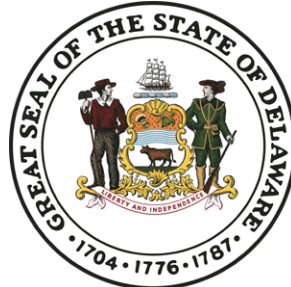


State of Delaware



Executive Department
Dover

FOURTH REVISION TO THE TWENTY-SEVENTH MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, on September 3, 2020 at 7:00 p.m. E.D.T., I issued the Twenty-Seventh Modification to the State of Emergency, combining all active COVID-19 restrictions into a single order (as used herein the “Omnibus Modification”), a complete copy of which is incorporated herein by reference and available at <https://de.gov/27soe>; and

WHEREAS, on September 25, 2020 at 2:00 p.m. E.D.T., I issued the First Revision to the Omnibus Modification to, among other things, lift the suspension on FOIA responses and permit extension of certain state employee leave policies; and

WHEREAS, on November 5, 2020 at 2:00 p.m. E.D.T., I issued the Second Revision to the Omnibus Modification to lift additional restrictions on bar service in beach towns from Lewes down to Fenwick Island; and

WHEREAS, on November 20, 2020 at 3:45 p.m. E.D.T., I issued the Third Revision to the Omnibus Modification to formally impose restrictions on indoor and outdoor gatherings, and reducing occupancy in restaurants to no more than thirty percent (30%); and

WHEREAS, except as specifically set forth herein, this Revision shall in no way modify, alter or amend the remaining terms of the Omnibus Modification, all of which shall remain in full force; and

WHEREAS, Delaware continues to see an increase in new daily COVID-19 cases and Delaware's COVID-19 related hospitalizations and COVID-19 Intensive Care Unit (ICU) census have more than doubled over the past four weeks; and

WHEREAS, unnecessary social gatherings are contributing to these increases and Delawareans should refrain from organizing or attending social gatherings of any size, except for regular interactions with members of the same household or caregivers; and

WHEREAS, given the method by which the virus spreads, universal face coverings have been an effective mitigation strategy to prevent and control the spread of disease; and

WHEREAS, the current COVID-19 case growth poses a risk to our healthcare system; and

WHEREAS, intervention is warranted to moderate case growth and preserve hospital capacity; and

WHEREAS, it is necessary to further restrict the operation of businesses within the State of Delaware that continue to operate to ensure adequate social distancing and proper hygiene to adequately protect life and health in light of the public health threat posed by COVID-19; and

WHEREAS, in the interest of protecting the citizens of this state from a public health threat, the Governor is authorized by law to issue an order reasonably necessary to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business, or the orders, rules, or regulations of any state agency, where strict compliance with such provisions may hinder necessary action in coping with the emergency.

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 Sections H, I, N, and O are hereby modified, effective Monday, December 14, 2020 at 8:00 a.m. E.D.T., by making deletions as shown by strike through and insertions as shown by italics as follows:

H. Face Coverings

2. Obligations for Individuals to Wear Face Coverings.

i. While visiting a business, indoor or outdoor space open to the public, individuals are required to wear a face covering and are required to comply with the following:

4. When individuals are speaking, reading, or singing to ~~a live~~ *an* audience, *including through a camera in a location where any other person shares the space, and* face coverings or face shields *must be worn or one of the following precautions must be taken:* ~~cannot be used~~, the speaker, reader, or singer shall face away from the audience, maintain at least thirteen (13) feet of distance between themselves and the audience *and any other person in the space*, or stand behind a physical barrier or partition, such as a sneeze guard. The speaker, reader, or singer must put the face covering back on immediately after speaking, reading or singing.

5. ~~Face coverings are not required in office buildings or meeting rooms when an individual can maintain at least six (6) feet of social distance between members of separate households, unless otherwise specified.~~ A face covering is not required when a person is in a personal office (a single room) when others outside of that person's household are not present. *A face covering is required in offices or common spaces, such as elevators, hallways, bathrooms, and meeting rooms where another person or persons who are not members of the same household are present, irrespective of physical distance.*

8. *Individuals aged Kindergarten and up must wear a face covering while in attendance at any private indoor gathering or event with members of other households, irrespective of physical distance.*

3. Obligations for Businesses and Individuals Responsible for Indoor and Outdoor Spaces Open to the Public.

i. Businesses and individuals responsible for indoor and outdoor spaces open to the public shall require employees, contractors, and volunteers to wear a face covering *in compliance with this Modification*, except as follows:

1. Face coverings are not required when at or in a location where the employee, contractor or volunteer *is alone and* does not have a job that requires interacting with ~~the public~~ *others*. ~~if at least six (6) feet of distance can be maintained between other people at all times.~~

L. Public Health

21. The requirements in Chapter 93 of Title 16 are hereby suspended for acute care hospitals that seek to increase their bed capacity in order to treat COVID-19 patients, so long as any such hospital obtains approval from the Division of Public Health. Hospitals that wish to increase their bed capacity to treat COVID-19 patients must submit a plan to OEMS@delaware.gov. Plans must include a justification for increased beds, and assurances for adequate staffing, maintenance, and safety. Plans may not be implemented until approved by the Division of Public Health. Hospitals that increase bed numbers pursuant to this section must eliminate beds and return to the previously approved number of licensed beds, or seek a Certificate of Public Review, if so ordered by the Division of Public Health or upon the termination of the State of Emergency.

N. Phase Two Reopening

INDIVIDUAL OBLIGATIONS OF SOCIAL DISTANCING, FACE COVERINGS, AND TRANSMISSION REDUCTION FROM DECEMBER 14, 2020 TO JANUARY 11, 2021:

1. While in the State of Delaware, all individuals must follow the Phase 2 Reopen Plan “General Guidance: Individuals” to promote social distancing and reduce transmission of COVID-19, available at <https://governor.delaware.gov/wp-content/uploads/sites/24/2020/06/Delaware-Economic-Reopening-PHASE-2.pdf>.
2. For purposes of this Twenty-Seventh Modification, “Minimum Social Distancing Requirements” means maintaining at least six (6) foot social distancing from any individual who is not a member of the same household or a caregiver to someone in that household, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer composed of at least sixty percent (60%) ethanol or seventy percent (70%) isopropanol, covering coughs or sneezes with something other than one’s

hands (e.g., elbow, handkerchief), regularly cleaning high-touch surfaces, and not shaking hands.

3. *Beginning on Monday, December 14, 2020 and ending on January 11, 2021 unless expressly extended, Delaware residents are advised and strongly encouraged to stay home as often as possible and to only leave home to go to work or school, or for necessary needs such as seeking medical care, going to the grocery store or pharmacy, or picking up food. Individuals leaving their residence for work, school or other activities are advised and strongly encouraged to take the following steps to reduce transmission of COVID-19:*
 - a. *Do not gather with anyone outside of your household, in their home or yours.*
 - b. *Individuals who are not part of the same household are strongly encouraged to remain **at least** six (6) feet apart to the greatest extent possible and are encouraged to maintain greater physical distance whenever possible to avoid becoming a close contact. The CDC definition of a close contact is “someone who was within six feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period.”*
 - c. *Individuals aged Kindergarten and up must wear a face covering while in attendance at any private indoor gathering or event with members of other households, including in their own home, irrespective of physical distance.*
 - d. *Carry hand sanitizer and use it frequently.*
 - e. *Wash hands using soap and water for at least twenty (20) seconds as frequently as possible.*
 - f. *Regularly clean high-touch surfaces such as steering wheels, wallets, phones and keyboards.*

- g. *Individuals who are sick are urged to stay in their residences except as necessary to seek medical care. Individuals who are considering delaying medical care are encouraged to consult with a medical provider.*
 - h. *Avoid any unnecessary travel outside the home.*
4. *All vulnerable individuals, including those at high risk of severe illness from COVID-19, are strongly advised to stay at home, except that routine medical care should not be postponed without consulting a medical professional. Members of households with vulnerable residents should be aware that by visiting environments where distancing is not practical, they could carry COVID-19 home. Precautions should be taken to isolate oneself from vulnerable individuals in the home.*

SOCIAL GATHERINGS AND EVENTS IN PHASE 2:

2. Indoor Gatherings/Events: All gatherings or events held within any business or indoor space open to the public (including, but not limited to: food and drink establishments; commercial lodging; convention centers; houses of worship; pools; senior centers; and those in parks and recreation facilities or at facilities without a stated fire code occupancy) shall comply with the gathering requirements set forth by this Twenty-Seventh Modification. Indoor gatherings or events at any business or indoor space open to the public of up to the lesser of thirty percent (30%) stated fire occupancy or ~~fifty (50)~~ *ten (10)* people (e.g. weddings and receptions, graduations, birthday parties, ~~funerals~~ *funeral receptions*, etc.) and private indoor gatherings or events of up to ten (10) persons (e.g. dinner parties, house parties, birthday parties) are permitted in Phase 2 under the following conditions:
- a. Hosts of gatherings or events ~~should~~ *must* take steps to protect vulnerable populations, including by providing materials and equipment necessary for proper

hand hygiene, enforcing social distancing, and requiring the use of face coverings. All persons are strongly encouraged to individuals aged Kindergarten and up must wear a face covering while in attendance at any private indoor gathering or event.

PHASE 2 BUSINESS REOPENING

3. Determination of Maximum Occupancy. With respect to the Phase 2 Reopen Plan, maximum occupancy for a business means ~~sixty percent (60%)~~ *thirty percent (30%)* of stated fire occupancy requirements, excluding employees, unless expressly stated otherwise by the Phase 2 Additional Business Restrictions, effective December 14, 2020, as set forth below.

PHASE 2 ADDITIONAL BUSINESS RESTRICTIONS, EFFECTIVE DECEMBER 14, 2020:

Notwithstanding the provisions of this Modification and the Phase 2 Reopen Plan, effective December 14, 2020 at 8:00 a.m. E.D.T., the following additional restrictions shall apply:

1. *Determination of Maximum Occupancy. Maximum occupancy for all businesses and indoor spaces open to the public is as follows:*
 - a. *Notwithstanding the indoor gathering occupancy limits set forth in Paragraph N.2, Houses of Worship may continue operations or reopen provided, however, that the total number of guests permitted in a House of Worship at any one time shall not exceed forty percent (40%) of that House of Worship's stated fire occupancy. For the purposes of this paragraph, political gatherings shall be entitled to the same occupancy parameters as Houses of Worship. For the purposes of this paragraph, a funeral mass, memorial service, visitation, wake, or viewing within a House of Worship or funeral home shall be entitled to the same occupancy parameters as Houses of Worship.*

- b. *Retail establishments of five-thousand square feet (5,000 sq. ft.) or less may continue operations or reopen provided, however, that the total number of individuals within the retail establishment shall not exceed forty percent (40%) of that facility's stated fire occupancy requirements.*
 - c. *Businesses with less than one-hundred thousand square feet (100,000 sq. ft.) and retail establishments having five thousand and one square feet (5,001 sq. ft.) but no more than one-hundred thousand square feet (100,000 sq. ft.) may continue operations or reopen provided, however, that the total number of individuals within them shall not exceed thirty percent (30%) of that facility's stated fire occupancy requirements.*
 - d. *100,001+ SQ FT: All businesses, including retail establishments, having one-hundred thousand and one or more square feet (100,001+ sq. ft.) may continue operations or reopen provided, however, that the total number of individuals within the business shall not exceed twenty percent (20%) of that facility's stated fire occupancy requirements.*
2. *Food and Drink Establishments. In addition to the maximum occupancy requirements set forth above, the following additional restrictions shall apply to Food and Drink Establishments:*
- a. *The total number of guests permitted in a food court at any one time shall not exceed twenty percent (20%) of that facility's stated fire occupancy requirements or one hundred (100) individuals, whichever is less.*
 - b. *Food and Drink Establishments must close indoor and outdoor dining between the hours of 10:00 p.m. and 5:00 a.m. each night. Take-out, curbside, or drive*

through services are permitted to continue. Food and Drink Establishments with a valid on-premise license issued pursuant to Chapter 5, subchapter II of the Delaware Code may continue to sell alcoholic beverages in transactions for take-out, curbside, or drive through service if the alcoholic beverages for off-premise consumption are in containers which are securely closed as permitted by 4 Del. C. §512.

c. Food and Drink Establishments must place a sign on each table stating that only customers from the same household may share a table. Tables within food and drink establishments are limited to parties of six (6) persons, consisting of no more than four (4) adults.

3. Exercise Facilities. In addition to the maximum occupancy requirements set forth above, the following additional restrictions shall apply to Exercise Facilities:

a. Group exercise classes are limited to a maximum of ten (10) individuals (excluding staff). Facilities hosting multiple group exercise classes at the same time must allow for a minimum of twenty (20) feet between classes. All individuals must wear face coverings and individuals who are not part of the same household must remain at least thirteen (13) feet apart during classes and are encouraged to maintain greater physical distance whenever possible.

b. Staff must be on-site to monitor patrons entering the facility, to ensure social distancing throughout the facility, and to ensure the use of face coverings in compliance with this order.

O. Youth and Amateur Adult Sports

1. APPLICATION AND ENFORCEMENT.

iv. Out-of-State Travel. Effective Tuesday, December 1, 2020 at 8:00 a.m. E.D.T., any individual who participates in an out-of-state tournament or competition (e.g., (e.g., ice hockey, basketball, football, competitive cheer or dance) must immediately self-quarantine ~~for fourteen (14) days~~ *in accordance with DPH guidance* from the time of entry into Delaware or for the duration of the individual's presence in Delaware, whichever period is shorter.

3. SUBMISSION AND APPROVAL OF PLANS.

i. Tournaments are not permitted until plans for the tournaments are approved by DPH. Tournament facilities shall submit plans to **HSPcontact@delaware.gov** for review. Plans must include a method to collect contact information for all players, staff, coaches, officials and spectators, as well as team rosters and game schedules to assist with contact tracing in the event of a COVID-19 infection. Effective December 1, 2020 at 8:00 a.m. E.D.T., the hosting of or participation in out-of-state tournaments is hereby prohibited. *Effective December 7, 2020 at 8:00 a.m. E.D.T., and until further notice, tournaments plans may be submitted but will not be approved by DPH, except that tournaments having received approval from the Division of Public Health to play prior to Monday, December 7, 2020 are hereby granted an exception to the restrictions on tournaments in this paragraph, unless notified by DPH that a plan modification is necessary for the public health and safety.*

4. FACE COVERINGS.

~~ii. Athletes playing medium and low risk sports may remove their face covering when active on a field of play but must wear it at all other times.~~

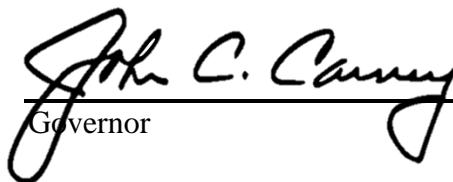
~~vi.~~ v. Spectators and others must wear a face covering at all times while indoors. Spectators and others must also wear a face covering at all times while outdoors, unless seated and socially distanced, at least six (6) feet apart from others outside their household *irrespective of physical distance from members outside their household.*

9. *ADDITIONAL RESTRICTIONS, EFFECTIVE DECEMBER 14, 2020. Notwithstanding the provisions of this Modification and the Phase 2 Reopen Plan, effective December 14, 2020 at 8:00 a.m. E.D.T., the following additional restrictions shall apply until January 11, 2021, unless expressly extended:*

i. *All games, matches, and competitions are hereby suspended, except that any game, match, or competition that received approval from the Division of Public Health prior to Monday, December 14, 2020 is hereby granted an exception to the additional restrictions that became effective in this Modification on Monday, December 14, 2020 for that game, match, or completion, unless notified by DPH that a plan modification is necessary for the public health and safety.*

ii. *The maximum occupancy for any indoor practice is thirty percent (30%) of stated fire occupancy requirements, **including** athletes, coaches, and other employees or staff, but excluding the one person permitted to accompany an athlete to any practice as provided in Paragraph 7.v. of this section.*

APPROVED this 10th day of December 2020 at 5:00 p.m.


Governor