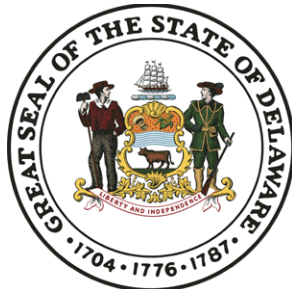


State of Delaware



Executive Department
Dover

FIFTH 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, on December 10, 2020 at 5:00 p.m. E.D.T., I issued the Fourth Revision to the Omnibus Modification imposing additional restrictions to confront the winter surge of COVID-19 hospitalizations in Delaware; 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 in the past week has had the highest daily case rate and highest number of hospitalizations to date; and

WHEREAS, another surge of cases and deaths is expected in the coming weeks as a result of small, informal holiday gatherings; and

WHEREAS, unnecessary social gatherings continue to contribute 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, it is necessary to formally extend certain restrictions to continue to confront the winter surge of COVID-19 hospitalizations in Delaware; 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 N and O are hereby modified, effective Friday, January 8, 2021 at 10:00 a.m. E.D.T., by making deletions as shown by strike through and insertions as shown by italics as follows:

N. Phase Two Reopening

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

3. Beginning on Monday, December 14, 2020 ~~and ending on January 11, 2021 unless expressly extended~~ *and until further notice*, 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:

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

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:

~~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.~~

e. b. 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.

O. Youth and Amateur Adult Sports

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 further notice:~~

~~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.~~ i. 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 one person permitted to accompany an athlete to any practice as provided in Paragraph 7.v. of this section.
- ii. *Effective January 11, 2021, at 8:00 a.m. E.D.T., all games, matches, and competitions may resume, provided that the maximum occupancy for any game, match, or competition 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 any game, match, or competition. Additional spectators are not permitted to attend any game, match, or competition.*
- iii. *In addition to the quarantine requirements and recommendations applying to all cases of COVID spread and consistent with the authority provided by Delaware law and this State of Emergency, the Division of Public Health is authorized to issue cease and desist orders to any team with high or increasing levels of COVID-19 cases or for a failure to comply with any provision of the Declaration of a State of Emergency, including up to a ban on all future practices, games, matches, competitions or similar activities.*

APPROVED this 8th day of January 2021 at 10:00 a.m.



Governor