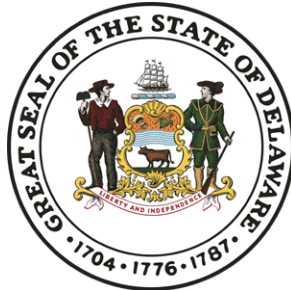


State of Delaware



Executive Department
Dover

NINTH 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, on January 8, 2021 at 10:00 a.m. E.D.T., I issued the Fifth Revision to the Omnibus Modification lifting the curfew placed on bars and restaurants and allowing sports to resume with restrictions; and

WHEREAS, on February 4, 2021 at 9:00 a.m. E.D.T., I issued the Sixth Revision to the Omnibus Modification easing COVID-19 occupancy restrictions and requiring Delaware vaccination providers to report demographic information within 24 hours of administering a vaccine to the Delaware Immunization Information System; and

WHEREAS, on February 19, 2021 at 9:00 a.m. E.D.T., I issued the Seventh Revision to the Omnibus Modification further easing COVID-19 occupancy restrictions and increasing gathering limits for indoor events with restrictions in place to prevent spread of COVID-19; and

WHEREAS, on March 29, 2021 at 1:00 p.m. E.D.T., I issued the Eighth Revision to the Omnibus Modification further increasing gathering limits for outdoor events with restrictions in place to prevent spread of COVID-19; and

WHEREAS, the Division of Public Health supports easing restrictions on youth and recreational sports to help organizers prepare for spring sports during COVID-19; 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 use a multi-step process to ease restrictions on businesses and gatherings, formulated in close consultation with public health officials to ensure that the core principle of controlling the spread of COVID-19 is considered at a time when the State must continue to exercise heightened caution; 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 L and O is hereby modified, effective Thursday, April 1, 2021 at 12:30 p.m. E.D.T. unless otherwise specified herein, by making deletions as shown by strike through and insertions as shown by italics as follows:

L. Public Health

11. All nursing facilities, assisted living facilities, rest residential facilities, and intermediate care facilities for persons with intellectual disabilities shall immediately implement, to the best of their ability, the following personnel practices:
 - ii. Designate a room, unit, or floor of the facility as a separate observation area where newly admitted and readmitted residents not known to be infected with COVID-19 are kept for 14 days on appropriate infection precautions per guidance from the Public Health Authority while being observed every shift for signs and symptoms of COVID-19. As of April 1, 2021, quarantine is no longer recommended for residents who are being admitted *or readmitted* to a facility if they are fully vaccinated and have not had prolonged close contact with someone with SARS-CoV-2 infection in the prior 14 days. Fully vaccinated means a person is ≥ 2 weeks following receipt of the second dose in a 2 dose series, or ≥ 2 weeks following receipt of one dose of a single-dose vaccine.

O. Youth and Amateur Adult Sports

1. APPLICATION AND ENFORCEMENT.

~~ii. Schedules Incorporated. In addition to the requirements found herein, attached to this Modification are general guidance, risk based specific considerations, and DPH approved rule modifications. These documents will be updated, periodically, by DPH based on the latest science. Any mandatory requirements in those schedules have the full force and effect of law.~~

2. DEFINITIONS. For the purposes of this Twenty-Seventh Modification to the COVID-19 State of Emergency declaration, the following terms shall have the meaning described herein:

- i. “High risk” means activities that involve sustained or repeated close contact of athletes with one another. Examples include ice hockey, basketball, tackle football, boys’/men’s lacrosse, wrestling, boxing, rugby, competitive cheer, martial arts, ultimate frisbee, and pairs figure skating.
- ~~ii. “Low risk” means activities that are either individual or able to be completed with adequate social distancing and no direct physical contact. Examples include singles tennis, golf, individual running and swimming, pickleball, disc golf, individual biking, surfing, horseback riding, individual sailing, fishing, hunting, motor sports, and singles rowing.~~
- ~~iii. “Medium risk” means activities that involve participants in close proximity, and typically involve intermittent personal contact. Examples include baseball, softball, field hockey, girls’/women’s lacrosse, soccer, flag or 7 on 7 football, team running, running clubs and track and field, team swimming, rowing (other than with household members), sailing, volleyball, dance class, fencing, and gymnastics.~~

3. SUBMISSION AND APPROVAL OF PLANS.

~~iii. Facilities, organizers or leagues that wish to modify the requirements for any high risk category activity may request to modify rules in order to prevent athletes from being in close proximity or direct contact with one another (e.g., USA Lacrosse Rule Modifications would allow boys’ lacrosse to be in the medium risk category). Such facilities, organizers or leagues may also request face covering modifications. Rule or face covering modifications must be approved by DPH. Requests shall be submitted to HSPContact@delaware.gov.~~

4. FACE COVERINGS.

- i. Athletes participating in high risk sports and activities must wear a face covering, as required by the Governor’s Declaration of a State of Emergency, at all times. ~~unless rule changes or face covering modifications approved by~~

~~DPH are in place to prevent athletes from being in close proximity or direct contact with one another, as discussed in Paragraph 3.iii. above.~~

- ~~ii. All athletes playing indoors must wear face coverings at all times, unless rule changes or face covering modifications approved by DPH are in place~~
- ~~iii. Coaches and all staff must wear a face covering at all times. This includes when addressing players or officials on or off the field, when coaching during the game, and during practices, trainings and team meetings.~~
- ~~iv. Referees and officials must wear a face covering at all times. Traditional whistles must be replaced with a device that can be used for attention without removing the face covering.~~
- ~~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, irrespective of physical distance from members outside their household.~~
- ~~vi. Coaches, staff and referees who have a medical condition that makes it hard to breathe or a disability that prevents the individual from wearing a face covering can request a reasonable accommodation from their employer or the individual responsible for the athletic event.~~
- ~~vii. All athletes participating in non-high-risk sports outdoors must wear face coverings except when actively engaged in practice or game play while on the field.~~

5. SOCIAL DISTANCING.

- ~~i. Players must be at least six (6) feet apart from one another at all times, unless they are members of the same household, except when actively engaged in practice or game play while on the field during on-field play in game-time situations.~~

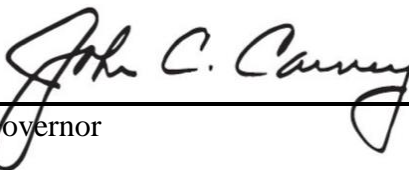
~~8. RISK BASED REQUIREMENTS. In addition to the requirements above, specific activities or sports will be classified according to risk, and organizers must conduct activities in accordance with the risk based classification. For sports where the risk category has not been identified below, sports organizers must confirm the risk category with DPH at HSPContact@delaware.gov prior to initiation of practices or competitions.~~

- ~~i. For low risk activities, if social distancing and other general guidance can be followed, no modifications are needed.~~
- ~~ii. For medium risk activities, the following are required at all times:
 - ~~1. Staggered starts must be used for sports like running that typically involve group starts.~~
 - ~~2. Activities must be conducted outside unless approved by DPH.~~
 - ~~3. Shared equipment must be disinfected between users.~~~~
- ~~iii. For medium risk activities, shorter practice times or smaller groups shall be used to reduce contact time between participants.~~
- ~~iv. For medium risk activities, the following rule and play modifications are required if face coverings are not worn at all times:~~

- ~~1. Deliberate, direct physical contact, including body checking, tackling, blocking, pack running/riding, must be eliminated.~~
 - ~~2. Rule changes must be in place to prevent close proximity or contact by replacing face-offs, restarts, etc., with alternatives that allow for social distancing.~~
- ~~v. For high risk activities, athletes must comply with the face covering requirements in Paragraph 4.1 above, unless a rule or face covering modification is approved by DPH. High risk activities may combine requests for rule modifications and face covering modifications with a cohort model. If a cohort model is used:~~
- ~~1. Each cohort must be limited to no more than fifteen (15) athletes, and the cohort should be maintained as a stable group with no mixing with other cohorts.~~
 - ~~2. Equipment should not be shared between cohorts. If sharing is unavoidable, e.g., mats, the equipment must be cleaned and disinfected between cohorts.~~
 - ~~3. Shorter practice times or smaller groups should be used to reduce contact time between participants.~~

9. 8. ADDITIONAL RESTRICTIONS, EFFECTIVE APRIL 1, 2021. Notwithstanding the provisions of this Modification and the Phase 2 Reopen Plan, effective Thursday, April 1, 2021 at 8:00 a.m. E.D.T., the following additional restrictions shall apply until further notice:

APPROVED this 1st day of April 2021 at 12:30 p.m.


Governor