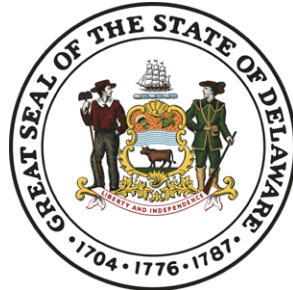


# State of Delaware



Executive Department  
Dover

## **TENTH 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**, on April 1, 2021 at 12:30 p.m. E.D.T., I issued the Ninth Revision to the Omnibus Modification updating public health requirements for youth and amateur sports; and

**WHEREAS**, the Division of Public Health wishes to adopt the Centers for Disease Control and Prevention updated guidance related to cleaning high-touch surfaces; and

**WHEREAS**, the Division of Public Health supports easing restrictions on interscholastic sports to help organizers prepare for spring sports during COVID-19; and

**WHEREAS**, the Delaware courts have limited public access to judicial facilities to combat the spread of the COVID-19 virus, and the limited public access might delay processing of renewal permits to carry firearms concealed, including those by retired law enforcement officers, security officers, and individuals who have been found by the Superior Court to meet the statutory requirements for a permit; 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, which includes the terms of the First through Ninth revisions to 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 C, F, N, O, and Q is hereby modified, effective Wednesday, April 28, 2021 at 08:00 a.m. E.D.T. unless otherwise specified herein, by making deletions as shown by strike through and insertions as shown by italics as follows:

### **C. Beaches**

1. At a minimum, towns must:
  - ~~i. Clean bathrooms, boardwalk railings, and benches multiple times per day;~~
2. Regulations for beachgoers:
  - ii. Members of different households ~~must~~ *are strongly encouraged to* remain six (6) feet apart at all times.
  - ~~iii. Individuals with underlying health conditions or who are over the age of sixty-five (65) are encouraged to shelter in place.~~

### **F. Education**

4. IN PERSON EDUCATION
  - ~~iii. Child care homes and centers and schools must discontinue off-site field trips.~~
  - ~~vi. Facilities: Schools and child cares must ensure enhanced cleaning and disinfection of high-touch surfaces (stair railings, doorknobs, bathrooms, etc.), cleaning between every fifteen (15) minutes to two (2) hours using EPA-approved cleaning and disinfecting solutions.~~
5. LEAs shall direct entities providing bus service to and from school to do the following:
  - i. Capacity must be limited by the number of students that can be seated three (3) or more feet apart on the school bus with face coverings (one student per row in staggered fashion, if possible). Students from the same family may sit together in one row, however. All staff and any students Kindergarten and above must wear face coverings. LEAs shall provide a reasonable accommodation for students who are unable to wear a face covering on a bus due to health reasons.
    - ~~1. High touch surfaces on buses (handrails, seat tops, particularly in first few rows) must be cleaned between every bus run with an EPA approved solution.~~

## **N. Phase Two Reopening**

### INDIVIDUAL OBLIGATIONS OF SOCIAL DISTANCING, FACE COVERINGS, AND TRANSMISSION REDUCTION:

#### 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 fifty percent (50%) stated fire occupancy or twenty-five (25) people (e.g. weddings and receptions, graduations, birthday parties, 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:

~~k. Bathrooms and high contact surfaces must be disinfected every fifteen (15) minutes to two (2) hours.~~

3. Outdoor Gatherings/Events: Businesses and activities with a stated fire occupancy requirement may host outdoor gatherings or events up to a maximum occupancy of fifty percent (50%) of stated fire occupancy requirements for any outdoor space over one hundred thousand square feet (100,000 sq. ft.), and up to seventy-five percent (75%) of stated fire occupancy requirements for any outdoor space of one hundred thousand square feet (100,000 sq. ft.) or less (in either case excluding employees, unless expressly stated otherwise). Notwithstanding the occupancy determinations in this paragraph, any fire occupancy requirements that would permit more than one hundred and fifty (150) people at any one time must first submit a plan to DPH. Plans may not be implemented until approved by DPH. In addition, businesses and activities must comply with all other applicable restrictions on such businesses and activities as set forth in this Twenty-Seventh Modification, the Phase 2 Reopen Plan, and other applicable DPH guidance. Any business or space without a stated fire occupancy requirement may host outdoor social, community, recreational, and leisure events of no more than one hundred and fifty (150) people, including but not limited to weddings, funerals, concerts, parades, festivals, conventions, fundraisers, sporting events and fairs. Hosts of outdoor gatherings or events must provide materials and equipment necessary for proper hand hygiene, must enforce social distancing, including having a mechanism for limiting attendance, and must comply with this Modification's declarations relating to face coverings and signage. Businesses or activities that wish to host a gathering or event of over one hundred and fifty (150) people may apply to host a large outdoor gathering or event by submitting a plan to [HSPContact@delaware.gov](mailto:HSPContact@delaware.gov) at least seven (7) days prior to the anticipated event. Outdoor gatherings and events pose a lower risk of infection and are strongly encouraged as alternatives to indoor events. Plan approval is at the discretion of the Division of Public

Health, which will consider how to prevent, reduce the spread of, and suppress COVID-19 at any gathering or event permitted under this Modification. At a minimum, the plan must meet the following requirements:

- c. The plan must consider information regarding the density of attendees within a confined area. Based on what is currently known about the virus, spread from person-to-person happens most frequently among close contacts, meaning individuals who are within six (6) feet of each other for ~~ten (10)~~ *fifteen (15)* minutes or more.

## PHASE 2 BUSINESS REOPENING

2. Phase 2 Responsibilities of all Businesses. In addition to the industry-specific guidance issued to businesses in the Phase 2 Reopen Plan, including any subsequent amendments thereto, business operations for any business that is re-opening or continuing operations shall follow the coronavirus guidelines for public safety enumerated by the CDC and DPH, including:
  - f. ~~All surfaces touched by patrons or visitors, including doors, seating, restrooms, elevators, and point of sale infrastructure must be disinfected using an EPA-approved disinfectant every fifteen (15) minutes to two (2) hours. Businesses should limit cash transactions, and encourage patrons to use credit, debit, or other contactless forms of payment. Cash registers and pin pads must be sanitized after each use.~~
  - g. Businesses should discourage the use of shared phones, desks, workstations, radios, and wearable technology. If these are unavoidable, a business must ~~ensure that such space or technology is sanitized after each use~~ *provide employees a means to disinfect equipment between users.*
  - j. ~~Businesses must stagger services, appointments, or other scheduled gatherings and events to allow for a thorough cleaning and disinfecting according to CDC guidelines of any public spaces before the next service, appointment, or other scheduled gathering or event begins.~~
  - l. For fixed seating venues, only fifty percent (50%) of patron or visitor seating may be occupied and there must be a (6) foot radius around individual household units. *Venues hosting outdoor gatherings may request flexibility in this requirement by submitting a gathering plan as set forth in Paragraph N.3.* Patrons and visitors must exit their seats in an orderly, row by row fashion, as directed by venue staff.
  - m. Businesses are strongly encouraged to modify any practices that cause close contact (meaning being within six (6) feet for ~~ten (10)~~ *fifteen (15)* minutes or more) or sharing items among patrons or visitors.

4. The following business categories may continue operations or reopen subject to the responsibilities listed in the Phase 2 Reopen Plan, and as amended, available at <https://governor.delaware.gov/wp-content/uploads/sites/24/2020/06/Delaware-Economic-Reopening-PHASE-2.pdf>, as follows:

- b. *Food and Drink Establishments.*

- i. Providers of food or drink, such as restaurants, breweries, taverns, and taprooms that provide table service may continue operations or reopen provided, however, that the total number of guests within an establishment shall not exceed fifty percent (50%) of that establishment's stated fire occupancy requirements. Food and Drink Establishments are required to notify patrons that they may provide their name and phone number or email address to the establishment, and that the establishment will keep the information on file for the sole purpose of allowing DPH to contact the patron if another patron or an employee is later found to have tested positive for COVID-19. If a patron leaves such contact information, the establishment must retain the information for twenty-eight (28) days. The establishment need not deny service to patrons who do not provide contact information for this purpose. Additional requirements for Food and Drink Establishments are listed below and in the Phase 2 Reopen Plan.

7. For food and drink establishments that provide table service:

- c. Tables within food and drink establishments are limited to parties of six (6) persons, ~~consisting of no more than four (4) adults.~~ *Tables in outdoor spaces are limited to parties of ten (10) individuals, and seats* Tables must be spaced at least six (6) feet apart unless barriers are present between tables consistent with subparagraph 1. above.
  - ~~d. Food and Drink Establishments must place a sign on each table stating that only customers from the same household may *should* share a table.~~
- ~~9. All condiments (salt, pepper, ketchup, mustard, mayo, sugar, etc.) must be provided directly to diners in single use, disposable containers or re-usable containers that are cleaned between uses by new parties.~~
- ~~10. Cups, lids, napkins, and straws must be delivered to the table after the party has been seated.~~

- f. *Exercise Facilities.* Exercise facilities may continue operations or reopen to the general public, provided, however, that the total number of guests permitted in an establishment at any one time shall not exceed fifty percent (50%) of that facility's stated fire occupancy requirements. Group exercise classes are limited to a maximum of fifteen (15) 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)~~ six (6) feet apart during classes and are encouraged to maintain greater physical distance whenever possible. 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. Additional requirements for exercise facilities are listed in the Phase 2 Reopen Plan.

## **O. Youth and Amateur Adult Sports**

### **1. APPLICATION AND ENFORCEMENT.**

- i. *Application.* All youth and amateur adult sports facilities, organizations and leagues must review this document and follow all mandated terms for operation below. Every athletic facility and sport organization is responsible for enforcing these requirements. *Unless expressly noted, this section is not applicable to Delaware Interscholastic Athletic Association sports.*

### **4. FACE COVERINGS.**

- 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. *The Delaware Interscholastic Athletic Association's face covering requirements for student athletes pertaining to the interscholastic sports of baseball, golf, girls' lacrosse, girls' soccer, softball, tennis, and track and field set forth at subsections 5.6.1.1.1, 5.6.1.7.1, 5.6.1.9.1, 5.6.1.10.1, 5.6.1.11.1, 5.6.1.13.1, and 5.6.1.14.1 of 14 Del. Admin. C. § 1011 shall be suspended for the 2021 spring sports season. Student athletes participating in the interscholastic sports of baseball, golf, girls' lacrosse, girls' soccer, softball, tennis, and track and field must wear face coverings except when actively engaged in practice or game play while on the field.*

### **6. HAND WASHING, SANITIZING, CLEANING AND DISINFECTING.**

- ~~iii.—Facilities must be cleaned at least once per day (or between uses if not used daily). High contact surfaces, including but not limited to doorknobs, light switches, and railings, must be cleaned every fifteen (15) minutes to two (2) hours at least once per day and as required by other applicable law or regulation. EPA List 6 approved disinfectant must be used for frequently touched surfaces.~~

## **Q. Miscellaneous**



3. *Concealed Carry Permits: Any person licensed to carry a concealed deadly weapon under 11 Del. C. § 1441, whose license expires on June 1, 2021, is granted an extension of their license until August 1, 2021 if, prior to the expiration of their existing license, the licensee submits to the Superior Court a renewal application in compliance with 11 Del. C. § 1441 and the Delaware Superior Court Procedural Rules for Application and Administration of 11 Del. C. § 1441. All other provisions of 11 Del. C. § 1441 remain in full force and effect.*

APPROVED this 27th day of April 2021 at 4:00 p.m.

  
Governor