

GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO

Administrative Bulletin Number: OE-2020-052 

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. WANDA VÁZQUEZ-GARCED, DEROGATING ADMINISTRATIVE BULLETIN NO. OE-2020-30 AND ESTABLISHING NEW RULES REGARDING THE MANDATORY QUARANTINE FOR ALL PASSENGERS ARRIVING AT THE LUIS MUÑOZ MARIN INTERNATIONAL AIRPORT, MERCEDITA INTERNATIONAL AIRPORT, OR RAFAEL HERNÁNDEZ INTERNATIONAL AIRPORT ON A FLIGHT FROM THE UNITED STATES OF AMERICA OR FROM ANY INTERNATIONAL DESTINATION

WHEREAS: It is the priority of the Government of Puerto Rico during the pandemic caused by the spread of COVID-19 to undertake all necessary efforts to safeguard the health, life, and safety of all of Puerto Rico's residents. To this end, and in line with the statement issued by the World Health Organization (WHO) classifying the respiratory illness caused by COVID-19 as a global sanitary and social emergency that has reached the level of a pandemic requiring the effective and immediate action of all governments and jurisdictions throughout the world, on March 12, 2020, the Governor of Puerto Rico, Honorable Wanda Vázquez-Garced, promulgated Administrative Bulletin No. OE-2020-020 declaring a state of emergency throughout our archipelago due to the threat posed by COVID-19.

WHEREAS: Following the emergency declaration issued on March 13, 2020, by the President of the United States, Honorable Donald J. Trump, the Government of Puerto Rico issued Administrative Bulletin OE-2020-023 on March 15, 2020, establishing additional measures to slow down and contain the spread of COVID-19 in Puerto Rico, including, among other measures, the implementation of a lockdown that applies to all citizens and the necessary closures of both governmental and private operations until March 30, 2020. The lockdown, as well as the closure of governmental and private operations, have been subsequently extended and modified through Administrative Bulletins No. OE-2020-029, OE-2020-032, OE-2020-033, OE-2020-034, OE-2020-038, OE-2020-041, OE-2020-044, and lastly, Administrative Bulletin OE-2020-048, which is currently in force until July 22, 2020.

WHEREAS: Since *Gibbons v. Ogden*, 22 U.S. 1 (1824), the Supreme Court of



the United States of America has confirmed the legal power of state jurisdictions to take all necessary measures to protect public health.

WHEREAS:

Act No. 81 of March 14, 1912, as amended, known as the "Department of Health Act," authorizes the Department of Health to **take any measures it may deem necessary to fight against any epidemic that may threaten the health of the people of Puerto Rico** (emphasis provided). This includes the implementation of procedures for the isolation and quarantine of persons who have been exposed to or have contracted contagious diseases that pose a risk to public health, in accordance with the provisions of Regulation No. 7380, known as the "Regulations for Isolation and Quarantine." In this regard, the Secretary of Health has the power to order the performance of tests to detect COVID-19 as part of its authority to take any measures it may deem necessary to combat any epidemic that threatens the health of citizens.¹

WHEREAS:

Article 4 of Act No. 81, supra, provides that the Secretary of Health may order the transfer to a suitable location of any person suffering from an illness requiring quarantine or any other rapidly spreading, contagious, or infectious disease, and shall be in charge of the public hospitals to treat those cases.

WHEREAS:

On the other hand, Article 6.10 of Act 20-2017, as amended, better known as the "Puerto Rico Public Safety Department Act," empowers the Governor to declare a state of emergency on our Island, and "to establish or modify state regulations, orders, plans, or measures for emergencies or disasters as deemed necessary," as well as "to enact, amend or repeal any regulation, and to enact, amend, or rescind any order as deemed appropriate during the state of emergency or disaster."

WHEREAS:

It is the utmost priority of the Government of Puerto Rico to implement all necessary measures to prevent and control the spread of COVID-19.

WHEREAS:

The timely detection of virus carriers has been recognized as the ideal method to contain and prevent the community spread of COVID-19 in order to protect public health and the lives of

¹ Consultation No.: OL 2020-04-09 issued by the Department of Justice

thousands of persons. In this respect, the State's interference with the right to privacy is justified and reasonable.²

WHEREAS: Administrative Bulletin No. OE-2020-022 was enacted in order to activate the Medical Unit of the National Guard to provide support to the Department of Health and the other entities handling the emergency.

WHEREAS: On March 18, 2020, the Governor of Puerto Rico sent a communication to the Federal Aviation Administration (FAA), requesting measures and tools to control international and domestic air traffic on the Island amid the COVID-19 threat. On March 23, 2020, the FAA approved the request of the Government of Puerto Rico and determined that, as of March 24, 2020, at 11:59 p.m., all passenger airline commercial flights would only land at the Luis Muñoz Marín International Airport (the "Airport"), in order to centralize and optimize the use of available resources and technology for the screening of passengers arriving on the Island. As part of these efforts, the Puerto Rico National Guard, in conjunction with the Department of Health, has been working in collaboration with the United States Customs and Border Patrol (CBP) team and the Centers for Disease Control and Prevention of the United States Department of Health (CDC), to monitor the health of passengers from all international and domestic flights.

WHEREAS: The CDC has issued several communications warning about the risk of infection in places such as airports and recommending the adoption of measures to reduce mobility and contact between people. Likewise, the WHO has recommended that all jurisdictions take all necessary measures to prevent the spread of the virus, particularly in areas identified as focus of infection where the disease is easily spread, such as airports.

WHEREAS: The CDC has also established specific guidelines maintaining that the longest period of incubation that has been observed in COVID-19 and similar coronaviruses is fourteen (14) days. Therefore, they recommend quarantine periods of the same duration for all persons who have been exposed to any situation of potential infection.

² *Id.*

WHEREAS: The Government of Puerto Rico has set up one of the strictest confinement protocols in the United States, leading many states with effective, fast, and decisive measures. As a result, we have been able to maintain the COVID-19 outbreak at manageable levels and to prevent the collapse of our health system.

WHEREAS: The quarantine has affected our economy, like the rest of the world. Therefore, as a strategy for economic recovery, given our leadership in controlling the virus, Puerto Rico can be marketed as a safe destination, thus promoting incoming tourism while continuing to take all measures to keep us safe.

WHEREAS: The quick action by the government in the face of the pandemic has created an opportunity to promote Puerto Rico's tourism industry and transform our Island into a more competitive destination as travel is resumed in the United States.

WHEREAS: In accordance with the above, on March 30, 2020, the Governor of Puerto Rico enacted Administrative Bulletin No. OE-2020-030, aimed at implementing a mandatory quarantine period of fourteen (14) days for all passengers arriving at the Airport on a flight from the United States of America or from any international destination, as well as all applicable procedures and requirements.

WHEREAS: Meanwhile, in addition to the steps taken by the Medical Task Force since March 23, 2020, the Economic Task Force has worked hard to reactivate Puerto Rico's economy following the closure of the private sector under OE-2020-023. In view of the flattening of the curve of infection, the control of the risk of infection, and the implementation of measures to prevent the spread of COVID-19 in establishments and commercial transactions, certain aspects related to industrial, commercial, and business operations were allowed more flexibility under subsequent executive orders.

WHEREAS: As part of the gradual economic reopening that has been implemented during the emergency caused by the COVID-19 pandemic, additional needs have been identified among the different economic sectors. Therefore, we must strike a balance between safeguarding the health of all Puerto Ricans, which is a

priority of this administration, and the new economic realities facing Puerto Rico, subject to the adoption of any measures that may be necessary to prevent the spread of COVID-19 on the Island.

WHEREAS:

Given that the Puerto Rico Tourism Company has created a plan to reactivate tourism in accordance with the parameters established by the CDC, the WHO, and the Department of Health, and as part of the efforts made by the Puerto Rico National Guard, together with the CBP team, it is therefore necessary to repeal OE-2020-030 in order to establish new rules regarding the entry of domestic or international passengers to all airports in Puerto Rico.

However, we believe it is relevant to point out that, according to information provided by the CDC, the United States has seen a significant increase in coronavirus cases. June 28, 2020 was reported as one of the days with the highest number of COVID-19 cases since the first infected person was detected. This is due to the fact that many states have not followed the safety protocols during the de-escalation of control measures. For this reason, we must establish the necessary protocols to safeguard the health and the lives of all of us living in Puerto Rico, as well as of our visitors.

THEREFORE:

I, WANDA VÁZQUEZ-GARCED, Governor of Puerto Rico, by virtue of the powers inherent to my office and the authority vested in me by the Constitution and the Laws of the Government of Puerto Rico, hereby DECLARE and ORDER the following:

Section 1:

Any passenger who, after the enactment of this Order, arrives at the Luis Muñoz Marín International Airport, the Mercedita International Airport, the Rafael Hernández International Airport, or any other airport on the Island on a flight from the United States of America or any international destination shall be considered a person as to whom there is a reasonable suspicion that he or she was exposed to COVID-19 and shall remain under quarantine for a period of fourteen (14) days or for the duration of his or her stay in Puerto Rico, whichever is shorter, if he or she fails to present a negative COVID-19 result from a qualified molecular SARAS-COV2 test performed within the last 72 hours prior to their arrival. For the purposes of the fourteen (14) day



period, said period shall begin to run on the day the person arrives at the Airport, which shall be considered day one (1).

All passengers coming on a flight from the United States of America or from any international destination shall be required to fill out a "Traveler Health Declaration" which may be accessed online prior to their arrival or may be obtained upon arrival at the airport, in the event that they are not able to access the document in electronic format. This traveler health declaration shall be published in due course by all relevant agencies.

The quarantine imposes an obligation upon passengers to remain at the location reported in the traveler declaration and to avoid contact or visits from any persons, whether or not they are relatives, except for a visit by a health professional for monitoring purposes or by any individual authorized by government authorities for follow-up purposes. They must refrain from visiting public spaces, including, without limitation, restaurants, pools, meeting rooms, or gyms. They must only go outside in case of an emergency or to receive medical care.

Likewise, the quarantine imposes a responsibility on the host of the place where the passenger will be staying. To this end, all hotel managerial personnel, short-term rental property owners or managers, or homeowners of the family residence that will be receiving the passenger shall be responsible for ensuring that passengers comply with the directives issued in this Order.

However, any passenger who, after the enactment of this Order, arrives at the aforementioned airports in a flight from the United States of America or any international destination who has no COVID-19 symptoms and who is a member of the flight crew or an aircraft mechanic who will not stay in Puerto Rico for more than 72 hours, as well as federal agents, active duty military personnel, or any other personnel as may be determined by the Department of Health, shall be exempt from complying with the quarantine order established herein.

Nevertheless, in all the exceptional circumstances described above, passengers must fulfill the following requirements: (1) fill out the corresponding form with their personal and contact information, for proper follow-up and monitoring by the Department of Health; (2) comply with all orders, instructions,



protocols, and requests for information issued by the Department of Health, the National Guard, and any other relevant government entity; (3) limit their interaction with other people during their stay, maintain physical distance, and comply with the mandatory use of face masks at all times.

Section 2:

SARS-COV2 MOLECULAR DIAGNOSTIC TEST. All passengers shall be required to use a face mask or scarf to cover their nose and mouth upon their arrival to Puerto Rico and at all times during their stay. Also, any passenger who, after the enactment of this Order, is interested in travelling to Puerto Rico and who will arrive at the Luis Muñoz Marín International Airport, the Mercedita International Airport, or the Rafael Hernández International Airport on a flight from the United States or from any international destination must:

- i. Upon arriving at the airport, present or provide evidence of a negative COVID-19 test result from a qualified molecular SARS-COV2 diagnostic test performed within seventy-two 72 hours prior to their arrival in Puerto Rico.
- ii. Passengers who have not been tested for COVID-19 with a molecular test prior to arriving in Puerto Rico will have to remain under quarantine for fourteen (14) days. However, any passenger who shows COVID-19-related symptoms at the screening area set up by the National Guard and the Department of Health shall be tested for COVID-19 at the airport, as deemed necessary by the personnel in charge, using a serologic test, as it has been done up until now. If the serology test is negative, the person will be given a referral to get a molecular COVID-19 test outside the airport. The passenger will have to remain quarantined until a negative molecular test result is received and reported it to the concerned agencies.
- iii. On the other hand, if the serology test is positive for COVID-19, a molecular test shall be performed at the airport. The passenger will have to remain quarantined until he or she receives the results of the molecular test performed at the airport. The passenger shall only be able to leave the quarantine if the test is negative.

It must be clarified that any passenger with a positive COVID-19

molecular test result shall be responsible for all medical expenses, as well as for any expenses related to the extension of their stay, since they will have to remain in isolation as determined by the Department of Health.

However, in all the exceptional situations described in this Section, all passengers must fulfill the following requirements:

- (a) Upon their arrival at the airport, fill out the form provided by the Department of Health, including the Traveler Health Declaration, where they must provide their personal and contact information for the appropriate follow-up and monitoring by the Department of Health; and
- (b) Comply with all orders, instructions, protocols, and requests for information issued by the Department of Health, the National Guard, and any other relevant government entity during the fourteen (14) days following their arrival.

Section 3:

COMPLIANCE. The Puerto Rico National Guard, in coordination with the Department of Health, the Ports Authority, the Public Safety Department, and any other relevant government entity, shall take all necessary measures to implement the provisions of this Order. This includes maintaining the specific protocol that lays down the process for the gathering of information from each passenger, the management of information by governmental authorities, as well as due notification of the provisions contained herein and the rights of each passenger, including handling all information with the strictest confidentiality.

No employee may leave the airports' facilities without completing the process established by the Puerto Rico National Guard in coordination with the Department of Health, in accordance with the provisions of this Order, which includes filling out the Traveler Health Declaration form. The Puerto Rico National Guard, together with the Department of Health, the Ports Authority, and the Public Safety Department, as well as any other relevant government entity, shall coordinate efforts with the airport's management in order to ensure strict and faithful compliance with this Order. The National Guard will have access to the necessary staff and resources from all Executive Branch entities for the effective implementation of



the provisions of this Executive Order.

The Puerto Rico Tourism Company shall establish communication with travel agencies and airlines in order to collaborate in notifying passengers of the requirements for travel to Puerto Rico.

Section 4:

WARNINGS. On the form filled out with their personal information, all passengers must certify, under oath, that they comply with the orders provided on said form regarding their behavior during their stay. Passengers shall be required to interact directly with the Department of Health's monitoring systems and to fulfill all online, phone call, or personal requests for information. Failure to comply with the provisions contained herein shall result in the imposition of the criminal penalties and fines established under the provisions of Act No. 20-2017, supra, which imposes a penalty of imprisonment for a period not to exceed six (6) months or a fine not to exceed five thousand (5,000) dollars, or both penalties at the discretion of the court or of any applicable law. Similarly, in accordance with the provisions of Art. 33 of the Department of Health Act, "[a]ny natural or legal person that infringes the provisions of this law or the regulations issued by the Department of Health in accordance thereto, shall incur in a misdemeanor and if found guilty shall be subject to imprisonment not to exceed six (6) months or a fine not to exceed five thousand (5,000) dollars or both penalties at the court's discretion."

The provisions of this Executive Order shall remain in full force and effect even after the lockdown established under Administrative Bulletin Number OE-2020-048 and other subsequent Executive Orders is lifted.

Section 5:

DEROGATION. This Executive Order repeals Administrative Bulletin No. OE-2020-030 and supersedes any other executive order that may be inconsistent with the provisions herein, to the extent of such inconsistency.

Section 6:

VALIDITY. This Executive Order shall enter into force on July 15, 2020.

Section 7:

SEVERABILITY. The provisions of this Executive Order are separate and independent of each other, and if any part,

section, provision, or sentence of this Executive Order is declared unconstitutional, void, or invalid by a court of jurisdiction and venue, such decision shall not affect the validity of the remaining provisions, which shall remain in full force.



Section 8: **NON-CREATION OF ENFORCEABLE RIGHTS.** This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

Section 9: **PUBLICATION.** This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.



IN TESTIMONY WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed in San Juan, Puerto Rico, on this 3rd day of July of 2020.

**WANDA VÁZQUEZ-GARCED
GOVERNOR**

Enacted in accordance with the law on this 3rd day of July of 2020.

**ELMER L. ROMÁN-GONZÁLEZ
SECRETARY OF STATE**