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Civil Defense Agency:

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Mayor’s COVID-19 Emergency Rule No. 10

Post Date:07/22/2020 9:53 AM

Pursuant to the authority vested in me by Hawai‘i Revised Statutes Chapter 127A and due to the public health concerns related to COVID-19, I hereby adopt and promulgate the following rules which have the force and effect of law.

In accordance with Governor David Y. Ige's Tenth Proclamation Related to the COVID-19 Emergency (“10th Proclamation”), the County and State of Hawai‘i is within the “Act with Care” phase of the "State Roadmap to Recovery and Resilience." To date, there have been more than 1300 documented cases of COVID-19 in the State of Hawai‘i, with daily numbers of cases and 23 deaths attributed to this disease. COVID-19 continues to endanger the health, safety, and welfare of the people of this State and County and a response requires the continued effort and sacrifice of the community to avert strains on our healthcare system and other disastrous impacts.

A. Work in Businesses or Operations

All businesses, operations, and activities are permitted to open except those businesses, operations and activities delineated in Exhibit 5, as otherwise provided by this rule, and subject to all restrictions and physical distancing requirements of this rule, the 10th Proclamation and any subsequent proclamations or orders, the State Department of Health Reopening Hawai'i Safe Practices, and any CDC and industry guidelines.

B. Safe Practices

All persons shall implement the following physical distancing and sanitation requirements to the fullest extent possible:

1. Face Coverings Required. All persons within the County shall wear non-medical grade face coverings, over their nose and mouth, while in public settings.

Face coverings are not required in the following circumstances, unless specifically indicated otherwise in this rule:

- o Persons five (5) years of age or younger;
- o Persons with health or medical conditions that prevents them from wearing a face covering;
- o Persons actively communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
- o Persons obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- o Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- o Persons actively engaged in work-related activities and able to maintain a physical distance of at least 6 feet from others;
- o Persons actively engaged in exercise activity so long as physical distancing requirements are maintained;
- o Persons who are engaged in outdoor activities when alone, with members of their household, or when able to maintain a distance of at least 6 feet from others.

A business or organization may refuse to allow entry or service to a worker, customer, or patron that refuses to wear a face covering.

2. High risk populations. Elderly and others at high risk for COVID-19 are urged to stay in their residences to the extent possible, except as necessary to seek medical care.
3. Persons who are sick. Persons who are sick or are exhibiting symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of taste or smell, congestion or runny nose, nausea or vomiting, diarrhea or any other symptoms of COVID-19 identified by the CDC shall NOT report to their places of employment and shall stay at their residences, except as necessary to seek medical care.
4. Physical distancing requirements. All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Businesses or operations shall designate lanes for patrons' entry and checkout with appropriate signage, tape, or other means to establish the minimum six-foot spacing for customers waiting in line. Checkout operations shall be modified to provide the minimum physical distancing or to provide a shield or barrier separating the interactions between customers and checkout clerks.

Businesses and operations shall monitor and enforce, on their premises, the physical distancing requirements set forth in this rule.

5. Limited customer occupancy. Each business and operation shall determine the maximum number of customers that its respective facility may reasonably accommodate while maintaining the specified physical distancing requirements. The business or operation shall post and maintain this maximum number at its primary entrance. The business or operation shall limit and enforce the number of customers in its facility or at its operation to not exceed that maximum number at all times.

It is strongly recommended that a maximum of one (1) customer per one hundred fifteen (115) square feet of retail floor area be allowed into a facility or operation to maintain the minimum physical distancing requirement.

6. Hand sanitizing products. Businesses and operations shall provide hand sanitizer or equivalent hand sanitizing products for all employees and customers. All customers/patrons shall sanitize hands before entry. Hand sanitizing stations shall be available at each entrance. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.
7. Disinfection. Businesses and operations shall regularly disinfect all high-touch surfaces. Businesses and operations shall assign, train and schedule employees/staff to sanitize carts, conveyors, counters, handles, knobs, and other high-touch surfaces.
8. Safeguards for high risk populations. Businesses and operations are urged to implement processes to safeguard the elderly and any person identified by the CDC that are at increased risk for severe illness from COVID-19. Persons at increased risk are encouraged to stay in their residence to the extent possible, except as necessary to seek medical care.
9. Online and remote access. Businesses and operations shall post online whether a facility is open and how best to reach the facility and continue services by phone or remotely. Businesses or operations shall encourage their customers to do their business remotely by phone or online to the extent possible.
10. Pickup at store or delivery. Businesses or operations shall provide for, if feasible, online ordering and purchase of goods and customer pickup of orders at a location outside the facility or shall provide for delivery to customer locations.
11. Signage. Businesses or operations shall post a sign at the entrance of the facility informing all employees and customers that they shall, at a minimum: wear face coverings while at the business or operation; avoid entering the business or operation if they have a cough or fever or otherwise do not feel well; maintain the required physical distancing from all others; and not shake hands or engage in unnecessary physical contact.

C. Gatherings

Indoor gatherings are permitted with a maximum of 50 people provided that physical distancing and safe practices can be maintained, unless otherwise provided in this rule.

Outdoor gatherings are permitted with a maximum of 100 people provided that physical distancing and safe practices can be maintained, unless otherwise provided in this rule.

D. Specific Rules Relating to Businesses, Operations, and Activities

- Exhibit 1. Restaurants, bars, food courts, and other food establishments
- Exhibit 2. County Parks and Recreational Facilities
- Exhibit 3. Barber Shops and Beauty Operators
- Exhibit 4. Places of Worship
- Exhibit 5. Businesses, Operations and Activities to Remain Closed

- E. Pursuant to Hawai‘i Revised Statutes Section 127A-29, any person violating this Rule shall be guilty of a misdemeanor, and upon conviction, fined not more than \$5,000 or imprisoned for not more than one year, or both.
- F. This rule shall take effect and shall continue through August 31, 2020 unless extended, rescinded, superseded, or amended by my subsequent order, or as otherwise provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County of Hawai‘i to be affixed. Done this 20th day of July 2020 in Hilo, Hawai‘i.

Harry Kim
Mayor
County of Hawai‘i

CONCURRENCE:
Governor David Y. Ige

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