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Civil Defense Agency:**

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Mayor's COVID-19 Emergency Rule No. 12

Post Date:09/30/2020 11:54 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 Thirteenth Proclamation related to the COVID-19 Emergency (“13th Proclamation”), the County and State of Hawai‘i are within the “Act with Care” phase of the "State Roadmap to Recovery and Resilience." COVID-19 continues to endanger the health, safety, and welfare of the people of this State and County. To date, there have been more than 11,000 documented cases of COVID-19 in the State of Hawai‘i with 127 deaths, and 691 cases of this disease attributed to Hawai‘i County.

These rules are based upon evidence of COVID-19 within this state and county as reported by the State Department of Health, the Center for Disease Control and Prevention (CDC), scientific evidence, and best practices regarding the most effective means to slow the transmission of COVID-19.

A. Work in Businesses or Operations

All businesses, operations, and activities are permitted to remain open except those businesses, operations and activities delineated in Exhibit 5, or as otherwise provided by this rule, and subject to all restrictions and physical distancing requirements of this rule, the 13th 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 Hawai'i 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 these rules:

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

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 or outdoor social gatherings of groups up to ten (10) persons are permitted. Face coverings are required and physical distancing of at least six (6) feet between separate groups must be maintained. Members of a single residential or family unit who share the same address are not restricted.

A social gathering is defined as a planned or spontaneous event, assembly, or meeting that brings together multiple people from separate households in a single space or area, indoors or outdoors, at the same time and in a coordinated fashion.

1. A social gathering includes, but is not limited to, such get-togethers as a banquet, barbecue, concert, fair, festival, funeral, luau, parade, party, picnic, or wedding.
2. A social gathering **does not** include, and this definition does not apply to:
 - Federal, state and county government operations and functions;
 - Educational, adult and childcare facilities with adequate and active supervision and monitoring, enforcement capabilities, and established emergency response protocols;
 - Businesses, operations, and activities operating under Section A of this Rule.

D. Travel to the County of Hawai‘i

Pursuant to the 13th Proclamation, all persons traveling to Hawai‘i Island are subject to mandatory 14 day self-quarantine. The period of self-quarantine shall begin from the date of entry onto Hawai‘i Island and shall last 14 days or the duration of the person’s presence on the island, whichever is shorter.

Inter-island travelers arriving on Hawai‘i Island seeking a modified self-quarantine or exemption from the self-quarantine requirements must receive approval for such modification or exemption from the County of Hawai‘i. Requests shall be submitted via the following online format:

<https://survey123.arcgis.com/share/e2f4ce19aa854964a8fd60bec7fbe78c>.

Persons requiring paid or commercial lodging while subject to the mandatory 14 day quarantine shall designate a hotel or motel as their quarantine location. Short-term vacation rentals (STVR), bed and breakfast (B&B) establishments, or other paid or commercial lodging defined by the Hawai‘i Revised Statutes as “transient accommodations” shall not be designated as a quarantine location except for: 1) visiting essential and critical infrastructure workers, provided quarantine restrictions are followed; and 2) persons meeting the negative test exception under Section IV.B and Exhibit B Section 4(2) of the 13th Proclamation. An STVR, B&B or other paid or commercial lodging defined by the Hawai‘i Revised Statutes as “transient accommodations” may not be designated as a quarantine location for a new or “intended” Hawai‘i County resident. Persons who have pre-arranged for long-term residential housing of 180 days or longer may utilize such housing as their designated quarantine location provided that the full 14 day quarantine is served and not stopped early.

E. 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

F. 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.

G. This rule shall take effect immediately and shall continue through October 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 28th day of September 2020 in Hilo, Hawai‘i.

Harry Kim
Mayor
County of Hawai‘i

CONCURRENCE:
Governor David Y. Ige

[View the signed Mayor's COVID-19 Emergency Rule No. 12 and all Exhibits](#)

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