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Mayor

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PUBLIC HEALTH EMERGENCY RULES, AMENDED OCTOBER 23, 2020

The virus that causes Coronavirus 2019 Disease (“COVID-19”) is a novel severe acute respiratory illness with no known cure, no effective treatment, and no vaccine. The virus is easily transmitted, including by individuals who are infected but showing no symptoms. As of October 23, 2020, there were 41,570,883 million cases and 1,134,940 deaths globally (<https://covid19.who.int/>). The United States has more than 8,445,242 million cases and 223,437 deaths (<https://coronavirus.jhu.edu/map.html>). To date, there are 14,335 cases and 206 deaths in the State of Hawaii, with 435 cases in Maui County (<https://health.hawaii.gov/coronavirusdisease2019>), with the island of Lanai experiencing its first reported cases

On October 13, 2020, Governor David Y. Ige issued the Fourteenth Proclamation related to COVID-19, which extended the mandatory 14-day self-quarantine for all persons entering the State of Hawaii. Transpacific travelers who provide written confirmation of a State-approved negative COVID-19 test are excepted from self-quarantine. The Fourteenth Proclamation also extended the interisland quarantine for travelers to the counties of Maui, Kauai, Hawaii, and Kalawao. These Rules are based on evidence of COVID-19 within the County

and State of Hawaii, as reported by the Centers for Disease Control and Prevention (CDC), the State Department of Health (DOH), scientific evidence, and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically.

By the authority vested in me as Mayor of the County of Maui, by the Revised Charter of the County of Maui (1983), as amended (“Charter”), the Constitution and laws of the State of Hawaii, I, MICHAEL P. VICTORINO, Mayor of the County of Maui of the State of Hawaii, hereby amend, adopt and promulgate the following rules, pursuant to Section 127A-25, Hawaii Revised Statutes (“HRS”), which have the force and effect of law. Violation of any of the following rules is punishable as a misdemeanor, with fines of up to \$5,000, a maximum of one year in jail, or both.

I. Definitions

A. Essential Activities include:

1. Tasks essential to maintain health and safety, such as obtaining medicine, seeing a doctor, and testing for COVID-19.
2. Getting necessary services or supplies for an individual, or that individual’s family or household members, such as getting food, pet food, and supplies necessary for staying at home.
3. Engaging in outdoor activity, such as walking, hiking, running, ocean sports (surfing, stand-up paddle boarding, kayaking, or fishing).
4. Performing work related to operation of an essential business or essential government functions (defined below).
5. Caring for a family member in another household.
6. Caring for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
7. Voting.

B. Operation of an Essential Business includes:

1. Healthcare operations, including home health workers.
2. Essential infrastructure, including operation of public transportation and utilities.
3. Grocery stores, food banks, convenience stores, and farmer's markets.
4. Businesses that provide necessities of life for economically disadvantaged individuals and shelter facilities.
5. Pharmacies, health care supply stores, and health care facilities.
6. Gas stations, auto repair facilities, and auto supply stores.
7. Financial institutions.
8. Refuse collection.
9. Hardware, lumber, and other building material stores.
10. Maintenance service providers, such as plumbers, electricians, exterminators, yard or ground maintenance, and other service providers necessary to maintain the safety, sanitation, and essential operation of residences and businesses.
11. Laundromats and laundry service providers.
12. Businesses that primarily ship or deliver groceries, food, and goods.
13. Preschool facilities (daycare, summer camp, etc.) operating in compliance with state laws, administrative rules, and restrictions, provided that children do not switch groups; groups are located in separate rooms and not commingled; caregivers are assigned and remain with one group of children.
14. Newspapers, television, radio, and other media.
15. Construction and maintenance, public and private, provided it is conducted in workplaces in a manner that ensures worker safety, including physical distancing requirements.
16. Agricultural operations, including delivery and shipment of flowers, provided measures are implemented to ensure worker safety, including physical distancing requirements.
17. Businesses that supply other essential businesses with the support or supplies necessary to operate, e.g., chemical supply companies.
18. Businesses conducting legally mandated activities.
19. Businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, kennels, and adoption facilities.
20. Funeral, mortuary, cremation, burial, cemetery, and related services.
21. Educational institutions, including Kindergarten-12 grade, colleges, and universities. Private educational institutions shall comply to the extent feasible with the State of Hawaii

Department of Education's practices and policies related to the COVID-19 health emergency.

22. Hotels and motels, to the extent used for lodging, in compliance with the State of Hawaii restrictions.

C. Designated Businesses and Operations, as described in Exhibit A.

D. Government Functions: Includes all services needed to ensure the continuing operation of the government agencies that provide for the health, safety, and welfare of the public.

II. RULES

Rule 1: All individuals currently within the County are encouraged to stay at their residence or place of lodging, except as provided in these Rules. With respect to persons residing in hotels, condominiums, townhomes, apartments, or other multi-unit dwellings, "place of residence" means the person's individual hotel room or unit. To the extent persons use shared or outdoor spaces (e.g., condominium common areas, pools, barbecue areas) when outside their residence, they must comply with Rule 5, as ordered by the State of Hawaii, or as instructed by the CDC, whichever is more stringent.

Rule 2: County meetings or hearings, including contested case hearings, are suspended, provided that meetings or hearings may be held to the extent such meetings or hearings are conducted by telephone or video conference as determined solely by the County department providing administrative assistance to the board or commission. In addition to all County boards and commissions, this Rule applies to all proceedings that involve live testimony by government employees or members of the public (i.e. arbitrations, depositions, hearings, etc.).

Rule 3: Any County deadline or automatic approval of any permit application, unless specifically provided for by Mayor's directive, or contested case matter under the Maui County Code or the administrative rule of any County department, board, or commission that is currently pending, is hereby continued to the latter of the following: 60 days after the date of the County's Proclamation of Emergency of Disaster, effective August 30, 2020, as may be extended; the Declaration of Termination of Emergency issued by the undersigned; or 60 days from the date of the current deadline or automatic approval as of the date of the adoption of these Rules. This Rule applies only to deadlines for action imposed by ordinance or administrative rule on any County department, board, and commission. This Rule does not extend any permit condition of any existing permit that has already been approved. This Rule does not extend the time for filing of an appeal for matters that have already been decided.

Rule 4: Indoor or outdoor social gatherings of up to 10 persons are permitted. Face coverings are required and physical distancing of at least 6 feet between separate social gatherings must be maintained. Gatherings of members of a single residential or family unit sharing the same address are not restricted. Rule 4 does not apply to essential or designated businesses and operations, pursuant to Sections I(B), I(C), and Exhibit A, that have supervision, monitoring, and other enforcement protocols in place or are otherwise subject to specific rules or restrictions, e.g., the state and federal court systems, state and federal

offices and functions, Department of Education, daycares, preschools, private schools, universities, and similar institutions.

Rule 5: Persons shall comply with the following physical distancing and sanitation requirements:

- a. Face covering.** Persons over the age of 5 years old must wear a face mask or covering while outside their place of residence (as defined in Rule 1). The face mask or cloth must be worn while in all public spaces, including on public or shared transportation, unless specifically provided for otherwise in these rules.

Unless otherwise provided by specific rule, employees must wear face masks or coverings when walking to and from common areas (hallways, bathrooms, stairwells, elevators), but may temporarily remove the face covering when at their desks or work station and not actively engaged with other employees, customers, or visitors, provided that the employee's desk or workstation is not located in a common or shared area and physical distancing is maintained.

Permitted masks or facial coverings:

1. Completely cover the nose and mouth.
2. Have two or more layers of washable, breathable fabric.
3. Fit snugly against the sides of your face without gaps.
4. Pleated, multi-layer masks are allowed.

Unpermitted face coverings:

1. Masks with exposed external valves.
2. Neck gaiters.
3. Bandanas.
4. Face shields without a permitted mask underneath.

Face coverings must comply with the recommendations of the CDC, as such recommendations may change from time to time. The current CDC guidelines are available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>. Examples of compliant homemade masks and other facial coverings may be found at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

Persons should not utilize N95 rated masks, as those are critical supplies for health care workers, police, fire, emergency management, or other persons engaged in certain construction-related or life/safety activities.

Masks and other facial coverings shall not be required:

1. At or inside a private residence.
2. Inside a private automobile, provided the only occupants are members of the same household or residence.
3. Inside a hotel, motel, or commercial lodging establishment guest room, or inside any apartment.
4. Of persons who cannot wear a mask or facial covering due to an existing medical condition.
5. Of an individual who is hearing impaired or an individual who is communicating with an individual who is hearing impaired.
6. Where federal or state safety or health regulations prohibit the wearing of facial coverings.
7. Of persons actively engaged in strenuous outdoor physical activity, provided adequate social distancing is both possible and practiced.
8. Of persons swimming or engaged in other activities that may cause the facial covering to become wet.
9. While persons are actively eating, drinking, or smoking.
10. While a person is receiving services that require access to that person's nose or mouth.

Businesses or designated operations shall refuse to allow entry to persons not wearing face coverings, unless an exception applies under this section. Businesses not enforcing this rule may be subject to enforcement, including fines and mandatory closure.

- b. **High risk populations.** Elderly and others at high risk for Covid-19 are urged to stay in their residences to the extent possible, except to seek medical care.
- c. **Persons who are sick.** Persons who are sick, have a fever, cough, or who are exhibiting symptoms such as shortness of breath, difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell, are urged to stay in their residences to the extent possible, except to seek medical care.
- d. **Six-foot distances.** All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Essential and designated businesses or operations shall designate with signage, tape, or other means, six-foot spacing for employees and customers waiting in line. Essential and designated businesses or operations shall monitor and enforce the six-foot

distancing requirement, whether with outside waiting lines or as customers move about inside a facility. Stores with aisles shall use signage to indicate one-way access to the extent feasible. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.

- e. **Limited occupancy.** Each essential or designated business or operation shall determine and enforce the maximum number of persons that may be accommodated while maintaining the specified physical distance and limiting the number of individuals within a facility.
- f. **Sanitation measures.** Essential and designated businesses or operations shall make hand sanitizer and sanitizing products readily available for employees and customers. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.
- g. **Disinfection.** Essential and designated businesses or operations shall regularly disinfect all high-touch surfaces. A list of disinfectants that meet the U.S. Environmental Protection Agency's criteria for use against Covid-19 is available at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>.
- h. **Safeguards for high-risk populations.** Essential businesses shall implement processes to safeguard elderly and high-risk customers, such as exclusive shopping hours, which shall be conspicuously posted and enforced.
- i. **Pickup at store or delivery.** To the extent feasible, essential and designated businesses or operations shall provide for online ordering and purchase of goods, delivery, and customer pickup of orders outside the facility.
- j. **Signage.** Essential and designated businesses or operations shall post a sign at the entrance of the facility informing employees and customers that they shall, at a minimum: wear CDC recommended face coverings while in the business or operation; avoid entering the business if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; do not shake hands.

Rule 6: Exhibit A details specific requirements for certain businesses and activities, e.g., restaurants, bars, cafes, and other food establishments; salons, estheticians, massage, and body work; and sports.

Rule 7: Nightclubs and concert halls are ordered closed until notified otherwise, provided that such businesses may conduct “minimum basic operations.” Minimum basic operations do not include in-person public/customer interactions and are limited to the minimum activities necessary to maintain the value of the business’s inventory, ensure security, and process payroll and employee benefits.

Rule 8: Beaches and County parks are open; however, the County may close parks for maintenance or repairs, to address safety concerns, or for COVID-related response. Waiale Park shall remain closed to accommodate the provision of temporary emergency shelters. County parks and beach parks will be open from 7:00 a.m. through 7:00 p.m., except that outdoor County courts (e.g., tennis, basketball, etc.) may remain open until 8:00 p.m. Only permitted commercial activities are allowed. No tents or beach umbrellas that measure more than six feet across the canopy, party bouncers (bouncing castles, etc.), water or other slides will be allowed at any beaches or County parks. Grills may not be used at any beach or County park. Persons at any County park must comply with Rule 5.

Rule 9: Repealed.

Rule 10: Liquor Control Officers (“LCOs”) shall have the authority to enforce emergency rules at any establishment licensed to sell alcohol pursuant

to Hawaii Revised Statutes Chapter 281. An establishment that is not in compliance with these rules, including those listed in Exhibit “A”, attached hereto, shall be subject to immediate closure for a twenty-four hour (24) period effected by the Maui Police Department and/or LCO. Liquor licensees not in compliance with the requirements of these rules shall also be subject to penalties enforceable pursuant to the Liquor Laws of Hawaii, Hawaii Revised Statutes Chapter 281, which may include a reprimand, fine, suspension, and/or revocation of the liquor license.

Rule 11: Mandatory quarantine and quarantine lodging.

a. Health Screening and Quarantine. Unless excepted under Rule 12, all persons traveling to the County of Maui, whether interisland or from out of state, shall be subject to health screening pursuant to Exhibit B of Governor Ige’s Fourteenth Proclamation and mandatory self-quarantine. The period of self-quarantine shall begin on the date of entry into the County of Maui and shall last 14 days or the duration of the person’s presence in the County, whichever is shorter. A person subject to quarantine may only break quarantine to seek medical attention, or as otherwise allowed under a limited quarantine exemption approved by the State or County.

b. Quarantine Lodging. Pursuant to Governor Ige’s Fourteenth Emergency Proclamation, persons who have not been approved for limited quarantine by the State or County and who require paid or commercial lodging while subject to the mandatory 14-day quarantine shall designate a hotel or motel on the County’s approved list as their quarantine location.

Short-term rental homes (STRH), bed and breakfast (B&B) homes, or other types of transient vacation rentals (TVR), as defined in the Maui County Code may be designated as a quarantine location for a new or “intended” Hawaii resident, provided that the full 14-day quarantine is served and not stopped early. No STRH, B&B, or TVR may be

designated as a quarantine location for a new or “intended” Hawaii resident more than once in any six-month period.

STRH, B&B, and TRV may provide lodging for persons 1) not subject to quarantine, 2) subject to quarantine while awaiting the results of an approved COVID-19 test under Rule 12; and 3) performing critical infrastructure (“CISA”) functions, as described in Exhibit B to the Twelfth Proclamation and Section III.A of the Fourteenth Proclamation, who have been issued a limited quarantine exemption by the State or County, provided quarantine restrictions are followed.

The property owner, manager, agent, landlord, tenant, and guest shall each be responsible for ensuring, and documenting, compliance with this Rule. Documentation shall be provided to the County, at the County’s request. Failure to provide such documentation within the time specified in the request shall be deemed a violation of this rule.

Rule 12: Requests for Limited Quarantine and Quarantine Exemptions.

- a. Requests for Limited Quarantine.** A quarantine exemption request must be made at www.mauicounty.gov. Requestors must timely supply all required documentation.
- b. CISA Limited Quarantine Exemption.** Persons who travel into Maui County solely to conduct critical infrastructure (“CISA”) functions, as identified in Exhibit B to the Governor’s Twelfth Proclamation and Section III.A of the Governor’s Fourteenth Proclamation, may be approved for a limited “home-to-work” quarantine exemption. If a limited exemption is granted by the County, such person may go to and from work only and shall be subject to all quarantine restrictions when not performing their critical infrastructure work or engaging in the activity expressly exempted.
- c. Maui County Travel, Kalawao County-Molokai Travel.** Persons not subject to any quarantine or stay-at-home order who travel solely

within the islands of Maui County or solely between Kalawao County and other locations on Molokai will not be subject to quarantine or pre-travel COVID-19 testing when traveling within Maui County. These persons do not need to apply for a quarantine exemption, but must present their flight itinerary to screeners on arrival. This exemption does not apply if any portion of the travel is outside Maui County, including connecting flights through Oahu, or if the person has traveled outside the State of Hawaii in the past 14 days.

- d. Medical Travel.** Persons not subject to any quarantine or stay-at-home order who travel outside Maui County solely for medical purposes, providing the travel is same day or overnight only, will not be subject to quarantine or pre-travel COVID-19 testing upon their return to Maui County. These persons do not need to apply for a quarantine exemption, but must present their flight itinerary and doctor's letter with date of appointment clearly indicated to screeners on arrival. If the medical traveler requires a travel companion, this person must be specifically named in the doctor's letter. This exemption does not apply if the travel involves any non-medical related purposes.
- e. Negative COVID-19 Test – Pre-arrival.** Interisland travelers age five and older who provide written confirmation of a negative test result from an approved COVID-19 test administered to the traveler within 72 hours from the last leg of departure prior to arrival into Maui County, are exempt from quarantine. Children under the age of five traveling with parents or guardians who have negative COVID-19 test results are exempt from quarantine.

“Approved COVID-19 test” means a test to determine the presence of active COVID-19 infection that has been approved for use by the DOH and administered by a DOH approved provider located within the State of Hawaii. Currently approved are Nucleic Acid Amplification Tests (NAAT) from a certified Clinical Laboratories Improvement

Amendment (CLIA) lab. For information on COVID-19 testing, visit <https://hawaiiicovid19.com/travel/getting-to-hawaii/>.

Interisland travelers who can provide proof of submission of an approved COVID-19 test but whose negative test results are not available at the time of arrival, must quarantine pursuant to Rule 11 at their place of lodging, but may thereafter submit their negative test result to the State by uploading such verification to www.travel.hawaii.gov.

Only upon receipt of written acceptance by DOH of the negative test result will the traveler no longer be subject to the mandatory self-quarantine. Persons who require paid or commercial lodging while awaiting the test result upon uploading proof of submission of an approved COVID-19 test to www.travel.hawaii.gov, may designate a hotel, motel, STRH, B&B, or TVR as their place of quarantine. The hosts of any person subject to mandatory self-quarantine are subject to all provisions of these Rules and the Governor's proclamation. In the event a positive test result is received, the traveler must immediately report such result to the Maui District Health Office of the DOH and may need to remain at the quarantine property or as otherwise directed by the DOH.

- f. Costs.** Persons shall bear all costs related to their pre-travel testing, and any subsequent costs related to their COVID-19 status, including, but not limited to, monitoring, lodging, potential isolation, and any associated care.
- g. Response to Public Health Emergency - Lanai.** In response to the status of the public health emergency and outbreak of COVID-19 cases on the island of Lanai, all individuals currently within Lanai are ordered to stay at their residence or place of lodging. Persons may leave their residence or place of lodging to conduct Essential Government Functions, or to operate Essential Businesses, as defined in these

Rules. Individuals may leave their residence or place of lodging to conduct Essential Activities, provided that such activities are conducted by only one (1) member of the household unless the presence of an additional household member(s), including elderly, minors, dependents, person with disabilities, or other vulnerable persons, is absolutely necessary.

Travelers from Lanai to Maui or Molokai are required to quarantine, unless exempt by pre-testing for COVID-19 or approved for CISA limited quarantine.


Rule 12(g) shall remain in effect until November 11, 2020.

These rules shall take effect on October 27, 2020 at 12:01 a.m., unless otherwise specified, and repeal the Emergency Rules promulgated October 13, 2020. With the exception of Rule 3, these Rules shall be repealed upon the earlier of: 1) subsequent promulgation or 2) termination of the Proclamation of Emergency for Maui County.




MICHAEL P. VICTORINO
Mayor
County of Maui
October 23, 2020

APPROVED:



MOANA M. LUTEY
Corporation Counsel
County of Maui

REVIEWED ON BEHALF OF GOVERNOR DAVID Y. IGE BY:



Print Name: David Y. Ige
Title: Governor
Date: October 26, 2020

EXHIBIT "A"

RULES FOR
DESIGNATED BUSINESSES AND OPERATIONS

1. Businesses may request reconfiguration of the customer usage area, such as expansion of table seating or merchandise display into a business's parking lot, in order to provide for adequate physical distancing, by letter to the Mayor's Office. Such reconfiguration shall not exceed the scope of the use pre-Covid.
2. Golf courses, provided they follow restrictions/guidance by the PGA. Beverage carts are allowed, provided workers wear gloves and masks and use tongs to pass out items and contactless payment processing.
3. Bowling alleys, provided they follow restrictions/guidance by the United States Bowling Congress or similar entity.
4. Safety inspection stations.
5. Auto dealerships, including showrooms.
6. Retail and repair services that do not involve physical contact.
7. Photographers and photo studios.
8. Food courts, including movie theater snack bars. See Restaurants, below, for operating restrictions.
9. Condominium or apartment common areas.
10. Automated service providers that do not require human interaction between the service provider and the customer, including, but not limited to, fully automated car washes.
11. Mobile service providers that provide services on a mobile basis in which no human interaction between the service provider and the customer, including, but not limited to, mobile pet grooming and car washing/detailing businesses.
12. Music instruction should follow the National Federation of State High School Associations and National Association of Music Education's Fall 2020 Guidance for Music Education, available at https://www.nfhs.org/media/3812373/nafme_nfhs-guidance-for-fall-2020-review-june-19-2020-final.pdf, to the extent feasible.
13. Choirs with musicians are permitted to rehearse and perform, on condition that each member is spaced a minimum of 10 feet away from each other and in compliance with proper sanitation of all equipment, chairs, and high touch areas. Masks will not be required of singers during rehearsal or performance.
14. Musical performances. No more than 10 musicians on stage, six-foot distance between musicians, and a minimum of ten feet between the stage and audience. No dance floor or other area where audience members may congregate shall be allowed. Seating should follow restaurant guidelines, or for stadium type seating, physical distancing described in Rule 5 is required (maximum number of occupants, distancing between groups).

15. In-person spiritual services may be conducted provided all of the following are implemented:
 - a. All persons present at the service must maintain six (6) feet of physical distance between others, except members of the same household or living unit. Organizers are should limit the number of persons attending in-person spiritual services to ensure this physical distancing requirement is met.
 - b. Organizers and employees are strongly encouraged to develop and implement appropriate COVID-19 mitigation plans and procedures for their respective in-person services, which must include, but are not limited to, addressing the following issues:
 - i. Usage of face coverings as detailed in Rule 5(A).
 - ii. Safeguards for higher risk populations consistent with CDC guidance, available at <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>.
 - iii. Persons who are sick.
 - iv. Personal hygiene.
 - v. Usage of hand sanitizer and sanitizing products.
 - vi. Cleaning and disinfection.
 - vii. Online and remote access and/or drive-in services.
 - viii. Signage.
 - ix. Limiting community sharing of worship materials and other frequently touched items.
 - x. Projection of hymns and verses, when possible.
 - c. Organizers and employees of in-person spiritual services must follow to the greatest extent possible current COVID-19 related County guidelines, State of Hawaii guidelines, CDC guidelines (available at <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/index.html>).
16. Drive-in spiritual, and non-spiritual, services or events (such as drive-in movies) provided:
 - a. Persons attending services must drive up in an enclosed vehicle and remain in that same vehicle during the entire event. Sitting in the bed of an open-air pickup truck is allowed.
 - b. Vehicle windows, sunroofs, and convertible tops must remain closed during the entire service, unless the vehicle is parked more than six (6) feet away from any other vehicle.
 - c. Persons within the same vehicle must wear face coverings as provided in Rule 5, unless the vehicle is occupied only by members of the same household or living unit.
 - d. Organizers and all participants must follow current County Rules, State, and CDC guidelines.

- e. Organizers, observing physical distancing, should be present to ensure proper spacing between vehicles and the orderly compliance of all guidelines. Organizers should not interact with vehicle occupants beyond requesting their compliance with all guidelines.
 - f. Organizers should use cashless or other non-contact methods for monetary transactions, including collections.
 - g. Presentations may be conducted by radio transmitters, or streamed over the internet.
17. Restaurants, bars, food courts, commercial events such as luau and weddings, and other food establishments in the County shall comply with the following requirements:
- a. General.
 - i. Compliance with Physical Distancing Requirements in Rule 5.
 - ii. Compliance with all regulatory guidelines.
 - iii. Development, posting, and implementation of written protocols (“COVID-19 Mitigation Plan”) consistent with County, State, industry-specific associations or organizations, and CDC guidance to mitigate the spread of COVID-19 including, but not limited to the following:
 - 1. <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community/restaurants-and-bars-decision-tree.pdf>
 - 2. <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html>
 - 3. <https://www.oneoahu.org/business-guidance>
 - b. Operations.
 - i. Face coverings (as defined in Rule 5).
 - 1. Employees must wear face coverings.
 - 2. Customers - Customers must wear face coverings when entering and leaving the restaurant facility, but may remove the face coverings while seated.
 - ii. Seating is arranged so that six (6) feet of separation is maintained between tables.
 - iii. Condiments shall be by request in single-use disposable packets, or reusable condiment containers that are sanitized between parties.
 - iv. Condiments, silverware, flatware, glasses, or other traditional table top items must not be left on an unoccupied table.
 - v. Tables and chairs must be fully sanitized after each group (or individual customer) leaves the restaurant.

- vi. Disposable foodware and utensils should be used when available. When non-disposable foodware or utensils are used, they must be sanitized after each use consistent with DOH guidance and regulations, and “best practices” of the FDA (available here: <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-re-opening-retail-food-establishments-during-covid-19-pandemic>), as updated or superseded.
 - vii. Provide disposable menus or menu board, or sanitize reusable menus after each use.
 - viii. Hourly touch-point sanitization (workstations, equipment, screens, door knobs, restrooms, etc.) required.
 - ix. Valet services are prohibited, except for vehicles with placards or plates for disabled parking.
 - x. Buffets, salad bars, and other types of self-service of food or beverages are not allowed.
 - xi. For restaurants that accept reservations, entry into the restaurant is on a reservation only basis, and parties must wait in their vehicle until called into the restaurant.
 - xii. No dancing or singing by customers (no karaoke).
 - xiii. Music performance allowed (see No. 13, above).
- c. Hygiene.
- i. Employer must provide hand washing capability or sanitizer for employees and customers.
 - ii. An adequate supply of soap, disinfectant, hand sanitizer, and paper towels must be available at all times.
 - iii. Frequent hand washing by employees, especially between interactions with customers.
- d. Staffing.
- i. Provide training for employees regarding these requirements.
 - ii. Conduct pre-shift screening, and maintain a staff screening log.
 - iii. No employee displaying symptoms of COVID-19 should provide services to customers. Symptomatic or ill employees should not report to work.
 - iv. No person should work within 72 hours of exhibiting a fever or other COVID-19 symptoms, and follow the CDC’s “What To Do If You Are Sick” guidance, available at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>.
 - v. Employer must establish a plan for employees getting ill and a return-to-work plan following CDC guidance, which can be

found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

- e. Cleaning and Disinfecting.
 - i. Cleaning and disinfecting must be conducted in compliance with CDC guidance.
 - ii. When an active employee is identified as being COVID-19 positive by testing, cleaning, and disinfecting must be performed as soon after the confirmation of a positive test as practical consistent with CDC guidance.
 - iii. CDC guidance can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

- f. Specific requirements for bars:
 - i. Limit occupancy to no more than fifty percent (50%) of the maximum occupant load of the bar.
 - ii. Limit groups within the bar to a maximum of ten (10) individuals per group.
 - iii. Ensure groups within the bar maintain at least six (6) feet of separation from other groups.
 - iv. Prohibit groups within the bar from intermingling.
 - v. Designate areas to separate groups at least six (6) feet apart from each other. (E.g., through ropes or other physical separation for standing areas, or the seating of guests at separate tables, or both).
 - vi. Ensure individuals in different groups maintain a minimum of six (6) feet of physical distance from each other to the greatest extent possible.
 - vii. Require all employees to wear face coverings.
 - viii. Ensure all customers wear face coverings when entering and leaving the bar, but allow customers to remove the face covering while in the bar.

- g. Encouraged practices:
 - i. Have customers enter and exit through different entries using one-way traffic, where possible.
 - ii. Start or continue entryway, curbside, and home delivery.
 - iii. Encourage making reservations, preordering for dine-in service, and ordering for contactless pickup and delivery either by telephone or other remote means.
 - iv. If meals are provided to employees, employers are recommended to have the meal individually packaged for each employee.

- v. Implement cashless and receiptless transactions.
 - h. Any exceptions to these provisions for special events must be approved by the County of Maui.
- 18. Close-contact personal services, such as hair and nail salons, tattoo parlors, estheticians, and massage, may conduct business, provided operators are in compliance with State law and administrative rules.
 - a. Hygiene
 - i. Employees are required to wash hands immediately, upon entry, and prior to and following each service and break.
 - ii. All employees will be required to wear a CDC-recommended face mask whether servicing clients or not. Technicians may utilize plexiglass shields between employee and client.
 - iii. Patrons must come alone without guests, except where the patron requires the assistance of another adult; minors receiving services are allowed one accompanying adult.
 - iv. All patrons must wear a mask or cloth face covering pursuant to Rule 5, unless receiving treatment that specifically involves the face or head (e.g., facials, shaving, trimming around the ears).
 - v. Patrons must wait outside for appointments, either in cars, or in lines allowing for 6 feet of separation.
 - vi. Patrons will be asked to remain seated in designated workstation/chair until otherwise necessary or for an emergency.
 - vii. Patrons must use hand sanitizer and or wash hands immediately upon entry.
 - b. Monitoring and screening workers and clients
 - i. Employees who are sick must stay home.
 - ii. Shop owner/managers must provide training, educational materials, and enforcement of proper sanitation and all applicable rules.
 - iii. Businesses must keep detailed daily logs of their daily business, including who came in, on what day and time, contact information, and service provider.
 - iv. Employees must be temperature screened upon arrival. Any employee with a temperature of 99 degrees or higher must be immediately sent home.
 - v. Each employee and client must be asked the following intake questions daily/at scheduling of the appointment, and upon check-in for appointments (via cell phone, prior to physical entry into the salon). If any of the answers to the below is “yes,” the employee is not allowed to work and customers may not receive services.

1. Do you now, or have you had in the past 14 days:
 - a. a cough or sore throat?
 - b. fever or do you feel feverish?
 - c. shortness of breath?
 - d. loss of taste or smell?
2. Have you been around anyone with these symptoms in the last 14 days
3. Have you been out of state or out of Maui County in the last 14 days, and if so, are you subject to any quarantine?

c. Environment

- i. Service providers to client ratio will be 1:1.
- ii. Services on appointment basis only; no walk-ins. Appointment scheduling must allow for adequate sanitation between appointments.
- iii. Prior to opening and at the end of each day (at a minimum), the facility, including break room and bathroom, must be thoroughly cleaned and sanitized to CDC workplace guidance.
- iv. Frequent daily cleaning of all high-touch surfaces.
- v. No magazines, toys, coffee machines, or other common area offerings allowed.
- vi. Workstations must be spaced to enforce physical distancing practices of 6 feet between clients. Businesses should consider divider shields and alternative work schedules. Workstations must be disinfected at the start and end of each shift, and in between each client.
- vii. Capes/smocks and towels must be single-use, either disposable or washed/dried and use for only one customer. Used items must be kept in an airtight container and laundered in hot, soapy water and dried at high temperature.
- viii. Contactless payment should be used whenever possible; credit card terminals must be wiped after each use. Customers must remain seated until called for checkout; one customer at a time. No cash payments; no tip jars.
- ix. EPA-approved disinfectant or disinfecting techniques must be used for technical implements and work areas.

d. Nail salons/services

- i. Pedicure bowls must be disassembled and disinfected daily; for bowls with jets, they must run a minimum of 10 minutes with disinfection.
- ii. Manicurists are encouraged have plexiglass or similar shields between technician and client.

19. Canoe paddling. Six-person (single hull/OC-6) or 12-person (double hull/OC-12) canoe paddling will be allowed with the following conditions:
 - a. Only official members of a canoe club shall participate in OC-6 or OC-12 practices, in compliance with the restrictions on Outdoor Sports, Phase 1, as reasonably practicable, and these paddling-specific restrictions. Recreational practices for non-members, guests, visitors, or drop-ins shall not be allowed.
 - b. To the extent possible, members of a canoe club wishing to paddle should register with their respective club for each paddling session for contact tracing purposes. Canoe clubs shall maintain the record of each paddling session for at least one month from the date of activity.
 - c. Canoe clubs are encouraged to create “crew bubbles,” such that when crews are established, paddlers stay within their assigned crew to limit potential exposure to other club members.
 - d. Participation is voluntary. Individuals who are sick, exhibiting any symptoms, or have been exposed to anyone who is ill, COVID-19 positive, shall not be allowed to participate for 14 days from the date of exposure or the cessation of symptoms, or as otherwise approved by a healthcare professional. Persons subject to quarantine, and persons residing within the same household as a person subject to quarantine, shall not participate.
 - e. To the extent possible, paddlers should continue paddling with the same crew members and not switch crews.
 - f. Water or shoreline changes between crew members during a paddling session should not be allowed (must stay in the same seat assigned), unless done so for safety or health purposes.
 - g. Coaches must follow the restrictions in Outdoor Sports, Phase 1. Workouts or plans for paddling sessions should be shared with participants electronically or on bulletin boards prior to the activity. Coaching should be limited to one crew at a time.
 - h. To the extent possible, paddling activities should be time staggered between crews to avoid large gatherings, and crews must remain physically separated.
 - i. To the extent possible, club paddles should be assigned to individuals during this period, or individuals should bring their own ancillary equipment and supplies. Sharing of personal paddles, seat cushions, gloves, personal care products, water bottles / hydration systems and other similar items are prohibited.
 - j. Canoe club facilities or hales may be used for non-essential events or other social gatherings, in compliance with limitations on groups in Rule 4.
 - k. Paddlers should follow proper hygiene protocols, including washing hands or using hand sanitizer before and after participating. Gloves and masks are encouraged, but not required. Canoe clubs shall

- make soap and/or hand sanitizer available for participants.
- l. All touch points should be disinfected before each use, including iakos, manus, seats, gunnels, bailers, and other similar items. Canoes and other equipment are recommended, but not required, to be left out in the sun and ambient temperature in between uses.
 - m. To the extent possible, when launching or concluding activities, canoe clubs should utilize wheels or other mechanical assistance to move the canoes, and avoid contact between paddlers.
 - n. To the extent possible, wheels should be left under the canoes when not in use, and when concluding activities wheels should be placed under the canoe while still in the water.
19. Commercial and recreational boating will be allowed, subject to all County or State regulations, including any specific operational restrictions imposed by the State of Hawaii Department of Land and Natural Resources, and the following conditions:
- a. Larger boats with a Coast Guard-rated capacity of more than 10, may allow not more than 50% of the rated capacity individuals allowed on the boat, including the boat crew.
 - b. Sanitation rules detailed in Rule 5 are followed.
20. Outdoor organized sports (phase 1). This section applies to outdoor organized sports such as baseball, soccer, outdoor volleyball, surfing, swimming, and similar outdoor sports (“Sports Program(s)”). Starting June 15, 2020, Sports Programs may reopen for skill-building drills and team-based practice, but not competitive play (“Phase 1”) under the following requirements and conditions:
- a. Activities are limited to skill-building drills and team-based practice in which physical distancing of six (6) feet or more between participants may generally be maintained.
 - b. No close contact activities, including, but not limited to, huddles, high fives, and handshakes.
 - c. Groups are limited to a single Sports Program team, or a maximum of 30 participants, including players and coaches, whichever is less. (This is an exception to the general rule restricting groups to 10 or less contained in Rule 4). Where multiple groups are present at a facility or field, Sports Program operators must implement measures to ensure that groups maintain six (6) feet of physical distance between each other at all times (i.e., no mingling between groups).
 - d. To the greatest extent reasonably practicable, physical distancing of at least six (6) feet between members of different households/living units should be maintained; and face coverings should be worn at

all times unless engaged in active practice.

- e. Sports Program operators must implement measures to ensure that:
 - i. To the extent consistent with this section, and to the extent reasonably practicable: (1) the Sports Program operators and participants shall follow applicable guidance from the CDC ([available at https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html)); and (2) established and reputable COVID-19-related guidelines for the facility and the activity at issue.
 - ii. Physical distancing protocols and procedures exist for staff, athletes and non-program participants (including parents/guardians), with special consideration for the type of athletic activities engaged in, entrances and exits, queues, bottlenecks, facility layouts, and safe capacity limits.
 - iii. Staff and athletes are screened (via self-screening or otherwise) regularly for illness or exposure to COVID-19.
 - iv. Staff, athletes, and non-program participants (including parents/guardians) always wear face coverings when spectating, arriving, and leaving. The presence of non-participants should be discouraged during Phase 1.
 - v. There is no socializing in groups before or after (unless otherwise authorized by these Rules).
 - vi. Individuals from outside the Sports Program are limited in their interactions with staff and participants during drop off/pick up.
 - vii. Athletes who are sick from COVID-19 may not attend a practice or training until they are cleared for release from isolation according to CDC guidelines and cleared to return by a healthcare provider.
 - viii. Any staff or athlete exposed to a person with a confirmed or probable case of COVID-19 may not attend the program until they have completed quarantine following CDC guidelines.
 - ix. All program activities are evaluated to identify and mitigate “high-risk” activities (shared equipment, incidental close contact, etc.) to reduce or prevent COVID-19 transmission.
- f. Individuals must comply with any requirements imposed by the Department of Parks and Recreation.
- g. Nothing in this section requires a public or private Sports Program to open.

21. Competitive play for outdoor Sports Programs. Excluded from this section are outdoor sports and similar activities that require sustained close contact, such as outdoor wrestling, boxing, and mixed martial arts. These close contact sports may continue under Phase 1 (above). Sports Programs may conduct competitive play under the following requirements and conditions:
 - a. Activities may include competitive team play (e.g., one baseball team against another, or one soccer team against another), ocean-related competitions, or training. (This is an exception to the general rule on groups of 10 persons or less contained in Rule 4).
 - b. When not engaged in competitive team play or training that requires close contact, close contact should be reduced or eliminated to the extent possible (e.g., sitting close to teammates on a bench, standing close to teammates or opponents during downtime).
 - c. No close contact activities outside of those necessary to carry out the competitive team play or training, including, but not limited to, huddles, high fives, and handshakes.
 - d. No more than two Sports Program teams may compete against each other on an outdoor field, court, etc. at a time. Each Sports Program team is limited to a maximum of 30 participants, including players and coaches. Where other competitive play/games are scheduled on the same field, court, etc., Sports Program operators must implement measures to ensure that teams waiting to play maintain six (6) feet of physical distance from the other teams playing at all times (i.e., no mingling between groups).
 - e. To the greatest extent reasonably practicable, physical distancing of at least six (6) feet between members of different households/living units should be maintained; and face coverings should be worn at all times unless engaged in active play.
 - f. No more than 100 people should be present at any competitive play event allowed under this section, including any participants and coaches from sports program teams.
 - g. Sports Program Operators must work with the Department of Parks and Recreation and implement measures to ensure that:
 - i. To the extent consistent with this section, and to the extent reasonably practicable: (1) the Sports Program operators and participants shall follow applicable guidance from the CDC ([available at https://www.cdc.gov/coronavirus/2019-](https://www.cdc.gov/coronavirus/2019-)

- [ncov/community/organizations/businesses-employers.html](https://www.ncov/community/organizations/businesses-employers.html)); and (2) established and reputable COVID-19-related guidelines for the facility and the activity at issue.
 - ii. Physical distancing protocols and procedures exist for staff, athletes and non-program participants (including parents/guardians), with special consideration for the type of athletic activities engaged in, entrances and exits, queues, bottlenecks, facility layouts, and safe capacity limits.
 - iii. Staff and athletes are screened (via self-screening or otherwise) regularly for illness or exposure to COVID-19.
 - iv. Staff, athletes, and non-program participants (including parents/guardians) always wear face coverings when spectating, arriving, and leaving.
 - v. Socializing in groups before or after the activity is subject to Rule 4.
 - vi. Individuals from outside the Sports Program are limited in their interactions with staff and participants during drop off/pick up.
 - vii. Athletes who are sick from COVID-19 may not attend the activity until they are cleared for release from isolation according to CDC guidelines and cleared to return by a healthcare provider.
22. Film Production. Provided written authorization is obtained in advance by the Mayor's office, local, national, and international film production, television production, streaming production, and similar production may operate in the County based on the guidelines and recommendations for production cast and crew members available at https://www.honolulu.gov/rep/site/oed/oed_docs/Guidelines_and_Best_Practices_for_filming_on_the_Island_of_Oahu_during_the_time_of_COVID_060320.pdf.
23. Commercial event operators. Under the supervision of professional event planners or venues, commercial events (such as luau or weddings) may be conducted with the following restrictions:
- a. Outdoor venues only.
 - b. Maximum 100 persons, including staff.
 - c. Table seating required. Maximum of 10 persons per table. Each table should be reserved for members of the same household only (no intermixing of parties).
 - d. Food and beverage service must comply with the requirements for Restaurants/Bars in Paragraph 17.
 - e. Musicians must comply with the requirements in Paragraph 14.

- f. Karaoke or other guest singing is not allowed.
 - g. Dancing by guests are not allowed, except for customary dances such as between a bride/groom or parent/child at a wedding.
 - h. Any requests for variation from these rules (e.g. for larger events such as luau) must be approved by the County of Maui.
24. Movie theaters, including snack bar operation, provided written authorization is obtained in advance by the Mayor's office in compliance with the requirements for the operation of Restaurants, above.