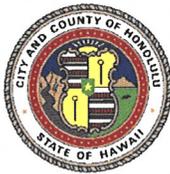


**OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI  
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DEPUTY MANAGING DIRECTOR

May 17, 2021

**OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU  
EMERGENCY ORDER NO. 2021-06  
(COVID-19 [Novel Coronavirus])**

**AMENDED ORDER: (1) TEMPORARILY SUSPENDING MOVEMENT WITHIN  
HONOLULU'S COVID-19 RECOVERY FRAMEWORK; & (2) CONTINUING TIER 3**

By the authority vested in me as Mayor of the City and County of Honolulu (the “City”) pursuant to Revised Charter of the City and County of Honolulu 1973 (2017 Edition), as amended; the Revised Ordinances of the City and County of Honolulu 1990, as amended; the Hawai‘i Revised Statutes, as amended (“**Haw. Rev. Stat.**”), the Constitution and laws of the State of Hawai‘i, I, RICK BLANGIARDI, hereby issue this Amended Order: (1) Temporarily Suspending Movement Within Honolulu’s COVID-19 Recovery Framework; & (2) Continuing Tier 3 (the “**Order**”) to further address the emergency initially declared via proclamation on March 4, 2020, and the Thirteenth Proclamation of Emergency or Disaster (COVID-19 [Novel Coronavirus]) dated May 7, 2021 and fully executed on May 10, 2021.

**OVERVIEW**

The virus that causes Coronavirus 2019 Disease (“**COVID-19**”) is easily transmitted, especially in group settings, and it is essential that the spread of COVID-19 be slowed to protect the ability of public and private health care providers to handle the influx of new patients and to safeguard public health and safety. This Order addresses these ongoing concerns.

In the summer of 2020, the City experienced a resurgence of COVID-19 during which there was an almost tenfold increase in cumulative confirmed positive COVID-19 cases in a three-month period. Specifically, there were 973 confirmed cases as of July 15, 2020; 2053 cases as of August 3, 2020; 4212 as of August 15, 2020; and 9225 as of September 15, 2020. In early August of 2020, the City discussed with the State public health and healthcare system representatives concerns over hospital capacity. This led to orders restricting gathering sizes, closures of parks, beaches, and trails, and culminated in the City issuing a Second Stay at Home / Work from Home Order (“**Second Stay at Home Order**”) that largely required individuals anywhere in the City to stay at home and work from home. On August 27, 2020, the Second Stay At Home Order went into effect, and it was extended through September 24, 2020 by an amendment.

The Second Stay at Home Order was highly effective at reducing the number of positive COVID-19 cases in the City. As of September 21, 2020 there were 9765 cumulative confirmed cases for Oahu with an average of approximately 90 cases per day over the previous seven (7) days.

During the period of the Second Stay at Home Order, the City worked with experts from the public and private sector to devise a metrics-based plan for reopening (“**Honolulu’s COVID-19 Reopening Framework**” or “**Framework**”), while simultaneously working to improve testing, contact tracing, and quarantine/isolation capabilities. Honolulu’s COVID-19 Reopening Framework may be reviewed at <https://www.oneoahu.org/reopening-strategy>. The City started off in Tier 1 of the framework and remained there for four (4) weeks, as required. Over the next two weeks, the City met the criteria for moving to Tier 2.

On October 22, 2020, the City moved to Tier 2 and on February 25, 2021 the City moved to Tier 3. On April 7, 2021, the average daily case numbers over a two week period was incongruous with Tier 3 under the Framework. However, due to a change of circumstances from the time the Framework was conceived, including the early approval and administration of effective COVID-19 vaccines, the Governor of the State of Hawai‘i and I agreed to a four week observation period in which the City would remain in Tier 3. At the end of this observation period, the average daily case numbers for the City increased from 58 on April 7, 2021 to 65 on May 5, 2021 (based on seven-day averages). Out of concern for this increase and the potential effect of COVID-19 variants circulating, but weighed against the administration and effectiveness of the vaccines, ample hospital and healthcare capacity, and economic concerns, Governor Ige and I have agreed that the City should remain in Tier 3 through June 10, 2021 (“**Additional Observation Period**”). During the Additional Observation Period, the City and State will work together to adjust the framework to better reflect the current environment and relevant factors, including the availability and administration of COVID-19 vaccines. This Order is intended to maintain Tier 3 level restrictions and allowances during the Additional Observation Period, except that spectators shall be allowed at outdoor organized sport events permitted under this Order (subject to the conditions detailed in this Order).

This Order builds upon the framework of the Second Stay at Home Order. Section I sets forth the “Orders” which mandate what is and what is not permitted within the City at this time. Section II provides definitions of the capitalized terms contained in the Orders and the exemptions to the Orders, including Designated Businesses and Operations, which represent the additional businesses and operations that are allowed to reopen (with modifications) under Tier 3 of Honolulu’s COVID-19 Reopening Framework. *See* § II.G. (below); Exhibit A (attached). Section III outlines the basis for the Order. Section IV explains the Order’s intent for interpretation purposes, and Section V contains general provisions relating to the Order’s effect on prior orders, duration, enforcement, posting, and severability of the Order.

This Order will become **effective immediately upon signing and will continue through June 10, 2021** unless terminated or superseded by another order or operation of law.

Pursuant to Haw. Rev. Stat. § 127A-25 and the Rules of the Mayor City and County of Honolulu, dated March 20, 2020 (“**Mayor’s Rules**”) promulgated under that section, each of the orders contained in this Order (“**the Orders**”) shall have the force and effect of law. The Orders are in accordance with, and incorporate by reference (to the extent they are consistent with this Order), all the City’s prior COVID-19 related emergency proclamations and Hawai’i Governor David Y. Ige’s COVID-19 related emergency proclamations.

Violation of any of the Orders is punishable as a misdemeanor, with fines of up to \$5,000, up to a year in jail, or both. Haw. Rev. Stat. § 127A-29; Mayor’s Rules.

## **I. ORDERS**

**Order 1:** All individuals currently living within the City may leave their residences to engage in Essential Activities<sup>1</sup>, maintain Essential Governmental Functions, operate/visit Essential Businesses, or operate/visit/utilize Designated Businesses and Operations. All other activities, businesses, and operations are prohibited. Unless otherwise allowed under this Order, to the extent individuals are using shared or outdoor spaces, they must at all times reasonably possible maintain physical distancing of at least six (6) feet from any other person when they are outside their residence and wear face coverings consistent with Order 5 below.

**Order 2:** All businesses with a facility in the City, except Essential Businesses, and Designated Businesses and Operations, are required to cease all activities within such facilities, except Minimum Basic Operations. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the extent applicable and to the greatest extent feasible, Essential Businesses, and Designated Businesses and Operations, shall comply with applicable Social Distancing Requirements.

**Order 3:** Gatherings.

- A.** Indoor and outdoor social gatherings of more than ten (10) individuals are prohibited. For purposes of this Order, a “**social gathering**” is a gathering or event that brings together persons from multiple households or living units at the same time for a discrete, shared or group experience in a single room, space, or place such as a private home, park, auditorium, stadium, arena, conference room, lunch room, meeting hall, or other indoor or outdoor space.
- B.** This limitation on social gatherings does not apply to gatherings/events/activities that are permitted under Section II. Nothing in this Order prohibits the gathering of members of a household or living unit on their property (including shared common areas).

**Order 4:** Travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, for Essential Travel and Essential Activities is permitted. This Order also allows travel into or out of the City to perform Essential Activities, operate or visit Essential Businesses, operate or visit Designated Businesses and Operations, or maintain

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<sup>1</sup> Unless otherwise stated, all capitalized terms are defined under Section II of this Order.

Essential Governmental Functions. All other travel is prohibited. Individuals should limit use of public transit to the greatest extent possible (i.e., use only for purposes of performing Essential Activities; or to travel to and from Essential Businesses or to maintain/access Essential Governmental Functions). Individuals using public transit must comply with applicable Social Distancing Requirements, including the face covering requirements contained in Order 5 below.

**Order 5:** Face coverings.

All individuals shall wear face coverings over their noses and mouths when in public settings.

The only exceptions to this requirement are:

- A. Individuals with medical conditions or disabilities where the wearing of a face covering may pose a health or safety risk to the individual;
- B. Children under the age of 5;
- C. While working at a desk or work station and not actively engaged with other employees, customers, or visitors, provided that the individual's desk or workstation is not located in a common or shared area and physical distancing of at least six (6) feet is maintained;
- D. While eating, drinking, smoking, as permitted by applicable law;
- E. Inside private automobiles, provided the only occupants are members of the same household or living unit;
- F. While receiving services allowed under a State or county order, rule, or proclamation that require access to that individual's nose or mouth;
- G. Where federal or state safety or health regulations, or a financial institution's policy (based on security concerns), prohibit the wearing of facial coverings;
- H. Individuals who are communicating with the hearing impaired while actively communicating (e.g., signing or lip reading);
- I. First responders (police, fire fighters, lifeguards, etc.) to the extent that wearing face coverings may impair or impede the safety of the first responder in the performance of his/her duty;
- J. While outdoors when physical distance of six (6) feet from other individuals (who are not members of the same household or living unit) can be maintained at all times; and
- K. As specifically allowed by a provision of a State or City COVID-19 related order, rule, or proclamation.

An owner or operator of any business or operation *shall* refuse admission or service to any individual who fails to wear a face covering, unless an exception applies under this section. Businesses or operations may adopt stricter protocols or requirements related to face coverings and face shields. Businesses or operations not enforcing this rule may be subject to enforcement, including fines and mandatory closure.

Definition: “Face covering” as used herein means a tightly woven fabric (without holes, vents, or valves) that is secured to the head with either ties or straps, or simply wrapped and tied around the wearer’s nose and mouth. Face coverings must comply with the recommendations of the Center for Disease Control and Prevention (“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>. A medical grade face-covering is not required.

Face shields (plexiglass/clear plastic shields, etc.) are not permitted as substitutes for face coverings unless an exception to the face covering requirement applies. Individuals who are unable to wear a face covering due to medical conditions or disabilities where the wearing of a face covering may pose a health or safety risk to the person, or other exception, are encouraged to wear a face shield instead.

The wearing of face coverings is intended to complement, not serve as a substitute, for physical distancing and cleanliness.

Any seller of face coverings, or materials or supplies to make or manufacture such face coverings, shall abide by Haw. Rev. Stat. §127A-30.

**Order 6:** City Parks and State Parks.

City and County of Honolulu parks, campgrounds, trails, and botanical gardens (“**City Parks**”) and State of Hawai’i parks, campgrounds, and trails within the City (“**State Parks**”), may be opened for limited use as set forth below:

- A. Up to ten (10) individuals may engage in any lawful activity (e.g., walking, running, biking, sitting, fishing, etc.) as a group at City Parks and State Parks.
- B. Canopies are permitted in City Parks only by permit, as determined and issued by the City’s Department of Parks and Recreation. Permitted canopies shall not be larger than 10 ft. x 10 ft. and each must be spaced at least 12 ft. apart from any other canopy. Permits may be obtained in person at the City’s Department of Parks and Recreation offices or at <http://bit.ly/canopypermit>. “Canopies” for purposes of this section does not include umbrellas and small sunshades designed for three or fewer people (e.g., golf umbrella, standard-sized beach umbrella, small pop-up shade for parent/child).

- C. No canopies are permitted in State Parks.
- D. Shooting and archery ranges may remain open as determined by the City's Department of Parks and Recreation.
- E. Bicycle paths, designated community garden plots, and playgrounds/courts (for use consistent with ten-person group limit) shall be open.
- F. Parking lots of City Parks and State Parks shall generally be open to allow individuals to engage in permitted activities as described in Orders 6 and 7.
- G. All other State or City restrictions related to COVID-19 must be followed, including, but not limited to, any applicable quarantine restrictions.
- H. State Parks may be opened for the above limited use as announced by the State Department of Land and Natural Resources consistent with this Order and Governor Ige's approval of this Order.

**Order 7:** Beaches.

Consistent with Governor David Y. Ige's COVID-19 related proclamations and approval of this Order, all beaches and sand bars within the City may be opened for limited use as set forth below:

- A. Up to ten (10) individuals may engage in any lawful activity (e.g., walking, running, biking, sitting, fishing, etc.) as a group on the beach.
- B. All other State or City restrictions related to COVID-19 must be followed, including, but not limited to, any applicable quarantine restrictions.
- C. Beaches under the State's jurisdiction may be opened for the above limited use as announced by the State Department of Land and Natural Resources consistent with this Order and Governor Ige's approval of this Order.
- D. No canopies are allowed on State beaches and sand bars within the City.

**Order 8:** Restrictions on singing, playing wind instruments, and similar activities.

In general, singing, and/or playing a wind instrument, and similar activities that increase the presence and propulsion of respiratory droplets in the air in mixed household/living unit settings are prohibited. However, such activities are permitted provided they are performed at a gathering/business/operation authorized under the Order, and the following mitigation measures are taken:

- A. If the activity takes place *outdoors*:
  - 1. Any person(s) singing and/or playing a wind instrument, etc. shall maintain physical distancing of at least ten (10) feet from any other

person(s) while engaged in such activity. Members of the same performing group may be closer than ten (10) feet together while performing, provided the group consists of ten (10) or fewer persons.

2. To the extent reasonable and practicable, a physical barrier (e.g., plexiglass) of sufficient size to mitigate the spread of COVID-19 shall separate any person(s) singing and/or playing a wind instrument, etc. from any other person(s) other than members of the same performing group.

**B.** If the activity takes place *indoors*:

1. Any person(s) singing and/or playing a wind instrument, etc. shall maintain physical distancing of at least ten (10) feet from any other person(s) while engaged in such activity.
2. A physical barrier (e.g., plexiglass) of sufficient size to mitigate the spread of COVID-19 shall separate any person(s) singing and/or playing a wind instrument, etc. from any other person(s) other than members of the same performing group (of ten (10) or fewer persons).

**Order 9:** Restrictions on shared indoor spaces (lunchrooms, breakrooms, conf. rooms, etc.).

There is a heightened risk of spreading COVID-19 in shared indoor spaces such as lunchrooms, breakrooms, and conference rooms located in public and private businesses and operations (including Essential Businesses and Designated Businesses and Operations). Therefore, generally, such shared indoor spaces should be closed and operators of facilities with such spaces should, to the extent practicable, provide and encourage workers and visitors to use alternative and suitable outdoor spaces while adhering to face coverings and physical distancing protocols contained in this Order. Under circumstances where closing such shared indoor spaces is impracticable, they may be opened and used, provided operators:

- A.** strictly limit capacity in each shared space such that physical distancing of at least six feet is maintainable at all times;
- B.** ensure that there is no congregating and that individuals maintain six feet of physical distance from one another in the shared indoor spaces;
- C.** ensure that face coverings are worn at all times in the shared indoor spaces, except that in designated spaces where eating and drinking are allowed, face coverings may be removed only while actively eating or drinking;
- D.** ensure routine cleaning and disinfection of the shared indoor spaces (with special attention to high-touch surfaces) consistent with CDC guidelines; and
- E.** improve circulation of fresh air by opening windows/doors, improving ventilation systems, etc. to the extent possible and feasible.

## II. DEFINITIONS AND EXEMPTIONS

- A. For purposes of this Order, individuals may leave their residence only to perform any of the following “**Essential Activities.**” However, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
1. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home.
  2. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
  3. To engage in outdoor activity in locations as allowed by law, such as, by way of example and without limitation, swimming, surfing, walking, or running (with or without pets).
  4. To perform work providing products and services at an Essential Businesses, or Designated Businesses and Operations, or maintain Essential Government Functions, or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
  5. To care for a person or pet in another household.
  6. To obtain services, goods, or supplies from, or engage in activities at (or in connection with), Essential Businesses, Designated Businesses and Operations; or Essential Government Functions.
  7. To visit graveyards, mausoleums, and similar sites consistent with the restrictions in this Order.
  8. To engage in any other activity required or allowed by law.
- B. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “**Healthcare Operations**” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services, organizations collecting blood, platelets, plasma, and other necessary materials, licensed medical marijuana dispensaries and licensed medical marijuana

production centers, eye care centers, including those that sell glasses and contact lenses. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. Further, “Healthcare Operations” includes prepaid health care plan contractors as that term is defined under Haw. Rev. Stat. ch. 393, and other employer-sponsored health and welfare benefit plans, and/or individual or group health insurance plans that provides healthcare insurance benefits for payment or reimbursement for healthcare services provided by Healthcare Operations. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar facilities. Healthcare Operations shall be conducted and performed in compliance with applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order.

- C. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of **“Essential Infrastructure,”** including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order. This Order shall be construed and applied consistent with the United States Department of Homeland Security, Cybersecurity & Infrastructure Security Agency Advisory Memorandum on Ensuring Essential Critical Infrastructure Workers Ability to Work During COVID-19 Response, updated August 18, 2020 (and any subsequent updates and guidance memoranda thereto).
- D. Further, nothing in this Order shall prohibit any individual, or government department or agency, from performing or accessing **“Essential Governmental Functions.”** “Essential Governmental Functions” means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public and includes, but is not limited to, all first responders, emergency management personnel, emergency dispatchers, members of the judiciary and related court personnel, law enforcement personnel, jails and prison personnel, and health, education, and social service providers. All Essential Governmental Functions shall be conducted and performed in compliance with applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order.

- E. For the purposes of this Order, covered businesses and operations include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- F. For the purposes of this Order, Essential Businesses must comply with applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order. **“Essential Businesses”** means:
1. Healthcare Operations, Essential Government Functions, and Essential Infrastructure;
  2. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
  3. Food cultivation, including farming, livestock, and fishing;
  4. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
  5. Newspapers, television, radio, and other media services;
  6. Gas stations and auto and bicycle supply, auto and bicycle repair, towing services, and related facilities;
  7. Banks and related financial institutions. This provision shall be construed and applied consistent with the United States Department of Homeland Security, Cybersecurity & Infrastructure Security Agency Advisory Memorandum on Ensuring Essential Critical Infrastructure Workers Ability to Work During COVID-19 Response, updated August 18, 2020 (and any subsequent guidance memoranda thereto), and the United States Department of the Treasury Memorandum for Financial Services Sector Essential Critical Infrastructure Workers, dated March 22, 2020 (and any subsequent guidance memoranda thereto);
  8. Hardware stores;
  9. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

10. Businesses providing mailing and shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to residences and end users or through commercial channels, and including post office boxes;
11. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating learning, performing critical research, or performing other essential functions, provided that social distancing of six (6)-feet per person and other safety precautions are maintained to the greatest extent possible. COVID-19 responsive operational restrictions shall be determined by each educational institution based on CDC, DOH, and industry guidance;
12. Laundromats, dry cleaners, industrial laundry services, and laundry service providers;
13. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out.
  - a. Cafeterias, lunchrooms, or dining facilities providing food and beverage services located within “healthcare facilities” as that term is defined under Haw. Rev. Stat. § 321-15.2 and similar facilities, may continue to do so under this order, provided that consumption within the cafeteria, lunchroom, or dining facility located within the healthcare facility is restricted to employees of the healthcare facility; patients of the healthcare facility; and no more than two (2) authorized visitors of the patient of the healthcare facility that have been appropriately screened by the healthcare facility in compliance with all of the facility’s protocols related to infectious disease control measures and processes.;
14. Businesses that primarily supply products necessary for people to work from home such as computer and communications hardware and software, but not including businesses primarily engaged in selling furniture;
15. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
16. Airlines, taxis, and other private transportation providers, vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
17. Home-based care for seniors, adults, or children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including care givers such as nannies who

may travel to the child's home to provide care, and other in-home services, including meal delivery;

18. Facilities and shelters for seniors, adults, and children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
19. Professional services, such as legal or accounting services, insurance services, real estate services (including appraisals and title services) when necessary to assist in compliance with legally mandated activities;
20. Childcare facilities providing services that enable employees to work, or engage in activities as permitted. Childcare facilities must operate in accordance with State of Hawai'i Department of Human Services requirements;
21. Businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, kennels, and adoption facilities;
22. Hotels and motels, to the extent used for lodging; and service providers to hotels and motels that provide services that are necessary to maintaining the safety, sanitation, and essential operations of the hotel and/or motel;
23. Funeral, mortuary, cremation, burial, cemetery, and related services, provided that for each death-related event (funeral, etc.) if food or drinks are served the applicable restrictions in the "Restaurants/Bars" section in Exhibit A are complied with;
24. Critical trades. Building and construction tradesmen and tradeswomen, and other trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential Activities, Essential Businesses, and Designated Businesses and Operations;
25. Critical labor union functions that are essential activities that include the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses, Designated Businesses and Operations, or Essential Government Functions;
26. Licensed private detectives and agencies and guards and agencies as those terms are defined under Haw. Rev. Stat. ch. 463;

27. In-person spiritual services. In-person spiritual services may be conducted provided applicable Social Distancing Requirements are adhered to including, but not limited to, the wearing of face coverings (in accordance with Order 5 of this Order) and maintaining proper physical distancing. Funerals are subject to the limitations on “Funeral, mortuary, cremation, burial, cemetery, and related services” above, even when conducted as part of an in-person spiritual service allowed under this section;
  28. Film and television production. All local, national, and international film production, television production, streaming production, and similar production may operate in the City 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](https://www.honolulu.gov/rep/site/oed/oed_docs/Guidelines%20and%20Best%20Practices%20for%20filming%20on%20the%20Island%20of%20Oahu%20during%20the%20time%20of%20COVID%20060320.pdf). Compliance with the Order and the COVID-19 related proclamations issued by the State is required, including all travel quarantine requirements as modified by the guidelines and recommendations available at: [https://www.honolulu.gov/rep/site/oed/oed\\_docs/FilmOffice/ModifiedQuarantine\\_HonFO\\_Final.pdf](https://www.honolulu.gov/rep/site/oed/oed_docs/FilmOffice/ModifiedQuarantine_HonFO_Final.pdf).
- G.** For the purposes of this Order, “**Designated Businesses and Operations**” are those businesses and operations listed and defined in the attached Exhibit A (each a “**Designated Business/Operation**”).
- H.** For the purposes of this Order, “**Minimum Basic Operations**” include the following, provided that employees comply with applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order, while carrying out such operations:
1. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
  2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- I.** For the purposes of this Order, “**Essential Travel**” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order.
1. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Designated Businesses and Operations, or Minimum Basic Operations.

2. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
  3. Travel to or from educational institutions for purposes of education, receiving materials for learning, for receiving meals, and any other related services.
  4. Travel to return to a place of residence from outside the jurisdiction.
  5. Travel required by law enforcement or court order.
  6. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.
- J.** For purposes of this order, residences include hotels, motels, shared rental units, and similar facilities.
- K.** For purposes of this order “**Social Distancing Requirements**” include the following:
1. 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.
  2. Persons who are sick. Persons who are sick or have a fever or cough or are exhibiting symptoms such as shortness of breath or 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 as necessary to seek medical care.
  3. Personal hygiene. Persons are encouraged to wash their hands with soap and water for at least twenty seconds as frequently as possible or use hand sanitizer, cover coughs and sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and avoid unnecessary contact with others (shaking hands, etc.).
  4. Six (6)-foot distances. All persons shall maintain a minimum of six (6)-feet of physical distance from all other persons who are not members of the same household/living unit. Essential Businesses and Designated Businesses and Operations, (to the degree applicable) shall designate with signage, tape, or by other means six (6)-foot spacing for employees and customers in line to maintain appropriate distance. Employees shall monitor and enforce the six (6)-foot distancing requirement set forth in this Order, whether outside waiting lines or as customers move about inside a facility. 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.

5. Limited Customer Occupancy. Unless otherwise specified in this Order, each Essential Business, and Designated Business/Operation facility shall determine the maximum number of customers that may be accommodated while maintaining the specified six-feet of physical spacing between persons within the facility at all times, and never exceed that maximum number at any time.
6. Face Coverings. All persons shall comply with the face coverings requirements set forth in Order 5 of this Order.
7. Hand sanitizer and sanitizing products. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall make hand sanitizer and sanitizing products readily available for employees and customers at their facilities. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.
8. Disinfection. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall regularly disinfect all high-touch surfaces within their facilities.
9. Safeguards for high risk populations. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) are urged to implement processes to safeguard elderly and high risk customers.
10. Online and remote access. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall post online whether a facility is open and how best to reach the facility and obtain goods/services by phone or remotely. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall encourage their customers to do their business remotely by phone or online to the extent possible.
11. Pickup at store or delivery. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) 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.
12. Signage. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall post a sign at the entrance of their facilities informing all employees and customers that they must comply with the face coverings requirements set forth in Order 5 of this Order; avoid entering the business or operation if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; and not shake hands or engage in unnecessary physical contact.

### **III. BASIS FOR THE ORDER**

This Order is issued based on evidence reported by the CDC and DOH that COVID-19 is circulating within the City, and that the age, condition, and the health of a significant portion of the population of the City places that population at risk for serious health complications, including death, from COVID-19. This Order is also based on guidance from the CDC, DOH, and the City's medical advisory experts; scientific evidence; and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically.

Due to the outbreak of the COVID-19 virus in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the City. In addition, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the virus, and because evidence shows that it is easily spread, gatherings can result in preventable transmission of the virus.

The scientific evidence shows that at this stage of the emergency, the spread of the virus may spiral out of control. It is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed, while also allowing access to basic life necessities. One proven way to slow the transmission is to limit interactions among people. This Order helps preserve critical healthcare capacity in the City while allowing essential and relatively safe business and community activities and functions to continue.

This Order is also issued in light of the fact that as of May 13, 2021, the City has averaged 53 new COVID-19 cases per day (which includes inmate COVID-19 positive cases in State prisons) over the last seven (7) days with a 1.9% positivity rate of COVID-19 tests performed over the same time period. 849 COVID-19 positive cases remain "active." Since the beginning of the pandemic, the City has had a total of 25,592 COVID-19 cases, 2,226 COVID-19 related hospitalizations, and 378 COVID-19 related deaths. As of May 13, 2021 at least 1,368,474 COVID-19 vaccinations have been administered across the State (with over 663,436 of those administered within the City, not counting doses administered through federal programs). City hospitals have additional capacity: 47 individuals are currently hospitalized and eight (8) individuals are in intensive care unit ("ICU") beds due to COVID-19. 119 ICU beds and 363 ventilators remain available for use within the City. The City's COVID-19 related fatality rate (death/number of cases) is presently at 1.5%. With this Order, the City continues its recovery from the recent resurgence of COVID-19 and the resulting Second Stay at Home Order.

### **IV. INTENT**

The intent of this Order is to ensure that the City does not have another resurgence of COVID-19 and there are sufficient levels of critical healthcare capacity in the City, while also enabling essential services and designated businesses and operations to operate with modifications to re-establish continuity of social and commercial life. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities within the City, they shall comply with applicable Social Distancing Requirements. Specifically, the intent is to ensure that people generally maintain six (6) feet of physical distance

from others, and wear face coverings when interacting with each other (especially when indoors). All provisions of this Order should be interpreted to effectuate this intent.

V. **GENERAL**

- A. **Superseding Order.** Emergency Order Nos. 2020-01 through 2020-31 and Nos. 2021-01 through 2021-05 issued by the Office of the Mayor City and County of Honolulu (related to the COVID-19 pandemic) are hereby rescinded — to the extent they have not been already — and are superseded by this Order.
- B. **Duration.** This Order shall take effect **immediately upon signing and will continue through June 10, 2021**, unless it is extended, rescinded, superseded, or amended by a subsequent order, or as otherwise provided under Haw. Rev. Stat. ch. 127A.
- C. **Enforcement.** All law enforcement of the State of Hawai'i and City shall ensure compliance with and enforce these Orders in accordance with Haw. Rev. Stat. § 127A-29 and Mayor's Rules.
- D. **Promulgation/posting.** This Order shall be posted on the City website as soon as practicable in one or more appropriate places, and shall remain posted while in effect.
- E. **Severability.** If any provision of the Orders or their application to any person or circumstance is held to be invalid, the remainder of the Orders, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the Orders are severable.

  
RICK BLANGIARDI  
Mayor  
City and County of Honolulu

APPROVED:



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Date: 2021.05.17 07:11:41 -10'00'

DANA M.O. VIOLA  
Corporation Counsel Designate  
City and County of Honolulu

APPROVED:



DAVID Y. IGE  
Governor  
State of Hawai'i

## EXHIBIT A

### Designated Businesses and Operations

**All Designated Businesses and Operations must comply with:**

- Applicable Social Distancing Requirements (including the face coverings requirement, unless a specific exemption or exception applies);
- Limitation on groups. Where the Designated Business/Operation allows for groups, they are limited to ten (10) individuals. And, where multiple groups are present, operators must ensure that the groups maintain physical distance of at least six (6) feet from one another at all times, unless a specific exemption or exception applies to the Designated Business/Operation at issue.
- Collection of “**Sign-in Data**” (as applicable). Where the Designated Business/Operation requires the collection of “Sign-in Data” for contact tracing purposes, that means:
  - The operator of the Designated Business/Operation must obtain the full name, address, and phone number of at least one adult member of each group (unless a greater number is specified); or the full name, address, and phone number of each individual guest/customer (“**data**”).
  - The sign-in process may be conducted through any means established by the operator, including a digital and/or paper form.
  - The operator must maintain a record of the data for a minimum period of 28 days and make such data available to State and City health officials upon request. The data shall otherwise be kept confidential to the greatest extent feasible (e.g., limiting access to the data to certain employees/managers).
- Restrictions on shared indoor spaces (lunchrooms, breakrooms, conf. rooms, etc.) under Order 9, as applicable;
- All applicable City, State, and federal statutory and regulatory requirements;
- All applicable CDC guidelines to the extent they do not conflict with this Order available at <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>);
- Any standards and guidelines issued by industry- or activity-specific associations or similar organizations to the extent they do not conflict with this Order;
- The City’s “COVID-19 Guidance for Businesses” available at <https://www.oneoahu.org/business-guidance>, to the extent applicable; and
- Applicable COVID-19 guidelines and resources issued by DOH, available at <https://health.hawaii.gov/coronavirusdisease2019>.

*[Exhibit A continues on the next page]*

**The following Designated Businesses and Operations may open and operate:**

1. **Outdoor sports, for which a permit is not required**, provided conditions at <https://www.oneoahu.org/reopening/#outdoorsports> are followed. Sports associated with educational institutions may operate in accordance with Department of Health guidance.
2. **Public and private commercial pools** provided conditions at <https://www.oneoahu.org/reopening/#pools> are followed.
3. **Shooting and archery ranges** provided conditions at <https://www.oneoahu.org/reopening/#ranges> are followed.
4. **Public and private golf courses** provided conditions at <https://www.oneoahu.org/reopening/#golf> are followed.
5. **Real estate services** provided conditions at <https://www.oneoahu.org/reopening/#realestate> are followed.
6. **New and used car and truck dealerships** provided conditions at <https://www.oneoahu.org/reopening/#dealerships> are followed.
7. **Automated service providers** provided conditions at <https://www.oneoahu.org/reopening/#automated> are followed.
8. **Mobile service providers** provided conditions at <https://www.oneoahu.org/reopening/#mobile> are followed.
9. **Retail and service businesses** provided conditions at <https://www.oneoahu.org/reopening/#retail> are followed.
10. **Shopping malls** provided conditions at <https://www.oneoahu.org/reopening/#malls> are followed.
11. **Restaurants/Bars** provided conditions at <https://www.oneoahu.org/reopening/#restaurants> are followed. NOTE: Penalties for violations related to this Designated Business/Operation are also set forth at <https://www.oneoahu.org/reopening/#restaurants>.
12. **Zoos, sea life attractions, aquariums, museums, botanical gardens** provided conditions at <https://www.oneoahu.org/reopening/#attractions> are followed.
13. **Other commercial attractions:** water parks, cultural attractions, go kart, mini golf, and other similar outdoor attractions may operate provided conditions at <https://www.oneoahu.org/reopening/#otherattractions> are followed.
14. **Bowling alleys** provided conditions at <https://www.oneoahu.org/reopening/#bowling> are followed.

15. **Transportation (non-essential)** provided conditions at <https://www.oneoahu.org/reopening/#transportation> are followed.
16. **Tours** provided conditions at <https://www.oneoahu.org/reopening/#tours> are followed.
17. **Helicopter tours, plane tours, & skydiving** provided conditions at <https://www.oneoahu.org/reopening/#air> are followed.
18. **Personal recreational boating** may be allowed for limited use as announced by the State Department of Land and Natural Resources consistent with this Order and Governor Ige's approval of this Order and provided conditions at <https://www.oneoahu.org/reopening/#personalboating> are followed.
19. **Commercial recreational boating** may be allowed for limited use as announced by the State Department of Land and Natural Resources consistent with this Order and Governor Ige's approval of this Order and provided conditions at <https://www.oneoahu.org/reopening/#boating> are followed.
20. **Hair salons, barber shops, and nail salons** provided conditions at <https://www.oneoahu.org/reopening/#hair> are followed.
21. **Personal care services** provided conditions at <https://www.oneoahu.org/reopening/#services> are followed.
22. **Pet services** provided conditions at <https://www.oneoahu.org/reopening/#pets> are followed.
23. **Business offices** provided conditions at <https://www.oneoahu.org/reopening/#offices> are followed.
24. **Movie theaters** provided conditions at <https://www.oneoahu.org/reopening/#theaters> are followed.
25. **Group physical activity classes** provided conditions at <https://www.oneoahu.org/reopening/#groupfitness> are followed.
26. **Gym and fitness facility operations and activities** provided conditions at <https://www.oneoahu.org/reopening/#gyms> are followed.
27. **Arcades** provided conditions at <https://www.oneoahu.org/reopening/#arcades> are followed.
28. **Legal short-term rentals** provided conditions at <https://www.oneoahu.org/reopening/#shorttermrentals> are followed.
29. **Drive-in services** provided conditions at <https://www.oneoahu.org/reopening/#driveinservices> are followed.

30. **Outdoor organized sports** provided conditions at <https://www.oneoahu.org/reopening/#outdoororganizedsports> are followed.
31. **Structured events** provided conditions at <https://www.oneoahu.org/reopening/#structuredevents> are followed.
32. **Wedding event operators** provided conditions at <https://www.oneoahu.org/reopening/#weddings> are followed.

1. **Outdoor sports, for which a permit is not required.** This section applies to outdoor sports that do not involve reservation of a specific field/court for a specific time period. Such sports are limited to ten (10) persons or fewer playing together.
2. **Public and private commercial pools.** Indoor and outdoor public and private commercial pools may open, provided:
  - a. Individuals must comply with any lawful requirements or mitigation measures imposed by the facility.
  - b. Facilities to open under this section are encouraged, but not required, to implement a reservation system to eliminate or reduce waiting times.
  - c. Locker rooms, changing rooms, restrooms, and showers may be open at the discretion of the operator, but must be monitored by the operator to ensure that the number of individuals inside at one time allows for proper physical distancing.
  - d. Face coverings must be worn at all times, except while in the water or showering.
3. **Shooting and archery ranges.** Operators must not offer equipment for rental and must use disposable safety equipment (e.g., ear plugs, safety glasses). No tournaments are allowed. Individuals must comply with any lawful requirements or mitigation measures imposed by the facility.
4. **Public and private golf courses.** Operators must comply with Phase 3.0 of PGA/Aloha Section's "Procedures for Reintroduction to the Game and Business of Golf" available at <https://www.aspga.com/wp-content/uploads/sites/41/2021/02/210225-FINAL-Hawaii-Golf-Operations-Guidelines-HGP-3.pdf> Additionally, any retail areas must comply with retail and service businesses requirements; any area offering food/beverages for on premises consumption must comply with Restaurants/Bars requirements; and office spaces must comply with business office requirements.
5. **Real estate services.** All real property sales and management activities should be accomplished by remote/electronic means whenever possible. Whenever in-person real property sales and management activities are warranted, and subject to the following restrictions and conditions, the services shall constitute a Designated Business/Operation:
  - a. Restrictions:
    - i. Any open house, brokers' open, meeting with client(s), property viewings, inspections, appraisals, or similar events shall be limited to ten (10) attendees, and comply with Social Distancing Requirements to the extent applicable and reasonably possible, except that all persons shall comply with the Non-Medical Grade Face Coverings requirements set forth in Order 5 of this Order.

- b. Permitted real estate activities:
    - i. Residential rental property management.
    - ii. Satisfaction of, and compliance with current/pending contract contingencies and other legally mandated activities, such as:
      - Property inspection
      - Inventory
      - Termite inspection
      - Appraisal
      - Survey
      - Removal of items from property
      - Repairs/Cleaning
      - Signing
      - Final walk through
      - Key transfer
  - c. Fulfilling listing agreement/property management obligations such as:
    - i. Pre-listing property viewing / analysis for Comparative Market Analysis (CMA) 86 pricing
    - ii. Photography / scanning
    - iii. Virtual recording for virtual tours and virtual open houses (to post on property websites, etc.)
    - iv. Inspection of vacant listings to ensure safety, maintenance, upkeep, etc.
    - v. Viewings.
6. **New and used car and truck dealerships.** Operators are strongly encouraged to meet with customers on an appointment only basis. Meetings between employees and customers indoors (such as negotiations/closings) should be avoided to the greatest extent possible. Operators are strongly encouraged to carry out transactions remotely as much as possible. Operators must implement sanitation measures consistent with CDC guidelines – <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html> and must comply with conditions on page 1 of Exhibit A which apply to all Designated Businesses and Operations.
7. **Automated service providers.** Automated service providers are providers that do not require human interaction between the service provider and the customer, including, but not limited to, fully automated car washes. The service provider must implement sanitation measures consistent with CDC guidelines - <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>.
8. **Mobile service providers.** Mobile service providers provide services on a mobile basis in which there is no human interaction between the service provider and the customer, including, but not limited to, mobile pet grooming and car washing/detailing businesses. The service provider must implement sanitation measures consistent with CDC guidelines - <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>.

9. **Retail and service businesses.** Each retail and service business must comply with conditions on page 1 of Exhibit A which apply to all Designated Businesses and Operations. Fitting rooms (as applicable) may be open, but precautions must be taken to mitigate the spread of COVID-19, including frequent sanitizing of frequently touched surfaces, quarantining tried on merchandise for at least 24 hours, and ensuring appropriate physical distancing can be maintained in the fitting room area.
10. **Shopping malls.** Within shopping malls the food-court dining areas must comply with the applicable restrictions in the “Restaurants/Bars” section contained in Exhibit A to the Order (physical distancing of tables, limiting groups, etc.), or keep the area closed. Outdoor play, entertainment, and common areas may open. Indoor arcades, game rooms, and other similar indoor areas must comply with applicable restrictions in the “Arcades” or “Other commercial attractions” section contained in Exhibit A to the Order.
11. **Restaurants/Bars.** This section applies to Restaurants and Bars only. For purposes of this section, a “**Restaurant**” or “**Bar**” means a business or operation that sells and serves food or beverages (or both) for on premises consumption. Restaurants and Bars in the City may only provide *seated table service* to customers under the following requirements, conditions, and privileges:
  - a. Operations.
    - i. Face coverings (as defined in Order 5).
      - Employees - All employees must wear face coverings during their shifts.
      - Customers - Customers must wear face coverings consistent with Order 5 of the Order at all times within the facility, except when eating or drinking.
    - ii. Performers/Activities subject Order 8 restrictions.
      - Performers and customers engaged in singing, playing wind instruments, and similar activities are subject to the restrictions set forth in Order 8 of the Order.
      - All other performers employed or contracted by a Restaurant/Bar shall maintain physical distance of at least six (6) feet from customers and wear face coverings at all times during their shifts.
    - iii. Groups are limited to a maximum of ten (10) individuals per group.
    - iv. Seating. Only sit-down table services is allowed. No standing bar/dining areas are allowed. Seating shall be arranged so that six (6) feet of separation is maintained between groups. Groups within the Restaurant/Bar are prohibited from intermingling.
    - v. Contact tracing information. Restaurant and Bar operators may only permit patrons to dine indoors if Sign-in Data is collected.
      - Operators of Bars/Restaurants that provide table service are strongly encouraged to implement a reservation system for customers to facilitate collection of the Sign-in Data.

- This requirement does not apply to Restaurants/Bars that do not provide table service (e.g., fast food).
- vi. Condiments shall be by request in single-use disposable packets, or reusable condiment containers that are sanitized between parties.
  - vii. Tables and chairs must be fully sanitized after each group (or individual customer) leaves the Bar/Restaurant.
  - viii. When non-disposable dishware and utensils are used, they must be sanitized after each use consistent with Hawaii Department of Health guidance and regulations, and “best practices” of the U.S. Food & Drug Administration (“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.
  - ix. Provide disposable menus or menu boards, or sanitize reusable menus after each use.
  - x. Hourly touch-point sanitization (workstations, equipment, screens, door knobs, restrooms, etc.) required.
  - xi. No self-service buffets or drink stations.
  - xii. Additional restrictions for Restaurants and Bars holding a liquor license. For Restaurants/Bars operating under this section that hold a liquor license issued by the Liquor Commission of the City and County of Honolulu, State of Hawaii for on premises consumption, or that allow on premises liquor consumption on a BYOB basis, the following restrictions and penalties also apply:
    - Hours for on premises consumption. Operators shall cease the sale, service, and prohibit consumption of liquor at or before midnight (12:00 a.m.) each day. For liquor licensees, the start time for the sale, service, and consumption of liquor shall remain the same, based upon the class of license.
  - xiii. All employees must be trained to know and enforce the requirements of this Restaurants/Bars section.
- b. 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/sanitizing by employees is required.
  - c. Staffing.
    - i. Provide training for employees regarding these requirements and each facility’s respective COVID-19 mitigation plan.
    - ii. Conduct pre-shift screening, maintain 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>.
- d. 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>.
- e. Encouraged practices. Restaurants/Bars are encouraged to do the following:
- 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. Implement cashless and receiptless transactions.
- f. Pilot sidewalk/outdoor dining privilege. From the effective date of this section, through the termination of Mayor’s COVID-19-related Emergency Proclamation (as supplemented or extended), Restaurants and Bars abutting City property may use City Property for their operations under the following conditions:
- i. The facility must be on the ground floor and abut paved City property
  - ii. Upon 24-hour’s notice, the facility must vacate City property for regular maintenance by City (e.g. steam cleaning).
  - iii. The facility is responsible for own equipment, furniture, and supplies, which must be stored elsewhere during closed hours.
  - iv. The utilized City property may only be used by the facility during its business normal hours, but shall not be used between the hours of 11:00 p.m. and 7:00 a.m.
  - v. The facility is responsible for compliance with any additional requirements relating to its Hawaii Department of Health Food Establishment Permit.
  - vi. Liquor sales, if any, on the utilized City property must be authorized under the facility’s liquor license and applicable law.
  - vii. No additional signage is permitted within the utilized City property.

- viii. Services must be consistent with the requirements of this section, including Social Distancing Requirements and physical spacing of tables and customers.
  - ix. Furniture must be located at least six (6) feet from any vehicular ramp, driveway or street intersection.
  - x. No live or amplified music is allowed on the utilized City property.
  - xi. Furniture shall not be placed over planter strips and tree wells
  - xii. Furniture shall be outside an eight (8)-foot radius around bus stops and a five (5)-foot radius around fire hydrants.
  - xiii. All fire lanes shall be open and accessible at all times.
  - xiv. The facility is responsible for rubbish collection.
  - xv. Facilities must cease operations completely when Mayor’s COVID-19-related Emergency Proclamation (as supplemented) is no longer in effect.
  - xvi. Violations of these requirements will result in forfeiture of this privilege.
  - xvii. Sidewalk/outdoor dining and beverage services under this section may include parklets (i.e., use of abutting parking/street spaces converted to dining space), subject to pedestrian clearance, traffic, and safety issues as determined by the City through the department(s) having authority over those issues.
  - xviii. Where sidewalks are present on all or part of the utilized City property, the facility must ensure a clear right of way of at least 36 inches at all times, (although 48 inches is recommended).
  - xix. For facilities abutting “pedestrian malls”, as more specifically defined in Section 29-1.1, et seq. of the Revised Ordinances of the City and County of Honolulu 1990 (as amended), the following additional requirements apply:
    - A clear 20-foot wide right of way to accommodate delivery and emergency vehicles must be maintained at all times
    - Operation cannot exceed mall hours
    - No liquor service is allowed
    - All rubbish must be removed nightly
    - If the ground of the City property utilized consists of pavers, the facility must take precautions to prevent and address food, liquid, and grease spills
  - xx. For facilities abutting a City park or playground, use of the City Property is limited to seven (7) feet from property line, and no more than one row of tables.
  - xxi. Activities permitted under this section may begin upon acceptance by the City of a completed liability form and proof of insurance.
- g. Enforcement. Any Restaurant/Bar in violation of any provision under this “Restaurants and Bars” section shall be subject to (1) immediate closure for 24 hours by the Honolulu Police Department to provide an opportunity to cure the violation and provide staff training to protect the public health; and (2) the penalties generally authorized by this Order. Any Restaurant/Bar holding a liquor license issued by the Honolulu Liquor Commission in violation of any provision

of this “Restaurants and Bars” section shall also be subject to (1) immediate closure for 24 hours by the Honolulu Police Department and/or the Honolulu Liquor Commission to provide an opportunity to cure the violation and provide staff training to protect the public health; and (2) the penalties enforceable pursuant to the Rules of the Liquor Commission of the City and County of Honolulu, State of Hawaii, and the Liquor Laws of Hawaii under Hawaii Revised Statutes Chapter 281, which may include a reprimand, fine, suspension, and/or revocation of the liquor license.

12. **Zoos, sea life attractions, aquariums, museums, botanical gardens.** Zoos, sea life attractions, aquariums, museums, botanical gardens may operate but must comply with conditions on page 1 of Exhibit A which apply to all Designated Businesses and Operations. Also, such attractions with: retail areas must comply with retail and service businesses requirements; any area offering food/beverages for on premises consumption must comply with Restaurants/Bars requirements; and office spaces must comply with business office requirements.
13. **Other commercial attractions.** Indoor and outdoor commercial attractions other than zoos, sea life attractions, aquariums, museums, and botanical gardens (e.g., water parks, cultural attractions, go karts, mini golf, etc.), may operate but must comply with conditions on page 1 of Exhibit A which apply to all Designated Businesses and Operations. Also, such attractions with: retail areas must comply with retail and service businesses requirements any area offering food/beverages for on premises consumption must comply with Restaurants/Bars requirements; and office spaces must comply with business office requirements.
14. **Bowling alleys.** Bowling alleys may operate but must comply with conditions on page 1 of Exhibit A which apply to all Designated Businesses and Operations. Food and beverages may be served and consumed in the bowling area. If food and drinks are served and/or allowed, COVID-19 mitigation measures (consistent with applicable sections of the Restaurants/Bars section of this Order) must be implemented and every person must wear a face covering at all times consistent with Order 5, except when actively eating or drinking in designated areas (e.g., a patron’s/group’s assigned lane/seating area). Bowling alleys with: retail areas must comply with retail and service businesses requirements; any area offering food/beverages for on premises consumption must comply with Restaurants/Bars requirements; and office spaces must comply with business office requirements.
15. **Transportation (non-essential).** Non-essential transportation service providers (e.g., tourism related) may operate provided proper physical distancing of at least six (6) feet between households/living units and groups is maintained, and operators comply with conditions on page 1 of Exhibit A which apply to all Designated Businesses and Operations, including collecting Sign-in Data.
16. **Tours.** Tour operators may operate but must comply with conditions on page 1 of Exhibit A which apply to all Designated Businesses and Operations, including collecting

Sign-in Data. Operators must implement protocols to ensure that households/living units and groups maintain proper physical distancing of at least six (6) feet from each other, consistent with the Order.

17. **Helicopter tours, plane tours, & skydiving.** Helicopter tours, plane tours, and skydiving operators may operate but must comply with conditions on page 1 of Exhibit A which apply to all Designated Businesses and Operations, including collecting Sign-in Data. Operators must implement protocols to ensure that households/living units and groups maintain proper physical distancing of at least six (6) feet from each other, consistent with the Order.
18. **Personal recreational boating.** No more than ten (10) persons are allowed in any personal boat on Hawai‘i’s waters for recreational purposes. Boats shall maintain at least six (6) feet of physical distance from each other, shall not tie up to one another in Hawai‘i’s waters, and boat owners/operators shall not allow intermingling of passengers from different boats.
19. **Commercial recreational boating.** Commercial recreational boating operations must limit occupancy to no more than fifty percent (50%) of the maximum occupant load of the vessel, except that for uninspected commercial vessels the maximum capacity shall be 50% of the manufacturers carrying capacity, not to exceed ten (10) passengers (excluding vessel crew members); implement protocols to ensure that households/living units and groups maintain proper physical distancing of at least six (6) feet from each other; service and consumption of food or drinks within the vessel cabin (if any) is consistent with the “Restaurants/Bars” section of the Order; and collect Sign-in Data.
20. **Hair salons, barber shops, and nail salons.** Hair salons, barber shops, and nail salons (“Providers”) may provide their core services of hair cutting, coloring, and styling in the case of hair salons and barbers; and fingernail/toenail services in the case of nail salons; indoors under the following conditions:
  - a. General.
    - i. Comply with all applicable State of Hawai‘i and City statutory and regulatory, COVID-19 emergency order/proclamation related requirements and standards for the service provided by the Provider. (E.g., barbers must comply with Haw. Rev. Stat. ch. 438 and Haw. Admin. R. § 16-73-1 et seq.; beauty operators must comply with Haw. Rev. Stat. ch. 439 and Haw. Admin. R. § 16-78-1 et seq.; Providers are encouraged to visit <https://cca.hawaii.gov/pvl/hrs/> to determine if they are regulated under Hawaii law.
  - b. Specific Requirements.
    - i. Arrange seating in the establishment so that customers are separated from other customers by six (6) feet between booths/stations and/or have physical barriers between them.

- ii. Ensure applicable Social Distancing Requirements are met to extent reasonably practicable, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order at all times.
- iii. Services which require face coverings to be removed may not be performed.
- iv. Implement additional mitigation measures when strict physical distancing of at least six (6) feet is not feasible for a specific task. Such measures include, but are not limited to, the use of physical barriers (e.g., plexi-glass), additional PPE (e.g., plastic face shields/masks), and minimization of such personal services, enhanced cleaning, and increased ventilation of the area with outside air.
- v. Ensure that all equipment that comes into direct contact with customers/clients and all furniture in service areas (such as chairs, capes, and the shampooing area in a barber shop or salon) is completely cleaned and disinfected between each customer/client in accordance with CDC guidelines and applicable law.
- vi. Implement the following screening measures to screen service providers and customers/clients for signs and symptoms of COVID-19 before arriving at the service provider location. If a service provider or client/customer answers “yes” to questions 1-3, they should not provide or receive services at the Provider’s facility. Providers may provide services to those clients/customers who answer “yes” to questions 4 and 5.

- 1) Do you now, or have you had in the past ten (10) days:
    - A cough or sore throat?
    - Fever or do you feel feverish?
    - Shortness of breath?
    - Loss of taste or smell?
  - 2) Are you currently subject to any COVID-19 related quarantine?
  - 3) Have you had close personal/physical contact with or cared for someone diagnosed with or tested positive for COVID-19?
- \* \* \* \* \*
- 4) If you answered “yes” to Question 3, are you a health care worker?
  - 5) If you answered “yes” to Question 4, are you cleared to work at your healthcare facility?

- c. Prior to reopening, all Providers are encouraged to develop, post and implement written protocols consistent with this section and other applicable law, industry standards, and guidance. The plan should include policies regarding the following control measures: PPE utilization; on-location physical distancing; hygiene; sanitation; self-screening and symptom monitoring; incident reporting; and location disinfection procedures.
- d. Handwashing stations and/or disinfectants must be available to personal service providers and customers/clients throughout the workplace and frequently replenished.

- e. No waiting areas are allowed.
- f. No food or beverage service or consumption shall be allowed in the area where services are being provided.
- g. When making personal service appointments, Providers should advise customers/clients of new requirements, which may include, but are not limited to:
  - i. Customers/clients must self-screen for signs and symptoms of COVID-19 before arriving at the service provider location.
  - ii. Customers/clients should not plan on bringing other guests with them, unless they are bringing children younger than 16 for an appointment.
  - iii. Customers/clients should advise Providers via call, email or text that they have arrived at the location for the appointment, and are waiting for instructions to enter.
  - iv. Customers/clients should put on a face covering prior to leaving the vehicle, and they should be prepared to wash their hands for at least 20 seconds or use sanitizer prior to starting their service.
  - v. Payments for service should be through credit or debit cards or a touchless system to reduce the handling of cash.
- h. For walk-in appointments, the Provider should post a notice on the front door or window regarding access to the facility. The notice should include the phone number that the guest should call to determine availability of services. If service is available at the time, the walk-up guest will need to answer questions regarding COVID-19 exposure and current health, and put on a face covering before entering the location.
- i. Providers are encouraged to follow additional best practices:
  - i. Reducing the number of customers/clients serviced at one time. E.g., using only 50% of the available work stations.
  - ii. Operators must implement measures to ensure that participants and groups waiting to use a facility or an activity open under this section maintain physical distance of six (6) feet from one another at all times.
  - iii. Cashless and receiptless transactions.
  - iv. Customers/clients entering and exiting through different entries using one-way traffic, where possible.
  - v. Reserved hours for operation limited to high-risk populations.
  - vi. A manager or shop owner should be on site during business hours at all times.
  - vii. Advising customers to limit the number of items they bring into the premises.

21. **Personal care services.** Personal care services are services other than the core services provided by hair salons/barbers (hair cutting, coloring, styling), or nail salons (fingernail/toenail services), which require touching a client’s face or body. Personal care services may operate under the following conditions:
- a. Outdoors. Personal care services may be performed outdoors and as long as all they follow all of the conditions imposed on hair salons, barber shops, and nail salons, including but not limited to, following all City and State statutory and regulatory requirements. If the personal care service cannot be performed outdoors under other applicable laws/regulations, they must be conducted indoors under applicable conditions (see below).
  - b. Indoors. Personal care services may be performed indoors under the following conditions:
    - i. General.
      - 1) Comply with all applicable State of Hawai‘i and City statutory and regulatory, COVID-19 emergency order/proclamation related requirements and standards for the service provided by the Provider. (E.g., barbers must comply with Haw. Rev. Stat. ch. 438 and Haw. Admin. R. § 16-73-1 et seq.; beauty operators must comply with Haw. Rev. Stat. ch. 439 and Haw. Admin. R. § 16-78-1 et seq.; Providers are encouraged to visit <https://cca.hawaii.gov/pvl/hrs/> to determine if they are regulated under Hawaii law.
    - ii. Specific Requirements.
      - 1) Collect Sign-in Data.
      - 2) Arrange seating in the establishment so that customers are separated from other customers by six (6) feet between booths/stations and/or have physical barriers between them.
      - 3) Ensure applicable Social Distancing Requirements are met to extent reasonably practicable, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order at all times.
      - 4) Personal care service providers must wear a face shield (a device, usually made of transparent plastic, which covers the user's eyes and face) in addition to (and over) a face covering when providing personal care services indoors.
      - 5) Services which require face coverings to be removed may not be performed.
      - 6) Implement additional mitigation measures when strict physical distancing of at least six (6) feet is not feasible for a specific task. Such measures include, but are not limited to, the use of physical barriers (e.g., plexi-glass), additional PPE, and minimization of such personal services, enhanced cleaning, and increased ventilation of the area with outside air.

- 7) Ensure that all equipment that comes into direct contact with customers/clients and all furniture in service areas (such as chairs, capes, and the shampooing area in a barber shop or salon) is completely cleaned and disinfected between each customer/client in accordance with CDC guidelines and applicable law.
- 8) Implement the following screening measures to screen service providers and customers/clients for signs and symptoms of COVID-19 before arriving at the service provider location. If a service provider or client/customer answers “yes” to questions 1-3, they should not provide or receive services at the Provider’s facility. Providers may provide services to those clients/customers who answer “yes” to questions 4 and 5.
  1. Do you now, or have you had in the past ten (10) days:
    - A cough or sore throat?
    - Fever or do you feel feverish?
    - Shortness of breath?
    - Loss of taste or smell?
  2. Are you currently subject to any COVID-19 related quarantine?
  3. Have you had close personal/physical contact with or cared for someone diagnosed with or tested positive for COVID-19?  
\* \* \* \* \*
  4. If you answered “yes” to Question 3, are you a health care worker?
  5. If you answered “yes” to Question 4, are you cleared to work at your healthcare facility?
- iii. Prior to reopening, all Providers are encouraged to develop, post and implement written protocols consistent with this section and other applicable law, industry standards, and guidance. The plan should include policies regarding the following control measures: PPE utilization; on-location physical distancing; hygiene; sanitation; self-screening and symptom monitoring; incident reporting; and location disinfection procedures.
- iv. Handwashing stations and/or disinfectants must be available to personal service providers and customers/clients throughout the workplace and frequently replenished.
- v. No waiting areas are allowed.
- vi. No food or beverage service or consumption shall be allowed in the area where services are being provided.
- vii. Appointments required. Appointments made by remote means are required for all personal services. When making appointments, providers should advise customers/clients of any new requirements, which may include, but are not limited to:

- 1) Customers/clients must self-screen for signs and symptoms of COVID-19 before arriving at the service provider location.
  - 2) Customers/clients should not plan on bringing other guests with them, unless they are bringing children younger than 16 for an appointment.
  - 3) Customers/clients should advise Providers via call, email or text that they have arrived at the location for the appointment, and are waiting for instructions to enter.
  - 4) Customers/clients should put on a face covering prior to leaving the vehicle, and they should be prepared to wash their hands for at least 20 seconds or use sanitizer prior to starting their service.
  - 5) Payments for service should be through credit or debit cards or a touchless system to reduce the handling of cash.
- viii. Generally, no walk-in appointments are allowed. Provider should post a notice on the front door or window regarding access to the facility. The notice should include the phone number that the guest should call to make an appointment. If service is available at the time, the walk-up guest will need to provide the Sign-in Data, answer questions regarding COVID-19 exposure and current health, and put on a face covering before entering the location.
- ix. Providers are encouraged to follow additional best practices:
- 1) Reducing the number of customers/clients serviced at one time. E.g., using only 50% of the available work stations.
  - 2) Operators must implement measures to ensure that participants and groups waiting to use a facility or an activity open under this section maintain physical distance of six (6) feet from one another at all times.
  - 3) Cashless and receiptless transactions.
  - 4) Customers/clients entering and exiting through different entries using one-way traffic, where possible.
  - 5) Reserved hours for operation limited to high-risk populations.
  - 6) A manager or shop owner should be on site during business hours at all times.
  - 7) Advising customers to limit the number of items they bring into the premises.

22. **Pet services.** Pet services operators must collect Sign-in Data.

23. **Business offices.** This section applies to business offices, whether for-profit, non-profit, regardless of the nature of the business or service, the function it performs, or its corporate or entity structure, that were not authorized under the Second Amended Stay at Home Order to utilize their offices. Business offices may reopen under the following requirements and conditions:

- a. The business shall ensure and promote compliance with applicable Social Distancing Requirements to the greatest extent reasonably possible, except that all persons shall comply with the face coverings requirements.
  - b. All occupied desks, cubicles and open workspaces, and furniture used for sitting or standing must be spaced at least six (6) feet apart to the extent reasonably practical and/or physical barriers should separate work spaces.
  - c. The business shall ensure cleaning and disinfecting of its facility in compliance with CDC guidelines – <https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html>.
  - d. The business shall develop, post, and implement policies based on guidance from the CDC, Department of Labor, Occupational Safety and Health Administration (“OSHA”) and the Hawai‘i Department of Health (“HDOH”) to limit and mitigate the spread of COVID-19, including, but not limited to, the following:
    - i. Promoting healthy hygiene practices.
    - ii. Improving and intensifying cleaning and disinfection practices.
    - iii. Improving ventilation and circulation of outside air to the extent practicable.
    - iv. Monitoring for sickness.
    - v. Ensuring physical distancing at locations and times where employees, clients, or guests may congregate.
    - vi. Providing necessary personal protective equipment.
    - vii. Allowing for and encouraging employees to work remotely to the extent practicable.
    - viii. Providing employees at higher risk for severe illness from COVID-19 (based on CDC guidance) with special accommodations, at the employee’s request, to avoid contact with, and mitigate the risk of, the employee’s exposure to co-workers and others in connection with the business, to the maximum extent possible.
    - ix. Providing plans to return to work in phases to the extent practicable.
    - x. If someone at work tests positive for COVID-19 – <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.
24. **Movie theaters.** Movie theaters must comply with conditions on page 1 of Exhibit A which apply to all Designated Businesses and Operations. If food and drinks are served and/or allowed, COVID-19 mitigation measures (consistent with applicable sections of the Restaurants/Bars section of this Order) must be implemented; and every person in the theater must wear a face covering at all times consistent with Order 5, except when actively eating or drinking in designated areas (e.g., a patron’s assigned seat).
25. **Group physical activity classes.** Commercial outdoor group physical activity classes are limited to ten (10) persons or less including any instructor. Each person must wear a face covering during the class, unless the person is more than six (6) feet away from any

other person. Commercial indoor group physical activity classes are limited to ten (10) persons or less including any instructor. While in the facility for the indoor group class each person must wear a face covering and maintain at least six (6) feet of physical distance from the others at all times.

26. **Commercial gym and fitness facility operations and activities.** Commercial gyms and fitness facilities (“**Fitness Facilities**”) may conduct fitness operations and activities exclusively outdoors provided each client wears a face covering, unless the client is more than six (6) feet away from any other person. Commercial fitness operations and activities may also conduct fitness operations and activities indoors under the following conditions:

- a. Specific Requirements. Fitness Facility operators must:
  - i. Not conduct or allow group classes of more than ten (10) persons to be performed within the Fitness Facility.
  - ii. Limit occupancy to no more than fifty percent (50%) of the maximum occupant load of the Fitness Facility and of any rooms or areas within the facility with a maximum occupant load. Pools may be open consistent with the “Public and private commercial pools” section of the Order.
  - iii. Ensure that occupants maintain a minimum of six (6) feet of physical distance between each other at all times. If equipment cannot be arranged to facilitate six (6) feet of physical distancing, it must be blocked from being used.
  - iv. If no maximum occupant load exists for a certain area, operators must limit occupancy to ensure occupants are able to maintain six (6) feet of physical distance between each other at all times.
  - v. Limit locker room access and the number of persons who use amenities of the facilities (e.g., sauna, etc.) at any one time to ensure physical distancing of six (6) feet can be maintained.
  - vi. Keep childcare areas and self-service food and drink stations closed.
  - vii. Keep water fountains closed, except for those designed to refill water bottles in a contact-free manner.
  - viii. Limit training for close contact activities (wrestling, mixed martial arts, etc.) to skill-building drills and conditioning in which physical distancing of six (6) feet or more between individuals may be maintained.
  - ix. Post signs to encourage physical distancing and disinfecting throughout the facility.
  - x. Position staff to monitor physical distancing and disinfecting requirements.
  - xi. Provide handwashing stations or hand sanitizer (at least 60% alcohol content) throughout the facility for use by employees/clients/guest.
  - xii. Ensure Social Distancing Requirements are adhered to at all times to the degree applicable and to the extent reasonably practicable, except that all persons shall comply with the Non-Medical Grade Face Coverings requirements set forth in Order 5 of this Order.

- xiii. Any occupied desks, cubicles and open workspaces, and furniture used for sitting or standing must be spaced at least six (6) feet apart.
  - xiv. Ensure frequent cleaning and disinfecting of equipment, restrooms, locker rooms, and other high touch/high usage areas of the facility in accordance with CDC guidelines.
  - xv. The business shall develop, post, and implement policies based on guidance from the CDC, Department of Labor, OSHA, and the DOH to limit and mitigate the spread of COVID-19.
- b. Encouraged Practices. Fitness Facility operators should:
- i. Consider appointment-based usage of the Fitness Facility to limit the number of persons in the facility.
  - ii. Consider utilizing touchless forms of client/guest check-in.
  - iii. Consider offering virtual fitness classes whenever possible, especially for higher risk populations.
  - iv. Strongly encourage clients/guests to bring their own filled water bottles with them to the facility.
27. **Arcades.** Arcade operators must limit occupancy of arcade/game area(s) to no more than fifty percent (50%) of the maximum capacity. Arcade operators must also implement measures to ensure sanitation of games between each person’s use and that hand sanitizer is available throughout the facility. Face coverings are required at all times within the arcade/game area(s). Arcades with: retail areas must comply with retail and service businesses requirements; any area offering food/beverages for on premises consumption must comply with Restaurants/Bars requirements; and office spaces must comply with business office requirements. Such areas must be distinct from the arcade/game area(s), and operators must regulate each area’s respective capacity limits, or limit occupancy throughout the facility to the most restrictive occupancy limit imposed for any of the areas within the facility.
28. **Legal short-term rentals.** This section applies to lodgings, other than hotels or motels allowed to operate as Essential Businesses under the Order, that provide guest accommodations for less than thirty (30) days within the City and are legally authorized under Chapter 21 of the Revised Ordinances of Honolulu (collectively “**Legal STRs**”). Legal STRs may operate under the following conditions:
- a. Specific Requirements. Legal STR operators shall:
    - i. First register the following information and acknowledgment with the City’s Department of Planning and Permitting:
      - 1) Tax Map Key Number for the property;
      - 2) Legal name and contact information (current address and phone number) of the registered owner of the property;
      - 3) Legal name and contact information (current address and phone number) of the authorized local manager of the property, if such manager exists. The listing of such manager is required if the registered owner of the property resides outside of the City; and

- 4) An acknowledgement that the operator and the manager (if one exists) is obligated and will comply with the requirements of this Order (as amended, supplemented, and/or extended), including but not limited to the requirement to gather and maintain all adult guests' contact information (as set forth below) for contact tracing purposes.

The above registration and acknowledgment requirements shall be completed and filed online prior to offering a Legal STR for rent. Filing may be completed online at: <https://web1.hnl.info/strcompliance/>.

- ii. Gather and maintain all adult guests' contact information (including name, phone number, and address of permanent residence) and assist local public health contact tracing efforts, if exposures occur. The guests' contact information shall be retained for at least 28 days, and shall be shared with the State's Department of Health, or its designee, upon request.
  - iii. Ensure at least six (6) feet of physical distance is maintained and face coverings are worn during any interactions with guests, staff, local community (e.g., check in/out).
  - iv. Minimize interactions with guests, staff, and local community by implementing no-contact procedures (e.g., check-in procedures).
  - v. Avoid scheduling back-to-back stays to ensure time for proper cleaning and disinfecting (scheduling at least 24 hours between guests is recommended).
  - vi. Provide generous and flexible cancellation policies so that if guests start experiencing symptoms, they can cancel.
  - vii. Ensure guests are not present at the time of any maintenance or cleaning.
  - viii. Routinely check City, State, and CDC data and guidance concerning the COVID-19 pandemic.
  - ix. Clearly communicate with guests regarding cleaning and disinfecting steps.
  - x. Notify guests that City law generally requires face coverings to be worn when in public and indoors, and also required outdoors when physical distancing of at least six (6) feet from others is not practicable.
- b. Specific Prohibitions. Legal STR operators shall not:
- i. Provide accommodations to anyone who is subject to quarantine related to the COVID-19 pandemic, including quarantine imposed by the State's COVID-19 related proclamations, as may be amended, supplemented, and/or extended. Operators are responsible for determining whether a prospective guest is subject to such quarantine.
- c. Staffing.
- i. No STR operator or STR employee displaying symptoms of COVID-19 should provide direct in-person services to guest.

- ii. No STR operator or STR employee should work within 72 hours of exhibiting a fever or other COVID-19 symptoms and follow appropriate State DOH and CDC guidance.
    - d. Cleaning and Disinfecting.
      - i. Cleaning and disinfecting must be conducted in compliance with CDC guidance.
      - ii. When an employee or guest 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 State DOH and CDC guidance.
29. **Drive-in services.** Drive-in services (e.g., drive-in movies, holiday-related drive-in/drive-thru events, spiritual/religious services, etc.) may be conducted provided all of the following:
- a. All persons attending the service must drive up in an enclosed vehicle. Attendees of the service must remain in their vehicles at all times, except to use the restroom while complying with Social Distancing Requirements (including wearing a face covering and maintaining six (6) feet of physical distance between others). Where restroom facilities are provided, the organizers must ensure the availability of handwashing stations or sanitizer, and the routine maintenance and cleaning of the facilities consistent with CDC guidance.
  - 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. Each vehicle may only be occupied by either (i) members of the same household or living unit; or (ii) limited to ten (10) individuals for mixed household/living unit attendees.
  - d. All City, state, and federal laws related to vehicle operation must be followed.
  - e. Organizers and employees of the services must follow current City, State, and CDC guidelines.
  - f. Generally, no food, beverages, equipment, or materials of any kind may be distributed or collected during the service. However, organizers may use unattended drop-boxes, or distribute individually packaged (or pre-ordered) food, beverages, equipment, or materials consistent with CDC guidelines and the Order.
30. **Outdoor organized sports.** This section applies to outdoor sports such as baseball, soccer, football, volleyball, basketball, and similar outdoor sports seeking to reserve specific fields/courts for specific times (“**Sports Program(s)**”). Sports Programs may recommence outdoor practice and competitive play under the following requirements and conditions:

- a. Recommendation dates for youth and adult Sports Programs.
  - i. Youth Sports Programs (for participants 18 years old and under) and collegiate Sports Programs within the City that are not already allowed to operate may recommence practice and competitive play on April 12, 2021 (provided any necessary permits are obtained).
  - ii. Adult Sports Programs (primarily for participants over 18 years old) may recommence practice and competitive play on April 19, 2021 (provided any necessary permits are obtained).
  - iii. No tournaments, regattas, or similar multi-team condensed time-frame competitions are allowed in Tier 3, except as otherwise allowed by the Order.
  
- b. Specific requirements/conditions
  - i. Face coverings. Face coverings (as defined in the Order) must be worn by all participants and coaches/instructors/staff at all times, unless the sport being played or activity at issue can be conducted while maintaining at least six (6) feet of physical distancing from each person (e.g., strength/conditioning training). For aquatic sports, face coverings may also be removed prior to entry into the water.
  - ii. No socializing. There shall be no socializing at the field/court at issue before or after the scheduled Sports Program activity.
  - iii. Spectators are allowed subject to the following: (1) face coverings must be worn consistent with Order 5 of the Order (e.g., required outdoors when physical distance of six feet from other individuals—who are not members of the same household or living unit — is not maintainable); and (2) any group of spectators shall not be larger than ten individuals, consistent with Order 3 of the Order.
  - iv. Implementing measures consistent with state and federal guidance. Sports Program operators must implement measures to combat the spread of COVID-19 that are consistent with the Hawai‘i Department of Health’s “Guidance and Considerations for Return to Youth Sports” as may be amended and all related guidance on sports (collectively “**DOH Guidance**”). Available at <https://health.hawaii.gov/coronavirusdisease2019/tag/sports/>. Furthermore, to the extent consistent with this section, and Hawai‘i Department of Health guidance, Sports Program operators and participants must also 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)). These measures include, but are not limited to the following:
    - 1) Physical distancing protocols and procedures 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.

- 2) Regular screening of staff and participants for illness or exposure to COVID-19.
  - 3) Prohibiting socializing before or after the activity.
  - 4) Ensuring participants and staff who have COVID-19 do not attend Sport Program activities until they are cleared for release from isolation according to CDC guidelines and cleared to return by a healthcare provider.
  - 5) Ensuring any staff or participant exposed to a person with a confirmed or probable case of COVID-19 does not attend the program until they have completed quarantine following CDC guidelines.
  - 6) Evaluation of all program activities to identify and mitigate “high-risk” activities (shared equipment, incidental close contact, etc.) to reduce or prevent COVID-19 transmission.
  - 7) Limiting close contact. To the greatest extent reasonably practicable, physical distancing of at least six (6) feet between members of different households/living units should be maintained. For example, 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). Huddles, high fives, and handshakes and similarly unnecessary close contact activities should be eliminated.
- v. Competitive play. Sports Program activities may include competitive team play (e.g., one baseball team against another, or one soccer team against another, etc.) or practice/training. This is an exception to the general rule on gatherings contained in Order 3 of the Order. Competitive play is limited to two Sports Program teams on an outdoor field, court, etc. at a time. 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 teams/groups).
- vi. Individuals must comply with any lawful requirements imposed by the Sports Program operator.
- c. City permits
- i. Any league, club, or group that desires to reserve a specific location and time for an outdoor athletic activity allowed under this section at any City facility under the control of the City’s Department of Parks and Recreation (“DPR”) must apply for and obtain a permit from DPR. DPR will begin fielding requests for field/court use either informally (via availability discussions) or formally (via permit applications) upon execution of the Order.
  - ii. Permit applications. To obtain a DPR permit, Sports Program operators must agree to comply with all requirements of this section and any further

requirements imposed by DPR, which shall be consistent with DOH Guidance. Furthermore, Sports Program operators must submit all documentation requested by DPR to obtain a permit. DPR permit information/forms are available at: <http://bit.ly/COVIDpermits>. DPR may waive permit fees to facilitate processing of permits under this section. Any permits issued under this section shall be null and void in the event City or State emergency orders or proclamations (or other law) related to the COVID-19 emergency prohibit activities allowed under this section.

iii. Compliance/enforcement. Permit holders are responsible for ensuring compliance with the terms of the DPR permit granted. Failure to comply with permit conditions by the same group/team within a two-week period shall result in the following progressive actions:

- 1) First violation = written warning.
- 2) Second violation = second written warning.
- 3) Third violation = one (1) day suspension of field/court use under the permit.
- 4) Fourth violation = one (1) week suspension of field/court use under the permit.
- 5) Fifth violation = revocation of field/court use under the permit.

There shall be no right to appeal suspension or revocation of permits issued under this section.

d. Nothing in this section requires a public or private Sports Program or field/court to open.

31. **Structured Events at Venues.** This section applies to structured events at venues (e.g., convention centers, banquet rooms, etc.) for industry and education purposes (“**Structured Events**”). Structured Events may take place under the following conditions:

a. General conditions

i. Static events only. Only static events are allowed at this time. Static events are those in which attendees reserve a seat, attend the seated event, and leave. Examples of static events include business/educational seminars, business meetings, and graduations.

b. Specific conditions

i. Capacity limits. Occupancy must be limited to no more than the number that allows each attendee to maintain six (6) feet of physical distance from other attendees at all times.

ii. Face coverings.

- Employees - All employees must wear face coverings during their shifts.
- Attendees - Attendees must wear face coverings consistent with Order 5 of the Order at all times within the facility, except when

eating or drinking in accordance with the Restaurants/Bars section of the Order.

- iii. Group are limited to a maximum of ten (10) individuals per group.
  - iv. Seating shall be arranged so that at least six (6) feet of separation is maintained between groups. No standing/socializing areas, or standing food and beverage areas are allowed, and groups are prohibited from intermingling.
  - v. Layouts for paths of travel, seating, and ancillary and support areas must be in place.
  - vi. Performers/Activities subject Order 8 restrictions.
    - Performers and attendees engaged in singing, playing wind instruments, and similar activities are subject to the restrictions set forth in Order 8 of the Order.
    - All other performers shall maintain physical distance of at least six (6) feet from attendees and wear face coverings at all times during their shifts to the extent reasonably practicable, while carrying out their duties (e.g., workers delivering documents/food/etc. may encroach temporarily within six (6) feet of attendees). Operators of the venue or the employer shall provide for the sanitization of performers' spaces, work areas, and fulfill safety protocols for the performers.
  - vii. Contact tracing information. Operators must collect Sign-in Data for all attendees (not just one individual per group) through a reservation/booking system or upon arrival.
  - viii. Prior to admitting attendees, tables and chairs must be fully sanitized. Each seat is only for the attendee who reserved it.
  - ix. All operators, employees, and contract staff of a Structured Event must be trained to know and enforce the requirements of this section.
  - x. Any retail areas must comply with retail and service businesses requirements; any area offering food/beverages for on premises consumption must comply with Restaurants/Bars requirements; and office spaces must comply with business office requirements.
  - xi. Staffing.
    - Provide training for employees regarding these requirements and each facility's respective COVID-19 mitigation plan.
    - Conduct pre-shift screening, maintain staff screening log.
    - No person displaying symptoms of COVID-19 should provide services to attendees. Symptomatic or ill employees should not report to work.
    - No person should work within 72 hours of exhibiting a fever or other COVID-19 symptoms.
    - Employer must establish a plan for employees getting ill and a return-to-work plan following CDC guidance.
- c. Encouraged practices
- i. Have attendees enter/exit through different entries using one-way traffic.

- ii. Arrange separate entrances and exits for restrooms.
- iii. Timed/staggered entry to the facility to access seats.
- iv. Implement cashless and receiptless transactions.

32. **Wedding event operators.** This section applies to weddings under the supervision of professional event planners, venues, or catering and convention service managers (“Weddings”). Weddings may take place under the following conditions:

- a. Outdoor venues only (e.g. permitted private venues, hotels, beaches and/or churches). The property utilized must follow all permitting/zoning regulations for such events, and must obtain or have proper authorization before conducting such event.
- b. Maximum 100 persons, including staff. This is an exception to the general gatherings limitations.
- c. At least one employee/owner of the professional event planning company, venue, catering, and/or convention service manager must be present at the wedding and ensure it is adequately staffed and compliant with this section.
- d. Usage of face coverings are required as detailed in Order 5 of the Order. Permitted exceptions are as follows:
  - i. Procession & recession (e.g. family, bridal party, bride & groom).
  - ii. Officiate, provided there is at least a 6 foot distance maintained at all times between officiate and bride and groom, and between the officiate and any guests or staff.
  - iii. During photos (e.g. bride and groom, bridal party, and family photos).
  - iv. Customary dances (e.g., between bride and groom or parent and child).
- e. Table seating required as follows:
  - i. Maximum of 10 persons per table.
  - ii. It is recommended that each table be reserved for members of the same household/living unit.
  - iii. Dining tables can be pre-set with tableware (dinner and salad plates, cutlery and glassware) so long as dining area is roped off prior to guest seating; linens, chargers, stationary goods, flowers and miscellaneous décor (e.g. table numbers, etc.) can be pre-set.
  - iv. Food and beverage service must comply with the requirements for Restaurants/Bars.
- f. Musicians, entertainment, operators, and guests must comply with the requirements in Order 8 of the Order.
- g. Dancing is allowed, provided dancers wear approved face coverings. Two dancers permitted every 36 square feet (6 x 6 ft.). Up to 32 dancers will be allowed as follows:

- i. 8 dancers for a 12 x 12 dance floor
  - ii. 12 dancers for a 12 x 18 dance floor
  - iii. 18 dancers for an 18 x 18 dance floor
  - iv. 32 dancers for a 24 x 24 dance floor
- h. Safety protocols are required as follows, no exceptions:
- i. Staff and guests, including bridal party, bride and groom, will require a temperature check upon arrival. Any person with a temperature over 100.4 will not be allowed to remain.
  - ii. Sign-in Data must be collected for all guests.