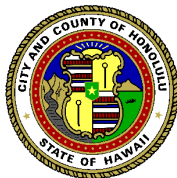


**OFFICE OF THE MAYOR**  
**CITY AND COUNTY OF HONOLULU**  
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RICK BLANGIARDI  
MAYOR



MICHAEL FORMBY  
MANAGING DIRECTOR  
  
DANETTE MARUYAMA  
DEPUTY MANAGING DIRECTOR

September 17, 2021

**OFFICE OF THE MAYOR**  
**CITY AND COUNTY OF HONOLULU**  
**PROCLAMATION AND EMERGENCY ORDER NO. 2021-13**  
**(COVID-19 [Novel Coronavirus])**

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 Proclamation and Emergency Order No. 2021-13 (**COVID-19 [Novel Coronavirus]**) (the “**Proclamation and Order**”) to further address the emergency initially declared via proclamation on March 4, 2020.

**I. BASIS FOR THE PROCLAMATION AND ORDER**

On March 4, 2020, a City and County of Honolulu Proclamation COVID-19 [Novel Coronavirus] was issued in response to the COVID-19 pandemic. Subsequently, other City proclamations were issued to address the ongoing COVID-19 pandemic, including the most recent Fifteenth Proclamation of Emergency or Disaster (COVID-19 [Novel Coronavirus]).

A significant level of COVID-19, in particular Delta, the highly contagious SARS-CoV-2 virus strain, continues to spread throughout the City and has resulted in strained healthcare capacity. As of September 17, 2021, the City has 6,098 “active” COVID-19 positive cases and has averaged 314 new COVID-19 cases per day over the last seven (7) days with a 8.1 percent positivity rate of COVID-19 tests performed over the same time period. 271 individuals are currently hospitalized and 62 individuals are in intensive care unit beds due to COVID-19.

The CDC reports that new variants of COVID-19, classified as “variants of concern,” such as the SARS-CoV-2 Delta strain, are present in the United States. These new variants currently account for the majority of COVID-19 cases sequenced in the City and are much more transmissible than earlier variants. Further, it is the opinion of the Director of the Department of Health, State of Hawai‘i that COVID-19 and its variant(s) do and continue to pose a danger of an epidemic in the City and County of Honolulu as evidenced in the increased community spread of infection.

The CDC has stated that vaccination is a safe and most effective tool to mitigate the spread of COVID-19 and protect against severe illness, hospitalization and death. The CDC has also stated that vaccination benefits both vaccine recipients and those with whom they come into contact, including individuals who are ineligible for the vaccine due to age, health or other conditions. On August 23, 2021, the U.S. Food and Drug Administration granted full approval of the Pfizer-BioNTech (COMIRNATY) COVID-19 Vaccine.

The undeniable presence of the highly transmissible Delta variant of COVID-19 in the City has substantially increased the risk of infection and has severely impacted medical resources. According to the CDC, the Hawaii State Department of Health, and Honolulu Emergency Services Department, Health Services Branch, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 illnesses, hospitalizations, and deaths. The risk of infection is higher in certain environments and the City must continue to take steps to mitigate the person-to-person spread of COVID-19 in those areas to help preserve strained healthcare capacity.

Entertainment, recreation, dining and fitness settings generally involve groups of unassociated people interacting and/or sharing the same air for a substantial period of time and present a higher risk of infection. Requiring vaccination for all individuals in these areas, including workers, will protect the public health, promote public safety, and save the lives of not just those vaccinated individuals but the public at large. And generally, large gatherings continue to be a significant concern for the Hawaii State Department of Health as unacceptable potential ‘super-spreader’ events during the current surge that is severely impacting medical resources.

Additionally, epidemiological evidence shows that low rates of vaccination fuel increased rates of community transmission. Mandating vaccinations at the establishments that present a higher risk of infection will incentivize vaccinations, increasing the City’s vaccination rates and saving lives.

On August 5, 2021, Governor David Y. Ige issued an Emergency Proclamation Related to the COVID-19 Response that addressed vaccination and testing. Suitable immunizing agents are available for SARS-CoV-2 strains and a need for immunization exists within the City as there is danger of an epidemic from highly contagious SARS-CoV-2 virus strains.

Further, Hawaii Revised Statutes (Haw. Rev. Stat.) § 127A-13(b)(1) provides that, in the event of a state of emergency or disaster in the City, the Mayor may take action to relieve hardships and inequities, or obstructions to the public health, safety, or welfare, found by the Mayor to exist in the laws of the county and to result from the operation of federal programs or measures taken under this chapter, by suspending the county laws, in whole or in part, or by alleviating the provisions of county laws on such terms and conditions as the Mayor may impose, including county licensing laws, and county laws relating to labels, grades, and standards.

Haw. Rev. Stat. § 127A-13(b)(2) provides that the Mayor may suspend any county law that impedes or tends to impeded, or that may be detrimental to, the health, safety and welfare of the public.

Haw. Rev. Stat. § 127A-12(c)(2) provides that the Mayor may sponsor and develop mutual aid plans and agreements for emergency management between one or more counties, and other governmental, private-sector, or nonprofit organizations, for the furnishing or exchange of food, clothing, medicine, and other materials; engineering services; emergency housing; police services; health, medical, and related services; firefighting, rescue, transportation, and construction services and facilities; personnel necessary to provide or conduct these services; and other materials, facilities, personnel, and services as may be needed.

Haw. Rev. Stat. § 127A-12(c)(12) provides that the Mayor may restrict the congregation of the public in stricken or dangerous areas or under dangerous conditions; and

Haw. Rev. Stat. § 127A-12(c)(17) provides that the Mayor may take any and all steps necessary or appropriate to carry out the purposes of this chapter notwithstanding that those powers in section § 127A-13(b) may only be exercised during an emergency period.

A state of emergency or disaster arising out of, and relating to, the COVID-19 pandemic (including the rise in the Delta variant) continues to exist in all or any portion of the City as of the date and time of this Order requiring action and effort to manage the strain on the healthcare system and to promote and protect the public health, safety, and welfare of the residents of the City.

## **II. PROCLAMATION DECLARING A STATE OF EMERGENCY PERIOD**

For the reasons stated herein, I, Rick Blangiardi, Mayor of the City and County of Honolulu, pursuant to the authority vested in me as the Mayor of the City and County of Honolulu under Haw. Rev. Stat. Ch. 127A, in order to promote and protect the public health, safety, and welfare of the residents of the City and County of Honolulu, do hereby proclaim, determine, declare and find that:

1. a state of emergency or disaster period relating to the COVID-19 pandemic is hereby declared and will remain in place from September 22, 2021 through November 20, 2021 (the “**Emergency Period**”); and
2. this proclamation hereby supersedes all prior COVID-19-related proclamations.

This Proclamation and Order shall be in effect through the end of the Emergency Period, unless terminated earlier by the undersigned pursuant to Haw. Rev. Stat. Ch. 127A.

## **III. ORDER: SAFE OAHU RESPONSE PLAN**

The orders herein effectuate the goals of the *Safe Oahu Response Plan* and are designed to mitigate the resurgence of COVID-19 and ensure there are sufficient levels of critical healthcare capacity in the City, while also enabling services and designated businesses and operations to operate with modifications to continue 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 - generally maintain six (6) feet of physical distance from others, and wear face coverings when interacting with each other indoors.

**Order 1:** Essential Businesses and Designated Businesses and Operations may operate provided all conditions and requirements imposed by all applicable orders are followed, except Designated Businesses and Operations specifically prohibited from operating.<sup>1</sup> For purposes of this Order, Essential Businesses and Designated Businesses and Operations are listed and defined in the attached Exhibits A and B, respectively.

- A.** Effective September 22 through October 19, 2021, the following categories of “Designated Businesses and Operations” listed and defined in Exhibit B of the Order are prohibited from operating:
  - 31. Structured static events
  - 32. Wedding event operators
  - 34. Social Establishments
  - 35. Indoor Events
  - 36. Outdoor Events I
  - 37. Outdoor Events II
  - 39. Public Competitions
  
- B.** Effective September 22 through October 19, 2021, establishments offering liquor for on premises consumption must cease the sale, service, and prohibit consumption of liquor at or before 10:00 p.m. each day, and must not have liquor, whether in bottle, glass, or other container, open and readily consumable after 10:00 p.m. each day.
  
- C.** Effective September 22 through October 19, 2021, the Outdoor Events III category (e.g., pop-up farmer’s markets, craft fairs, etc. that are essentially retail in nature) may continue to operate; however, all entertainment (such as live music, dancing, or other similar entertainment activity that may draw crowds to a certain area of the event) is prohibited at events held pursuant to this category.
  
- D.** Effective September 22 through October 19, 2021, all death related events covered under Exhibit A, paragraph D, item 23 of the Order (“Funeral, mortuary, cremation, burial, cemetery, and related services”) shall be limited to ten (10) persons indoors and twenty-five (25) persons outdoors.
  
- E.** Effective September 22 through October 19, 2021, the “Public and private golf courses” category (Exhibit B item 4 of the Order) may continue to operate under the current Phase 4 of PGA/Aloha Section guidelines; however, no tournaments (over twenty-five (25) competitors) are allowed.

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<sup>1</sup> Unless otherwise stated, all capitalized terms are defined in the attached Exhibit A to this Proclamation and Order.

**Order 2:** To the extent applicable and to the greatest extent feasible, Essential Businesses, and Designated Businesses and Operations, shall comply with applicable Social Distancing Requirements. Individuals and groups (allowed under this Order) using shared spaces should maintain physical distancing of at least six (6) feet from one another and wear face coverings consistent with Order 5 below. Social Distancing Requirements are listed and defined in the attached Exhibit A.

**Order 3:** Gatherings.

- A.** Indoor social gatherings of more than ten (10) and outdoor social gatherings of more than twenty-five (25) 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 at Essential Businesses and Designated Businesses and Operations unless specifically stated otherwise. Nothing in this Order prohibits the gathering of members of a household or living unit on their property (including shared common areas).

**Order 4:** 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; 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:** Reserved.

**Order 7:** Reserved.

**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 discouraged. When such activities are performed, the following mitigation measures should be considered and implemented to the extent reasonably practicable:

Any person/performing group singing and/or playing a wind instrument, etc. shall maintain physical distancing of at least ten (10) feet from other groups (audience, etc.).

**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.

**Order 10:** Safe Access Oahu.

- A. All covered entities shall not permit a patron to enter covered premises without displaying proof of full vaccination, and identification bearing the same identifying information as the proof of full vaccination. Furthermore, all covered

entities shall not permit a full or part-time employee, intern, volunteer, or contractor to enter covered premises without proof of full vaccination.

**B.** Exceptions: The following individuals are exempt from this Order 10, section A above, and therefore may enter covered premises without proof of full vaccination:

1. Patrons with proof of a negative COVID-19 test result taken within 48 hours of entry into the covered premises, and identification bearing the same identifying information as the proof of negative COVID-19 test presented (the negative test result required under this section B must be from an FDA approved, or FDA EUA approved, molecular or antigen test);
2. Full or part-time employees, interns, volunteers, or contractors with proof of a negative COVID-19 test result taken within seven (7) days of entry into the covered premises (the negative test result required under this section B must be from an FDA approved, or FDA EUA approved, molecular or antigen test);
3. Individuals under 12 years of age; or
4. Individuals entering and remaining for 15 minutes or less per 24-hour day;

**C.** Proof of full vaccination includes:

1. a hard copy of a state-approved or government-issued vaccination card;
2. a photograph/digital copy of a state-approved or government-issued vaccination card; or
3. a Hawai'i state-approved digital/smart device application confirming full vaccination status.

**D.** Each covered entity must develop and keep a written record describing the covered entity's protocol for implementing and enforcing the requirements of this Order 10. Such written record shall be available for inspection upon a request of a City official.

**E.** Each covered entity must post an 8.5 x 11 inch (minimum) sign in a conspicuous place that is viewable by prospective patrons prior to entering the establishment. The sign must alert patrons to the COVID-19 vaccination requirement in this Order 10 and inform them that employees and patrons are required to show proof of full vaccination or satisfy one of the exceptions in this Order 10, Section B.

**F.** The owner or authorized agent of each covered entity must complete a form, available at <https://www.oneoahu.org/test-attestation>, attesting that Order 10 will be followed.

**G.** Definitions. For purposes of this Order 10:



1. "Contractor" means the owner and/or employees of any business that a covered entity has hired to perform work within a covered premise.
2. "Covered entity" means any entity that operates one or more covered premises, except that it shall not include public and private K-12 schools, colleges, and universities, child care programs, hospitals, long-term care facilities, and assisted living facilities.
3. "Covered premises" means
  - a. **Entertainment and Recreational Settings** includes the following: bowling alleys, arcades, pool/billiard halls, movie theaters, museums, other recreational game or entertainment centers, and the indoor portions of botanical gardens, aquariums, zoos, sea life attractions, commercial recreational boating, public and private commercial pools, shooting/archery ranges, and other commercial attractions (cultural attractions, go kart, mini golf);
  - b. **Restaurants/Bars (as defined and used in this Order)**, including any establishments: offering food and/or drink for on premises consumption; businesses operating seating areas of food courts; catering food service establishments that provide food/beverages for on premises consumption; and any food service establishment that is regulated by the State of Hawaii, Department of Health offering food/beverages for on-premises consumption. The requirements of this Order 10 shall not apply to any food service establishment offering food and/or drink exclusively for off-premises consumption, or to a food service establishment providing charitable food services (shelters, soup kitchens, etc.);
  - c. **Indoor "gym and fitness facility operations" and "activities and group physical activity classes" (as defined and used in this Order)**, including standalone and hotel gyms and fitness centers, yoga/Pilates/barre/dance studios, boxing/kickboxing gyms, fitness boot camps, indoor pools, and other similar facilities.
4. "Indoor" means any space with a roof or overhang that is enclosed by at least three walls, except that the following will not be considered an indoor portion: (1) a structure on the sidewalk or roadway if it is entirely open on the side facing the sidewalk; and (2) an outdoor dining structure for individual parties, if it has adequate ventilation to allow for air circulation.
5. "Full vaccination" means two weeks have passed after the second dose in a two-dose COVID-19 vaccination series or two weeks have passed after

a single-dose COVID-19 vaccination which has been authorized for emergency use or approved by the U.S. Food and Drug Administration or the World Health Organization, regardless of whether a COVID-19 vaccine booster has been received.

### **Order 11: City Contractors**

- A. Effective September 13, 2021, all City contractors that have or will have any of their employees physically present/located, in excess of 15 minutes per 24-hour day, at any City facility shall comply with the same COVID-19 vaccination/exemption guidelines that the City has implemented for its employees, and attest to compliance with the same.

All City contractors (via their owner/authorized agent) must complete a form provided by the City, attesting that all of their employees allowed on and/or physically in City facilities are fully vaccinated or are exempted from this requirement (consistent with, and subject to, applicable state and federal laws), and agreeing to inspection by a City or State official.

For purposes of Order 11, “contractor” means the owner and/or employees of any business that the City has hired to perform work for the City.

### **Order 12: Order and Rule for Violations**

Pursuant to Haw. Rev. Stat. sections 127A-29 and 127A-25 and chapter 291D, violation of any of the orders is an emergency period infraction, as defined in Haw. Rev. Stat. section 291D-2, and subject to a \$250 fine, unless the Proclamation and Order, or part thereof, designates a different penalty for a particular violation.


Nothing contained in this section shall modify the criminal penalties for violating transpacific travel or quarantine rules set forth in the Governor’s Proclamations, as amended. Should the penalty provisions relating to quarantine violations be adjudged inconsistent with the Governor’s Proclamation, the Governor’s Proclamation shall govern.

This Order 12 supersedes any other “rules” issued by the mayor regarding the applicable penalties for violation of COVID-19 pandemic-related orders within the City.

## **IV. GENERAL**

- A. **Superseding Proclamation and Order.** Emergency Order Nos. 2020-01 through 2020-31 and Nos. 2021-01 through 2021-12 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 Proclamation and Order upon its execution.

- B. **Enforcement.** All law enforcement of the State of Hawai‘i and City shall ensure compliance with and enforce this Proclamation and Order in accordance with Haw. Rev. Stat. § 127A-29 and Mayor’s Rules (as amended).
- C. **Promulgation/posting.** This Proclamation and 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.
- D. **Severability.** If any provision of this Proclamation and Order or its application to any person or circumstance is held to be invalid, the remainder of the Proclamation and Order, 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 Proclamation and Order are severable.


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 Rick  
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**RICK BLANGIARDI**  
 Mayor  
 City and County of Honolulu

APPROVED:



Digitally signed by Viola, Dana  
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 Date: 2021.09.17 13:11:16  
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**DANA M.O. VIOLA**  
 Corporation Counsel  
 City and County of Honolulu

APPROVED:




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**DAVID Y. IGE**  
 Governor  
 State of Hawai‘i

## EXHIBIT A

### Definitions

- A. For purposes of this Order, “**Healthcare Operations**” includes, but is not limited to, 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. 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.
- B. For purposes of this Order, “**Essential Infrastructure**,” includes, but is 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).
- C. For purposes of this Order, “**Essential Governmental Functions**,” includes, but is not limited to, 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.

- D.** For the purposes of this Order, “**Essential Businesses**” must comply with 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**” includes:
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 B 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 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;
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\\_film\\_on\\_the\\_Island\\_of\\_Oahu\\_during\\_the\\_time\\_of\\_COVID\\_060320.pdf](https://www.honolulu.gov/rep/site/oed/oed_docs/Guidelines_and_Best_Practices_for_film_on_the_Island_of_Oahu_during_the_time_of_COVID_060320.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).

- E. For purposes of this order “**Social Distancing Requirements**” include the following:
1. High risk populations. Unvaccinated 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 or group allowed under this Order. 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/groups 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.
13. Ventilation. Essential Businesses, and Designated Businesses and Operations whose operations are conducted indoors, to the extent possible and feasible, shall improve ventilation by: increasing the introduction of outdoor air, ensuring ventilation systems operate properly and provide acceptable indoor air quality for the current occupancy level for each space, inspecting and maintaining exhaust ventilation systems, using portable high-efficiency particulate air (HEPA) fan/filtration systems, and other measures as recommended by the CDC. <https://www.cdc.gov/coronavirus/2019-ncov/community/ventilation.html>

## EXHIBIT B

### 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, these groups are limited consistent with the limitations on indoor and outdoor gatherings outlined in Order 3. 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 B 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 static 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.~~
33. **Indoor organized sports** provided conditions at <https://www.oneoahu.org/reopening/#indoorsports> are followed.
34. ~~**Social Establishments (e.g., dance/social/nightlife/karaoke establishments/restaurants/bars (at their discretion))** provided conditions at <https://www.oneoahu.org/reopening/#dance-social-nightlife-karaoke> are followed.~~
35. ~~**Indoor Events (e.g., non-static/interactive concerts, meetings, conventions, etc.)** provided conditions at <https://www.oneoahu.org/reopening/#indoorevents> are followed.~~
36. ~~**Outdoor Events I (with controlled ingress/egress and defined capacity limit for the venue)** provided conditions at <https://www.oneoahu.org/reopening/#outdoorevents-I> are followed.~~
37. ~~**Outdoor Events II (with controlled ingress/egress and no defined capacity limit for the venue)** provided conditions at <https://www.oneoahu.org/reopening/#outdoorevents-II> are followed.~~
38. **Outdoor Events III (e.g., markets, craft fairs, etc.)** provided conditions at <https://www.oneoahu.org/reopening/#outdoorevents-III> are followed.
39. ~~**Public Competitions (e.g., road races, triathlons, etc.)** provided conditions at <https://www.oneoahu.org/reopening/#roadraces> are followed.~~

# Safe Oahu Response Plan

On September 23, 2021, the City and County of Honolulu (“**City**”) implemented a four-tiered plan to reduce the spread of COVID-19, with criteria set for loosening and tightening restrictions on businesses and activities (“**Original Framework**”). After COVID-19 vaccines became available, the City adopted a new tiered plan on June 10, 2021 tied to the percentage of the State population that has been fully vaccinated (“**Vaccine Framework**”). After the Vaccine Framework was implemented, due to the highly contagious Delta variant, the City, along with the rest of the state and large portions of the country, suffered another wave of COVID-19 infections that has severely strained our healthcare system, statistically associated with the hospitalization of unvaccinated individuals who contracted COVID-19.

While the Original Framework and the Vaccine Framework provided some measure of predictability to businesses and citizens, at this stage of the COVID-19 pandemic it is clear that a rigid tier system lacks the flexibility necessary to best combat and mitigate the transmission of this disease.

Accordingly, the Vaccine Framework will be replaced with this Safe Oahu Response Plan (“**Response Plan**”) outlined below. The Response Plan is intended to inform the public of the following:

- City’s overall goals;
- the principal metrics considered by the City in responding to the evolving COVID-19 pandemic; and
- the risk factors and characteristics of activities, businesses, and operations that the City considers when evaluating the potential loosening and tightening of restrictions.

## Goals

This Response Plan is based on increased knowledge of, and about, disease transmission, vulnerability, risk factors, community compliance, access and administration of COVID-19 vaccines, the impact of COVID-19 variants, effective treatment options, current risk of COVID-19 related hospitalizations, and healthcare system capacity. The Response Plan is purposefully flexible to enable the City to respond to the ever changing COVID-19 pandemic, and is driven by the following three goals:

- Protect the public health and our healthcare system;
- Allow businesses to operate safely and day-to-day life to continue safely; and
- Provide simple, clear, and consistent orders for the public to follow;

## **Metrics**

The Response Plan will be guided by consideration of metrics that have historically guided the City's response to the pandemic, including reported COVID-19 cases per day (which informs projected hospitalizations), COVID-19 case positivity rate, percentage of fully vaccinated people, healthcare system capacity (including hospitalizations, ICU beds, ventilators, staffing, etc.), all with consideration of the economic impact of imposed restrictions.

However, the loosening and tightening of restrictions will no longer be tied to one or two rigid metrics. Instead, the City, in consultation with healthcare professionals, including the State of Hawai'i Department of Health (and with consideration of current CDC guidelines), will loosen and tighten restrictions as appropriate from time to time based on all of the available metrics and the current circumstances. The tightening of restrictions in particular will be for defined periods of time, in the hopes that such actions will have a positive impact on the guiding metrics and the restrictions will be in place as briefly as is necessary to ensure good public health and safety.

These changes will generally be consistent with the City's movement through the prior tier system (the Original Framework) in that riskier businesses and activities will be allowed to open and operate when deemed relatively safe to do so. In addition, the categories of designated businesses and operations will generally remain the same to promote consistency and predictability.

## **Risk Factors**

Activities, businesses and operations will be allowed to operate (with mitigation measures) under the proclamation and orders using the risk factors below. Generally speaking, when the metrics are trending poorly, those activities, businesses and operations with a higher risk of spreading COVID-19 are more likely to be restricted than those with a lower risk of spreading.

Criteria used to determine low/medium/high risk activities, businesses, and operations:

- Ability to accommodate wearing face coverings at all times
- Ability to physically distance between individuals from different households
- Ability to limit the number of people per square foot
- Ability to limit duration of exposure
- Ability to limit amount of mixing of people from differing households and communities
- Ability to limit amount of physical interactions of visitors/patrons
- Ability to optimize ventilation (e.g. indoor vs outdoor, air exchange and filtration)
- Ability to limit activities that are known to cause increased spread (e.g. singing, shouting, heavy breathing; loud environs that cause people to raise voice)
- Possibility/existence of vaccine/testing requirements
- Ability to enforce restrictions and require mitigation measures

## The Framework applied to the current situation

Effective immediately, the City will operate under this new Response Plan and issue a Proclamation and Order that sets the emergency period and implements COVID-19 related restrictions during the identified emergency period. At this stage, most businesses and activities are allowed subject to limitations on group sizes, capacity, face covering requirements, physical distancing requirements, and/or vaccine/testing requirements (for some high risk activities). However, our healthcare system's capacity is still strained. Depending on community compliance with the existing protocols and increase in vaccination counts (full and partial), the City will either implement further restrictions, or maintain the current ones (with the goal of loosening restrictions as permitted in the near future).

## Vaccinations are still our best weapon to combat COVID-19


The City developed this Response Plan to better adapt to changing circumstances and to guide the public during these unprecedented and uncertain times. As with any government plan, it will only succeed with general acceptance and public support. There is no doubt COVID-19 has upset existing social norms and practices and adaptation has been challenging. Nevertheless, Hawai'i continues to lead the nation in its response to COVID-19. Now we must make the final push and ensure everyone who can get vaccinated, does so. The sooner this happens, the sooner we can lift all restrictions and restore our economy, businesses and the quality of lives on Oahu.

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Rick  
Date: 2021.09.16 13:46:59 -10'00'

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RICK BLANGIARDI  
Mayor  
City and County of Honolulu


APPROVED:

 Digitally signed by Viola,  
Dana M O  
Date: 2021.09.16 13:25:42  
-10'00'

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

APPROVED:

  
DAVID Y. IGE  
Governor



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 twenty-five (25) 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 consistent with Order 5 of the Order, 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 Order 1E. and Phase 4 of PGA/Aloha Section’s “Modified Procedures for Back2Golf Hawaii | The Game and Business of Golf” available at <https://www.aspga.com/wp-content/uploads/sites/41/2021/06/210621-FINAL-Hawaii-Golf-Operations-Guidelines-HGP-4.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 requirements for Restaurants/Bars or Social Establishments; 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 indoors, and twenty-five (25) attendees outdoors, and comply with Social Distancing Requirements to the extent applicable and reasonably possible, except that all persons shall comply with the 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 B 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 B 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” or Social Establishments section contained in Exhibit B to the Order, 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 B to the Order.
11. **Restaurants/Bars.** This section applies to Restaurants and Bars only. Restaurants and Bars may choose to operate under the conditions outlined below, or those set forth for “Social Establishments” (e.g., requiring all patrons to provide proof of vaccination or a negative COVID-19 test result taken within prior 48 hours, etc.). 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.
      - Performers and customers engaged in singing, playing wind instruments, and similar activities are encouraged to follow the guidance set forth in Order 8 of the Order.
      - All other performers employed or contracted by a Bar/Restaurant shall maintain physical distance of at least six (6) feet from customers and wear face coverings at all times during their shifts.
    - iii. Capacity and Group Size. Each facility and room (as applicable) is limited to no more than fifty percent (50%) of its maximum occupant load. The size of each group is limited consistent with the limitations on indoor and outdoor gatherings under Order 3.
    - 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 10 p.m. each day; and shall not have liquor, whether in bottle, glass, or other container, open and readily consumable after 10 p.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 B 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 the requirements for Restaurants/Bars or Social Establishments; 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 B 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 the requirements for Restaurants/Bars or Social Establishments; 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 B 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 or the Social Establishments 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 the requirements for Restaurants/Bars or Social Establishments; 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 the conditions on page 1 of Exhibit B that 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 B 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 B 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 twenty-five (25) persons are allowed in any personal boat on Hawai‘i’s waters for recreational purposes (subject to lower capacity established by other applicable law/regulation). 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.** Subject any capacity restrictions established by other applicable law/regulation, commercial recreational boating operations may operate without percentage capacity restrictions, but shall implement protocols to ensure that: households/living units and groups, maintain proper physical distancing of at least six (6) feet from each other, or otherwise operate consistent with the restrictions imposed on Social Establishments; service and consumption of food or drinks within the vessel cabin (if any) is consistent with the “Restaurants/Bars” or “Social Establishments” 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 for extended periods 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) Services which require face coverings to be removed for extended periods may not be performed.

- 5) 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.
  - 6) 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.
  - 7) 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 B 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 twenty-five (25) persons or less including any instructor; face coverings are not strictly required, but recommended. 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; face coverings are not strictly required, but recommended. 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 any rooms or areas within the facility (as applicable). Pools may be open consistent with the “Public and private commercial pools” section of the Order.
  - iii. Promote physical distancing between occupants. Equipment should be arranged to facilitate six (6) feet of physical distancing between users.
  - iv. 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.
  - v. Keep water fountains closed, except for those designed to refill water bottles in a contact-free manner.
  - vi. Post signs to encourage physical distancing and disinfecting throughout the facility.
  - vii. Position staff to monitor physical distancing and disinfecting requirements.
  - viii. Provide handwashing stations or hand sanitizer (at least 60% alcohol content) throughout the facility for use by employees/clients/guest.
  - ix. 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 face covering requirements set forth in Order 5 of this Order.
  - x. Any occupied desks, cubicles and open workspaces, and furniture used for sitting or standing must be spaced at least six (6) feet apart.
  - xi. 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.
  - xii. 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 may operate without percentage capacity restrictions, but shall implement protocols to ensure that households/living units and groups maintain proper physical distancing of at least six (6) feet from each other, or otherwise operate consistent with the restrictions imposed on Social Establishments. 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 requirements for Restaurants/Bars or Social Establishments; 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 indoor spaces.
- 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 a vehicle. Attendees of the service must remain in their vehicles at all times, except to use the restroom while complying with applicable Social Distancing Requirements. 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, paddling, surfing, sailing, and similar outdoor sports programs seeking to reserve specific fields/courts/areas for specific times (“**Sports Program(s)**”). Sports Programs may recommence outdoor practice and competitive play under the following requirements and conditions:
- a. Specific requirements/conditions
    - i. No socializing. There shall be no socializing at the field/court/area at issue before or after the scheduled Sports Program activity.
    - ii. Spectators are allowed consistent with the restrictions on gatherings under Order 3 of the Order (no social gathering of more than 25 outdoors).
    - iii. 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-](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html)

[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.
- iv. Competitive play/tournaments/competitions/training allowed. Sports Program activities may include: competitive team play (e.g., one baseball team against another, or one soccer team against another, etc.), multiple team and individual sporting tournaments/competitions (soccer tournaments, paddling/sailing races, surf competitions, etc.), and/or practice/training. This is an exception to the general rule on gatherings contained in Order 3 of the Order. Where other competitive play/games are scheduled on the same field, court, area, etc., Sports Program operators must implement measures to prevent mingling between teams/groups, to the extent reasonably practicable.

- v. Individuals must comply with any lawful requirements imposed by the Sports Program operator.
- b. 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/area 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/area use under the permit.
    - 4) Fourth violation = one (1) week suspension of field/court/area use under the permit.
    - 5) Fifth violation = revocation of field/court/area use under the permit.

There shall be no right to appeal suspension or revocation of permits issued under this section.
- c. Nothing in this section requires a public or private Sports Program or field/court/area to open.

31. ~~Structured static 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 under this section. 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, except when eating or drinking in accordance with the Restaurants/Bars section of the Order.~~
  - iii. ~~The size of each group is limited consistent with the limitations on indoor and outdoor gatherings under Order 3.~~
  - 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 encouraged to follow the guidance 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.
- e. 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 200 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. Table seating required as follows:
  - i. Maximum of 25 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.

- e. ~~Musicians, entertainment, operators, and guests are encouraged to follow the guidance in Order 8 of the Order.~~
  - f. ~~Dancing is allowed. 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~~
  - g. ~~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.~~
33. **Indoor organized sports.** This section applies to indoor sports such as basketball, volleyball, and similar sports to be played indoors at specific indoor courts/venues at specific times (“**Indoor Sports Program(s)**”). Indoor Sports Programs may recommence practice and competitive play under the following requirements and conditions:
- a. 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. For aquatic sports, face coverings may be removed prior to entering the water.
    - ii. No socializing. There shall be no socializing at the indoor courts/venues at issue before or after the scheduled Indoor Sports Program activity.
    - iii. Spectators are allowed subject to the following: (1) spectators shall not exceed 50% of the pre-pandemic spectator capacity of the indoor court/venue at issue; (2) face coverings must be worn consistent with Order 5 of the Order (e.g., generally required indoors); and (3) any group of spectators shall not be larger than the limit set for indoor gatherings under Order 3 of the Order (no social gathering of more than 10 indoors).
    - iv. Implementing measures consistent with state and federal guidance. Indoor 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, Indoor Sports Program operators and participants must also follow applicable guidance from the CDC (available at [23](https://www.cdc.gov/coronavirus/2019-</a></u></li>
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[ncov.com/community/organizations/businesses-employers.html](https://www.ncov.com/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/tournaments/training allowed. Indoor Sports Program activities may include competitive team play (e.g., one team against another), tournaments, and/or practice/training. This is an exception to the general rule on gatherings contained in Order 3 of the Order. Where other competitive play/games are scheduled on the same court/venue, Indoor 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 Indoor Sports Program operator.
- b. City permits
- i. Any league, club, or group that desires to reserve a specific location and time for an indoor 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. All applications are subject to availability/usability of the facility at issue and DPR's COVID-19 guidelines.

- ii. Permit applications. To obtain a DPR permit, Indoor 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, Indoor 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 court/venue use under the permit.
  - 4) Fourth violation = one (1) week suspension of court/venue use under the permit.
  - 5) Fifth violation = revocation of court/venue use under the permit.

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

- c. Nothing in this section requires a public or private Indoor Sports Program or court/venue to open.

34. ~~**Social Establishments.** This section applies to establishments that allow for consumption of food and/or beverages on premises that are not strictly limited to seated table service (e.g., dance/social/nightlife/karaoke establishments) (“**Social Establishments**”). Social Establishments may operate 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.~~
    - ~~Attendees—Attendees must wear face coverings consistent with Order 5 of the Order at all times when indoors, except when eating or drinking.~~
  - ii. ~~Performers/Activities subject Order 8.~~

- Performers and attendees engaged in singing, playing wind instruments, and similar activities are encouraged to follow the guidance set forth in Order 8 of the Order.
  - All other performers employed or contracted by a Social Establishment shall maintain physical distance of at least six (6) feet from attendees and wear face coverings at all times during their shifts.
- iii. ~~Mingling between groups. Mingling between groups is allowed at Social Establishments. This is an exception to the general rules contained in Exhibit A (page 1) and the Social Distancing Requirements.~~
- iv. ~~Capacity.~~
- ~~All attendees must provide either a negative COVID-19 test result (taken within 48 hours of the event), or provide proof of full vaccination prior to entry. The normal (pre-pandemic) maximum occupant load limit for the indoor facility or room at issue applies.~~
    - ~~Operators are responsible for verifying either vaccination status or negative test result for ALL attendees.~~
    - ~~People are considered fully vaccinated for COVID-19 when more than two weeks has passed since receiving the second dose in a two-dose series, or more than two weeks after they have received a single-dose vaccine. A completed vaccination card (which includes name of person vaccinated, type of vaccine provided and date last dose administered) in original, photocopied, or digital form; or other similar vaccination documentation from a healthcare provider are acceptable proof of vaccination. Operators may use digital databases to collect the above acceptable proof of vaccination prior to the event.~~
    - ~~Prior to entry, each non-vaccinated attendee must present a negative result from an FDA EUA or approved molecular or an antigen test conducted within 48 hours before the event start time.~~
- v. ~~Contact tracing information. Social Establishments must collect Sign-in Data for all attendees. Operators are strongly encouraged to implement efficient systems to facilitate collection of the Sign-in Data.~~
- 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 regularly sanitized.~~
- 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 Social Establishments holding a liquor license. For Social Establishments 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; and shall not have liquor, whether in bottle, glass, or other container, open and readily consumable after 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 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.~~
- e. ~~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. Social Establishments 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), Social Establishments 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.
  - 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 Social Establishment in violation of any provision under this 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 Social Establishment holding a liquor license issued by the Honolulu Liquor Commission in violation of any provision of this 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.~~
35. ~~**Indoor Events.** This section applies to non-static/interactive indoor events such as concerts, meetings, conventions, and similar indoor events that involve more attendees than the limit set for social gatherings and that are not otherwise addressed in the Order (“Indoor Events”). Indoor Events may take place under the following conditions:~~
- a. ~~Operations.~~

- i. ~~Mitigation plan required. Operators of Indoor Events must develop, follow, and maintain a written COVID-19 mitigation plan consistent with this Order, the scope of the event, and DOH/CDC guidance. For Indoor Events expecting 200 or more attendees, the mitigation plan must be submitted to the City via <https://www.oneoahu.org/mitigation-plan> at least ten (10) calendar days prior to the event, and approved prior to the event. Approved mitigation plans will be posted online. In the event of a cluster of positive cases associated with an Indoor Event—and at the direction of the DOH—the name and date of the event will be posted publicly to advise attendees of potential exposure and the need for testing, and to aid in contact tracing.~~
- ii. ~~Compliance with the conditions placed on Social Establishments (or Bars/Restaurants) for events involving on-premises consumption of food/beverages.~~
- iii. ~~Face coverings (as defined in Order 5).~~
  - ~~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 when indoors, except when eating or drinking (as applicable).~~
- iv. ~~Performers/Activities subject Order 8.~~
  - ~~Performers and attendees engaged in singing, playing wind instruments, and similar activities are encouraged to follow the guidance set forth in Order 8 of the Order.~~
  - ~~All other performers employed or contracted by an Indoor Event operator shall maintain physical distance of at least six (6) feet from attendees and wear face coverings at all times during their shifts.~~
- xiv. ~~Mingling between groups. Mingling between groups is allowed at Indoor Events. This is an exception to the general rules contained in Exhibit A (page 1) and the Social Distancing Requirements.~~
- v. ~~Capacity.~~
  - ~~All attendees must provide either a negative COVID-19 test result (taken within 48 hours of the event), or provide proof of full vaccination prior to entry. The normal (pre-pandemic) maximum occupancy load for the indoor facility or room at issue applies.~~
    - ~~Operators are responsible for verifying either vaccination status or negative test result for ALL attendees.~~
    - ~~People are considered fully vaccinated for COVID-19 when more than two weeks has passed since receiving the second dose in a two dose series, or more than two weeks after they have received a single dose vaccine. A completed vaccination card (which includes name of person vaccinated, type of vaccine provided and date last dose administered) in original, photocopied, or digital form; or other similar vaccination documentation from a~~

- healthcare provider are acceptable proof of vaccination. Event organizers may use digital databases to collect the above acceptable proof of vaccination prior to the event.
      - Prior to entry, each non-vaccinated attendee must present a negative result from an FDA EUA or approved molecular or an antigen test conducted within 48 hours before the event start time.
    - vi. Contact tracing information. Operators must collect Sign-in Data for all attendees (not just one individual per group). Operators are strongly encouraged to implement efficient systems to facilitate collection of the Sign-in Data.
  - b. Enforcement. Any Indoor Event operating in violation of any provision under this 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 Indoor Event holding a liquor license issued by the Honolulu Liquor Commission in violation of any provision of this 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.
36. **Outdoor Events I.** This section applies to outdoor events that have controlled ingress/egress and a defined capacity limit for the venue at issue (e.g., Waikiki Shell, Aloha Stadium, etc.), and are not otherwise covered under the Order (“**Category I Events**”). Category I Events may take place under the following conditions:
  - a. Operations:
    - i. Mitigation plan required. Operators of Category I Events must develop, follow, and maintain a written COVID-19 mitigation plan consistent with this Order, the scope of the event, and DOH/CDC guidance. For Category I Events expecting 200 or more attendees, the mitigation plan must be submitted to the City via <https://www.oneoahu.org/mitigation-plan> at least ten (10) calendar days prior to the event, and approved prior to the event. Approved mitigation plans will be posted online. In the event of a cluster of positive cases associated with a Category I Event—and at the direction of the DOH—the name and date of the event will be posted publicly to advise attendees of potential exposure and the need for testing, and to aid in contact tracing.
    - ii. Compliance with the conditions placed on Social Establishments (or Bars/Restaurants) for events involving on-premises consumption of food/beverages.

- iii. ~~Face coverings (as defined in Order 5).~~
    - ~~Although not strictly required, attendees and employees are encouraged to wear face coverings in crowded settings, which may exist at Category I Events (or in certain areas of such events).~~
  - iv. ~~Performers/Activities subject Order 8.~~
    - ~~Performers and attendees engaged in singing, playing wind instruments, and similar activities are encouraged to follow the guidance set forth in Order 8 of the Order.~~
  - xv. ~~Mingling between groups. Mingling between groups is allowed at Category I Events. This is an exception to the general rules contained in Exhibit A (page 1) and the Social Distancing Requirements.~~
  - v. ~~Capacity.~~
    - ~~Capacity limit generally. Maximum capacity is generally limited to 50% of the maximum occupant load of the venue at issue.~~
    - ~~Increased capacity limit with proof of vaccination/testing. If all attendees provide either a negative COVID-19 test result (taken within 48 hours of the event), or provide proof of full vaccination prior to entry, maximum capacity shall be the normal (pre-pandemic) maximum occupant load of the venue at issue.~~
      - ~~Operators are responsible for verifying either vaccination status or negative test result for ALL attendees.~~
      - ~~People are considered fully vaccinated for COVID-19 when more than two weeks has passed since receiving the second dose in a two-dose series, or more than two weeks after they have received a single-dose vaccine. A completed vaccination card (which includes name of person vaccinated, type of vaccine provided and date last dose administered) in original, photocopied, or digital form; or other similar vaccination documentation from a healthcare provider are acceptable proof of vaccination. Event organizers may use digital databases to collect the above acceptable proof of vaccination prior to the event.~~
      - ~~Prior to entry, each non-vaccinated attendee must present a negative result from an FDA EUA or approved molecular or an antigen test conducted within 48 hours before the event start time.~~
  - vi. ~~Contact tracing information. Operators must collect Sign-in Data for all attendees. Operators are strongly encouraged to implement efficient systems to facilitate collection of the Sign-in Data.~~
- b. ~~Enforcement. Any Category I Event operating in violation of any provision under this 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 Category I Event holding a liquor license issued by the Honolulu Liquor Commission in violation of any provision of this 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.

~~37. **Outdoor Events II.** This section applies to outdoor events that have controlled ingress/egress and no defined capacity limit for the venue at issue (e.g., fields, courtyards, etc.), and are not otherwise covered under the Order (“**Category II Events**”). Category II Events may take place under the following conditions:~~

~~a. **Operations.**~~

~~i. **Mitigation plan required.** Operators of Category II Events must develop, follow, and maintain a written COVID-19 mitigation plan consistent with this Order, the scope of the event, and DOH/CDC guidance. For Category II Events expecting 200 or more attendees, the mitigation plan must be submitted to the City via <https://www.oneoahu.org/mitigation-plan> at least ten (10) calendar days prior to the event, and approved prior to the event. Approved mitigation plans will be posted online. In the event of a cluster of positive cases associated with a Category II Event—and at the direction of the DOH—the name and date of the event will be posted publicly to advise attendees of potential exposure and the need for testing, and to aid in contact tracing.~~

~~ii. **Compliance with the conditions placed on Social Establishments (or Bars/Restaurants) for events involving on premises consumption of food/beverages.**~~

~~iii. **Face coverings (as defined in Order 5).**~~

~~• Although not strictly required, attendees and employees are encouraged to wear face coverings in crowded settings, which may exist at Category II Events (or in certain areas of such events).~~

~~iv. **Performers/Activities subject Order 8.**~~

~~• Performers and attendees engaged in singing, playing wind instruments, and similar activities are encouraged to follow the guidance set forth in Order 8 of the Order.~~

~~v. **Mingling between groups.** Mingling between groups is allowed at Category II Events. This is an exception to the general rules contained in Exhibit A (page 1) and the Social Distancing Requirements.~~

~~vi. **Capacity.**~~

~~• Capacity limit generally. Maximum capacity is generally limited to 50 individuals per 1,000 square feet.~~

~~• Increased capacity limit with proof of vaccination/testing. If all attendees provide either a negative COVID-19 test result (taken within 48 hours of the event), or provide proof of full vaccination prior to entry, there shall be no maximum capacity limit (outside~~

those imposed by the landowner, licensor, or other applicable law)

- Operators are responsible for verifying either vaccination status or negative test result for ALL attendees.
- People are considered fully vaccinated for COVID-19 when more than two weeks has passed since receiving the second dose in a two-dose series, or more than two weeks after they have received a single-dose vaccine. A completed vaccination card (which includes name of person vaccinated, type of vaccine provided and date last dose administered) in original, photocopied, or digital form; or other similar vaccination documentation from a healthcare provider are acceptable proof of vaccination. Event organizers may use digital databases to collect the above acceptable proof of vaccination prior to the event.
- Prior to entry, each non-vaccinated attendee must present a negative result from an FDA EUA or approved molecular or an antigen test conducted within 48 hours before the event start time.

vii. ~~Contact tracing information. Operators must collect Sign-in Data for all attendees. Operators are strongly encouraged to implement efficient systems to facilitate collection of the Sign-in Data.~~

b. ~~Enforcement. Any Category II Event operating in violation of any provision under this 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 Category II Event holding a liquor license issued by the Honolulu Liquor Commission in violation of any provision of this 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.~~

38. **Outdoor Events III.** This section applies to outdoor markets, craft fairs, and similar operations that operate like pop up retail sales events, and are not otherwise covered under the Order (“**Category III Events**”). Category III Events are allowed to operate subject to the general conditions on page 1 of Exhibit B of the Order which apply to all Designated Businesses and Operations.

39. ~~**Public Competitions.** This section applies to outdoor competitions and events on roadways and other public spaces (such as marathons and similar running races, cycling races, triathlons, etc.) that exceed the social-gathering limits and are not otherwise~~

covered under the Order (“**Public Competitions**”). Public Competitions may take place under the following conditions:

- a. ~~Operations.~~
  - i. ~~Mitigation plan required. Operators of Public Competitions must develop, follow, and maintain a written COVID-19 mitigation plan consistent with this Order, the scope of the event, and DOH/CDC guidance.~~
  - ii. ~~Permits/approvals. Operators of Public Competitions must obtain all traditionally required permits and approvals from appropriate government agencies. Those government agencies may require operators to comply with additional COVID-19 related mitigation measures consistent with state and federal public health guidance as conditions for issuing permits/approvals. Such conditions include, but are not limited to, requiring staggered start times for road races (with groups less than or equal to the gathering size limits under Order 3 of the Order); and/or requiring off-duty police officers or similar officials to monitor areas to prevent crowding. Violations of such conditions may result in suspension or revocation of any permit issued, and shall constitute a violation of this Order.~~
  - iii. ~~Face coverings (as defined in Order 5).~~
    - ~~Although not strictly required, attendees and employees are encouraged to wear face coverings in crowded settings, which may exist at Public Competitions (or in certain areas of such events).~~
- b. ~~Enforcement. Any Public Competition operating in violation of any provision under this 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.~~