

OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHLIG, MANAGING DIRECTOR



Mayor's Emergency Rule # 27

Purpose:

The County of Kaua'i continues to acknowledge that the COVID-19 pandemic represents a serious threat to the health, safety, and welfare of our community.

The County had planned to end all County-instituted COVID-19 restrictions once 70 percent of Hawai'i residents were fully vaccinated. However, the County formed that policy before the surge. Some restrictions are no longer necessary. The County's tier system in Mayor's Emergency Rule # 19 was designed before the Delta variant and it does not effectively respond to the current factors driving the COVID-19 pandemic. Accordingly, the tier system is repealed under this rule.

While the tier system is repealed, the County of Kaua'i will continue to observe and enforce State rules on travel, face coverings, gathering sizes, restaurants, bars, social establishments, professional events, indoor capacity, and other State rules, even if the rules remain in place after 70 percent of Hawai'i residents are fully vaccinated. The Governor's Executive Order No. 21-05 (the "Executive Order") and Governor's Emergency Proclamation Related to the COVID-19 Response ("Governor's Proclamation") have established those rules.

While the tier system is repealed, the need for a rule on professional events remains. The Executive Order granted counties the power to allow exceptions to gathering size limits for professionally organized events. Under the Executive Order, professional events may occur, but they must comply with all state and county orders, rules, and directives regarding operation. Accordingly, this rule continues the County's policy towards professionally organized events so that those events can proceed under the Executive Order.

Rule:

This rule has the force and effect of law pursuant to HRS § 127A-12, § 127A-25, § 127A-29, and the Governor's Proclamation.

A. Professionally Organized Events

1. Professionally organized events encompass any event that has a professional organizer(s) ("organizers") tasked with ensuring compliance with all State COVID-19 rules at a hotel, restaurant, or any other indoor or outdoor venue or event space. Organizers include the managers of a venue where an event occurs.
2. Organizers are responsible for knowing and complying with State COVID-19 rules, including applicable indoor and outdoor gathering sizes. Any event exceeding the State's indoor or outdoor gathering size limits shall be professionally organized.

3. Organizers wanting to hold an event that exceeds 40 persons indoors or 100 persons outdoors may be allowed under the following conditions:
 - a. Organizers must require all participants to either provide proof of vaccination or a negative COVID-19 test result in order to participate in the event.
 - i. Proof of vaccination shall mean participants provide documentation that they have received all doses required for full vaccination of their respective vaccine type, and have cleared 14 days from their last dose.
 - ii. If participants are unvaccinated they may provide proof of a negative COVID-19 test taken no more than 24 hours before the start of the event. For multi-day events, unvaccinated participants shall show proof of a negative test results on a daily basis.

COVID-19 tests for this purpose may be either antigen or molecular (PCR) tests, but not antibody tests.

- b. Persons under the age of five attending the event with a participant who provides proof of vaccination or negative test results are not required to provide proof of vaccination or negative test results. All other participants are required to provide proof of vaccination or negative test results.
- c. Organizers are required to maintain a record of all attendees and their contact information in the event the Department of Health (DOH) needs that information for contact tracing efforts.
- d. Organizers are responsible for maintaining vaccination and test records and providing them to DOH for review on the request of the County or DOH.
- e. Organizers are required to ensure that participants consent to the release of their proof of vaccination and/or negative test results to DOH upon the request of the County or DOH.

B. Repeal of Mayor's Emergency Rule # 19

Mayor's Emergency Rule #19 and any subsequent amendments are repealed.

Penalty:

Any professional organizer, host, individual, or owner or operator of an entity organizing or hosting an event violating this rule shall be guilty of an emergency period infraction and fined \$500.00 for each infraction.

Term:

Effective upon the concurrence of the Governor, subject to modification.

APPROVED FOR FORM & LEGALITY:



Derek S.K. Kawakami
Mayor



Matthew M. Bracken
County Attorney

CONCURRENCE:



David Y. Ige
Governor of Hawai'i

Or

Major General Kenneth Hara
Director, HI-EMA

DATE OF CONCURRENCE:

October 13, 2021
