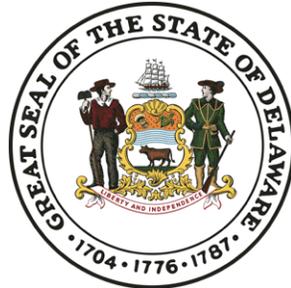


State of Delaware



Executive Department
Dover

EIGHTH REVISION TO THE TWENTY-SEVENTH MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, on September 3, 2020 at 7:00 p.m. E.D.T., I issued the Twenty-Seventh Modification to the State of Emergency, combining all active COVID-19 restrictions into a single order (as used herein the “Omnibus Modification”), a complete copy of which is incorporated herein by reference and available at <https://de.gov/27soe>; and

WHEREAS, on September 25, 2020 at 2:00 p.m. E.D.T., I issued the First Revision to the Omnibus Modification to, among other things, lift the suspension on FOIA responses and permit extension of certain state employee leave policies; and

WHEREAS, on November 5, 2020 at 2:00 p.m. E.D.T., I issued the Second Revision to the Omnibus Modification to lift additional restrictions on bar service in beach towns from Lewes down to Fenwick Island; and

WHEREAS, on November 20, 2020 at 3:45 p.m. E.D.T., I issued the Third Revision to the Omnibus Modification to formally impose restrictions on indoor and outdoor gatherings, and reducing occupancy in restaurants to no more than thirty percent (30%); and

WHEREAS, on December 10, 2020 at 5:00 p.m. E.D.T., I issued the Fourth Revision to the Omnibus Modification imposing additional restrictions to confront the winter surge of COVID-19 hospitalizations in Delaware; and

WHEREAS, on January 8, 2021 at 10:00 a.m. E.D.T., I issued the Fifth Revision to the Omnibus Modification lifting the curfew placed on bars and restaurants and allowing sports to resume with restrictions; and

WHEREAS, on February 4, 2021 at 9:00 a.m. E.D.T., I issued the Sixth Revision to the Omnibus Modification easing COVID-19 occupancy restrictions and requiring Delaware vaccination providers to report demographic information within 24 hours of administering a vaccine to the Delaware Immunization Information System; and

WHEREAS, on February 19, 2021 at 9:00 a.m. E.D.T., I issued the Seventh Revision to the Omnibus Modification further easing COVID-19 occupancy restrictions and increasing gathering limits for indoor events with restrictions in place to prevent spread of COVID-19; and

WHEREAS, the Department of Natural Resources and Environmental Control has issued the maximum 17,000 surf fishing vehicle tags for the 2021 season, and in order to promote safe outdoor activities for citizens to enjoy during a public health crisis, it is desirable to increase access to additional tags; and

WHEREAS, except as specifically set forth herein, this Revision shall in no way modify, alter or amend the remaining terms of the Omnibus Modification, all of which shall remain in full force; and

WHEREAS, Delaware continues to use a multi-step process to ease restrictions on businesses and gatherings, formulated in close consultation with public health officials to ensure that the core principle of controlling the spread of COVID-19 is considered at a time when the State must continue to exercise heightened caution; and

WHEREAS, in the interest of protecting the citizens of this state from a public health threat, the Governor is authorized by law to issue an order reasonably necessary to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business, or the orders, rules, or regulations of any state agency, where strict compliance with such provisions may hinder necessary action in coping with the emergency.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, to control and prevent the spread of COVID-19 within the State of Delaware, do hereby order that Sections D, L, M, N and O are hereby modified, effective April 1, 2021 at 8:00 a.m. E.D.T. unless otherwise specified herein, by making deletions as shown by strike through and insertions as shown by italics as follows:

D. Child Care

- ~~4. Effective September 1, 2020, group sizes in child care centers may increase from fifteen (15) to twenty five (25) for school age children (space permitting). All children and staff must follow the appropriate face covering requirements.~~
- ~~5. Recreational camps (usually called summer or youth camps) approved by DPH may request limited or temporary continuation of the previous camp program through the end of October 2020. Such requests should be directed to the OCCL, which shall review the requests and act as the administrator of any camps approved for continuing operation.~~

L. Public Health

11. All nursing facilities, assisted living facilities, rest residential facilities, and intermediate care facilities for persons with intellectual disabilities shall immediately implement, to the best of their ability, the following personnel practices:

- ii. Designate a room, unit, or floor of the facility as a separate observation area where newly admitted and readmitted residents not known to be infected with COVID-19 are kept for 14 days on appropriate infection precautions per guidance from the Public Health Authority while being observed every shift for signs and symptoms of COVID-19. *As of April 1, 2021, quarantine is no longer recommended for residents who are being admitted to a facility if they are fully vaccinated and have not had prolonged close contact with someone with SARS-CoV-2 infection in the prior 14 days. Fully vaccinated means a person is ≥ 2 weeks following receipt of the second dose in a 2 dose series, or ≥ 2 weeks following receipt of one dose of a single-dose vaccine.*

M. State Government

4. NATURAL RESOURCES: The Delaware Secretary of the Department of Natural Resources and Environmental Control (“DNREC”) is authorized to develop emergency rules, amending the authority vested to the DNREC Secretary in Chapter 80 of Title 29 of the Delaware Code, and Title 7 of the Delaware Code, in response to COVID-19. These emergency rules should enhance the flexibility of the DNREC Secretary to respond to COVID-19 concerns that implicate the natural resources of the State of Delaware. *The emergency powers granted herein may include the authority to issue an additional 1,000 one-year surf fishing vehicle tags for the 2021 season. DNREC shall create and implement a plan to issue the additional tags at its discretion. All surf fishing vehicle tags issued are not transferable and are subject to all applicable laws.*

N. Phase Two Reopening

SOCIAL GATHERINGS AND EVENTS IN PHASE 2:

3. Outdoor Gatherings/Events over 50 people: *Businesses and activities with a stated fire occupancy requirement may host outdoor gatherings or events up to a maximum occupancy of fifty percent (50%) of stated fire occupancy requirements for any outdoor space over one hundred thousand square feet (100,000 sq. ft.), and up to seventy-five percent (75%) of stated fire occupancy requirements for any outdoor space of one hundred thousand square feet (100,000 sq. ft.) or less (in either case excluding employees, unless expressly stated otherwise). Notwithstanding the occupancy determinations in this paragraph, any fire occupancy requirements that would permit more than one hundred and fifty (150) people at any one time must first submit a plan to DPH. Plans may not be implemented until approved by DPH. In addition, businesses and activities must comply with all other applicable restrictions on such businesses and activities as set forth in this Twenty-Seventh Modification, the Phase 2*

Reopen Plan, and other applicable DPH guidance. Any business or space without a stated fire occupancy requirement may host ~~Outdoor~~ outdoor social, community, recreational, and leisure events of no more than ~~fifty (50)~~ one hundred and fifty (150) people (“large outdoor gatherings and events”), including but not limited to weddings, funerals, concerts, parades, festivals, conventions, fundraisers, sporting events and fairs, ~~are hereby prohibited at all locations and venues.~~ Hosts of outdoor gatherings or events must provide materials and equipment necessary for proper hand hygiene, must enforce social distancing, including having a mechanism for limiting attendance, and must comply with this Modification’s declarations relating to face coverings and signage. Businesses or activities that ~~Hosts of large outdoor gatherings and events who~~ wish to host a gathering or event of over ~~fifty (50)~~ one hundred and fifty (150) people may apply to host a large outdoor gathering or event of up to two hundred and fifty (250) people by submitting a plan to HSPContact@delaware.gov at least seven (7) days prior to the anticipated event. Outdoor gatherings and events pose a lower risk of infection and are strongly encouraged as alternatives to indoor events. Plan approval is at the discretion of the Division of Public Health, which will consider how to prevent, reduce the spread of, and suppress COVID-19 at any gathering or event permitted under this Modification. At a minimum, the plan must meet the following requirements:

O. Youth and Amateur Adult Sports

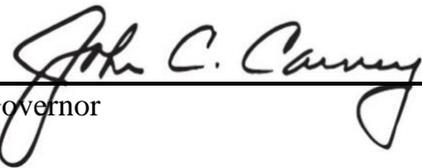
7. GENERAL REQUIREMENTS.

- v. ~~Each athlete shall have only one person accompany them to practices; more than one person may attend games.~~ All persons attending practices and games shall wear a face covering as required in Paragraph 4., above, and be at least six (6) feet apart from others, unless waiting in their car.
 - viii. ~~For sports gatherings conducted in compliance with these requirements, the gathering limit of fifty (50) people applies to spectators. Athletes, coaches, and staff are exclusive of the fifty (50) person limit.~~
9. **ADDITIONAL RESTRICTIONS, EFFECTIVE ~~FEBRUARY 12, 2021~~ APRIL 1, 2021.** Notwithstanding the provisions of this Modification and the Phase 2 Reopen Plan, effective ~~Friday, February 12, 2021~~ *Thursday, April 1, 2021* at 8:00 a.m. E.D.T., the following additional restrictions shall apply until further notice:
- i. ~~The maximum occupancy for any indoor practice is fifty percent (50%) of stated fire occupancy requirements, including athletes, coaches, and other employees or staff, but excluding the one person permitted to accompany an athlete to any practice as provided in Paragraph 7.v. of this section.~~
 - ii. *i. All practices, games, matches, and competitions may resume, provided that the maximum occupancy for any indoor practice, game, match, tournament or competition is fifty percent (50%) of stated fire occupancy requirements, **including** athletes, coaches, and other employees or staff, ~~but excluding two individuals~~*

~~permitted to accompany each athlete to any game, match, tournament or competition. Additional spectators are not permitted to attend any game, match, tournament or competition. The maximum occupancy for any outdoor practice, game, match, tournament or competition shall be as stated in Section N, Social Events and Gatherings in Phase 2, Paragraph 3, and such occupancy **includes** athletes, coaches, and other employees or staff.~~

- iii. ii. In addition to the quarantine requirements and recommendations applying to all cases of COVID spread and consistent with the authority provided by Delaware law and this State of Emergency, the Division of Public Health is authorized to issue cease and desist orders to any team with high or increasing levels of COVID-19 cases or for a failure to comply with any provision of the Declaration of a State of Emergency, including up to a ban on all future practices, games, matches, competitions or similar activities.

APPROVED this 29th day of March 2021 at 1:00 p.m.


Governor