



GOVERNMENT OF PUERTO RICO
DEPARTMENT OF ECONOMIC DEVELOPMENT AND COMMERCE

April 16, 2020

TO ALL THE INDUSTRIAL, COMMERCIAL AND BUSINESS SECTORS

A handwritten signature in blue ink, appearing to read "M. Laboy Rivera".

Hon. Manuel A. J. Laboy Rivera

Secretary of Economic Development and Commerce

Circular Letter No. 2020-07

**APPLICABILITY OF THE CLOSING OF OPERATIONS IN THE PRIVATE SECTOR
PURSUANT TO ADMINISTRATIVE BULLETIN NO. OE-2020-033**

I. Background

On March 12, 2020, the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, issued Administrative Bulletin No. OE-2020-020, in order to declare a state of emergency in the face of the imminent impact of the Coronavirus (COVID-19) on our island. Through it, a state of emergency was declared throughout Puerto Rico regarding the COVID-19 outbreak, to carry out all efforts and implement all necessary measures to safeguard the health, welfare and public safety of our citizens, with the purpose of minimizing or avoiding the risk of any situation that represents or constitutes a threat to public health or safety.

After the aforementioned emergency declaration, on March 15, 2020, the Governor of Puerto Rico issued Administrative Bulletin No. OE-2020-023, establishing additional measures to prevent the spread of COVID-19 in Puerto Rico (the "OE -2020-023"), including, among other measures, the implementation of a curfew applicable to all citizens starting at 9:00 pm on Sunday, March 15, 2020, which was in effect until March 30, 2020. Likewise, a closure of government operations was ordered, except those related to essential services, as well as the closure of all businesses in Puerto Rico from 6:00 pm on March 15, 2020, until March 30, 2020, with several exceptions. Subsequently, on March 30, 2020, the Governor of Puerto Rico issued Administrative Bulletin No. OE-2020-029, with the purpose of, among other measures, extending the curfew and closing of government and private sector operations, with a few exceptions, until April 12, 2020. In addition, on April 7, 2020, Administrative Bulletin No. OE-2020-032 was issued, in order to establish more aggressive measures to combat COVID-19 during the days April 10, 11 and 12, 2020.



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On April 12, 2020, the Governor of Puerto Rico issued Administrative Bulletin No. OE-2020-033 (“OE-2020-033”), whose purpose is to extend the curfew and closing of government and private sector operations until May 3, 2020. However, contrary to previous executive orders, and in response to the joint recommendations of the Medical Task Force and the Economic Task Force created by the Governor to address the crisis caused by COVID-19, OE-2020-033, proposes to modify and make more flexible certain aspects related to curfew and private sector operations. On April 14, 2020, the Governor of Puerto Rico issued Administrative Bulletin No. OE-2020-034 (“OE-2020-034”), amending Section 1 of OE-2020-033 to make certain additional modifications to the curfew applicable to citizens.

In keeping with the foregoing, since March 17, 2020, the Department of Economic Development and Commerce (“DEDC”) has been given the task of issuing several circular letters to provide additional guidelines to the industrial, commercial and business sectors regarding the applicability of executive orders issued by the Governor, specifically regarding the closure of private sector operations and applicable exemptions, including Circular Letters No. 2020-002, 2020-03, 2020-04 and 2020-05. The aforementioned circular letters from the DEDC contain a list of activities, businesses or industries that are considered exempt from the total closure of operations decreed for the different periods covered by the executive orders issued from time to time by the Governor. Consequently, after the publication of the circular letters, the DEDC has received countless emails related to questions from industries, merchants and entrepreneurs of all kinds, regarding the applicability of the total closure decreed by the applicable executive orders. In response to the above, the DEDC has dedicated itself to providing guides, clarity and tranquility to the different economic sectors affected by the total closure of operations, responding to emails received in response to what is expressed in the executive orders and circular letters of the DEDC and serving as a liaison with other government agencies, including, among others, the Department of Public Security and its Police Bureau, and the Department of Labor and Human Resources.

Section 4 of OE-2020-033, establishes that the provisions established in it may be defined and reinforced in detail through guidelines issued by the agencies once they are previously approved by the Governor or the Governor’s Chief of Staff. In accordance with the foregoing, the purpose of this Circular Letter is to provide additional guidelines to the entire industrial, commercial and business sector, regarding the applicability of the provisions of OE-2020-033 to their operations.

II. Legal Base

This Circular Letter is issued in order to provide additional guidelines to the industrial, commercial and business sector regarding the applicability of OE-2020-033 and exemptions to the provisions therein. It is promulgated under the Reorganization Plan No. 4-1994, as amended,



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and the aforementioned executive order and will be effective immediately, until otherwise provided, and will be applicable to the entire industrial, commercial and business private sectors.

III. Provisions of OE-2020-033 related to the closing of businesses and their exceptions

Section 1 of OE-2020-033 extends the curfew (lockdown) in Puerto Rico until May 3, 2020, instructing all citizens on the Island to remain in their place of residence or accommodation 24 hours a day, 7 days a week, with the intention of extending this curfew to the total closing of private sector operations. Likewise, Section 14 of OE-2020-033 provides that the total closing of shops and private entities, which will apply 24 hours a day to cinemas, discotheques, concert halls, theaters, gaming halls, casinos, parks of attractions, gyms, bars or any similar place or event that encourages the gathering of a group of citizens in the same place.

However, Sections 5, 6 and 15 of OE-2020-033 recognize certain exceptions to the application of the closing of business operations and the established curfew. The following is a non-exhaustive list of those industries, shops, businesses, services or activities that are considered to be **exempt from the total closing of operations**:

1. Foods

- a. Selling of prepared foods, **EXCLUSIVELY** by means of carry-out or delivery, without allowing diners inside the establishments.
- b. Selling of food in retail or wholesale
- c. Businesses that are related to food distribution chains (includes farmers and employees of the agricultural industry) and beverages, including animal food, food and beverage processors, and businesses dedicated to the distribution of food and beverages, hydroponic farms and agricultural activity in general.
- d. Supermarkets and grocery stores, including businesses whose components include supermarkets or grocery stores. They may remain open to the public from Monday to Saturday from 5:00a.m. until 8:00p.m., and those who have a delivery system, can dispatch orders until 10:00p.m. However, supermarkets and grocery stores must remain closed to the public on Sundays, limiting their operations to cleaning, disinfection, inventory, receiving and handling of merchandise.
- e. Retail outlets such as fresh food kiosks (fruits and vegetables) established prior to March 15, 2020



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2. Health, medicines, medical equipment or products and pharmacies

a. Includes businesses that are engaged in the production, sale, or provision of services related to medications, medical items or equipment, or provision of health care services, and those that are in its distribution chain, including:

- Pharmaceutical manufacturing and sales operations
- Manufacturing and sales operations of medical devices
- Biotechnology and agricultural biotechnology facilities (manufacturing and sales)
- Manufacturing operations and selling of supplies for hospitals and other health institutions and providers
- Manufacture and selling of cleaning products, disinfectants and personal protective equipment necessary to deal with the COVID-19 crisis
- Hospitals
- Clinical laboratories
- Emergency rooms
- Medical services clinics
- Pharmacy
- Medical cannabis dispensaries
- Medical cannabis cultivation and processing facilities
- Health centers
- Blood banks
- Pharmacies; however, on Sundays they can only operate the prescription area, sell medicines and personal hygiene items
- Elderly centers
- Companies or insurers that provide health plan coverage
- Medical offices, only in case of emergency and by appointment, paying special attention and taking appropriate measures in the case of pregnant women. Elective medical procedures must be suspended.
- Office of specialized treatments, including, among others, centers for dialysis and cancer treatment, and other serious or catastrophic diseases
- Dental offices, only in case of emergency and by appointment
- Veterinary clinics, by appointment

3. Gas stations and their distribution chain

- a. Fuel (processing, selling and distribution)
- b. Refined: gasoline, diesel, jet fuel, AV-Gas, propane gas, butane gas, natural gas, liquid gas, kerosene, among others.
- c. Mixed (intermediate fuels, blended);
- d. Production, distribution, wholesale, retail (gas stations).



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From Monday to Saturday, gas stations will be able to operate normally within the curfew conditions. However, on Sundays, gas stations may only operate to dispatch fuel or medicine.

4. Financial institutions

- a. Depository institutions that offer banking services such as banks and cooperatives for services that can be coordinated or processed online, electronically, by telephone calls or by using the car
- b. Lender entities
- c. Pawn shops, only as for the receipt of goods as a pawn through a pledge contract and for the payment of debts (the sale of goods and / or merchandise will not be allowed)

5. Organizations or groups that provide services to meet needs for economically disadvantaged populations

- a. Homeless shelters
- b. Food banks
- c. Shelters for victims
- d. Shelters
- e. Temporary residences

6. Security

- a. Private security agencies and companies
- b. Roadside assistance, to the extent that it is requested by the subscriber of the service or by a law enforcement officer

7. National Security

- a. Manufacturing, selling or service operations related to the Aerospace Industry;
- b. Manufacturing operations, sales, or related services to any federal agency, including the United States Department of Defense;
- c. Textile industry, in accordance with the provisions of Circular Letter No. 2020-04 of the DEDC, issued on April 1, 2020.

8. Critical infrastructure

- a. Infrastructure related to the Electric Power Authority, the Aqueduct and Sewer Authority, telecommunications, road system, solid and biomedical waste, seaports, airports;
- b. Repair, replacement, maintenance and rehabilitation of critical infrastructure and equipment to have access to said infrastructure, including, in the case of telecommunications infrastructure, cell phones, tablets, cable TV boxes, and other similar and necessary equipment so that consumers can use such critical infrastructure, by prior appointment coordinated by telephone or any electronic means, for which each company



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will be allowed to establish strategic points by region, in coordination with the Puerto Rico Telecommunications Bureau, to offer repair, delivery, replacement services equipment and technology necessary to maintain communication via landline, cell phone, internet, cable TV or antennas, limited to existing customers;

- c. Repair and maintenance of streets, roads and highways.
- d. Repair and maintenance of private infrastructure to ensure the continuity of operations and services authorized by OE-2020-033.

9. Goods and services

- a. Elderly centers
- b. Call centers
- c. Public, private, state and federal security companies
- d. Services related to any federal agency, including, without limitation, the United States Department of Defense
- e. Roadside assistance services, only in case of emergency
- f. Locksmith services, only in case of emergency
- g. Delivery and shipping companies for packages, merchandise and correspondence
- h. Closed circuit services and alarms
- i. Services to ports and airports
- j. Electronic transaction processing services
- k. Sensitive data center operations
- l. Press and media
- m. Travel agencies operating with call centers
- n. Recycling services
- o. Maintenance and cleaning services
- p. Plumbing services, electrician, refrigeration technicians, repair, maintenance or replacement of household electrical appliances, extermination and pest control, cleaning of swimming pools, companies and independent employees dedicated to the maintenance of green areas, gardening, landscaping, maintenance and elevator repair, access control maintenance and repair, and other services necessary for the maintenance of health, safety, and essential operation at an individual, residential, commercial, industrial, or public level. When performing their work, the service provider should have their mouth covered with a mask and gloves. Any establishment whose purpose is to receive the public, must remain closed
- q. Garbage collection (private or public)
- r. Ornamental agriculture
- s. Funeral services related to the collection or transfer of corpses, embalming, cremations and burials (not funerals), as well as services of construction and installation of niches in cemeteries, delivery of units and maintenance and cleaning of facilities;
- t. Manufacture of non-essential goods for export purposes, as well as export of non-essential goods that are part of the current inventory



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- u. Companies and individuals who offer vehicle parts and repair services, including automotive technicians, rubber dealers, and parts dealers, may operate only in emergencies on Wednesdays and Thursdays between 9:00 a.m. and 5:00 p.m., by appointment, serving one (1) only client at a time. It may not open to the general public. The supply of inventory for this sector is authorized
- v. Hardware store services, may operate on Fridays and Saturdays between 9:00 a.m. and 5:00 p.m., only by prior appointment to coordinate the sale and delivery of the merchandise, serving one (1) single customer at a time. You will not be able to open for general public. The supply of inventory for this sector is authorized. However, from Monday to Thursday, hardware stores are authorized to dispatch orders received by telephone or any electronic method of communication, carried out in an emergency by a government entity, or from a business or to provide a service exempt from the closure of operations in accordance with the OE-2020-033
- w. Sales via telephone or internet (online), for which it will be allowed to operate warehouses only to dispatch orders by way of pick-up and delivery in the vehicle (curbside pickup) or shipping (delivery)
- x. Companies that sell electronic equipment or office supplies, only by appointment and by way of pickup and delivery in the vehicle (curbside pickup) or shipping (delivery)

10. Construction

- a. The construction sector is authorized to operate as long as it is to offer critical services, maintenance or repair, or new construction, related to hospitals, drinking water, sewage, transportation, road system, electricity and communications, subject to the implementation of strict safety measures to protect the health and safety of workers against COVID-19 and based on the Guidelines of the Centers for Disease Control and Prevention (CDC), the federal Department of Health, the Occupational Safety and Health Administration and the federal Department of Labor;
- b. The construction sector is also authorized to operate for the construction of manufacturing or other facilities related to the management, prevention, treatment or studies related to COVID-19, subject to the implementation of strict security measures to protect health and worker safety against COVID-19 and based on Guidelines from the Centers for Disease Control and Prevention (CDC), the federal Department of Health, the Occupational Safety and Health Administration and the federal Department of Labor;
- c. The supply of materials for the construction sector is also authorized as established in OE-2020-033, including the manufacturing and distribution of cement and related products.



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11. Supply chains related to exempt goods and services pursuant to the preceding paragraphs

- a. Companies that provide goods or services to the sectors exempt from closure, limiting their operations to supplying such goods or services
- b. Supply of articles for sectors exempt from closure
- c. Distribution of products for the sectors exempt from closure
- d. Logistics and transportation: customs brokers, the consolidation service for sea or land cargo, warehousing and distribution services to third parties, and the distribution of detergents, disinfectants and hygiene and cleaning products
- e. Design services, selling and installation of fire prevention
- f. Armory services for the security sector (police, federal security and safety agencies);
- g. Employment agencies operating as a call center;
- h. Selling, installation, repair and maintenance of energy production systems based on renewable or alternate energy.

The activities exempt from the closing of operations will continue to operate under their regular hours, including those that operate 24/7. Pursuant to Section 1 of OE-2020-033, as amended by OE-2020-034, those businesses authorized to operate until 8:00 p.m., may only receive the general public until 7:00 p.m., while between 7:00 pm and 8:00 p.m., they may only receive people who work in hospitals, technological laboratories and law enforcement officers who can identify themselves. It is further clarified that those industries, businesses and companies exempt from the closure of operations pursuant to OE-2020-033 and this Circular Letter may continue to operate on their regular schedule, regardless of the amendments introduced by OE-2020-034 to Section 1 of OE-2020-033.

However, each exempt company must make adjustments to the contingency plan, that is, comply with measures to avoid the spread of COVID-19, avoid the conglomeration of employees and seek to perform remote work as long as possible, and comply with the precautionary measures established in Section 8 of OE-2020-033. For more measures that you can take as a company or employer, please refer to the Guidelines for Companies and Employers to Prevent the Exposure of Workers to the Coronavirus, published on April 12, 2020 by the Medical Task Force created to attend to the emergency caused by COVID-19 in Puerto Rico.

If you are part of the supply chain of goods or services to these exempt sectors, you must ask yourself: if your product is not supplied, will the exempt businesses be affected? If the answer is yes, strictly supplying these services. However, it is only authorized to supply directly to exempt businesses, it cannot be open to the general public.

Each company has a commitment to society and must segregate the services it provides so that only essentials are provided during this emergency. For example, a hardware store that provides services to a hospital or a supermarket must open to fulfill these services, although it does not



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open or serve the general public. The company must contact its supplier and make the corresponding arrangements.

IV. OE-2020-033 provisions related to curfew

A. Departures during established curfew hours

As previously mentioned, Section 1 of OE-2020-033, as amended by OE-2020-034, extends the lockdown in Puerto Rico until May 3, 2020, instructing all citizens on the Island to remain in their place of residence or accommodation for 24 hours a day, 7 days a week. However, the same Section 1 of OE-2020-033 establishes certain exceptions to the curfew, providing that during this period, a citizen may leave their residence or accommodation exclusively between 5:00 am and 7:00 pm, when the need warrants it in the following circumstances:

1. Go to a medical appointment, attend hospitals, laboratories, hospital medical service centers;
2. Acquisition of food, pharmaceuticals and basic necessities
3. Go to any of the exempt establishments for necessary or urgent procedures
4. Receive any of the exempt services, specified in the subsequent sections of OE-2020-033
5. Provide any of the exempt services, specified in subsequent sections of OE-2020-033

Any person who leaves their residence as previously provided must follow the precautionary measures provided in Section 8th of OE-2020-033. As mentioned in part III of this Circular Letter, it is further clarified that pursuant to Section 1 of OE-2020-033, as amended by OE-2020-034, people who work in hospitals, technological laboratories and agents of the public order that can be identified as such, may go to those businesses authorized to operate until 8:00 p.m., between 7:00 p.m. and 8:00 p.m., regardless of the curfew schedule established.

B. Work or emergency curfew exclusions

On the other hand, Section 10 of OE-2020-033 provides that those authorized by the Executive Order itself for work reasons or in case of emergency are excluded from the lockdown. Specifically, the provisions of OE-2020-033 will not apply, without being considered as an exhaustive list, to the following cases:



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1. People who provide assistance, care, food, or transportation of citizens to the elderly, minors, dependents, people with disabilities or especially vulnerable people who require some type of medical or professional care;
2. Persons duly identified as employees of public or private security agencies, at the municipal, state and federal levels;
3. Health professionals, including mental health professionals, personnel who work in hospitals, pharmacies, pharmacies, bioscience facilities or health centers;
4. Personnel who are working in the wholesale distribution chain and the manufacture of goods and food, including those necessary for agricultural activities such as agricultural centers, from the origin to the establishments for sale to the consumer, including points of sale at list as fresh food kiosks (fruits, vegetables and vegetables) established prior to March 15, 2020;
5. Personnel who are working with utilities or critical infrastructure;
6. Call centers
7. Port and airport personnel
8. Members of the press and media;
9. Members of the Corps of Watchers of the Department of Natural and Environmental Resources;
10. Internal Revenue Agents of the Department of the Treasury
11. Legal representatives of citizens accused of crimes with subpoena before the courts, with request for reduction of bail or habeas corpus resources
12. People with Autism Spectrum Disorder, who will be authorized to make therapeutic outings that consist of short walks in areas near their home, accompanied by a single person and taking precautionary measures of distancing.
13. Officials who carry out essential tasks in the Executive Branch, Legislative Branch or Judicial Branch;
14. Those citizens who are attending emergency or health situations



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15. Employees and service providers of the industries, businesses, companies or services exempt from the closure in accordance with Sections 5, 6 and 15 of OE-2020-033 and part III of this Circular Letter.

Regarding the aforementioned exceptions, these people will be authorized to transit on public roads on the way to work and return home at the time and days that are necessary. All persons excepted in the previous list must follow the precautionary measures provided in Section 8 of OE-2020-033.

V. Transitory dispositions

Section 11th of OE-2020-033 allows that, on Tuesday, April 14, 2020 between 5:00 a.m. and 2:00 pm, up to five (5) employees per employer will be exempt from the curfew, in order to process payments or payroll cycles that expire during the month of April 2020. In addition, and with the purpose of promoting remote work so that the private sector and its employees can continue to generate income, on Thursday, April 16, 2020 between 5:00 am At 2:00 p.m., people will be able to go to the workplace to collect those necessary materials and equipment and deliver them to the corresponding employees.

In both cases, employers must identify the necessary personnel, who can only go to the workplace only for such purposes and related procedures. In addition, employers must take the necessary precautionary measures to guarantee the health and safety of all employees who come to the workplace for the aforementioned purposes and procedures. It is important to clarify that any employer who uses the provisions of Section 11 of OE-2020-033 to carry out tasks unrelated to the provisions therein, may be penalized in accordance with Section 17 of OE-2020-033.

VI. Conclusion

If you have any questions about the applicability of OE-2020-033 to your business, you can write an email to the following address: emergencias@ddec.pr.gov. Similarly, if you understand that your business must be exempt for reasons of being an essential or emergency service, please send a document to the email address above that explains the relevant circumstances. However, when it comes to evaluating your application, our recommendation is that it remain closed.

It is necessary to clarify that the provisions of this Circular Letter and the responses issued by email to your questions should under no circumstances be considered as an awarding procedure or granting of a license or permission from the DEDC to operate your company, or instead, as an



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order that it must remain closed. The sole purpose of this Circular Letter and the responses of the DEDC by email is to provide additional guidelines to citizens in these times of crisis, in coordination with the Office of the Governor's Chief of Staff. In other words, the DEDC does not grant exemptions to the provisions of OE-2020-033, but all responses are tied to the provisions of said Executive Order, as clarified by this Circular Letter, subsequent circular letters, or additional clarifications or exemptions. from the Office of the Governor or the Office of the Governor's Chief of Staff, in accordance with the provisions of OE-2020-033. It is important to emphasize that each industry, commerce or company must carry out its own analysis regarding its operations and act in accordance with what is expressed in OE-2020-033, as well as any subsequent pronouncement of the Office of the Governor, the Office of Governor's Chief of Staff, the DEDC, or any other government agency, related to the crisis created by COVID-19.

We express our willingness to serve as a liaison with other government agencies. Any additional request, we are at your service. Our best wishes for health to you and your loved ones, and we urge everyone to closely follow developments related to the crisis management of COVID-19.