

State of Delaware



Executive Department
Dover

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

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has determined that a novel coronavirus (“COVID-19”) presents a serious public health threat, and has advised the public that asymptomatic individuals may be carriers of the COVID-19 virus and may unknowingly spread the virus to other individuals in close proximity, and therefore, social distancing is required to help mitigate the individual exposure to (and community spread of) the COVID-19 virus; and

WHEREAS, it is in the best interests of the State to protect its citizens from a public health emergency that could threaten the lives of those who live and work here; and

WHEREAS, on March 12, 2020 at 3:00 p.m. E.D.T., I issued a State of Emergency due to the public health threat of COVID-19, which became effective as of 8:00 a.m. E.D.T. on March 13, 2020 (the “COVID-19 State of Emergency”); and

WHEREAS, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Modification to the COVID-19 State of Emergency declaration to advise that the CDC issued new guidance for large events and mass gatherings, recommending that organizers halt gatherings of 50 people or more for the next eight weeks due to the public health threat of COVID-19, including conferences, social events, concerts and other types of assemblies; and

WHEREAS, on March 18, 2020 at 2:00 p.m. E.D.T., I issued the Second Modification to the COVID-19 State of Emergency declaration that modified the limitations on public gatherings of 50 or more people and, among other things, placed certain restrictions on the operation of certain businesses and facilities in the State of Delaware; and

WHEREAS, on March 21, 2020 at 12:00 p.m. E.D.T., I issued the Third Modification to the COVID-19 State of Emergency declaration to close all Delaware beaches, except to persons using the beaches for exercise or to walk their dogs, subject to certain precautions recommended by the CDC on COVID-19, which became effective as of 5:00 p.m. E.D.T.; and

WHEREAS, on March 23, 2020 at 4:00 p.m. E.D.T. and 4:02 p.m. E.D.T., respectively, I issued the Fourth and Fifth Modifications to the COVID-19 State of Emergency declaration to close all non-essential businesses in Delaware, except those that can offer goods and services on the Internet, and to order a Shelter in Place for Delaware residents; and

WHEREAS, on March 24, 2020 at 4:00 p.m. E.D.T. I issued the Sixth Modification to the COVID-19 State of Emergency declaration to provide a moratorium on evictions and foreclosure proceedings to enable Delawareans to shelter in place safely, extended the presidential primary, provided for absentee balloting during the COVID-19 crisis, provided for a modified state

procurement process, and placed a moratorium on cancellation of insurance policies for delay in premium payments caused by the economic uncertainty; and

WHEREAS, on March 29, 2020 at 4:30 p.m. E.D.T., I issued the Seventh Modification to the COVID-19 State of Emergency declaration to provide for the self-quarantine of travelers from areas severely impacted by COVID-19 outside the State of Delaware into the State; and

WHEREAS, on March 30, 2020 at 5:00 p.m. E.D.T., I issued the Eighth Modification to the COVID-19 State of Emergency declaration to permit a comprehensive approach to the provision of childcare in the State of Delaware during the State of Emergency to support essential workers; and

WHEREAS, on April 1, 2020 at 3:00 p.m. E.D.T., I issued the Ninth Modification to the COVID-19 State of Emergency declaration to prohibit gatherings of ten (10) or more people and increase safety precautions for businesses and their visitors; and

WHEREAS, on April 6, 2020 at 6:00 p.m. E.D.T., I issued the Tenth Modification to the COVID-19 State of Emergency declaration to further restrict the operation of non-essential businesses to limit the spread of COVID-19; and

WHEREAS, on April 10, 2020 at 3:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration, as modified; and

WHEREAS, on April 15, 2020 at 9:00 a.m. E.D.T., I issued the Eleventh Modification to the COVID-19 State of Emergency declaration to provide increased guidance and support to long-term care facilities to protect our most vulnerable populations and permit remote notarization under limited circumstances; and

WHEREAS, on April 23, 2020 at 4:15 p.m. E.D.T., I issued the Twelfth Modification to the COVID-19 State of Emergency declaration to allow the Public Health Authority to activate more out-of-state health care workers to assist in Delaware’s fight against COVID-19; and

WHEREAS, on April 25, 2020 at 4:00 p.m. E.D.T., I issued the Thirteenth Modification to the COVID-19 State of Emergency declaration to require the use of cloth face coverings in public settings where other social distancing measures are difficult to maintain, including in grocery stores and pharmacies, especially in areas of significant community-based transmission; and

WHEREAS, on April 29, 2020 at 6:00 p.m. E.D.T., I issued the Fourteenth Modification to the COVID-19 State of Emergency declaration limiting the rent that may be charged to holdover tenants and preventing landlords from charging holdover tenants with losses not covered by the expired rental agreement; and

WHEREAS, on May 7, 2020 at 10:00 a.m. E.D.T., I issued the Fifteenth Modification to the COVID-19 State of Emergency declaration to permit minimum operations by certain small businesses to begin a gradual process toward businesses reopening, and to extend deadlines for statewide, municipal, and school district elections due to the ongoing public health concerns caused by COVID-19; and

WHEREAS, on May 8, 2020 at 12:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a second time; and

WHEREAS, on May 10, 2020 at 1:15 p.m. E.D.T., I issued the Sixteenth Modification to the COVID-19 State of Emergency declaration to suspend end-of-year evaluations for educators,

professional development requirements and assessments due to the suspension of the school year caused by COVID-19; and

WHEREAS, on May 14, 2020 at 5:00 p.m. E.D.T., I issued the Seventeenth Modification to the COVID-19 State of Emergency declaration to reopen Delaware beaches, boardwalks, certain on-premise businesses, and swimming facilities, subject to precautions needed to protect public health; and

WHEREAS, on May 18, 2020 at 12:30 p.m. E.D.T., I issued the Eighteenth Modification to the COVID-19 State of Emergency declaration encouraging virtual services but expanding the ability of houses of worship and places of religious expression to conduct in-person services with safety precautions; and

WHEREAS, on May 22, 2020 at 4:00 p.m. E.D.T., I issued the Nineteenth Modification to the COVID-19 State of Emergency declaration to allow restaurants to expand outdoor seating capacity and provide the parameters of the Phase 1 Reopen Plan; and

WHEREAS, on May 31, 2020 at 3:30 p.m. E.D.T., I issued the Twentieth Modification to the COVID-19 State of Emergency declaration to expand and clarify the Phase 1 Reopen Plan; and

WHEREAS, on June 6, 2020 at 12:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a third time; and

WHEREAS, on June 14, 2020 at 5:00 p.m. E.D.T., I issued the Twenty-First Modification to the COVID-19 State of Emergency declaration to set forth the parameters for the Phase 2 Reopen Plan; and

WHEREAS, on June 19, 2020 at 3:30 p.m. E.D.T., I issued the Twenty-Second Modification to the COVID-19 State of Emergency declaration to expand and clarify the Phase 2 Reopen Plan; and

WHEREAS, on June 30, 2020 at 4:00 p.m. E.D.T., I issued the Twenty-Third Modification to the COVID-19 State of Emergency declaration to close drinking establishments in certain zip codes experiencing an outbreak and to modify restrictions contained in the Sixth Modification to the COVID-19 State of Emergency declaration relating to insurance, evictions, foreclosures and utilities; and

WHEREAS, on July 6, 2020 at 1:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a Fourth Time; and

WHEREAS, on July 24, 2020 at 3:45 p.m. E.D.T., I issued the Twenty-Fourth Modification to the COVID-19 State of Emergency declaration allowing driver education services to resume immediately, with safety measures in place to prevent transmission of COVID-19; and

WHEREAS, on August 5, 2020 at 12:00 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a Fifth Time; and

WHEREAS, on August 26, 2020 at 9:00 a.m. E.D.T., I issued the Twenty-Fifth Modification to the COVID-19 State of Emergency declaration to ensure our students, teachers and staff are protected from the spread of COVID-19 when they return to in person education; and

WHEREAS, COVID-19 can spread between people interacting in proximity even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing face coverings in public settings, and the Delaware Division of Public Health recommends that extra precautions be taken when hosting or participating in athletics, as a facility, operator, organization, league, athlete, coach, official or spectator to ensure that the core principle of controlling the spread of COVID-19 is considered; and

WHEREAS, coaches and officials/referees often need to be close to athletes, parents or each other, to run alongside athletes, or to yell to be heard, all of which increase the risk of transmission and warrant more restrictive rules regarding face coverings.

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 the COVID-19 State of Emergency declaration, as modified by the First through Twenty-Fifth Modifications and extended on April 10, 2020, May 8, 2020, June 6, 2020, July 6, 2020 and August 5, 2020, shall remain in effect until further notice, with the following modifications and additions effective September 2, 2020 at 8:00 a.m. E.D.T.:

A. APPLICATION AND ENFORCEMENT.

1. **Application.** All youth and amateur adult sports facilities, organizations and leagues must review this document and follow all mandated terms for operation below. Every athletic facility and sport organization is responsible for enforcing these requirements.
2. **Schedules Incorporated.** In addition to the requirements found herein, attached to this modification are general guidance, risk-based specific considerations, and Division of Public Health-approved rule modifications. These documents will be updated, periodically, by the Division of Public Health (DPH) based on the latest science. Any mandatory requirements in those schedules have the full force and effect of law.

3. **Enforcement.** Fines or closure may be imposed upon facilities and organizations that do not abide by these requirements. Failure to comply with plans submitted to, and approved by, DPH will result in rescission of plan approval and further enforcement.

B. DEFINITIONS. For the purposes of this Twenty-Sixth Modification to the COVID-19 State of Emergency declaration, the following terms shall have the meaning described herein:

4. “High risk” means activities that involve sustained or repeated close contact of athletes with one another. Examples include ice hockey, basketball, tackle football, boys’/men’s lacrosse, wrestling, boxing, rugby, competitive cheer, martial arts, ultimate frisbee, and pairs figure skating.
5. “Low risk” means activities that are either individual or able to be completed with adequate social distancing and no direct physical contact. Examples include singles tennis, golf, individual running and swimming, pickleball, disc golf, individual biking, surfing, horseback riding, individual sailing, fishing, hunting, motor sports, and singles rowing.
6. “Medium risk” means activities that involve participants in close proximity, and typically involve intermittent personal contact. Examples include baseball, softball, field hockey, girls’/women’s lacrosse, soccer, flag or 7-on-7 football, team running, running clubs and track and field, team swimming, rowing (other than with household members), sailing, volleyball, dance class, fencing, and gymnastics.

C. Submission and Approval of Plans.

1. Tournaments are not permitted until plans for the tournaments are approved by DPH. Tournament facilities shall submit plans to HSPcontact@delaware.gov for review. Plans must include a method to collect contact information for all players, staff, coaches,

officials and spectators, as well as team rosters and game schedules to assist with contact tracing in the event of a COVID-19 infection.

2. Facilities, leagues or organizers that will host indoor sports, including leagues and tournaments, must have a plan approved by DPH. Plans must address face coverings, social distancing, ventilation, and other applicable requirements. Plans must also include a method to collect contact information for all players, staff, coaches, officials and spectators, as well as team rosters and game schedules to assist with contact tracing in the event of a COVID-19 infection. Plans shall be submitted by facilities to HSPcontact@delaware.gov.
3. Facilities, organizers or leagues that wish to modify the requirements for any high risk category activity may request to modify rules in order to prevent athletes from being in close proximity or direct contact with one another (*e.g.*, USA Lacrosse Rule Modifications would allow boys' lacrosse to be in the medium risk category). Such facilities, organizers or leagues may also request face covering modifications. Rule or face covering modifications must be approved by DPH. Requests shall be submitted to HSPcontact@delaware.gov.

D. FACE COVERINGS.

1. Athletes participating in high risk sports and activities must wear a face covering, as required by the Governor's Declaration of a State of Emergency, at all times unless rule changes or face covering modifications approved by DPH are in place to prevent athletes from being in close proximity or direct contact with one another, as discussed in Paragraph C.3., above.

2. Athletes playing medium and low risk sports may remove their face covering when active on a field of play but must wear it at all other times.
3. All athletes playing indoors must wear face coverings at all times, unless rule changes or face covering modifications approved by DPH are in place.
4. Coaches and all staff must wear a face covering at all times. This includes when addressing players or officials on or off the field, when coaching during the game, and during practices, trainings and team meetings.
5. Referees and officials must wear a face covering at all times. Traditional whistles must be replaced with a device that can be used for attention without removing the face covering.
6. Spectators and others must wear a face covering at all times while indoors. Spectators and others must also wear a face covering at all times while outdoors, unless seated and socially distanced, at least six (6) feet apart from others outside their household.
7. Coaches, staff and referees who have a medical condition that makes it hard to breathe or a disability that prevents the individual from wearing a face covering can request a reasonable accommodation from their employer or the individual responsible for the athletic event.

E. SOCIAL DISTANCING.

1. Players must be at least six (6) feet apart from one another at all times, except during on-field play in game-time situations.
2. Dugouts, benches and other limited or enclosed gathering spaces must not be used unless six (6) feet of distancing can be maintained.

3. Players and coaches must be at least six (6) feet apart from one another at all times unless they are from the same household.
4. Players must be provided adequate space for belongings, water bottles and equipment to ensure six (6) feet of distancing when accessing gear.

F. HAND WASHING, SANITIZING, CLEANING AND DISINFECTING.

1. Players, staff, coaches, officials and all participants in sports must wash hands or sanitize hands, per CDC and DPH guidelines, before and after practice and games. Washing or sanitizing during games and practices with shared equipment or facilities is strongly encouraged, especially when balls or equipment are touched by more than one person.
2. Hand sanitizer or hand washing stations must be readily available for all players, staff, coaches, officials, spectators and all participants throughout the business location, including at each entry and exit. Hand sanitizer must be composed of at least sixty percent (60%) ethanol or seventy percent (70%) isopropanol.
3. Facilities must be cleaned at least once per day (or between uses if not used daily). High contact surfaces, including but not limited to doorknobs, light switches, and railings, must be cleaned every fifteen (15) minutes to two (2) hours. EPA List 6 approved disinfectant must be used for frequently touched surfaces.

G. GENERAL REQUIREMENTS.

1. All facilities, organizers and leagues, must identify a safety and hygiene manager who is responsible for coordinating and enforcing COVID-19 protocols. All coaches, staff, officials and families should know who this person is and how to contact them. Any plans submitted to DPH must identify this individual.

2. Coaches, staff, officials, parents and players must be informed and routinely reminded of team infection control measures and COVID-19 protocols – especially around face coverings and social distancing.
3. Coaches, staff, officials, parents and players must be informed about the expectation to stay home when sick, to contact the team safety and hygiene manager if they test positive for COVID-19, and to inform DPH about possible exposures.
4. A health self-assessment must be completed by each athlete, coach and staff prior to engaging in any athletic activity in a facility, organization or league.
5. Each athlete shall have only one person accompany them to practices or games. That person shall wear a face covering as required in Paragraph D., above, and be at least six (6) feet apart from others unless waiting in their car.
6. Teams and leagues must have written arrival and departure procedures that, at a minimum address:
 - i. Staggered arrival/departure to reduce mixing of groups;
 - ii. A procedure for health assessment for all athletes, coaches and staff; and
 - iii. A protocol to address a person who develops symptoms during activity.
7. Sports organizations and facilities must post extensive signage instructing staff, participants and spectators about required face coverings and maintaining six (6) feet of distance from others. Printable signs that will help you comply with signage requirements are available at de.gov/playsafelysign.

H. RISK-BASED REQUIREMENTS. In addition to the requirements above, specific activities or sports will be classified according to risk, and organizers must conduct activities in accordance with the risk-based classification. For sports where the risk category has not been identified below,

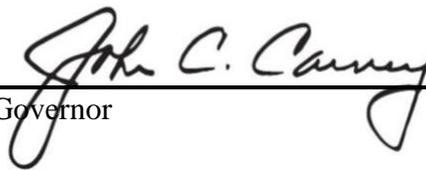
sports organizers must confirm the risk category with DPH at HSPcontact@delaware.gov prior to initiation of practices or competitions.

1. For low risk activities, if social distancing and other general guidance can be followed, no modifications are needed.
2. For medium risk activities, the following are required at all times:
 - i. Staggered starts must be used for sports like running that typically involve group starts.
 - ii. Activities must be conducted outside unless approved by DPH.
 - iii. Shared equipment must be disinfected between users.
3. For medium risk activities, shorter practice times or smaller groups shall be used to reduce contact time between participants.
4. For medium risk activities, the following rule and play modifications are required if face coverings are not worn at all times:
 - i. Deliberate, direct physical contact, including body checking, tackling, blocking, pack running/riding, must be eliminated.
 - ii. Rule changes must be in place to prevent close proximity or contact by replacing face-offs, restarts, etc., with alternatives that allow for social distancing.
5. For high risk activities, athletes must comply with the face covering requirements in Paragraph D.1., above, unless a rule or face coverings modification is approved by DPH. High risk activities may combine requests for rule modifications and face covering modifications with a cohort model. If a cohort model is used:

- i. Each cohort must be limited to no more than fifteen (15) athletes, and the cohort should be maintained as a stable group with no mixing with other cohorts.
- ii. Equipment should not be shared between cohorts. If sharing is unavoidable, *e.g.*, mats, the equipment must be cleaned and disinfected between cohorts.
- iii. Shorter practice times or smaller groups should be used to reduce contact time between participants.

H. MISCELLANEOUS. This Order has the force and effect of law. Any failure to comply with the provisions contained in a Declaration of a State of Emergency or any modification to a Declaration of the State of Emergency may constitute a criminal offense. 20 Del. C. §§ 3115 (b); 3116 (9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.

APPROVED this 1st day of September 2020 at 11:30 a.m.


Governor

SCHEDULE A: GENERAL GUIDANCE

- Athletes, coaches, staff and spectators considered at high risk for COVID-19 complications should continue to stay at home and are encouraged to obtain medical clearance for participation.
- For low and medium risk activities, team groups should be limited to fifteen (15) players, plus staff. Team groups should be stable from day to day and mixing with other groups should be limited.
- Locker rooms should be avoided if at all possible. If used, time in the locker room should be limited to ten (10) minutes, using a staggered schedule, face coverings and social distancing.
- Water fountain use is discouraged, but if they are open, they must be cleaned and disinfected every fifteen (15) minutes to two (2) hours.
- Discourage the shared use of materials. If sharing is unavoidable, materials must be cleaned between users or as often as possible (*e.g.*, quarterly for basketball)

SCHEDULE B: ADDITIONAL RISK LEVEL GUIDANCE

SCHEDULE C: APPROVED RULE AND FACE COVERING MODIFICATIONS