



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF ECONOMIC DEVELOPMENT AND COMMERCE

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March 17, 2020

**TO THE INDUSTRIAL, COMMERCIAL AND BUSINESS SECTOR**

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

Hon. Manuel A. J. Laboy Rivera

Secretary of the Department of Economic Development and Commerce

**Circular Letter No. 2020-02**

**APPLICABILITY OF THE CLOSE OF OPERATIONS IN THE PRIVATE SECTOR PURSUANT TO EXECUTIVE ORDER NO. EO-2020-023**

On March 12, 2020, Hon. Wanda Vázquez Garced, Governor of Puerto Rico, issued Administrative Bulletin No. OE-2020-020, declaring a state of emergency in the face of the imminent impact of the Coronavirus (COVID-19 ) on our island. 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, in order to minimize or avoid the risk of any situation that represents or constitutes a threat to public health or safety.

Subsequently, 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 “ Executive Order ”), including, among other measures, the implementation of a curfew applicable to all citizens starting at 9:00pm on Sunday, March 15, 2020, and enforced until March 30, 2020, in accordance with the rules established in the aforementioned Executive Order. Likewise, all government operations were ordered to cease, except for those related to essential services. All businesses in Puerto Rico were also ordered to shutdown operations at 6:00pm on March 15, 2020 until March 30, 2020, with exception of those dedicated to retail food sale by means of drive-thru, carry-out or delivery, including prepared or wholesale food, pharmaceutical drugs or medical equipment, pharmacies, supermarkets, gas stations, banking or financial institutions, elderly care centers, or those related to the distribution chains of food, medicine, medical items or fuel. The Executive Order also establishes that the total close of operations order also applies to shopping centers, movie theatres, clubs, concert halls, theaters, game rooms, casinos, amusement parks, gyms, bars or any similar place or event that promotes the meeting of a group of citizens in the same place.



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Pursuant to the aforementioned Executive Order, those citizens authorized by the Executive Order for work related reasons and/or emergency situations will be excluded from the curfew. It is further provided that the provisions of the Executive Order shall not apply to:

- (1) Persons identified as employees of public or private security agencies, at the state and federal agencies;
- (2) health professionals;
- (3) personnel who work in hospitals, pharmacies, pharmaceutical companies, bioscience facilities or health centers;
- (4) personnel who work in the wholesale distribution chain and the manufacture of goods and food of the industries who are exempt (health, combustible, food including for animals and agriculture products), from its origin to the retail establishments;
- (5) personnel who work with the infrastructure of essential utilities (AAA, AEE and Telecommunications)
- (6) personnel assigned to call centers for direct health services and other exempt industries
- (7) personnel for direct patient care and medical offices, pharmacies, PBMs or pharmacy and hospital managers by the health insurance industry (marketing and sales will NOT be allowed)
- (8) personnel who work in ports and airports;
- (9) members of the media (radio, TV and press)

Regarding the aforementioned exceptions, the Executive Order establishes that these citizens will be authorized to transit on public roads on the way to work and when returning home at whatever time that is necessary.

The Department of Economic Development and Commerce (DDEC) issues this Circular Letter in order to provide additional guidelines to the industrial, commercial and business sector regarding the applicability of the Executive Order and its exemptions. This Circular Letter is promulgated pursuant to Reorganization Plan No. 4-1994, as amended, and the aforementioned executive orders, and will be effective immediately, until otherwise provided, and will be applicable to the entire private business sector.

### **Applicable exemptions**

- Those operations related to health, food, fuels, essential utilities infrastructure, security/national security, financial and banking institutions, and the goods and services and supply chains related to these, will be exempt from the Executive Order regarding the close of operations order.



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- In order to help the private sector identify situations where exemptions from the Executive Order are applicable:
  - Health
    - Pharmaceutical companies
    - Medical devices (manufacture and sale)
    - Biotechnology and agricultural biotechnology facilities
    - Manufacture of supplies for hospitals
    - Hospitals
    - Clinical laboratories
    - Emergency rooms
    - Medical services clinics
    - Pharmacies
    - Medical cannabis dispensaries
    - Medical cannabis cultivation and processing facilities
    - Health centers
    - Blood Banks
    - Veterinary clinics (only for emergencies and the sale of food)
    - PBM or pharmacy managers
    - Health insurance industry for direct patient care and medical offices, pharmacies (marketing and sales will NOT be allowed)
    - Funeral services (collection or transfer as part of essential services, embalming, burial, in which it must be taken into account that no more than 10 people coexist in the same place and without wake and cremation)
  - Food
    - Food distribution
    - Wholesale food sales
    - Retail food sales
    - Prepared food sales (drive-thru, carry-out and delivery)
    - Hydroponic farms
    - Agriculture activities including food and medicine for animals
  - Fuels (processing, sale and distribution)
    - Refined: gasoline, diesel, jet fuel, AV-Gas, propane gas, butane gas, natural gas, kerosene, among others
    - Mixed (intermediate fuels, blended)
    - Production, distribution, wholesale, retail (gas stations)
  - Critical Infrastructure
    - Repair, maintenance and rehabilitation of AEE, AAA and telecommunications, road system, solid waste services and bio medics, ports and airports



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- Local and National Security
  - Aerospace
  - Products and services related which are essential for the U.S Department of Defense (DoD); excluding the manufacturing of textiles
  - Private security guard agencies
  - Road assistance, will be able to transit when solicited by the subscriber or an agent of public order
- Goods and Services
  - Elderly care centers
  - Call centers for direct patient care and other exempt industries
  - Public, private, state and federal security companies
  - Closed circuit services and alarms
  - Press including its "call centers", distribution trucks and press carriers in residences and businesses
  - Travel agencies operating remotely through call centers
  - Recycling services
  - Maintenance and cleaning services of exempt business, residences and condominiums
  - Collection of waste (private or public)
  - Banking services, credit and savings cooperatives for the realization of personal or commercial transactions permitted by the OCIF during this emergency period (deposits, withdrawal and payments)
  - Package delivery services
- Supply chain
  - Companies that provide goods or services to sectors exempt from closure, limiting their operations to supply such provisions
  - Supply of articles for sectors exempt from closure
  - Logistics and transport: customs brokers, the consolidation service for sea or land cargo, warehousing and distribution services to third parties, in accordance with the regulations established by the Treasury of Puerto Rico and the Port Authority and the distribution of detergents, disinfectants and hygiene products are exempt from closing
- Exempt activities will continue to operate under regular hours, including those that operate 24/7. However, each exempt company must make adjustments to their contingency plan, in order to comply with measures to avoid the spread of COVID-19, avoid the conglomeration of employees and seek to perform remote work while possible.



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We recognize the economic impact that this unprecedented situation will have in Puerto Rico. Our commitment is to be able to provide you with the necessary assistance to restore operations after overcoming this new challenge. We will continue to keep you informed of the latest developments and recommendations. We also invite you to stay informed through the CDC website, [www.cdc.gov](http://www.cdc.gov), and the WHO website, [www.who.int](http://www.who.int). The better informed and prepared we are, the better prepared we will be to face the arrival of this disease.

If you have any questions, email us at [emergencias@ddec.pr.gov](mailto:emergencias@ddec.pr.gov). Likewise, if you believe your business should be exempt for reasons of health and national security, please email us a document explaining the relevant circumstances.

We express our willingness to serve as a liaison with other government agencies. We are at your service for any additional requests you may have.

Our best wishes to all of you and your loved ones.