



**THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
340-774-0001**

**SUPPLEMENTAL EXECUTIVE ORDER AND PROCLAMATION
BY THE GOVERNOR
OF THE UNITED STATES VIRGIN ISLANDS
ESTABLISHING PROHIBITIONS AND RESTRICTIONS TO MOVEMENT,
GATHERINGS, AND OPERATIONS OF BUSINESSES, GOVERNMENT AND
SCHOOLS, AND SUSPENDING CERTAIN VI CODE SECTIONS
TO LIMIT THE SPREAD OF COVID-19**

WHEREAS, the undersigned issued Executive Order and Proclamation Declaring a State of Emergency COVID-19 – CORONAVIRUS PANDEMIC dated March 13, 2020 to coordinate the Territory’s response and protective actions to address the Coronavirus Disease 2019 (“COVID-19”) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in the Virgin Islands (“Declaration of a State of Emergency”); and

WHEREAS, the undersigned established a VI Task Force on COVID-19 Preparedness, Response and Mitigation to work with territorial, local and federal partners in responding to challenges posed by COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the ‘Stafford Act’); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et. seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning January 20, 2020; and

WHEREAS, the undersigned designated the Commissioner of the Virgin Islands Department of Health as the Incident Commander to direct the territorial response and directed the Commissioner of the Virgin Islands Department of Human Services to provide any necessary support to the Incident Commander; and

WHEREAS, the Virgin Islands Department of Health (“DOH”) received confirmation from the Center for Disease Control (CDC) that six persons have tested positive for COVID-19 and currently await results of tests conducted on over 70 additional individuals; and

WHEREAS, Declaration of a State of Health Emergency Executive Order dated March 13, 2020, invoked the Virgin Islands Territorial Emergency Management Act, 23 V.I.C. §§ 1001 - 1016 and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the DOH has organized a Public Health Incident Management Team to manage the public health impacts of COVID-19 in the Territory; and

WHEREAS, first responders and health care professionals remain integral to ensuring the Territory is best situated to respond to and mitigate the threat posed by COVID-19 and such first responders and health care professionals should have the availability of all necessary personal protective equipment and continue to follow all necessary response protocols; and

WHEREAS, further expeditious action is necessary to protect the health, safety, and welfare of the residents of the Virgin Islands, slow the spread of the COVID-19 outbreak, reduce the number of people infected, and avoid strain on the health care system;

NOW, THEREFORE, I, Albert Bryan, Jr., Governor of the United States Virgin Islands, by virtue of the authority granted to me by Section 11 of the Revised Organic Act of 1954, as amended, and afore-cited sections of the Virgin Islands Code, in addition to the Executive Order dated March 13, 2020, Declaring a State of Health Emergency in the U.S. Virgin Islands, do hereby ORDER:

SECTION 1. Prohibitions and Restrictions During This State of Emergency

Pursuant to 23 V.I.C. § 1005(g)(5), (7) and (11), which allows for the undersigned to regulate and control the congregation of persons in public places or buildings to help protect the health and well-being of Virgin Islanders, I hereby prohibit mass gatherings in the United States Virgin Islands on the following guidelines:

A. Prohibition of Mass Gatherings

- i. A “mass gathering” is defined as any event or convening that brings together
 1. more than fifty (50) persons through Friday, March 20, 2020, or
 2. more than ten (10) persons commencing at 6:00 am AST on Saturday, March 21, 2020, until Wednesday, March 25, 2020, pursuant to the restrictions of the “Stay-at-Home Order” below, in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, house of worship,

restaurant, bar, or any other confined indoor or outdoor space. This includes all parades, fairs, festivals, and camping on public beaches.

- ii. A mass gathering does not include operations for standard essential services and infrastructure such as grocery stores and big-box stores, operations at airports, seaports, bus stops, medical facilities, or hotels. It also does not include office (government and private) environments, factories, refineries, marinas, construction sites, grocery stores, pharmacies, fuel service stations or other retail establishments that provide essential services and are large enough to accommodate for the practice of social distancing of six feet or more between persons.

B. Additional Prohibitions of Movement, Gatherings, and Operations:

- i. Effective Monday, March 23, 2020:
 1. all bars in the Territory of the Virgins Islands shall close; and
 2. all restaurants shall operate on a “drive-through,” “take-out,” or “delivery” basis only, no in-house dining shall be allowed in any restaurant; and
 3. all taxicabs and safaris operating will be limited to one-half of their previously allowable capacity.
- ii. Beginning Wednesday, March 25, 2020, a STAY-AT-HOME ORDER shall be in effect:
 1. the public is ORDERED to STAY AT HOME; and
 2. non-essential businesses shall cease in-person business operations and shall require their employees to stay home until Monday, April 6, 2020, or further order; and
 3. all hotels, guest-houses, villas, bed and breakfasts, shared economy hospitality bookings, AirBnBs, any temporary vacation housing, charter vessels, or any similar business known by any other terminology, shall not accept, receive, check-in, or register any new guest for a period of thirty (30) days, except emergency personnel, flight crews, and government guests.
 4. Stay-at-Home Exemptions, which must still operate with the recommended social distancing requirement of 6 feet or more between individuals, include:
 - a. Places that sell food or produce:
 - Grocery stores, convenience stores, and pet supply stores. This includes stores that sell groceries and sell other non-grocery products, and products necessary to maintain the safety and sanitation of homes.
 - Restaurants that are serving food and beverages operating on a “drive-through”, “take-out”, or “delivery” basis only.
 - Food cultivation, including farming, livestock, and fishing.

- b. Places with medical purposes:
 - Medical facilities and medical offices.
 - Home-based care for seniors, adults, people with a disability, or children.
 - Residential facilities and shelters for seniors, adults, people with a disability, and children.
- c. Core life services:
 - Gas stations, and auto-supply, and auto-repair stations.
 - Banks and credit unions.
 - Hardware stores and building supplies.
 - Coin operated laundromats, and laundry service providers.
 - Refineries, utilities, distilleries, construction sites, plumbers, electricians, custodial/janitorial workers, handyman services, funeral home workers and morticians, carpenters, landscapers, gardeners, property managers, private security personnel, and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other essential businesses.
 - Businesses that supply office or computer products needed by people who work from home.
 - Businesses that supply other Essential Businesses with the support or supplies necessary to operate.
 - Businesses that ship, truck, provide logistical support or deliver groceries, food, goods or services directly to residences, essential businesses, healthcare operations, essential infrastructure.
 - Airlines, taxis and safaris (**as limited by Section B.i.3. above**), and other private transportation providers providing transportation services necessary for activities of daily living.
 - Businesses that provide parts and services for essential infrastructure.
- d. Places that provide shelter:
 - Hotels, motels, shared rental units, and similar facilities, **as limited by Section B.ii.3. above.**
 - Homeless shelters and social services for economically disadvantaged people.
 - Childcare facilities providing services that enable employees of exempt businesses to work, subject to any additional regulations of the Virgin Islands Department of Human Services.
- e. Media Outlets: Newspapers, television, radio, and other officially recognized media services.

- f. All Stay-at-Home exempt businesses, professions, and services are encouraged to send home any employees able to perform their functions remotely or from home and to reduce the number of employees in contact with each other by establishing shifts.
- C. Pursuant to section 8 of the Governor’s Declaration of a State of Emergency Executive Order dated March 13, 2020, the provision of this section shall be enforced by law enforcement officers.
- D. Violations of this section or orders issued pursuant to 23 V.I.C. § 1005(g) related to the duty to protect the health of Virgin Islanders may be subject to prosecution pursuant to 14 V.I.C. § 885, as violation of a public health order and is punishable as a misdemeanor in accordance with 14 V.I.C. § 2(b)(2).
- E. Violations of this section or orders issued pursuant to the Governor’s powers under 23 V.I.C. § 1005(g) may be subject to administrative enforcement action through the Department of Licensing and Consumer Affairs (the “DLCA”), which is hereby authorized and directed to assess administrative fines pursuant to its powers set forth in 3 V.I.C. § 272(b)(5) and/or the commencement of suspension and/or revocation proceedings of the establishment’s business license in accordance with 27 V.I.C. § 304.

SECTION 2. School Closures

- a. Pursuant to 23 V.I.C. § 1005(g), which allows the undersigned to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, I hereby direct that all public schools close for students effective, Wednesday, March 18, 2020, until April 14, 2020, unless extended beyond that date by further order.
- b. Pursuant to 23 V.I.C. § 1005(g)(3), I hereby direct the DOH, the Virgin Islands Department of Education, and the Virgin Islands Board of Education to immediately work together to implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children, faculty and staff under the school closure period.

SECTION 3. Government Operations Restricted to Essential Services

- a. Pursuant to 23 V.I.C. § 1005(g)(5), (7) and (11), which allows the undersigned to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, I hereby direct that all government services will be restricted to essential services only, effective Monday, March 23, 2020, until Monday, April 6, 2020, unless extended beyond that date by further order. Such essential services shall be determined by the Commissioner, administrator, or other supervising authority of each governmental agency and made

known to the public; but shall include all revenue-generating services and support services and all critical infrastructure, medical, human services care, transportation, and fire services.

SECTION 4. Suspension of Certain Sections of the Virgin Islands Code

Pursuant to 23 V.I.C. § 1005(g)(1), the following V.I. Code provisions are hereby suspended during the Declared State of Health Emergency as a result of COVID-19 – Coronavirus preparedness, response, and mitigation:

- A. the provisions of Title 28, Chapter 13, Section 281 and Chapter 13, Sections 751(b), 782(a) of the Virgin Islands Code, relating to landlord-tenant actions and establishing the right of actions to recover possession of real property, demand for rent, or for forceable entry and detainer; and
- B. The provisions of Title 3, Chapter 28A, Section 755 (c) of the Virgin Islands Code, to allow Government retirees receiving a service retirement annuity to reenter the service of the government in a position supporting the COVID-19 –preparedness, response, and mitigation, either by appointment or on a contractual basis, to continue to receive her/his annuity while a current employee of the Government.

Given that the VI Supreme Court in Administrative Order No. 2020-0004 has suspended most non-essential court proceedings in the Superior Court until April 26, 2020, it is essential all landlord-tenant matters (commercial and residential) be held in abeyance until there is a tribunal available to resolve disputes between such parties.

SECTION 5. Social Distancing

In coordination with the Commissioner of the DOH and alignment with guidance from the Centers for Disease Control (CDC), all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible and to continue to wash hands, utilize hand sanitizer and practice proper respiratory etiquette (including coughing into elbow).

SECTION 6. Distribution


I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public.; (2) promptly filed with VI Territorial Emergency Management Agency (VITEMA), the Virgin Islands Police Department (VIPD), the Lieutenant Governor, the Clerk Of the VI Court System, and the Legislature of the Virgin Islands, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

SECTION 7. Effective Date


With the exception of certain provisions in sections 1, 2, and 3, this Executive Order is effective immediately and shall remain in effect so long as the Territory remains in a State of Health Emergency as declared on March 13, 2020, or until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Health Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Government of the United States Virgin Islands to be affixed at Christiansted, St. Croix, Virgin Islands, this 23 day of March, A.D., 2020.




Albert Bryan, Jr.
Governor

ATTEST:


Tregenza A. Roach
Lt. Governor