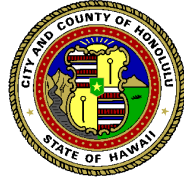


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GUIDANCE BULLETIN

Proclamation and Emergency Order No. 2021-15

This interpretive guidance bulletin concerning Mayor Rick Blangiardi's Proclamation and Emergency Order No. 2021-15 ("**Order**") may be periodically updated.

(Updates as of November 5, 2021)

Safe Access Oahu (Order 10)

Order 10 of the Order requires "covered premises" to generally refuse entrance to persons (employees and patrons) who fail to display proof of full vaccination and matching identification. This requirement applies to:

- All establishments that offer food or beverages for on premises consumption anywhere on their controlled premises whether indoors or outdoors.
- Entertainment and recreational settings: bowling alleys, arcades, pool/billiard halls, movie theaters, museums, other recreational game or entertainment centers.
- Indoor "gym and fitness facility operations" and "activities and group physical activity classes" and indoor facilities for indoor organized sports.
- Indoor portions of botanical gardens, aquariums, zoos, sea life attractions, commercial recreational boating, public and private commercial pools, shooting/archery ranges, and other commercial attractions (cultural attractions, go kart, mini golf).
 - NOTES: if a commercial attraction (listed above) has both indoor and outdoor portions, the establishment must check for full vaccination status (or one of the exceptions) to allow entrance to the indoor portion (or check everyone prior to entry). With regards to employees, unless the employee at issue works exclusively in the outdoor portions, the requirement applies.

For any patron age 12 to 18 that does not have a government-issued photo ID, the covered entity may accept other reasonable proof of identity to match the patron's vaccination record (or negative test record), such as: a school ID, copy of a birth certificate, a parent's ID with matching last name, etc.

**Effect of Governor Ige’s EXECUTIVE ORDER NO. 21-08
Re: Statewide Limits for Social Gatherings, Restaurants, Bars, and Social
Establishments (“GOV’s EO 21-08”)**

Exhibit F to Governor Ige’s Emergency Proclamation Related To The State’s Covid-19 Delta Response issued on October 1, 2021 (“**Delta Proclamation**”) implemented state-wide restrictions on social gatherings (10 indoors/25 outdoors), high risk activities (e.g., restaurants, bars, gyms), and requires “professional events” expecting more than 50 attendees to “notify and consult with the appropriate county agency reasonably prior to the event.” These restrictions and the notice requirement superseded less restrictive provisions of the various counties’ COVID-19 related rules and orders, and were incorporated by a general reference into the City’s Order. On September 2, 2021, Governor Ige issued GOV’s EO 21-08, which will supersede Exhibit F to the Delta Proclamation effective September 12, 2021. GOV’s EO 21-08 has been incorporated by the same general reference into the City’s Order.

GOV’s EO 21-08 has the following impact on the Order with respect to restaurants and bars effective November 12, 2021:

- There is no longer any indoor capacity limit. However, the State has ordered that within indoor portions of restaurants and bars there must still be six feet of distancing between tables.
- There is no longer any outdoor capacity limit, masking is not required in the outdoor space, and there may be less than six feet of distancing between groups/tables.

In accordance with the City’s Order, the following remains in effect:

- Persons accessing both indoor and outdoor portions of restaurants and bars are subject to the Safe Access Oahu requirements.
- For indoor or outdoor restaurants and bars, only sit-down table service is permitted.

GOV’s EO 21-08 has no impact on indoor and outdoor seated entertainment, indoor and outdoor interactive events, public competitions (e.g., road races, triathlons, etc.), or the cut-off time for liquor service and consumption at restaurants and bars.

Organized Indoor/Outdoor Sports vs. Indoor/Outdoor Events

For purposes of the Order, the restrictions and capacity limitations on Organized Indoor Sports and Organized Outdoor sports (including spectator limitations) apply to recreational level sports. For all other commercial sporting events (e.g., college sports, etc.), the restrictions and limitations of the following (as appropriate): Public competitions (e.g., road races, triathlons, etc.); Outdoor seated entertainment (e.g., outdoor concerts, shows, commercial sporting events, etc. with assigned seating; Outdoor interactive events (outdoor weddings, funerals, birthday parties, concerts, shows, etc.); Indoor seated entertainment (e.g., indoor concerts, shows,

commercial sporting events, etc. with assigned seating); and Indoor interactive events (indoor weddings, funerals, birthday parties, concerts, shows, etc.) are applicable.

All funerals, weddings, parties, etc. are subject to the indoor/outdoor gathering limits unless operating as an Indoor or Outdoor Interactive Event

Events of any kind, including weddings, funerals, and parties may operate as a social gathering under Order 3 of the Order (10 indoors/25 outdoors). Funerals, weddings, and other events (which may have spiritual aspects) may not be held with more attendees/participants and fewer restrictions as “spiritual services.” These facially neutral restrictions apply to all such events within the City. However, larger indoor and outdoor events of any kind may operate as Indoor or Outdoor Interactive Events pursuant to the conditions set forth for those categories in Exhibit B. NOTE: There is no requirement for Indoor or Outdoor Interactive Events to be operated by a professional event coordinator, but the operator must comply with all conditions listed for such event (e.g., completion of mitigation plans, naming a responsible individuals with contact information, etc.)

Children 11 and under exempt from vaccination/testing requirements

Consistent with the exception vaccination/testing requirements for children under 12 years of age under Order 10 (Safe Access Oahu), children under 12 years of age are exempt from the 100% vaccination requirement for the following categories of Designated Businesses and Operations (*see* Exhibit B of the Order), and may attend/participate in the event, unless a stricter rule is set by the operator of the event:

- 33. Public competitions (e.g., road races, triathlons, etc.)
- 34. Outdoor seated entertainment (e.g., outdoor concerts, shows, commercial sporting events, etc. with assigned seating)
- 35. Outdoor interactive events (outdoor weddings, funerals, birthday parties, concerts, shows, etc.)
- 36. Indoor seated entertainment (e.g., indoor concerts, shows, commercial sporting events, etc. with assigned seating)
- 37. Indoor interactive events (indoor weddings, funerals, birthday parties, concerts, shows, etc.)

Events at educational institutions

Exhibit A to the Order contains definitions, including the definition of Essential Businesses, which sets forth businesses/operations that have been allowed to operate even during periods when the strictest stay-at-home orders were in place during the pandemic. Included in the definition of Essential Businesses are “Educational institutions” such as public and private K-12 schools, colleges, and universities — “for purposes of facilitating learning, performing critical research, or performing other essential functions. COVID-19 responsive operational restrictions shall be determined by each educational institution based on CDC, DOH, and industry guidance.” This category of “Essential Business” was not intended to permit large non-academic

events to occur by virtue of them being held on property owned/operated by educational institutions. Such non-academic events/activities must follow the conditions in other, more appropriate categories, including those found in Exhibit B to the Order (e.g., Outdoor seated entertainment; Outdoor interactive events; Indoor seated entertainment; or Indoor interactive events).