



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

**THIRTY-FIFTH SUPPLEMENTAL EXECUTIVE ORDER AND PROCLAMATION
BY THE GOVERNOR
OF THE UNITED STATES VIRGIN ISLANDS
MODIFYING CONDITIONS OF THE "SAFER-AT-HOME" PHASE
IN RESPONSE TO COVID-19 STATE OF EMERGENCY**

WHEREAS, on March 13, 2020, the Governor issued the Executive Order and Proclamation Declaring a State of Emergency in response to the COVID-19 – CORONAVIRUS PANDEMIC ("Declaration of a State of Emergency"), and the Government has been coordinating the Territory's response and enforcing protective actions to address "COVID-19", a public health emergency that currently requires the Government to act and provide for the health, safety, and welfare of residents and visitors located in the Virgin Islands; and

WHEREAS, on April 2, 2020, the President of the United States declared that a major disaster exists in the Territory of the U.S. Virgin Islands based on COVID-19, and this major disaster declaration has not been lifted; and

WHEREAS, from March 13, 2020, through February 2022, the Governor has issued subsequent Executive Orders or Supplements with additional requirements and lifting of other restrictions of previous Executive Orders and Supplements to return to the "Safer-at-Home Phase"; and

WHEREAS, the "Safer-at-Home Phase" requires continuous guidance to be given to the public about what is restricted and permissible during this phase and while still within a "State of Emergency" due to the danger and threat of COVID-19; and

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

WHEREAS, the Virgin Islands Department of Health ("DOH") received confirmation that, as of February 23, 2022, as many as 15,341 persons, including 109 deceased persons, tested positive for COVID-19 in the Virgin Islands, with 112 currently active cases, and additional testing of individuals for COVID-19 are ongoing or pending; and

WHEREAS, imposing guidelines and restrictions during the Territory's "Safer-at-Home Phase" is vital to the protection, health, safety, and welfare of residents and visitors of the Territory as well as continuing the response and mitigation process.

NOW, THEREFORE, I, Albert Bryan Jr, Governor of the United States Virgin Islands, under the authority granted to me by Section 11 of the Revised Organic Act of 1954 (as amended), 23 V.I.C. § 1005, and pursuant to all the afore-cited sections of the Virgin Islands Code, as well as all previous Executive Orders issued from March 13, 2020, through February 1, 2022, as amended, supplemented, renewed, and extended, do hereby ORDER that ***Effective Monday, February 28, 2022***, the ***Twenty-First Supplemental Executive Order*** issued on January 27, 2021, as amended, is hereby **terminated** and replaced as follows:

SECTION 1. General COVID-19 Orders: The following ORDERS shall remain in full force and effect so long as the Territory remains in the State of Emergency declared on March 13, 2020, as amended, supplemented, extended, and renewed unless earlier lifted or until rescinded or superseded by another applicable Executive Order by the Governor of the U.S. Virgin Islands:

- A. ***Masks:*** Any person who is inside an establishment that is not in their private home, or private vehicle, for any purpose, including but not limited to visitors, patrons, employees, managers, directors, or owners of commercial entities or businesses, public or private, is required to wear a face mask or facial covering when not able to utilize social distancing techniques (as listed below in *Subsection B. Social Distancing*). The following guidelines shall apply:
- 1) Masks or facial coverings must cover both the nose and mouth of the individual.
 - 2) Masks with exhalation valves or vents are not acceptable and do not prevent the spread of COVID-19.
 - 3) Ski masks and stocking caps are prohibited as facial coverings.
 - 4) Masks or facial coverings should NOT be worn by children under the age of 2 or anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
 - 5) Those individuals with chronic respiratory conditions a) should seek advice from their primary care physician for alternative types of masks, b) should avoid crowds, and c) must engage in social distancing to prevent putting others at risk.

- 6) Masks or facial coverings do not need to be worn inside an establishment serving food or drinks as long as the patrons are seated at their designated tables.
 - 7) Masks or facial coverings do not need to be worn outdoors or in the outdoor section of an establishment.
 - i. Outdoor means any section of a structure or establishment not covered by a roof or a section covered by a roof but enclosed by less than 3 walls. Umbrellas and overhangs do not constitute a roof.
 - ii. Masks are required in outdoor areas of all Airports and Seaports in the Territory of the U.S. Virgin Islands.
 - iii. Masks are required in outdoor areas of all schools in the Territory of the Virgin Islands of the U.S.
 - 8) Masks or facial coverings do not need to be worn inside the kitchen area by staff that have been fully vaccinated, as approved by DOH. Evidence of registration of individuals in the secure digital vax pass system of PolarisKey or vaccination cards shall be considered as proof of vaccination by the Government of the Virgin Islands (<https://www.covid19.usvi.care/polariskey>),
 - 9) Masks or facial coverings do not need to be worn at events that have been approved by DOH as an all-vaccinated event, to include all vaccinated guests, patrons, and staff.
 - 10) Masks or facial coverings do not have to be worn during active exercise, indoor or outdoor.
 - 11) All passengers and drivers of mass or public transportation, including but not limited to Vitran buses, taxicabs, and automobiles for hire, shall be required to wear a mask or facial covering.
 - 12) Violation of this Subsection shall be punishable by a fine of fifty dollars (\$50) for a first offense and one hundred dollars (\$100) for each additional violation.
- B. **Social Distancing:** In coordination with the Commissioner of the DOH and in alignment with guidance from the Centers for Disease Control (CDC), all persons are required to maintain social distancing of at least **four** feet away from other people that are not of their same household, whenever possible. All individuals are urged to continue to wash their hands, utilize hand sanitizer, and practice proper respiratory etiquette (including coughing into the elbow) as often as possible.
- C. **Mass Gatherings:** For purposes of the Safer-at-Home Phase, a "mass gathering" is defined as any event or convening that brings together more than fifty (50) persons in a single room or single space at the same time. "Spaces" shall include, but are not limited to: an auditorium, stadium, arena, large conference room, meeting hall, theater, restaurant, bar, parking lot, or any other confined indoor or outdoor space. This includes all parades, fairs, campaign events, festivals, and camping on public beaches or parks:
- 1) Mass gatherings are authorized in the Territory of the U.S. Virgin Islands.

- 2) Mass gatherings of greater than 999 persons must obtain approval from the Commissioner of Health or her designee, in addition to any other regulatory agency with jurisdiction, prior to the gathering.
- 3) The Enforcement Authority and Penalties are hereby directed pursuant to the provisions of Title 23 VIC Sections 371, 372, 372, and 374 regarding Mass Gatherings as prohibited. Any violation of the provisions of this Subsection shall be punishable by a fine of One Thousand Dollars (\$1,000.00) per congregating person and Five Thousand Dollars (\$5,000.00) per organizer of any such prohibited mass event.

SECTION 2. Operations of Government: The following ORDERS shall remain in full force and effect so long as the Territory remains in the State of Emergency declared on March 13, 2020, as amended, supplemented, extended, and renewed unless earlier lifted or until rescinded or superseded by another applicable Executive Order by the Governor of the U.S. Virgin Islands:

- A. The provisions of Title 31, Chapter 23, Section 236 of the Virgin Islands Code, establishing the procedures for formal advertising of competitive bids and the attendant rules and regulations promulgated thereunder, are hereby suspended during the Declared State of Health Emergency for purchases of goods and services related to COVID-19 – Coronavirus preparedness and response. This Subsection hereby applies to the Virgin Islands Hospitals and Health Facilities Corporation, the Juan F. Luis Hospital, and Roy Lester Schneider Hospital.
- B. The provisions of Title 3, Chapter 27, Sections 706(c) and 706a; Chapter 28A, Sections 755(c) and 755a, and all other provisions that place restrictions on the re-hiring of Government retirees are hereby suspended, in order to allow Government retirees to reenter government service in a position supporting the COVID-19 preparedness, response, and mitigation, either by appointment or contract, while continuing to receive annuity payments as a current employee of the Government.
- C. The provisions of Title 17 of the Virgin Islands Code, Chapter 7, Section 61a establishing the school calendar and Chapter 9, Section 101, establishing rules and regulations covering free transportation generally for school children, are hereby suspended in order to allow the Commissioner of the Virgin Islands Department of Education, with the approval of the Governor, to effectively plan, adapt, and respond to the COVID-19 Pandemic in the protection of health, safety, and welfare of children, families and Department employees of the Territory.
- D. All Virgin Islands Driver's Licenses set to expire during the State of Emergency declared on March 13, 2020, as amended, supplemented, and extended are hereby extended for a period of six months from the date of expiration of the license.

- E. The statutory deadlines contained in Title 12, Chapter 21, Section 910 of the Virgin Islands Code are hereby suspended.
- F. The requirement of personal appearance before a notary public under the Laws and Rules and Regulations of the U.S. Virgin Islands is suspended to the extent that any notarial act is authorized to be performed utilizing live audio-video technology between the principal, notary, and other necessary persons, which allows for observation, direct interaction, and communication at the time of signing and notarizing, provided that the following conditions are met:
- 1) the person must affirmatively represent that he or she is physically situated in the Territory of the U.S. Virgin Islands.
 - 2) The notary must be physically located in the Territory of the U.S. Virgin Islands.
 - 3) Any notarial act performed through live video conference in compliance with this order shall have the same force, effect, and validity as any other notarial act performed in compliance with U.S. Virgin Islands law and may be relied upon to the same extent as any other notarial act under U.S. Virgin Islands law.
 - 4) The document must contain a notarial certificate, a jurat, or acknowledgment, which states the principal appeared remotely pursuant to this Executive Order.
 - 5) Any person whose signature is to be notarized must display a valid photo ID to the notary during the video conference if the person is not personally or otherwise known to the notary.
 - 6) If the document needs to be presented in a paper medium, it shall satisfy the requirements of being an original document and prima facie evidence if the notary prints the document and affixes an attestation stating that it is a true and correct copy of the electronic document, shall state it was performed pursuant to this Executive Order and the notary signs and affixes their notarial stamp and seal.
 - 7) That the fees allowed for notarization under this executive order shall be the same as those allowed for other notarial acts pursuant to the Laws of the Territory of the U.S. Virgin Islands
- G. The requirement of personal appearance or in-person attendance at any conference, meeting, or hearing before any private corporate board or any Board, Commission, or Committee of the Government of the Virgin Islands or its governmental subdivisions, departments, agencies, instrumentalities, or public corporations under the Laws and Rules and Regulations of the U.S. Virgin Islands shall be authorized to include appearance via live audio-video technology between the necessary parties or persons, which allows for observation, direct interaction, and communication during the meeting or hearing or conference, provided that the following conditions are met:
- 1) Each person attending must affirmatively represent where he or she is physically situated.

- 2) Any act performed through live video conference in compliance with this order shall have the same force, effect, and validity as any other official act performed in compliance with U.S. Virgin Islands law and may be relied upon to the same extent as any other act under U.S. Virgin Islands law.
 - 3) The minutes or transcript of such conference, meeting, or hearing must contain an acknowledgment stating which parties or persons appeared remotely pursuant to this Executive Order.
- H. To allow police officers, firefighters, and prison guards to remain in service until age 65, effective immediately and so long as the Territory remains in the State of Emergency declared on March 13, 2020, as amended, supplemented, extended, and renewed unless earlier lifted or until rescinded or superseded by another applicable Executive Order by the Governor of the U.S Virgin Islands or intervening and superseding law:
- 1) Notwithstanding ACT No. 7936, the provisions of Virgin Islands Code Title 3, Chapter 25, Section 530 (g) and Chapter 27, Section 705 (c), relating to the mandatory retirement age of police officers, firefighters, and prison guards are hereby suspended and all limitations amended to age 65 during the pendency of this Executive Order.
 - 2) The provision of ACT No. 7936 which temporarily raises the mandatory retirement age for police officers, firefighters, and prison guards to 63 and expires on October 1, 2021, is hereby suspended and amended to allow police officers, firefighters, and prison guards to remain in service until age 65.
 - 3) All mandatory age limitations in relevant collective bargaining agreements are hereby suspended, consistent with the provisions of Virgin Islands Code Title 24, Chapter 14, Section 374 (b)(5) and (6).
- I. Order No. 50/2016 of the Public Service Commission, as amended, supplemented, and extended is hereby suspended for all VIWMA contracted government services in order to allow for the continued operation of waste collection with the reduced workforce and increased costs and volume across the waste collection and disposal industry due to employee absences and supply chain failures arising from the response to, recovery from, and mitigation of the COVID-19 Pandemic.

SECTION 3. Medical Support Orders: The following ORDERS shall remain in full force and effect so long as the Territory remains in the State of Emergency declared on March 13, 2020, as amended, supplemented, extended, and renewed unless earlier lifted or until rescinded or superseded by another applicable Executive Order by the Governor of the U.S. Virgin Islands:

A. Upon the finding that there is a need for qualified physicians to provide medical services in the Virgin Islands during the State of Emergency declared on March 13, 2020, due to the COVID-19, the emergency adoption of this rule to provide for the issuance of an emergency license to physicians licensed in other states who may assist with this health emergency is warranted. The intent of this rule is to provide for the expedited issuance of medical licenses to qualified physicians who desire to provide health care via telehealth or telemedicine to citizens of the U.S. Virgin Islands suffering from and affected by the 2019 novel coronavirus known as COVID-19. As such, the following shall be effective immediately:

- 1) Any physicians who obtain an emergency certificate of qualification under the provisions of Title 27 V.I.C. Chapter 1, Subchapter I, by endorsement from the V.I. Board of Medical Examiners to assist with the response to COVID-19 is eligible for an emergency medical license for medical diagnosis and treatment of persons in the US Virgin Islands by means of telemedicine or telehealth. An emergency medical license issued under this rule shall expire 120 days after the effective date of this rule, or at such time the Governor of the U.S. Virgin Islands proclaims the termination of the Territory's public health emergency, whichever is sooner. An emergency license shall not be renewed. Applicants for an emergency license shall not be required to pay a fee.
- 2) Any physician with a current Drug Enforcement Administration registration in any jurisdiction, upon issuance of the Temporary Emergency Medical License pursuant to Subsection A above, will be allowed to prescribe medication to persons in the U.S. Virgin Islands for the sole purpose of treating patients suffering from and affected by COVID-19 by means of telemedicine or telehealth.
- 3) Physicians licensed in the U.S. Virgin Islands who have access to a patient's personal health record maintained by a physician may establish a professional relationship with a patient using any technology and software deemed appropriate by a provider, including telephonic and video, to diagnose, treat, and, if clinically appropriate, prescribe medication as needed for persons in the U.S. Virgin Islands.
- 4) Any out-of-state personnel, including, but not limited to, medical personnel, entering the U.S. Virgin Islands to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Title 27 V.I.C., Chapter 1, Subchapter I, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Commissioner of Health for other medical and non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.

- B. Upon the finding that there is a need for additional qualified nurses to provide medical services in the U.S. Virgin Islands during the State of Emergency declared on March 13, 2020, due to the COVID-19, the emergency adoption of this rule to provide for the extension of temporary licenses issued to nurses licensed in other states who may assist with this health emergency is warranted. The intent of this rule is to provide for the expedited issuance and extension of temporary licenses to qualified nurses who desire to provide health care to residents and visitors of the U.S. Virgin Islands suffering from and affected by the 2019 novel coronavirus known as COVID-19. As such, the following shall be effective immediately:
- 1) All temporary licenses issued under the provisions of Title 27 V.I.C. Chapter 1, Subchapter IV and Subchapter V, by endorsement from the V.I. Board of Nursing Licensure, to qualified nurses licensed in any other State or Territory of the United States of America to assist with the response to COVID-19, shall be extended under this rule and shall expire at such time as the Governor of the U.S. Virgin Islands proclaims the termination of the Territory's public health emergency. Applicants for a temporary license may, but are not required to, apply for a permanent license.
 - 2) Permission for any such individual rendering service is subject to the approval of the Commissioner of Health for other medical and non-medical personnel and shall be in effect for a period not to exceed the duration of this emergency.

SECTION 4. Travel Restrictions and Operations: The following ORDERS shall remain in full force and effect so long as the Territory remains in the State of Emergency declared on March 13, 2020, as amended, supplemented, extended, and renewed unless earlier lifted or until rescinded or superseded by another applicable Executive Order by the Governor of the U.S. Virgin Islands:

- A. All travelers, by sea or by air, are required to comply with any "Travelers Advisory" posted by the V.I. Department of Health, V.I. Department of Tourism, and the V.I. Port Authority, including but not limited to the wearing of facial coverings, temperature scan, testing, and quarantine. Facial coverings shall be required to be worn at all times on board all public transportation ferries between all islands in or entering the Territory of the U.S. Virgin Islands.
- B. Every person who travels to or enters the Territory of the U.S. Virgin Islands, before boarding the aircraft or vessel, must present one of the following:
- 1) a COVID-19 negative PCR or antigen test result obtained within 5-days of commencement of travel to the U.S. Virgin Islands, OR
 - 2) a vaccination card showing completed COVID-19 vaccination administered in the U.S. Virgin Islands as approved by the Department of Health.

- 3) *Effective March 5, 2022*, a vaccination card showing completed COVID-19 vaccination **administered** outside the U.S. Virgin Islands **pursuant to the guidance from the World Health Organization or the Center for Disease Control and Prevention.**

*Proof of testing or vaccination card must be uploaded through the U.S. Virgin Islands Travel Screening Portal (<https://usvitraportal.com/>). Vaccination certification administered in the U.S. Virgin Islands as approved by the V.I. Department of Health may be selected in the portal without uploading the vaccination card. Travelers and Passengers must receive, through the portal, final clearance in the form of the Green QR Code to enter the U.S. Virgin Islands.

- C. Federal guidelines and restrictions continue to apply to all international travel, including travel from the British Virgin Islands
- D. All ferry vessels entering the territorial waters of the U.S. Virgin Islands, *the maximum number of occupants onboard is seventy-five percent (75%) of the vessel manufacturer specified capacity* in compliance with the maximum capacity certified by the U.S. Coast Guard for the maximum weight and number of passengers for each vessel
- E. Every person covered under this Section shall be responsible for all associated costs, including transportation, lodging, food, and medical care.
- F. This Section and all travel restrictions apply to all persons aged five (5) years and older, including U.S.V.I. residents, traveling to or through the Territory from any port of embarkation outside of the Territory, regardless of destination outside of the Territory.

SECTION 5. Marine Restrictions and Operations: The following ORDERS shall remain in full force and effect so long as the Territory remains in the State of Emergency declared on March 13, 2020, as amended, supplemented, extended, and renewed unless earlier lifted or until rescinded or superseded by another applicable Executive Order by the Governor of the U.S. Virgin Islands:

- A. Temporary Mooring and Anchoring: (a) the Commissioner of the Department of Planning and Natural Resources ("DPNR") is authorized and directed, pursuant to Title 25, Chapter 16 of the Virgin Islands Code, to designate additional temporary areas within the USVI for temporary mooring and anchoring for 30 days or until the Emergency Declaration is lifted. Such temporary mooring and anchoring areas shall be subject to the following conditions and requirements:
- 1) each vessel obtaining a mooring or anchoring permit under the provisions of Title 25 VIC Sec. 404 and 405.

- 2) each vessel complying with all applicable laws of the Virgin Islands and the terms of all applicable provisions of all Executive Orders related to the State of Emergency for the COVID-19 Pandemic.
- B. Marine personnel and vessels of The West Indian Company Limited and Virgin Islands Port Authority are deputized and directed to assist DPNR and VIPD in the patrol of the territorial waters.
- C. Any vessel entering the territorial waters of the U.S. Virgin Islands is required to, prior to stopping anywhere in the U.S. Virgin Islands:
- 1) Immediately report to one of the Approved Marine Terminals for the Covid-19 Screening Clearance and show proof of compliance with the requirements of Section 4 of this Order by presenting the travel clearance for each person on board (email with green QR-code) from the Travel Screening Portal. The Approved Marine Terminals for Covid-19 Screening Clearance are the following:
 - i. Victor William Sewer Marine Facility ("The Creek"), Cruz Bay, St. John.
 - ii. Edward Wilmoth Blyden IV Marine Terminal, Charlotte Amalie, St. Thomas.
 - iii. Any other location authorized in writing by DOH to serve as an Approved Marine Terminal for Covid-19 Screening Clearance.
 - 2) Report to the DOH, via the DPNR or the Virgin Islands Police Department ("VIPD"), the list of and any health issues of passengers and crew on board such vessel, on the forms prescribed by the DOH.
- D. Any violation of this section shall result in a fine of up to \$500 per passenger, including up to \$10,000 per vessel per incident, and possible seizure of the vessel by the Government of the U.S. Virgin Islands and violators will be subject to all applicable civil and criminal penalties under the Virgin Islands and federal laws.
- E. No marina in the U.S. Virgin Islands can accept a vessel coming from outside of the territorial waters of the U.S. Virgin Islands prior to the vessel's compliance with this Order and all applicable federal and local laws. Any marina found to violate this Subsection shall be fined up to \$1,000 per incident.
- F. PUBLIC HEALTH ORDER NO. XII issued on December 15, 2020, by DOH, as amended, is hereby terminated. All passenger vessels in the Territory of the U.S. Virgin Islands may return to the maximum capacity certified by the U.S. Coast Guard for the maximum weight and number of passengers for each vessel.

SECTION 6. Business Operations Orders: The following ORDERS shall remain in full force and effect so long as the Territory remains in the State of Emergency declared on March 13, 2020, as amended, supplemented, extended, and renewed unless earlier lifted or until rescinded or superseded by another applicable Executive Order by the Governor of the U.S. Virgin Islands:

- A. ***All non-essential businesses, restaurants, bars, including restaurants and bars with a nightclub or cabaret license, food trucks, houses of worship, indoor/outdoor recreation facilities, gaming centers, and retail/wholesale stores*** shall operate in accordance with their business licenses and permits, as limited by Section 1 of this ORDER.

- B. ***Athletic Facilities:*** such as wellness centers, fitness centers, gyms, tennis courts, and golf courses shall operate in accordance with their business licenses and permits, as limited by Section 1 of this ORDER, and the following additional conditions:
 - 1) All equipment must be properly sanitized before and after each use and not shared.
 - 2) The overall facility must be sanitized regularly throughout the day. Hand sanitizer must be provided for all patrons entering the establishment.

- C. ***Personal Grooming Services:*** businesses such as barbershops, hair salons, nail salons, massage therapists shall operate in accordance with their business licenses and permits, as limited by Section 1 of this ORDER, and the following additional conditions:
 - 1) All equipment, furniture, and counters are disinfected after use with each client, and the facility is sanitized regularly throughout the day. Hand sanitizer must be provided for all patrons entering the establishment.
 - 2) All customers awaiting services are to wait outside of the business establishment and must be socially distanced.

- D. ***Nursing Homes:*** Visitation to nursing homes is permitted with negative covid test within 72 hours or proof of vaccination administered pursuant to the guidance from DOH, the World Health Organization, or the Center for Disease Control and Prevention.

SECTION 7. Landlord Tenant Matters: All Covid-19 restrictions regarding landlord and tenant matters are hereby terminated.

SECTION 8. All other terms, requirements, and conditions of the March 13, 2020, State of Emergency, as amended, supplemented, renewed, and extended shall continue in full force and effect unless earlier lifted, further amended, or extended by order of the Governor of the United States Virgin Islands.

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 Charlotte Amalie, St. Thomas, Virgin Islands, this 25th day of February, A.D., 2022.

Albert Bryan Jr.
Governor

SEAL

ATTEST:

Tregenza A. Roach Esq.
Lt. Governor