

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 11A

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC –
COVID-19 SAFETY AND MEASURES AND ENFORCEMENT**

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies remained in effect until February 9, 2021; and

WHEREAS, on January 26, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until April 20, 2021; and

WHEREAS, on March 31, 2021, I signed into law Special Act 21-2, through which the General Assembly ratified the previously mentioned declarations and endorsed a renewal and extension of such declarations through May 20, 2021; and

WHEREAS, pursuant to such declarations, I have issued various executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic (the “COVID-19 Orders”); and

WHEREAS, on April 19, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until through May 20, 2021; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and transmission or “shedding” of the coronavirus that causes COVID-19 may be most virulent before a person shows any symptoms; and

WHEREAS, the CDC has recommended that people with mild symptoms consistent with COVID-19 be assumed to be infected with the disease; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including limitation on the size of gatherings, maintaining a safe distance from others, and wearing masks or face coverings; and

WHEREAS, because COVID-19 has caused unanticipated health effects that are not fully understood by the medical community, residents, businesses, and government, agencies face new and unanticipated economic, fiscal, and operational challenges as a result of the COVID-19 pandemic; and

WHEREAS, infections with highly transmissible variants of the coronavirus that causes COVID-19 have spread widely in the United Kingdom and elsewhere and have been discovered in Connecticut and other states, increasing the risk of greater transmission of COVID-19 throughout Connecticut; and

WHEREAS, among the COVID-19 Orders, I have issued several orders that, in order to limit transmission of COVID-19 while maximizing opportunities to safely conduct business, social, recreational, and governmental activity, established certain safety restrictions and authorized the Department of Economic and Community Development to issue legally binding rules for such activity, and provided for enforcement of such rules; and

WHEREAS, because of the changing circumstances and the evolving nature of the pandemic and the resulting evolution of measures taken in response to it, consolidation and clarification of COVID-19 Orders that imposed various safety rules would assist the public in understanding the current rules and assist the General Assembly in planning for continuing or future safety measures;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, and pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020, January 26, 2021, and April 19, 2021, and the new public health and civil preparedness emergencies declared on April 19, 2021, do hereby **ORDER AND DIRECT**:

1. **Authorization to Issue Sector Rules to Limit Transmission of COVID-19.**
To provide for a comprehensive plan for safe resumption of social, recreational, athletic, and economic activity and provide consistent guidance for limiting the transmission of COVID-19, the Department of Economic and Community

Development (“DECD”) may issue for each of various business and activity sectors (individually and collectively, the “Sector Rules”), which Sector Rules shall constitute legally binding guidance. Such Sector Rules may prescribe appropriate safety restrictions for conduct of social, recreational, athletic, and economic activity including, but not limited to, the size of social, recreational, or civic gatherings, authorized capacity of businesses or events, mask requirements for activities and venues covered by Sector Rules, physical and operational restrictions, distancing measures, and any other rules or limits that the Commissioner, in consultation with the Commissioner of Public Health, deems necessary to protect the public health and safety. This order supersedes Executive Order Nos. 7PP, Sections 1, 4, and 6, Executive Order No. 7NNN, Section 2, and Executive Order No. 7ZZ, Sections 2, 4, and 6 through 11.

2. **Enforcement of Sector Rules.** Section 19-13-B1 of the Regulations of Connecticut State Agencies is modified to include in the definition of public nuisance a violation of the Sector Rules described in Section 1 of this order. The provisions of the Connecticut General Statutes, Regulations of Connecticut State Agencies, and any local rules, codes or ordinances pertaining to such public nuisances are, to the extent necessary, modified to permit and govern the investigation and enforcement of violations of the Sector Rules as public nuisances as follows:
 - a. **Local Health Director’s and District Health Director’s Authority to Enforce Sector Rules.** For purposes of this order, a “Public Health Facility” shall include hair salons, barbershops, beauty shops, nail salons, spas, tattoo or piercing establishments, restaurants, eating establishments, private clubs, or any locations licensed for on-premise consumption of alcohol, that are allowed to reopen pursuant to the Sector Rules, as amended from time to time. Section 19a-206 of the Connecticut General Statutes and Section 19-13-B2(a) of the Regulations of Connecticut State Agencies are modified to authorize a local or district health director to order the closure of Public Health Facilities until such time as the local or district health director determines that the Public Health Facility has abated the nuisance by coming into compliance with the Sector Rules. Nothing in this Section shall be construed to limit, alter, modify or suspend any other existing penalties or enforcement powers that otherwise apply to violations of orders issued pursuant to a civil preparedness or public health emergency. This order supersedes Executive Order Nos. 7PP, Section 2 and 7ZZ, Section 3.
 - b. **Municipal Chief Executive Officer’s Authority to Enforce Sector Rules.** Pursuant to Section 19a-2a of the Connecticut General Statutes, the Commissioner of the Department of Public Health shall designate to municipal employees or officials selected by the municipal chief executive officer, (“Municipal Designee”) authority over public

nuisances arising from violations of the Sector Rules by any business or entity that is not a Public Health Facility. A municipal chief executive shall not select a local health director, district health director, or the staff of a local or district health director as their Municipal Designee. Section 19a-206 of the Connecticut General Statutes and Section 19-13-B2(a) of the Regulations of Connecticut State Agencies are modified to authorize the Municipal Designee to order the closure of any business other than a Public Health Facility in violation of the Sector Rules until such time as the Municipal Designee determines that such business has abated the nuisance by coming into compliance with the Sector Rules. Nothing in this Section shall be construed to limit, alter, modify or suspend any other existing penalties that otherwise apply to violations of orders issued pursuant to a civil preparedness or public health emergency. This Section 2(b) supersedes Executive Order No. 7PP, Section 2 and 7ZZ, Section 3.

- c. **Authorization for the Issuance of Fines.** Section 51-164n(b) of the Connecticut General Statutes is amended to authorize the Commissioner of Public Health, local health directors, district health directors, and their designees; municipal chief executive officers and their designees; and state and municipal police officers, peace officers as defined in Section 53a-3(9) of the Connecticut General Statutes, special police forces described in Section 10a-156b of the Connecticut General Statutes, and public safety departments of institutions of higher education to issue fines for the violations listed below. All fines collected pursuant to this order shall be distributed to the General Fund. In any case in which a person is charged with a violation pursuant to this order, the procedures set forth in Section 51-164n through 51-164r of the Connecticut General Statutes shall apply. Nothing in this Section shall be construed to limit, alter, modify or suspend any penalties or remedies that otherwise apply to violation of orders issued pursuant to civil preparedness and public health emergencies or that are otherwise available through existing executive orders. For purposes of this section, “business entity” means a public or private corporation, a limited liability company, an unincorporated association, a partnership of any kind, or a sole proprietor.

- i. Any person who, while in any public place or in any location where and for whom wearing a mask or face covering is required by Executive Order No. 7NNN, Section 1, DECD Sector Rules, or other lawful authority, as each is amended from time to time, other than a person who qualifies for the medical exemption set forth in Executive Order No. 7NNN, Section 1 or who while outdoors maintains a distance of approximately six feet from every other person, who fails to wear a mask or cloth-face covering shall be guilty of a violation and fined one hundred

dollars. A business entity, rather than the employee, is liable for a fine of the same amount for any employee's failure to wear a required mask or cloth-face covering while at work.

- ii. Any person or business entity who organizes, hosts, or sponsors a gathering that violates the gathering size restrictions set forth in any DECD Sector Rules, as amended from time to time, shall be guilty of a violation and fined five-hundred dollars.
- iii. Any person who attends a gathering that violates the gathering size restrictions set forth in the DECD Sector Rules, as amended from time to time, shall be guilty of a violation and fined two-hundred and fifty dollars.

This Section 2 (c) supersedes Executive Order No. 9B, Section 2.

- d. **Additional Enforcement Authority Regarding Violations of Size and Capacity Restrictions.** Section 19a-206 of the Connecticut General Statutes is modified to the extent necessary for the adoption and implementation of the following provisions:

Except as set forth herein, an owner or a person having possession of, or exercising dominion and control over a nonresidential property who violates the size or capacity limitations set forth in the DECD Sector Rules or other rules issued by the Commissioner of Economic and Community Development as published on the DECD website (the "DECD Sector Rules"), as amended from time to time, shall be subject to a civil penalty in the amount of \$10,000.00 per violation. Private gatherings at residential properties, religious, spiritual or worship gatherings, and graduations, so long as such gatherings are not held in settings otherwise governed specifically by the DECD Sector Rules, shall not be subject to such civil penalty, but shall remain subject to any and all other laws, regulations, orders or rules governing such activities. The civil penalty authorized by this Executive Order may be imposed by a Local Health Director, District Health Director, or a Municipal Designee appointed under Section 2(b) of this order. The enforcement authority granted herein to a Local Health Director or District Health Director shall not be limited to a Public Health Facility as defined in subsection 2(a) of this order. The owner or other person or entity subject to such civil penalty may appeal to the Department of Public Health in accordance with Section 19a-229 of the Connecticut General Statutes and the Department of Public Health regulations. To the extent that a person or entity is subject to the provisions of this Section 1 of this Order, the provisions of Section 2 (c) (ii) of this order shall not apply. This Section 2(d) supersedes Executive Order No. 9N, Section 1.

e. **Commissioner of Public Health Measures to Ensure Enforcement.**

Section 19a-2a of the General Statutes is modified to provide that: Whenever the Commissioner of Public Health determines that any provision of the general statutes or regulation of the Public Health Code or Section 2(d) of this order is not being enforced effectively by a local health department or health district or other official authorized to enforce such provisions, he or she may forthwith take such measures, including the performance of any act required of the local health department or health district, to ensure enforcement of such statute or regulation or this executive order and shall inform the local health department or health district of such measures. This Section 2(e) supersedes Executive Order No. 9N, Section 2.

Unless otherwise provided herein, this order shall take effect immediately and remain in effect through May 20, 2021.

Dated at Hartford, Connecticut, this 19th day of April, 2021.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State

