

Puerto Rico Expands COVID-19 Vaccination Requirements to Cover Certain Commercial Establishments

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In response to the surge in COVID-19 cases, Puerto Rico Governor Pedro R. Pierluisi has issued two executive orders that impose new requirements on commercial establishments in Puerto Rico.

Executive Order 2021-080

Executive Order 2021-080 requires commercial establishments that host crowded activities (including theaters, conventions centers, stadiums, arenas, and coliseums) to request from visitors both proof of complete COVID-19 vaccination and a negative COVID-19 test result processed at least 48 hours before arrival. Further, if more than 500 persons are expected at the activity, these establishments must coordinate security protocols with the Puerto Rico Health Department prior to hosting the activity. Executive Order 2021-80 went into effect on December 22, 2021.

Executive Order 2021-081

Executive Order 2021-081, applicable to certain commercial establishments (including restaurants, bars, fast food, food courts, cafeterias, hotels, inns, beauty salons, barber shops, spas, gyms, and casinos), requires visitors to the establishments to provide (1) proof of full vaccination, (2) a negative result from a test processed within the last 48 hours, or (3) a positive test result from the last three months, along with certified proof of recovery from COVID-19. Visitors who fail to comply with one of the three options cannot be allowed entry to the commercial establishment and may be subject to the fines (described below) if they do not cooperate or try to force the establishment not violate the Executive Order. (Prior [executive orders](#) allowed certain establishments to operate at 50 percent capacity if they elected not to require visitors to provide proof of vaccination.) Executive Order 2021-81 will go into effect December 27, 2021.

Visitors who are using delivery, curbside pickup, or pickup at restaurants (including fast food, food courts, bars, sport bars, and so on) and, thus, food or drink will not be consumed at the establishment, do not have to comply with the listed requirements. Likewise, minors younger than five years old are exempted. However, the above requirements will apply to minors between five and 11 years old effective February 1, 2022.

Finally, Executive Order 2021-81 introduced changes to travel requirements to Puerto Rico. All passengers must complete the Travel Declaration Form online or on paper upon arrival in Puerto Rico. Fully vaccinated passengers arriving from domestic destinations must present proof of complete vaccination and a negative COVID-19 test result processed within the last 48 hours. In lieu of a negative test result, vaccinated passengers can provide a positive COVID-19 test result from the last three months and evidence of recovery, including a letter from their medical provider or a government officer certifying the passenger is able to travel. Unvaccinated passengers arriving from domestic destinations must provide a negative test result processed within the last 48 hours or proof of recovery, and they must also quarantine for seven days after arrival. Passengers that do not provide test results upon arrival must be tested on arrival and upload the result within 48 hours of arrival, subject to the following:

1. Vaccinated persons do not need to quarantine after arrival, but, if they test positive to the required test within the 48 hours after arrival, they must isolate; and
2. Unvaccinated persons must quarantine upon arrival for seven days. They may only go out to get tested and must upload their test results within 48 hours of arrival. If they test positive, they must isolate. If they test negative, they still must quarantine for the remainder of the seven days.

Passengers arriving from international destinations must comply with the requirements of President Joe Biden's "[Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic](#)" and the Centers for Disease Control and Prevention's (CDC) "[Amended Order Implementing Presidential Proclamation on Advancing Safe Resumption of Global Travel During the COVID-19 Pandemic](#)" and "[Requirements for Negative Pre-Departure COVID-19 Test Result of Documentation of Recovery from COVID-19 for All Airline or Other Aircraft Passengers Arriving into the United States from any Foreign](#)

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Country.” This includes, but is not limited to, the requirement that any international passenger who is not a U.S. citizen or immigrant be vaccinated against COVID-19 (subject to the exceptions established by the CDC and the Amended Order). Finally, all passengers over the age of two arriving from international destinations must present:

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1. A negative COVID-19 PCR or antigen result, approved by a relevant national authority, taken one day before boarding the flight (regardless of vaccination status); or
2. A positive COVID-19 result from 90 days before the flight, along with evidence of recovery, including a letter from their medical provider or a government officer certifying the passenger is fully recovered and able to travel.

Failure to Comply

Failure to comply with either of the two executive orders may result in fines of up to \$5,000, six months in jail, or both, at the discretion of a court.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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