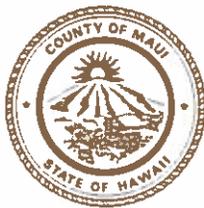


MICHAEL P. VICTORINO
Mayor

SANDY K. BAZ
Managing Director



COUNTY OF MAUI
OFFICE OF THE MAYOR
200 SOUTH HIGH STREET
WAILUKU, HI 96793

PUBLIC HEALTH EMERGENCY RULES, AMENDED MAY 13, 2020

By the authority vested in me as Mayor of the County of Maui, by the Revised Charter of the County of Maui (1983), as amended (“Charter”), the Constitution and laws of the State of Hawaii, I, MICHAEL P. VICTORINO, Mayor of the County of Maui of the State of Hawaii, hereby amend, adopt and promulgate the following rules, pursuant to Section 127A-25, Hawaii Revised Statutes (“HRS”), which has the force and effect of law. Violation of any of the following rule is punishable as a misdemeanor, with fines of up to \$5,000, up to a year in jail, or both.

The virus that causes Coronavirus 2019 Disease (“COVID-19”) is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and to safeguard public health and safety. Because of the dangerous conditions caused by the risk of the rapid spread of the virus and the need to protect the residents and visitors to Maui County, staying at home or in a place of lodging is mandated with the exception of conducting allowed activities.

I. Definitions

A. Essential Activities include:

1. Tasks essential to maintain health and safety, such as obtaining medicine or seeing a doctor.

2. Getting necessary services or supplies for an individual or that individual's family or household members, such as getting food, pet food, and supplies necessary for staying at home.
3. Engaging in outdoor activity, such as walking, hiking, running, ocean sports (surfing, stand-up paddle boarding, kayaking, or fishing).
4. Performing work related to operation of an essential business or essential government functions (defined below).
5. Caring for a family member in another household.
6. Caring for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

B. Operation of an Essential Business includes:

1. Healthcare operations, including home health workers.
2. Essential infrastructure, including operation of public transportation and utilities.
3. Grocery stores, food banks, convenience stores, and farmer's markets.
4. Businesses that provide necessities of life for economically disadvantaged individuals and shelter facilities.
5. Pharmacies, health care supply stores, and health care facilities.
6. Gas stations, auto repair facilities, and auto supply stores.
7. Financial institutions.
8. Refuse collection.
9. Hardware, lumber, and other building material stores.
10. Maintenance service providers, such as plumbers, electricians, exterminators, yard or ground maintenance, and other service providers necessary to maintain the safety, sanitation, and essential operation of residences and businesses.
11. Laundromats and laundry service providers.
12. Businesses that primarily ship or deliver groceries, food, and goods.
13. Childcare facilities (daycare, summer camp, etc.) providing services that enable employees exempted in these Rules to work as permitted, in compliance with state laws, administrative rules, and restrictions, provided that no more than 12 children and caregiver(s) are in the same group (e.g., a 12:1 ratio); children do not switch groups; groups are located in separate rooms and

not commingled; caregivers are assigned and remain with one group of children.

14. Newspapers, television, radio, and other media.
15. Construction and maintenance, public and private, provided it is conducted in workplaces in a manner that ensures worker safety, including social distancing requirements.
16. Agricultural operations, including delivery and shipment of flowers, provided measures are implemented to ensure worker safety, including social distancing requirements.
17. Businesses that supply other essential businesses with the support or supplies necessary to operate, e.g., chemical supply companies.
18. Businesses conducting legally mandated activities.
19. Businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, kennels, and adoption facilities.
20. Funeral, mortuary, cremation, burial, cemetery, and related services.
21. Educational institutions (public and private), including preschool-12 grade, colleges, and universities.
22. Hotels and motels, to the extent used for lodging, in compliance with the State of Hawaii restrictions.

C. Designated Businesses and Operations, as described in Exhibit A

- D. Government Functions:** Includes all services needed to ensure the continuing operation of the government agencies that provide for the health, safety, and welfare of the public.

II. RULES

Rule 1: All individuals currently within the County are ordered to stay at their residence or place of lodging, except as provided in these Rules. With respect to persons residing in hotels, condominiums, townhomes, apartments, or other multi-unit dwellings, “place of residence” means the person’s individual hotel room or unit. To the extent persons use shared or outdoor spaces (e.g., condominium common areas, pools, barbecue areas) when outside their residence, they must comply

with the social distancing requirements set forth herein, as ordered by the State of Hawaii, or as instructed by the CDC, whichever is more stringent.

Rule 2: County meetings or hearings, including contested case hearings, are suspended. Provided that meetings or hearings may be held to the extent such meetings or hearings are conducted by telephone or video conference as determined solely by the County department providing administrative assistance to the board or commission.

Rule 3: Any County deadline or automatic approval of any permit application or contested case matter under the Maui County Code or the administrative rule of any County department, board, or commission that is currently pending, is hereby continued to the latter of the following: 60 days after the date of the County's Proclamation of Emergency of Disaster, dated May 1, 2020, as may be extended; the Declaration of Termination of Emergency issued by the undersigned; or 60 days from the date of the current deadline or automatic approval as of the date of the adoption of these Rules. This Rule applies only to deadlines for action imposed by ordinance or administrative rule on any County departments, boards, and commissions. This Rule does not extend any permit condition of any existing permit that has already been approved. This Rule does not extend the time for filing of an appeal for matters that have already been decided.

Rule 4: Pursuant to guidance from the CDC, any gathering of more than 10 people is prohibited unless specifically allowed under these

Rules. Members of a single residential or family unit sharing the same address are not prohibited from gathering.

Rule 5: Persons engaging in allowed activities, essential, and designated businesses or operations shall implement the following social distancing and sanitation requirements:

- A. **Face covering.** Persons over the age of 5 years old shall wear a face mask or cloth covering the nose and mouth while in public settings, meaning in the vicinity of other people who are not members of the same household, as recommended by the CDC (See Exhibit C). This requirement shall not apply to persons engaging in permissible outdoor exercise activities, or at parks and beaches, so long as social distancing requirements are maintained. This rule shall also not apply to those entering financial institutions, to anyone who has trouble breathing, is unconscious, incapacitated or otherwise unable to remove the covering without assistance. This rule shall also not apply to individuals or members of the same household traveling in a vehicle.
- B. **High risk populations.** Elderly and others at high risk for Covid-19 are urged to stay in their residences to the extent possible, except to seek medical care.
- C. **Persons who are sick.** Persons who are sick, have a fever, cough, or who are exhibiting symptoms such as shortness of breath, difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell, are urged to stay in their residences to the extent possible, except to seek medical care.
- D. **Six-foot distances.** All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Essential and designated businesses or operations shall designate with signage, tape, or other means, six-foot spacing for employees and customers waiting in line. Essential and designated businesses or operations shall monitor and enforce the six-foot distancing requirement, whether with outside waiting lines or as customers move about inside a facility. Stores with aisles shall use signage to indicate one-way access to the extent feasible. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.

- E. **Limited customer occupancy.** Each essential or designated business or operation shall determine and enforce the maximum number of workers and customers that may be accommodated while maintaining the specified separation distance and limiting the number of individuals within a facility.
- F. **Sanitation measures.** Essential and designated businesses or operations shall make hand sanitizer and sanitizing products readily available for employees and customers. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.
- G. **Disinfection.** Essential and designated businesses or operations shall regularly disinfect all high-touch surfaces.
- H. **Safeguards for high-risk populations.** Essential businesses shall implement processes to safeguard elderly and high-risk customers, such as exclusive shopping hours, which shall be conspicuously posted and enforced.
- I. **Pickup at store or delivery.** To the extent feasible, essential and designated businesses or operations shall provide for online ordering and purchase of goods, delivery, and customer pickup of orders outside the facility.
- J. **Signage.** Essential and designated businesses or operations shall post a sign at the entrance of the facility informing employees and customers that they shall, at a minimum: wear CDC recommended face coverings while in the business or operation; avoid entering the business if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; do not shake hands.

Rule 6: Restaurants and cafes shall be closed for customer seating but may provide takeout and delivery service. Beginning June 5, 2020, at 12:01 a.m., restaurants may operate in compliance with the restrictions in Exhibit A.

Rule 7: Bars, nightclubs, theaters, public gathering venues, and tourist attractions are ordered closed.

Rule 8: Locations of public gathering such as gyms, recreation facilities, clubhouses, playgrounds, and other places of public gathering are ordered closed unless specifically authorized.

Rule 9: Beaches are open for passive or active use, provided social distancing requirements are followed. County parks and beach parks are ordered closed except for those listed in Exhibit “B”, attached. County parks and beach parks will be open from 7:00 a.m. through 7:00 p.m. Open County parks may be used for the purposes described below.

- A. Engaging in outdoor individual exercise activities of walking, running/jogging, and biking on roads and pathways.
- B. Engaging in small group activities (less than 10 persons) such as yoga, tai chi, tennis, and pickle ball. Excluded are activities such as one-on-one or team basketball, baseball, softball, soccer, football, in which it is neither possible nor reasonable to play while maintaining six feet of physical distance between each person at all times. Allowed exercise/sport activities shall conform to the most recent established and reputable guidance on safe participation during COVID-19 issued by its respective association, such as the United States Tennis Association or the United States of America Pickleball Association. If there are any conflicts between the guidance issued by an association and these rules, the stricter provision shall apply.
- C. Social gatherings of less than 10 individuals are permitted. Passive recreation is allowed (use of picnic tables, and pavilions), but only on a temporary trial basis from May 16-30, 2020.
- D. Commercial activities are not allowed.
- E. Persons using park facilities must comply with Rule 5 to the extent reasonably feasible.

Rule 10: Businesses not listed as essential businesses or designated businesses and operations shall close, provided that such

businesses may conduct "minimum basic operations." Minimum basic operations do not include in-person public/customer interactions and are limited to the minimum activities necessary to maintain the value of the business's inventory, ensure security, and process payroll and employee benefits.

In the event that any of the above-listed rules conflict with any rule, proclamation, or mandate of Governor David Y. Ige, these rules shall apply.

These rules shall take effect on May 15, 2020 at 12:01 a.m., unless otherwise specified, and repeal the Emergency Rules promulgated May 6, 2020. With the exception of Rule 3, these Rules shall be repealed upon the earlier of: 1) subsequent promulgation or 2) June 30, 2020.



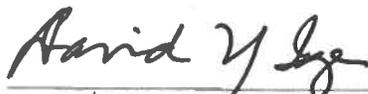
MICHAEL P. VICTORINO
Mayor
County of Maui
May 13, 2020

APPROVED:



MOANA M. LUTEY
Corporation Counsel
County of Maui

REVIEWED ON BEHALF OF GOVERNOR DAVID Y. IGE BY:



Print Name:
Title:
Date:

EXHIBIT "A"

DESIGNATED BUSINESSES AND OPERATIONS

1. Golf courses may open provided they follow restrictions/guidance by PGA. Each golf cart may have no more than one person, unless they are members of the same household. Each cart must be provided with its own rake. No sharing of equipment. Sanitation of every cart must be performed after each round.
2. Safety inspection stations.
3. Auto dealerships.
4. Retail and repair services that do not involve physical contact.
5. Photographers and photo studios.
6. Food courts for pickup and delivery only; no customer seating. See Restaurants, below, for operating restrictions that also apply to food courts.
7. Condominium or apartment common areas.
8. Automated service providers that do not require human interaction between the service provider and the customer, including, but not limited to, fully automated car washes.
9. Mobile service providers that provide services on a mobile basis in which no human interaction between the service provider and the customer, including, but not limited to, mobile pet grooming and car washing/detailing businesses.
10. Drive-in religious, and non-religious, services, beginning May 22, 2020, at 12:01 a.m., provided:
 - a. Persons attending services must drive up in an enclosed vehicle and remain in that same vehicle during the entire service. As an example, sitting in the bed of an open-air pickup truck is not allowed.
 - b. Vehicle windows, sunroofs, and convertible tops must remain closed during the entire service, unless the vehicle is parked more than six (6) feet away from any other vehicle.
 - c. Each vehicle may only be occupied by members of the same household or living unit.
 - d. Organizers and all participants must follow current County Rules, State, and CDC guidelines.
 - e. Organizers, observing social distancing, should be present to ensure proper spacing between vehicles and the orderly compliance of all guidelines. Organizers should not interact with vehicle occupants beyond requesting their compliance with all guidelines.
 - f. Organizers should use unattended drop-boxes for any collections.
 - g. Presentations may be conducted by radio transmitters, or streamed over the internet.

the U.S. Food & Drug Administration (“FDA”) (available here: <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-re-opening-retail-food-establishments-during-covid-19-pandemic>), as updated or superseded.

- vii. Provide disposable menus or menu board, or sanitize reusable menus after each use.
 - viii. Hourly touch-point sanitization (workstations, equipment, screens, door knobs, restrooms, etc.) required.
 - ix. Valet services are prohibited, except for vehicles with placards or plates for disabled parking.
 - x. Buffets, salad bars, and self-service of food or beverages are not allowed in restaurants. Food and beverages must be served to each customer.
 - xi. For restaurants that accept reservations, entry into the restaurant is on a reservation only basis, and parties must wait in their vehicle until called into the restaurant.
- c. Hygiene.
- i. Employer must provide hand washing capability or sanitizer for employees and customers.
 - ii. An adequate supply of soap, disinfectant, hand sanitizer, and paper towels must be available at all times.
 - iii. Frequent hand washing by employees, especially between interactions with customers.
- d. Staffing.
- i. Provide training for employees regarding these requirements.
 - ii. Conduct pre-shift screening, maintain staff screening log.
 - iii. No employee displaying symptoms of COVID-19 should provide services to customers. Symptomatic or ill employees should not report to work.
 - iv. No person should work within 72 hours of exhibiting a fever or other COVID-19 symptoms, and follow the CDC’s “What To Do If You Are Sick” guidance, available at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>.
 - v. Employer must establish a plan for employees getting ill and a return-to-work plan following CDC guidance, which can be found online at:

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

- e. Cleaning and Disinfecting.
 - i. Cleaning and disinfecting must be conducted in compliance with CDC guidance.
 - ii. When an active employee is identified as being COVID-19 positive by testing, cleaning, and disinfecting must be performed as soon after the confirmation of a positive test as practical consistent with CDC guidance.
 - iii. CDC guidance can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>
 - f. Encouraged practices. Restaurants are encouraged to do the following:
 - i. Have customers enter and exit through different entries using one-way traffic, where possible.
 - ii. Start or continue entryway, curbside, and home delivery.
 - iii. Encourage making reservations, preordering for dine-in service, and ordering for contactless pickup and delivery either by telephone or other remote means.
 - iv. If meals are provided to employees, employers are recommended to have the meal individually packaged for each employee.
 - v. Implement cashless and receiptless transactions.
12. Hair and Nail Salons, beginning May 25, 2020, at 12:01 a.m., provided operators are in compliance with State law and administrative rules.
- a. Hygiene
 - i. Employees are required to wash hands immediately, upon entry, and prior to and following each service and break.
 - ii. All employees will be required to wear a CDC-recommended face mask whether servicing clients or not; cloth masks are not allowed for employees. Face shields must also be worn during all services (nail technicians may utilize plexiglass shields between employee and client).
 - iii. Patrons must come alone without guests; minors receiving services are allowed one accompanying

- adult.
 - iv. All patrons will be required to wear a mask or cloth face covering pursuant to County Rule 5.
 - v. Any patron refusing to wear a face mask may not enter the salon or receive services. Face masks may only be removed when trimming near the ears.
 - vi. Clients must wait outside for appointments, either in cars, or in lines allowing for 6 feet of separation.
 - vii. Clients will be asked to remain seated in designated workstation/chair until otherwise necessary or for an emergency.
 - viii. Customers must use hand sanitizer and or wash hands immediately upon entry.
- b. Monitoring and screening workers and clients
- i. Employees who are sick must stay home.
 - ii. Salons/shop owner/managers must provide training, educational materials, and enforcement of proper sanitation and all applicable rules.
 - iii. Salons must keep detailed daily logs of their daily business, including who came in, on what day and time, contact information, and who the stylist was.
 - iv. Employees must be temperature screened upon arrival. Any employee with a temperature of 99 degrees or higher must be immediately sent home.
 - v. Each employee and client must be asked the following intake questions daily/at scheduling of the appointment, and upon check-in for appointments (via cell phone, prior to physical entry into the salon). If any of the answers to the below is “yes,” the employee is not allowed to work and customers may not receive services.
 - 1. Do you now, or have you had in the past 14 days:
 - a. a cough or sore throat?
 - b. fever or do you feel feverish?
 - c. shortness of breath?
 - d. loss of taste or smell?
 - 2. Have you been around anyone with these symptoms in the last 14 days
 - 3. Have you been out of state in the last 14 days?

- c. Service limitations: Face to face services not allowed (e.g., beard trims, waxing, and cosmetic application). No massages of head, neck, or hands; pedicurist may massage feet and lower legs. No blow drying (handheld and automatic/standing).
- d. Salon environment
 - i. Service providers/stylists to client ratio will be 1:1.
 - ii. Services on appointment basis only; no walk-ins. Appointment scheduling must allow for adequate sanitation between appointments.
 - iii. Prior to opening and at the end of each day (at a minimum), the facility, including break room and bathroom, must be thoroughly cleaned and sanitized to CDC workplace guidance.
 - iv. Frequent daily cleaning of all high-touch surfaces.
 - v. No magazines, toys, coffee machines, or other common area offerings allowed.
 - vi. Workstations must be spaced to enforce social distancing practices of 6 feet between clients. Salons should consider divider shields and alternative work schedules. Workstations must be disinfected at the start and end of each shift, and in between each client.
 - vii. Capes/smocks and towels must be single-use, either disposable or washed/dried and use for only one customer. Used items must be kept in an airtight container and laundered in hot, soapy water and dried at high temperature.
 - viii. Contactless payment should be used whenever possible; credit card terminals must be wiped after each use. Customers must remain seated until called for checkout; one customer at a time. No cash payments; no tip jars.
 - ix. EPA-approved disinfectant or disinfecting techniques must be used for technical implements and work areas.
- e. Nail salons/services
 - i. Pedicure bowls must be disassembled and disinfected daily; for bowls with jets, they must run a minimum of 10 minutes with disinfection.
 - ii. Manicurists must have plexiglass or similar shields between technician and client.

County of Maui Parks – EXHIBIT B

Facility Name	City
PHASE 1:	
"Duke" Maliu Regional Park	KAUNAKAKAI
Hana Ball Park	HANA
Kahului Community Park	KAHULUI
Keanae Park	HANA
Keopuolani Regional Park	KAHULUI
Kilohana Park	KIHEI
Lahaina Recreation Center	LAHAINA
Lanai Entry Park (Next to Fire Station)	LANAI
Liloa Drive Bike Trail	KIHEI
Napili Park	LAHAINA
New Kula Ballfield (aka Kula Recreation Center)	KULA
Pukalani Park	MAKAWAO
South Maui Community Park	KIHEI
BEACH PARKS	
Hana Beach Park (Hana Bay)	HANA
Hoaloha Park	KAHULUI
Ho'okipa Beach Park	PAIA
Kamaole I	KIHEI
Kamaole II	KIHEI
Kamaole III	KIHEI
Lower Paia Park	PAIA
One Ali'i Park	KAUNAKAKAI
Wahikuli Wayside Park	LAHAINA
Waiehu Beach Park	WAILUKU
PHASE 2:	
Ali'i Village Subdivision Park	KIHEI
Banyan Court Park	LAHAINA
Charley Young Park	KIHEI
D.T. Fleming Park	LAHAINA
Fraser Ave. Park	LANAI
Front Street Park	LAHAINA
Haiku Park	HAIKU
Halawa Park	KAUNAKAKAI
Hale Piilani Park	KIHEI
Haliimaile Park	MAKAWAO
Hanakao'o Park	LAHAINA
Harold Rice Memorial Park	KULA
Honokowai Park	LAHAINA
Honolii Park	WAILUKU

Honomanu Park	HANA
Kakahaia Park	KAUNAKAKAI
Kalama Park (Old and New), Cove Park	KIHEI
Kalepolepo Park	KIHEI
Kamalii Park	KAHULUI
Kamaole Point	KIHEI
Kaonoulu Park	KIHEI
Kauhale Mahinahina Park	LAHAINA
Kauiki Hill Lookout & Trail	HANA
Keawekapu Beach Park I	KIHEI
Keawekapu Beach Park II	KIHEI
Kelaweia Mauka Park	LAHAINA
Kenolio Park	KIHEI
Keokea Park	KULA
Keonekai Park	KIHEI
Kuau Bay Beach Park - Kalahau	PAIA
Lanai Park Complex	LANAI
Launiupoko Park	LAHAINA
Leisure Estates Park	WAILUKU
Maalaea Haycraft Beach Park	KIHEI
Makana Park	PAIA
Kealohilani Park	KAHULUI
Maunaloa Park	MAUNALOA
Memorial Park (Mai Poina 'Oe Ia'u Park)	KIHEI
Moana Estates Park	KIHEI
Pa'ani Mai Park	HANA
Paia Ball Park	PAIA
Palauea Beach Park	KIHEI
Papohaku Beach Park	MAUNALOA
Paukukalo Beach Park	WAILUKU
Paunau Park	LAHAINA
Piikea Park	KIHEI
Pohaku Park (S-Turns)	LAHAINA
Polo Beach Park	KIHEI
Pomaikai Park	KAHULUI
Puamana Park	LAHAINA
Puu Hauole Park	KAUNAKAKAI
Puuohala Park	WAILUKU
Rainbow Park	PAIA
Sun Yat Sen	KULA
Ualapue Park	KAUNAKAKAI
Ukumehame Beach Park	LAHAINA
Ulua-Mokapu Beach Park	KIHEI
Wahikuli Terrace Park	LAHAINA
Waiehu Heights Park	WAILUKU
Waiehu Terrace Park	WAILUKU
Waihee Beach Park	WAILUKU
Wailea Beach Park	KIHEI
Waiolani Mauka	WAILUKU

Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

EXHIBIT C

How to Wear Cloth Face Coverings

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape

CDC on Homemade Cloth Face Coverings

CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), **especially** in areas of significant community-based transmission.

CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cloth face covering without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?

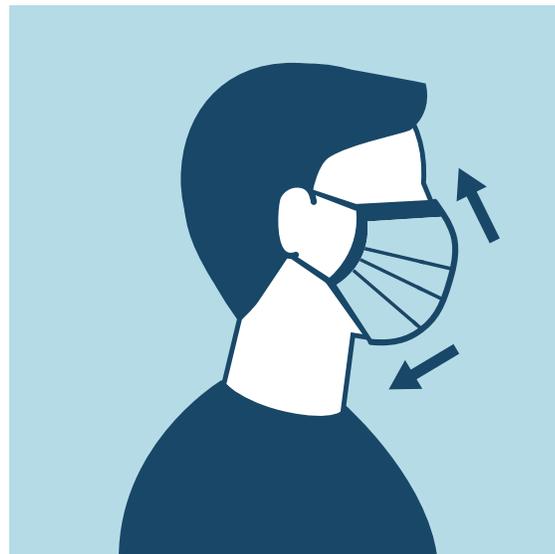
Yes. They should be routinely washed depending on the frequency of use.

How does one safely sterilize/clean a cloth face covering?

A washing machine should suffice in properly washing a cloth face covering.

How does one safely remove a used cloth face covering?

Individuals should be careful not to touch their eyes, nose, and mouth when removing their cloth face covering and wash hands immediately after removing.



cdc.gov/coronavirus