

Legal Update Article

Puerto Rico Health Department Adopts Additional Measures to Manage COVID-19 Pandemic

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Meet the Authors



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Related Services

COVID-19

Disability, Leave and Health
Management

Workplace Safety and Health

Additional measures adopted by the Puerto Rico Department of Health to manage the COVID-19 pandemic include administrative fines for noncompliance.

Regulation No. 9210 applies to natural persons (visitors and residents), as well as legal entities in Puerto Rico, and went into effect on August 21, 2020.

Requirements

Under the Regulation, individuals must:

1. Cover their nose and mouth by wearing a mask while away from home either in indoors or outdoors spaces.
2. Maintain social distancing of at least six feet between one another.
3. Disinfect their hands before entering closed spaces and when leaving.
4. Avoid and refrain from coordinating or participating in events and activities that involve the gathering of people without the required social distancing.
5. Remain in their homes if exposed to someone that has tested positive for COVID-19 and immediately notify their employers and the Puerto Rico Department of Health.

Further, the Regulation provides that legal entities must require persons entering their premises to:

1. Use masks that cover the nose and mouth of the individual.
2. Sanitize their hands.
3. Take temperature.
4. Maintain social distancing.

Legal entities also must comply with the capacity limitations provided in the Executive Order issued by the Puerto Rico Governor.

Administrative Fines

Failure to comply with Regulation No. 9210 can result in fines of \$100 for individuals and \$500 for legal entities. Fines must be paid within three business days from the date of issuance. If the fine is not paid within three business days, the amount will be doubled.

An entity or individual who considers that no violation has taken place, has 30 days to request judicial review. The process requires filing a petition before the Court of First Instance. The filing of a judicial review does not exempt the alleged offender from paying the fine within the established term of three business days.

A part of the Regulation appears to reference arrests for failure to comply. Under the authority conferred by the Police Reform Agreement, the Federal Court has requested clarification on this from the Department of Health.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with [state-specific or multistate-compliant plans](#).

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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