

# Puerto Rico Extends Mandatory Vaccination to Dining and Entertainment Sectors

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Puerto Rico has made COVID-19 vaccination mandatory for additional industries after Governor Pedro R. Pierluisi extended vaccination requirements for employees in the health and hospitality sectors beginning August 16, 2021. Under new Executive Order (EO-2021-063), restaurants, theaters, and other establishments in the dining and entertainment industries must comply with requirements for mandatory vaccination beginning August 23, 2021.

### New Requirements for Employees

EO-2021-063 implements the following vaccination requirements:

- All theaters, cinemas, coliseums, convention centers, activities centers, restaurants, and places where food or drinks are served (*i.e.*, bars, kiosks, sport bars, fast foods, food courts, and cafeterias, among others) must require vaccination of employees and contractors (but not suppliers) who are physically working at the location. Covered individuals must submit evidence of having received at least the first dose of the vaccine by August 23. They must be fully vaccinated by October 7.
- Employers are obligated to corroborate vaccination by inspection of the vaccination record or a document establishing that the employee has completed or begun the vaccination process. Employees must present evidence of vaccination to be allowed in the work area.
- Employees who are not vaccinated due to the exceptions listed below or who do not provide proof of vaccination must present weekly a COVID-19 negative test result of a test taken within the last 72 hours or a positive COVID-19 test result from within the last three months and proof of recovery.

Exceptions to EO-2021-063's mandatory vaccination requirements for employees include:

1. Employees whose immune system is compromised or have any medical contraindication that prevents inoculation, subject to the following:
  - A doctor authorized to practice in Puerto Rico must certify that the individual has a medical condition that prevents vaccination and state the duration of the medical contraindication and if it is permanent or temporary.
  - If the contraindication is temporary, the individual must comply with the vaccination requirement as soon as the contraindication ceases.
2. Employees with religious beliefs against vaccination, subject to:
  - Submitting a sworn statement under penalty of perjury where the individual and the minister or ecclesiastical leader of the religion declare that the individual's religious beliefs prevent vaccine administration.
  - If the religion does not have a minister or ecclesiastical leader, the individual must submit a sworn statement explaining the sincerely held religious conviction.

Employees who fail to comply with these requirements and do not fall within one of the

exceptions will not be allowed to be physically present in the work area. The employer can implement appropriate measures, including allowing the employee to use applicable paid or unpaid leave.

### New Requirements for Visitors

EO-2021-063 requires proof of vaccination for persons visiting any of the above-mentioned establishments. It also provides that:

- Beginning August 23, owners must verify that visitors comply with *one* of the following conditions:
  - The person is fully vaccinated and shows proof of vaccination.
  - The person presents a negative COVID-19 test result from a test taken within the last 72 hours before visiting the establishment.
  - The person presents a positive COVID-19 test result from within the last three months and proof of recovery.
- Minors younger than 12 years old, who cannot be vaccinated, do not have to comply with the listed requirements.
- Visitors who are using delivery, curbside pickup, or pickup at restaurants (including fast food, food courts, bars, sport bars, and so on) and thus will not consume food or drinks at the establishment do not have to comply with the listed requirements.
- Persons failing to comply with these requirements cannot be allowed into the establishment.

### Reduced Capacity

Restaurants (including fast food, food courts, bars, sport bars, and so on), theaters, cinemas, coliseums, convention centers, activities centers, and any other establishments that serve food or drinks that fail to comply with the requirements applicable to visitors *must reduce capacity by 50 percent, based on the Puerto Rico Building Code of 2018 and the Fire Department regulations.*

### Posting Requirements

EO 2021-063 requires establishments to post the Department of Health confidential number and email to report violations. The establishment also must post a notice if the location checks vaccination status and if it requires test results. If the establishment does not comply with the verification, it must post the number of persons allowed in the establishment.

### Violations

Failure to comply with EO 2021-063 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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