

Puerto Rico Governor Extends Mandatory COVID-19 Vaccination to Additional Private Industries

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Meet the Authors



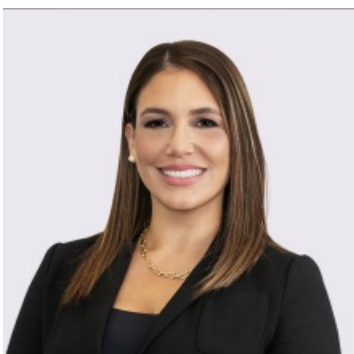
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Puerto Rico Governor Pedro R. Pierluisi has expanded mandatory COVID-19 vaccination to additional private industries effective August 30, 2021.

Private Industries Covered

Under Executive Order 2021-064 (EO), all beauty salons, barber shops, aesthetics salons, spas, gyms, childcare centers, supermarkets, grocery stores (including stores authorized by the WIC Program), casinos, and gas station stores must require and ensure that every person or employee (regardless of their functions) that physically works at the location is duly inoculated with a vaccine authorized by the FDA for the COVID-19 emergency.

Proof of Vaccination

Employers must corroborate vaccination by inspection of the immunization certificate (COVID-19 Vaccination Record Card or Vacu ID) or a document establishing the employee has completed or begun the vaccination process. Employees must present evidence of vaccination in order to be allowed in the work area.

Employees must establish that by August 30, 2021, they have initiated the vaccination process. They must then certify to the employer that they have received the second dose of the vaccine, if the type of vaccine that was administered requires it. Employees will have until October 15, 2021, to complete the vaccination process.

Similar to [prior orders](#), employees who do not provide proof of vaccination and who are not vaccinated due to the exceptions (see below), must present a weekly COVID-19 negative result taken within the last 72 hours or a positive COVID-19 result within the last three months and proof of recovery.

Employees who fail to comply with the mandatory vaccination requirements or with the required results and do not fall within one of the exceptions will not be allowed to be physically present in the work area. In this case, the employer can implement applicable preventive measures, including allowing the employee to use applicable leave of absence or unpaid leave.

Exemptions

As provided in [prior orders](#), exceptions for religious and medical reasons are authorized, provided employees present the corresponding documentation.

Employees who are exempt from the mandatory vaccination requirements can work physically at the employer's location if they comply with the testing requirements and use adequate safety measures, such as masks and social distancing and any other means according to the Department of Health.

Visitors

Beginning August 30, all beauty salons, barber shops, aesthetics salons, spas, gyms and

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Related Services

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casinos must verify that visitors comply with *one* of the following conditions before entering the location:

- The person is fully vaccinated and shows proof of vaccination.
- The person presents a COVID-19 negative result of a test taken within the last 72 hours before visiting the establishment.
- The person presents a COVID-19 positive result 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 these requirements.

Visitors must always use masks indoors.

Persons failing to comply with these requirements cannot be allowed into the establishment.

Reduced Capacity

Any beauty salon, barber shop, aesthetics salon, spa, gym or casino that fails to comply with the requirements applicable to visitors must reduce capacity by 50 percent, based on the Puerto Rico Building Code of 2018 and Fire Department regulations.

Posting Requirements

Like prior orders, the new EO 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 the EO 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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