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**PUBLIC HEALTH EMERGENCY RULES
EFFECTIVE FEBRUARY 21, 2022**

The virus that causes Coronavirus 2019 Disease (“COVID-19”) is a novel severe acute respiratory illness that is easily transmitted. As of February 17, 2022, there are over 419 million cases and 5.85 million deaths globally, and the United States continues to record the highest numbers of cases, with more than 78 million cases and over 920,000 deaths (<https://coronavirus.jhu.edu/map.html>).

To date, there have been over 230,000 cases and 1,200 deaths in the State of Hawaii, with over 27,000 confirmed and probable cases in Maui County. Statewide, in the past 14 days, there were 9,317 new cases. (<https://health.hawaii.gov/coronavirusdisease2019>).

Governor David Y. Ige’s Statewide Emergency Proclamation related to COVID-19 remains in effect, and continues the mandatory quarantine for persons entering the State of Hawaii, with pre-travel testing and other exemptions in accordance with the State’s Safe Travels program (<https://hawaiicovid19.com>).

These Rules are based on evidence of COVID-19 within the County and State of Hawaii, as reported by the Centers for Disease Control and Prevention

(CDC), the State Department of Health (DOH), scientific evidence, and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. These rules are designed to mitigate the resurgence of COVID-19, ensure sufficient levels of critical healthcare capacity in the County, and promote increased personal and private sector responsibility and decision making, with less government regulation.

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, Hawai‘i Revised Statutes (“HRS”), which have the force and effect of law.

RULES

Rule 1: Businesses, operations, and activities. Pursuant to sections 127A-12(a)(5), 127A-12(c)(12), 127A-13(b)(4), HRS, businesses, operations, and activities may operate during this emergency as set forth in the State’s Proclamation and these Rules. Without limitation, “businesses” include for-profit, non-profit, or other entities, regardless of the nature of the service they perform, or their corporate or entity structure. All businesses are permitted to remain open except as otherwise provided by these Rules, and subject to all restrictions and physical distancing requirements, the Governor’s Emergency

Proclamations, any subsequent proclamations or orders, the State Department of Health Reopening Hawaii Safe Practices, and any CDC and industry guidelines. Businesses shall refuse to allow entry to persons not wearing face coverings, unless an exception applies under the State's Proclamation.

Businesses not in compliance with any of these Emergency Rules may be subject to enforcement, including fines and mandatory closure. Subsequent violations may result in increased fines and/or longer periods of mandatory closure.

Exhibit A details specific requirements for certain businesses, operations, and activities. In the case of conflict with these Rules and the State's Emergency Proclamation or Executive Order, the more stringent restriction shall apply.

Rule 2: Safer outdoors. All individuals currently within the County are encouraged to avoid or limit gathering with non-household members, and to utilize well-ventilated outdoor spaces in compliance with these Rules. To the extent persons use shared indoor spaces (e.g., condominium common areas), they must comply with the limitations on gathering size in Rule 3 and social distancing requirements set forth herein, as ordered by the State of Hawaii, or as instructed by the CDC, whichever is more stringent.

Rule 3: Social gatherings. Indoor social gatherings of up to 25 persons are permitted. Outdoor social gatherings are permitted without size limitation. Gatherings of members of a single residential or family unit sharing the same address are not restricted.

A social gathering is defined as any informal and non-commercial gathering or event held in one's personal residence or a park.

Rule 4: Face coverings required. Individuals shall comply with the face covering requirements as set forth in the Governor's Emergency Proclamation.

Rule 5: Vaccination, testing, or medical documentation requirements for certain higher-risk businesses and activities. Rule 5 is repealed.

Rule 6: County meetings or hearings. County meetings shall be conducted using interactive technology in accordance with the Governor's Emergency Proclamation. County contested cases shall be conducted using interactive technology, in compliance with Act 168 (2021).

Rule 7: Liquor control officers ("LCOs") shall have the authority to enforce emergency rules at any establishment licensed to sell alcohol pursuant to Chapter 281, HRS. An establishment that is not in compliance with these rules, including those listed in Exhibit "A", attached hereto, may be subject to immediate closure for a twenty-four (24) hour period effected by the Maui Police Department and/or LCO. Liquor licensees not in compliance with the requirements of these rules shall also be subject to penalties enforceable pursuant to the Liquor Laws of Hawaii, Chapter 281, HRS, which may include a reprimand, fine, suspension, and/or revocation of the liquor license.

Rule 8: Mandatory travel quarantine and travel quarantine lodging. Transpacific travelers into Maui County shall abide by the Governor's

Emergency Proclamation for travel, exceptions, quarantine, lodging, health screening, and any other requirements.

Travelers whose negative test results are not available at the time of arrival shall quarantine at their place of lodging for 5 days or the duration of their stay in the State, whichever is shorter, unless an exception applies under the Governor's Proclamation. Persons who are subject to a travel quarantine and who require paid or commercial lodging shall quarantine at an approved travel quarantine hotel or motel. A Short-Term Rental Home ("STRH"), Bed & Breakfast Home ("B&B"), or transient vacation rental ("TVR") shall not be designated as their place of quarantine for travel quarantine purposes.

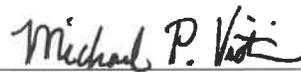
Persons who are confirmed or identified to be COVID-19 positive, or identified as being exposed to COVID-19 shall comply with all directives by the Department of Health, which includes isolation or quarantine at their place of lodging, regardless if the place of lodging is an approved place of quarantine for travel purposes, and includes all forms of accommodations (STRH, B&B, TVR, hotel, motel, personal residence, etc.). The hosts of any person subject to isolation and quarantine are subject to all provisions of these Rules and the Governor's Proclamation.

Persons shall bear all costs related to their pre-travel testing, and any subsequent costs related to their COVID-19 status, including, but not limited to, monitoring, rescheduling flights or other arrangements; transportation;

scheduled, extended, or relocated lodging; potential isolation; and any associated medical care.

Rule 9: Violations and penalties. Pursuant to Section 127A-29 and Chapter 291D, HRS, any person violating these Emergency Rules (inclusive of Exhibit A) shall be guilty of an emergency period infraction and shall be fined \$250.00 for each first violation and \$500.00 for each subsequent violation; provided that any person violating mandatory quarantine requirements pursuant to Rule 8 shall be guilty of a petty misdemeanor with fines up to \$1,000.00, a maximum of 30 days jail, or both. Nothing contained in this section shall modify the criminal penalties for violating transpacific travel or quarantine rules set forth in the Governor's Emergency Proclamations, as amended. Should the penalty provisions relating to quarantine violations be adjudged inconsistent with the Governor's Emergency Proclamation, the Governor's Emergency Proclamation shall govern.

These rules shall take effect on February 21, 2022, at 12:01 a.m., unless otherwise specified, and repeal the Public Health Emergency Rules promulgated February 7, 2022. These Rules shall be repealed upon the earlier of: 1) subsequent promulgation, or 2) termination of the Proclamation of Emergency for Maui County.



MICHAEL P. VICTORINO
Mayor
County of Maui

APPROVED:



MOANA M. LUTEY
Corporation Counsel
County of Maui

EXHIBIT "A"

RULES FOR BUSINESSES, OPERATIONS, AND ACTIVITIES

1. In the case of a conflict between the State's Proclamations or Executive Orders and these Rules, the more stringent shall apply.
2. **Shared indoor spaces** (e.g., lunchrooms, breakrooms, conference rooms, etc.). There is a heightened risk of spreading COVID-19 in shared indoor spaces located in public and private businesses. Under circumstances where utilizing indoor spaces is necessary, operators are encouraged to:
 - a. Limit capacity so that a minimum of 6 feet is maintainable at all times.
 - b. Ensure face coverings are worn at all times, except when actively eating and drinking.
 - c. Clean and disinfect in accordance with CDC guidelines.
 - d. Improve ventilation to the extent possible and feasible.
3. **Restaurants, bars, food courts, and other food or social establishments.** Pursuant to the Governor's Emergency Proclamation:
 - a. Employees must wear face coverings while indoors.
 - b. Customers must wear face coverings at all times while indoors, but may temporarily remove a face covering while actively eating or drinking.
 - c. Face coverings are not required outdoors.
4. **Indoor organized sports.** This section applies to indoor sports such as basketball, volleyball, and similar sports to be played indoors at specific indoor courts/venues at specific times ("Indoor Sports Program(s)"). This section does not apply to State Department of Education or Maui Interscholastic Leagues sports programs. Specific requirements for those programs are set by those respective entities. Indoor Sports Programs may practice and competitive play under the following requirements and conditions:
 - a. Specific requirements/conditions
 - i. Spectators are allowed and groups are limited to 25 persons who are not household members sharing the same address. Total spectator attendance is limited to 50% of the venue's

- occupancy.
- ii. Face coverings must be worn by all coaches/instructors/staff and spectators at all times. Participants may remove face coverings during active play.
 - iii. Socializing at the indoor courts/venues before or after the scheduled Indoor Sports Program activity is discouraged.
 - iv. Indoor Sports Program operators must implement measures to combat the spread of COVID-19 that are consistent with the Hawai'i Department of Health's "Guidance and Considerations for Return to Youth Sports" as may be amended and all related guidance on sports (collectively "**DOH Guidance**"). Available at <https://health.hawaii.gov/coronavirusdisease2019/tag/sports/>. Furthermore, to the extent consistent with this section, and Hawai'i Department of Health guidance, Indoor Sports Program operators and participants must also follow applicable guidance from the CDC (available at <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>). These measures include, but are not limited to the following:
 1. Physical distancing protocols and procedures for staff, athletes, with special consideration for the type of athletic activities engaged in, entrances and exits, queues, bottlenecks, facility layouts, and safe capacity limits.
 2. Regular screening of staff and participants for illness or exposure to COVID-19.
 3. Prohibiting socializing before or after the activity.
 4. Ensuring participants and staff who have COVID-19 do not attend Sport Program activities until they are cleared for release from isolation according to CDC guidelines and cleared to return by a healthcare provider.
 5. Ensuring any staff or participant exposed to a person with a confirmed or probable case of COVID-19 does not attend the program until they have completed quarantine following CDC guidelines.
 6. Evaluation of all program activities to identify and mitigate "high-risk" activities (shared equipment,

incidental close contact, etc.) to reduce or prevent COVID-19 transmission.

7. Limiting close contact. To the greatest extent reasonably practicable, physical distancing of at least six (6) feet between members of different households/living units should be maintained. For example, when not engaged in competitive team play or training that requires close contact, close contact should be reduced or eliminated to the extent possible (e.g., sitting close to teammates on a bench, standing close to teammates or opponents during downtime). Huddles, high fives, and handshakes and similarly unnecessary close contact activities should be eliminated.
8. Competitive play/tournaments/training allowed. Indoor Sports Program activities may include competitive team play (e.g., one team against another), tournaments, and/or practice/training. This is an exception to the general rule on gatherings contained in these Rules. Where other competitive play/games are scheduled on the same court/venue, Indoor Sports Program operators must implement measures to ensure that teams waiting to play maintain six (6) feet of physical distance from the other teams playing at all times (i.e., no mingling between teams/groups).
 - v. Individuals must comply with any lawful requirements imposed by the Indoor Sports Program operator.
 - vi. For County facilities, sports programs shall comply with all requirements imposed by the Department of Parks and Recreation.
- b. Nothing in this section requires a public or private Indoor Sports Program or court/venue to open.

5. **Film Production.** Provided written authorization is obtained in advance by the Mayor's office, local, national, and international film production, television production, streaming production, and similar production may operate in the County based on the guidelines and recommendations for production cast and crew members available at [https://www.honolulu.gov/rep/site/oed/oed_doycs/Guidelines_and Bes](https://www.honolulu.gov/rep/site/oed/oed_doycs/Guidelines_and_Bes)

[t Practices for filming on the Island of Oahu during the time of COVID_060320.pdf.](#)

6. **Indoor commercial event operators, including weddings and luau.** This Rule applies to indoor venues and events, including combination indoor/outdoor events, or events with an indoor weather-dependent alternative. Under the supervision of professional event planners, venues or catering and convention service managers, indoor commercial events may be conducted with the following restrictions:
 - a. Organizers of professional indoor events larger than 125 persons, in order to ensure appropriate safe practices, shall notify and consult with the Mayor's Office, and obtain approval prior to the event.
 - b. Venues must comply with face covering requirements as set forth in the Governor's Emergency Proclamation.
 - c. Any requests for variation from these rules must be approved by the County of Maui.
7. **Commercial ground transportation and tour operators** may operate at normal capacity. Face coverings must be worn at all times while in the vehicle.
8. **Gyms and fitness centers** may resume normal operations.
9. **Commercial recreational boating** may resume normal operations.
10. **Plastic disposable foodware.** In order to address supply chain issues caused in part by the COVID-19 pandemic, the amendments to Chapter 20.26, Maui County Code, related to the sale and use of plastic disposable foodware are suspended from January 1 through February 28, 2022.