

MICHAEL P. VICTORINO
Mayor

SANDY K. BAZ
Managing Director

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**PUBLIC HEALTH EMERGENCY RULES
EFFECTIVE SEPTEMBER 15, 2021**

The virus that causes Coronavirus 2019 Disease (“COVID-19”) is a novel severe acute respiratory illness that is easily transmitted. As of September 7, 2021, there were nearly 222 million cases and 4.6 million deaths globally, and the United States continues to record the highest numbers of cases, with more than 40 million cases and 650,274 deaths

(<https://coronavirus.jhu.edu/map.html>). To date, there are 68,764 cases and 626 deaths in the State of Hawaii, with 8,333 confirmed and probable cases in Maui County. Statewide, in the past 14 days, there were 11,265 new cases, and the test positivity rate is 7.2 percent.

(<https://health.hawaii.gov/coronavirusdisease2019>)

On August 5, 2021, Governor David Y. Ige issued an Emergency Proclamation related to COVID-19, noting that the Delta SARS-CoV-2 virus strain has resulted in spiking case numbers, creating a significant risk of infection. The August 5, 2021 Proclamation continued the mandatory 10-day quarantine for persons entering the State of Hawaii, with pre-travel testing and other exemptions in accordance with the Twenty-First Proclamation and the State’s Safe Travels program (<https://hawaiiicovid19.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.

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. Violation of any of the following rules is punishable as a misdemeanor, with fines of up to \$5,000, a maximum of one year in jail, or both.

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 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.

All residents and travelers into Maui County, whether inter-County or transpacific, are strongly encouraged to download either the AlohaSafe Alert

application or another Google-Apple Exposure Notification System application, or enable their exposure notification setting on their mobile device.

Rule 3: Social gatherings. Indoor social gatherings of up to 5 persons are permitted and outdoor social gatherings of up to 10 persons are permitted. Gatherings of members of a single residential or family unit sharing the same address are not restricted. The Rules stated herein may be superseded by rules promulgated by the Governor.

A social gathering is defined as a gathering or event that brings together persons from multiple households or living units at the same time for a discrete, shared, or group experience in a single room, space, or place, such as a private home, park, auditorium, stadium, arena, conference room, lunch room, meeting hall, or other indoor or outdoor space.

A social gathering does not include, and this definition does not apply to businesses that have supervision, monitoring, and other enforcement protocols in place, such as events overseen by commercial event operators, or are otherwise subject to specific rules or restrictions, e.g., the state and federal court systems, state and federal offices and functions, Department of Education, daycares, preschools, private schools, universities, and similar institutions.

Rule 4: Face coverings required. The requirements of Governor Ige's August 5, 2021, Proclamation, Exhibit A, as amended, are incorporated herein by reference. Pursuant to the State's Proclamation, individuals shall wear face

coverings over their noses and mouths when in public settings. Individuals are not required to wear face coverings “while outdoors.”

Rule 5: Physical distancing. All persons shall maintain a minimum of six-feet of physical separation from all other persons who are not household members sharing the same address.

Rule 6: County meetings or hearings. County meetings or hearings, including contested case hearings, shall be conducted virtually in accordance with Exhibit C of the State’s August 5, 2021, Proclamation.

Rule 7: County parks and beach parks. Park hours and operations are subject to Department of Parks and Recreation administrative rules. Only permitted commercial activities are allowed.

Rule 8: 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, shall 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 9: Mandatory travel quarantine and travel quarantine lodging. Transpacific travelers into Maui County shall abide by the Governor’s

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

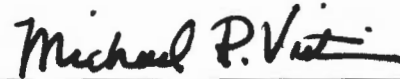
Travelers whose negative test results are not available at the time of arrival shall quarantine at their place of lodging for 10 days or the duration of their stay in the State, whichever is shorter, unless an exception applies under the Governor's emergency proclamation. Persons who are subject to a 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.

Travelers 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 may include isolation or quarantine at their place of lodging, which includes all forms of accommodations (STRH, B&B, TVR, hotel, motel, 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.

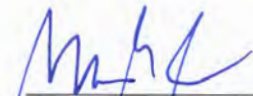
Rule 10: Violations and penalties. Pursuant to Section 127A-29 and Chapter 291D, HRS, any person violating Rules 1 (inclusive of Exhibit A), 2, 3, 4, and 5 shall be guilty of an emergency period infraction and shall be fined \$250.00 for each first violation and \$500.00 for each subsequent violation. Any person violating mandatory quarantine requirements pursuant to Rule 9 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 Proclamations, as amended. Should the penalty provisions relating to quarantine violations be adjudged inconsistent with the Governor's Proclamation, the Governor's Proclamation shall govern.

These rules shall take effect on September 15, 2021 at 12:01 a.m., unless otherwise specified, and repeal the Emergency Rules promulgated June 15, 2021. These Rules shall be repealed upon the earlier of: 1) subsequent promulgation, or 2) termination of the Proclamation of Emergency for Maui County.



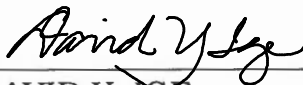
MICHAEL P. VICTORINO
Mayor
County of Maui
September 7, 2021

APPROVED:



MOANA M. LUTEY
Corporation Counsel
County of Maui

REVIEWED AND APPROVED:



DAVID Y. IGE
Date: Sep 8, 2021

EXHIBIT “A”

**RULES FOR
BUSINESSES, OPERATIONS, AND ACTIVITIES**

- 1. All businesses, operations, and activities shall comply with:**
 - a. In the case of a conflict between the State’s Proclamation and these Rules, the more stringent shall apply.
 - b. Applicable physical distancing requirements (including face coverings), unless a specific exemption or exception applies.
 - c. Businesses may request reconfiguration of the customer usage area, such as expansion of table seating or merchandise display into a business’s parking lot, in order to provide for adequate physical distancing, by letter to the Mayor’s Office. Such reconfiguration shall not exceed the scope of the use pre-Covid.
 - d. In accordance with Act 83 (2021), condominium and other similar associations must conduct meetings remotely in a manner consistent with state law.
 - e. Businesses, operations or activities that are conducted in outdoor settings, such as golf, tennis, and outdoor photography, should comply with CDC guidelines on sanitation.
 - f. Hygiene.
 - i. Employers must provide hand washing capability or sanitizer for employees and customers.
 - ii. An adequate supply of soap, disinfectant, or hand sanitizer must be available at all times.
 - iii. Frequent hand washing by employees, especially between interactions with customers.
 - g. Staffing.
 - i. Provide training for employees regarding these requirements.
 - ii. Conducting pre-shift screening, and maintaining a staff screening log are recommended.
 - 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 should 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>.

- h. 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 should 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>

2. Restrictions on 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 should:

- 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. Musical practices and performances, including singing. No more than 5 musicians on stage, six-foot distance between musicians, and a minimum of ten feet between the stage and audience. Dancing may be allowed in accordance with guidance provided to commercial event operators below. Seating should follow restaurant guidelines, or for stadium type seating, physical distancing is required (maximum number of occupants, distancing between groups). Karaoke is allowed, provided the singer is at least 10 feet from others.

4. Restaurants, bars, food courts, and other food or social establishments shall comply with the following requirements:

- a. General.
 - i. Bars and restaurants must close no later than 10:00 p.m.. This restriction does not apply to drive-through, non-liquor related take-out, delivery, or room service only. For non-liquor related take-out service, customers shall not enter the restaurant past 10:00 p.m.

- ii. Maintain physical distancing between different groups. Patrons must remain seated with their party with no mingling between groups.
 - iii. Compliance with all regulatory guidelines. Development, posting, and implementation of written protocols (“COVID-19 Mitigation Plan”) consistent with County, State, industry-specific associations or organizations, and CDC guidance to mitigate the spread of COVID-19 including, but not limited to the following: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html>
- b. Operations.
- i. Bars and restaurants may operate at 50% indoor capacity provided they ensure that all customers 12 years of age and older are fully vaccinated. Operators are responsible for verifying vaccination status and identity by government or school-issued identification. People are considered fully vaccinated for COVID-19 when more than two weeks have passed since receiving the second dose in a two dose series, or more than two weeks after they have received a single-dose vaccine. A completed vaccination card (which includes name of person vaccinated, type of vaccine provided and date last dose administered) in original, photocopied, or digital form; the Hawaii SMART Health Card digital health pass; or other similar vaccination documentation from a healthcare provider are acceptable proof of vaccination. Operators may collect the above acceptable proof of vaccination prior to indoor dining events. Each establishment must post an 8.5 x 11 inch (minimum) sign in a conspicuous place that is viewable by prospective patrons prior to entering the establishment. The sign must alert patrons to the COVID-19 vaccination requirement in this Rule and inform them that patrons are required to show proof of full vaccination.
 - ii. Non-vaccinated patrons may be served in outdoor dining spaces only, or by take-out or drive through. For purposes of this section, a facility is classified as “outdoor” as long as no more than 50% of the structure’s perimeter has impermeable walls, allowing sufficient, unrestricted outdoor air movement resulting in cross ventilation. Such walls must be non-adjacent or non-continuous. Adjacent walls are walls that touch to form a corner, but do not include retractable walls or structures that are opened during operations. Upon request,

the County of Maui may issue special exceptions for uniquely designed structures or circumstances.

Features	Classification	Description
75% to 100% of the structure has impermeable walls	Indoor	Having 75% to 100% of the structure closed obstructs air flow, and will confine air.
50% of the structure has adjacent impermeable walls	Indoor	Air circulation is decreased in the corner where the two “closed” adjacent walls meet and will confine air.
50% of the structure has non-adjacent impermeable walls	Outdoor	With at least 50% of the non-adjacent walls in a structure being open, the resulting air movement allows for droplet/aerosols containing the COVID-19 virus to disperse rapidly. Ceilings, roofs, umbrellas, canopies, etc. are permitted.
Circular or other uniquely shaped structure with 50% non-continuous impermeable walls	Outdoor	With at least 50% non-continuous walls in a circular structure, it allows for sufficient openings to promote air flow and in turn rapid dispersal of droplets/aerosols.
Ceilings, roofs, umbrellas, canopies and other	Outdoor	This type of structure allows open-air ventilation and rapid dispersal of droplets/aerosols.

similar structures with no walls		
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- iii. Full or part-time employees 12 years of age and older must show proof of full vaccination in the same manner as described in Section 4(b)(i) or must provide proof of a negative COVID-19 test result taken within seven (7) days of entry into the business. This requirement is on a rolling basis. The negative test result required under this section must be from an FDA approved, or FDA EUA approved, molecular or antigen test). Each business must develop and keep a written record describing the entity's protocol for implementing and enforcing the requirements of this Rule. Such written record shall be available for inspection upon a request of a County official.
- iv. Face coverings.
 - 1. Employees must wear face coverings while indoors.
 - 2. Customers - Customers must wear face coverings at all times while indoors, but may temporarily remove a face covering while actively eating or drinking.
- v. Seating is arranged so that six (6) feet of separation is maintained between tables. Outdoor occupancy will be limited by physical distancing capacities between separate groups.
- vi. The number of persons at one table shall be no more than 8.
- vii. Condiments should be by request in single-use disposable packets, or reusable condiment containers that are sanitized between parties.
- viii. Condiments, silverware, flatware, glasses, or other traditional table top items should not be left on an unoccupied table.
- ix. Tables and chairs should be fully sanitized after each group (or individual customer) leaves the restaurant.
- x. Disposable foodware and utensils should be used when available. When non-disposable foodware or utensils are used, they must be sanitized after each use consistent with DOH guidance and regulations, and "best practices" of the 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.

- xi. Provide disposable menus or menu board, or sanitize reusable menus after each use.
 - xii. Hourly touch-point sanitization (workstations, equipment, screens, door knobs, restrooms, etc.) is recommended.
 - xiii. Buffets, salad bars, and other types of self-service of food are not allowed.
 - xiv. Dancing may be allowed in accordance with guidelines for wedding operators below; karaoke is allowed provided the singer is at least 10 feet from others.
- c. Specific requirements for bars:
- i. Outdoor occupancy will be limited by physical distancing capacities between separate groups.
 - ii. Limit groups within the bar to a maximum of eight (8) individuals per group.
 - iii. Ensure groups within the bar maintain at least six (6) feet of separation from other groups.
 - iv. Prohibit groups within the bar from intermingling.
 - v. Designate areas to separate groups at least six (6) feet apart from each other (e.g., through ropes or other physical separation for standing areas, or the seating of guests at separate tables, or both).
 - vi. Ensure individuals in different groups maintain a minimum of six (6) feet of physical distance from each other to the greatest extent possible.
- d. Encouraged practices:
- 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.
- e. Any exceptions to these provisions for special events must be approved by the County of Maui.

5. Commercial recreational boating may operate with 50% capacity, and shall implement protocols to ensure that households/living units and

groups maintain proper physical distancing of at least six (6) feet from each other; service and consumption of food or drinks within the vessel cabin (if any) is consistent with the “Restaurants/Bars” Rules, except that confirmation of vaccination or negative COVID testing is encouraged but not required.

- 6. Outdoor organized sports.** This section applies to outdoor organized sports such as baseball, basketball, soccer, volleyball, softball, tennis, pickleball, surfing, swimming, football, rugby, canoe paddling and similar outdoor sports (“Sports Program(s)”). Sports Programs may conduct skill-building drills, team-based practice, and competitive play under the following requirements and conditions:
- a. No close contact activities, including, but not limited to, huddles, high fives, and handshakes.
 - b. Practice groups are limited to a single Sports Program team, including players and coaches. Where multiple groups are present at a facility or field, Sports Program operators must implement measures to ensure that groups maintain six (6) feet of physical distance between each other at all times (i.e., no mingling between groups).
 - c. No more than two Sports Program teams may compete against each other on an outdoor field, court, etc. at a time. Where other competitive play/games are scheduled on the same field, court, etc., 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 groups).
 - d. Players/participants and staff/coaches only. No spectators are allowed.
 - e. Sports Program operators must implement measures to ensure that:
 - i. To the extent consistent with this section, and to the extent reasonably practicable: (1) the Sports Program operators and participants shall follow applicable guidance from the CDC ([available at https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html)); and (2) established and reputable COVID-19-related guidelines for the facility and the activity at issue.
 - ii. Physical distancing protocols and procedures exist for staff and athletes, with special consideration for the type of athletic activities engaged in, entrances and exits, queues, bottlenecks, facility layouts, and safe capacity limits.

- iii. Staff and athletes are screened (via self-screening, temperature checks or otherwise) regularly for illness or exposure to COVID-19.
- iv. Staff and athletes should consider wearing face coverings when spectating, arriving, and leaving, and must wear face coverings while indoors.
- v. Individuals from outside the Sports Program team should limit their interactions with staff and participants during drop off/pick up.
- vi. Athletes who are sick from COVID-19 may not attend a practice or training until they are cleared for release from isolation according to CDC guidelines and cleared to return by a healthcare provider.
- vii. Any staff or athlete exposed to a person with a confirmed or probable case of COVID-19 may not attend the program until they have completed quarantine following CDC or DOH guidelines.
- viii. All program activities are evaluated to identify and mitigate “high-risk” activities (shared equipment, incidental close contact, etc.) to reduce or prevent COVID-19 transmission.
- ix. Sports Programs shall comply with all requirements imposed by the Department of Parks and Recreation.

7. 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)”). Indoor Sports Programs may practice and competitive play under the following requirements and conditions:

- a. Specific requirements/conditions
 - i. Players/participants and staff/coaches only. No spectators are allowed.
 - ii. Face coverings. Face coverings must be worn by all participants and coaches/instructors/staff at all times. For aquatic sports, face coverings may be removed prior to entering the water.
 - iii. No socializing. There shall be no socializing at the indoor courts/venues at issue before or after the scheduled Indoor Sports Program activity.
 - iv. Implementing measures consistent with state and federal guidance. 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.

8. 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_Best_Practices_for_filming_on_the_Island_of_Oahu_during_the_time_of_COVID_060320.pdf.

9. Commercial event operators, including weddings and luau. Under the supervision of professional event planners, venues or catering and convention service managers, commercial events may be conducted with the following restrictions:

- a. Outdoor venues only (e.g. permitted private venues, hotels, beaches and/or churches). The property utilized must follow all

- permitting/zoning regulations for such events, and must obtain or have proper authorization before conducting such event.
- b. In accordance with Governor Ige's Executive Order 21-05, organizers of professional events larger than fifty (50) persons, in order to ensure appropriate safe practices, shall notify and consult with the Mayor's Office, and obtain approval prior to the event.
 - c. Usage of face coverings are recommended.
 - d. Table seating required as follows:
 - i. It is recommended that each table be reserved for members of the same household.
 - ii. Food and beverage service must comply with the requirements for Restaurants and Bars.
 - e. Musicians and entertainment must comply with the requirements in Paragraph 3.
 - f. Dancing is allowed pursuant to physical distancing guidelines.
 - g. Safety protocols are required as follows:
 - i. Staff and guests will require a temperature check upon arrival. Any person with a temperature over 100.4 will not be allowed to remain.
 - ii. A record of all guest names with a contact number for each guest is required for contact tracing purposes.
 - h. Any requests for variation from these rules must be approved by the County of Maui.

10. Ground transportation and commercial tour operators that are public utilities commission certified may operate at no more than 50% capacity of each respective licensed vehicle, excluding the driver from the capacity limit. Masks must be worn at all times while in the vehicle, with proper sanitation and health and safety guidelines in place. Separate parties in each vehicle shall be physically separated to the greatest extent possible. Capacity restrictions shall not apply to transportation of passengers that belong to the same household. This Rule does not apply to public transportation and the Expeditions Maui-Lanai Passenger Ferry.

11. Gyms, fitness centers, and other higher risk businesses. Indoor operations are closed, except that such higher risk businesses may operate at 50% indoor capacity provided they ensure that all customers 12 years of age and older are fully vaccinated, as described in and in compliance with Exhibit A, Paragraph 4(b)(i). Full and part-time employees must show proof of full vaccination or a negative COVID test as described in and in compliance with

Exhibit A, Paragraph 4(b)(iii). Operators are responsible for verifying vaccination status and identity by government or school-issued identification and for all requirements listed in Exhibit A, Paragraph 4(b)(i) and (iii). This Paragraph 11 applies to facilities that are indoor and outdoor, when customers may interchangeably access both spaces. Facilities that are 100% outdoor (as the term is defined in Exhibit A, Paragraph 4(b)(iii)) may continue operations but are encouraged to adopt the requirements in this Paragraph 11.