



**OFFICE OF THE MAYOR  
THE COUNTY OF KAUA'I**

**DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR**

**Mayor's Emergency Rule #16**

This rule is in accordance with the State of Hawai'i Twelfth Proclamation, and adopted pursuant to HRS § 127A-25. This rule has the force and effect of law. Violation of this rule is a misdemeanor, subject to penalty per HRS § 127A-29.

**Definition**

The following definition shall apply to this rule:

“Enhanced movement quarantine” means the expansion of the quarantine location to a hotel or resort facility with a health and safety plan implemented, which allows greater movement for guests subject to quarantine restrictions.

**Enhanced Movement Quarantine**

To participate in an enhanced movement quarantine (“EMQ”), resorts and hotel facilities (“facilities”) must notify Kaua'i Emergency Management Agency (KEMA) that they will be instituting an EMQ. KEMA will review all security and enforcement plans to ensure compliance with this rule. Submittal of a plan constitutes an agreement to abide by this rule and all other emergency rules, proclamations, or orders. Security and enforcement is the responsibility of the participating facility. Provided any violation of the EMQ is immediately referred to the Kaua'i Police Department for criminal prosecution.

The “Health and Safety” requirements are a minimum. Facilities should take all necessary precautions to protect the health and safety of guests and employees. Any facility that wishes to provide an EMQ must institute the following minimum program requirements:

***Health and Safety***

1. Plans to limit the movement of guests to reduce contact with residents, visitors outside their travel party, and employees;
2. Implementation of employee safety measures, including but not limited to the use of personal protective equipment and training on safe practices to avoid the spread of COVID-19;
3. Each available amenity, service, or activity must have a safety protocols in place as provided by the Center for Disease Control or similar entity;
4. Airport shuttle services for individuals subject to the EMQ;
5. Designated isolation area for guests that receive positive COVID-19 test results with necessary wraparound services. The facility must provide accommodations for the guest during any required isolation;

***Security and Enforcement***

6. A map of the property that clearly indicates the EMQ areas including but not limited to separate wings, floors, dining areas, and amenities;
7. Electronic monitoring of any person subject to the EMQ. The electronic monitor must be wearable with the ability to detect removal of the device;
8. Ensure rental car restrictions are enforced;
9. Any facility must be able to enforce their safety protocols in place per their health and safety plan;



10. Any facility that voluntarily participates will immediately report any suspected violations to the Kaua'i Police Department;
11. A clear method for providing notice to the community of EMQ areas along the perimeter of the facility including parking areas and the adjacent shoreline; and
12. A form waiver that will be signed by all EMQ guests and maintained by the resort or hotel facility. EMQ participants must sign the waiver confirming that the following is entirely voluntary: 1) participation in the program, 2) electronic location monitoring, 3) the waiver of express privacy interests including health information, 4) acknowledgment that they are still subject to all state imposed quarantine restrictions within the EMQ area, and 5) a full assumption of risk related to contracting COVID-19 including a waiver of any claims against the County of Kaua'i and State of Hawai'i.

Guests shall bear all costs related to their participation including monitoring, lodging, potential isolation, and any associated care.

**Penalty per HRS § 127A-29**

Any person violating any rule of the governor or mayor prescribed and promulgated pursuant to this chapter and having the force and effect of law, shall, if it shall be so stated in the rule, be guilty of a misdemeanor. Upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.


**Term:**

Effective September 15, 2020, subject to modification.



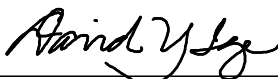
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Derek S.K. Kawakami  
Mayor

APPROVED FOR FORM & LEGALITY:



\_\_\_\_\_  
Matthew M. Bracken  
County Attorney

CONCURRENCE:



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David Y. Ige  
Governor of Hawai'i

or

Major General Kenneth Hara  
Director, HI-EMA