



P E R S P E C T I V E S

by **Rinaldo S. Brutoco**

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Bon Voyage!

Cruise ships are lined up and ready to sail...

Cruise ships are lined up and ready to sail...maybe. Yes, last week the Center for Disease Control and Prevention (CDC) issued new guidance that permits cruise ships to sail from US ports provided that at least 95 percent of guests and 98 percent of crew have been vaccinated. This drops the requirement for test voyages without paying passengers to precede commercial ones and means the ships really are free to go and start making money again as long as they abide by CDC guidance. This is incredibly important as it streamlines the plethora of confusing regulations governing individual ports all over the country.

In fact, the Biden Administration even put a temporary “hold” on the famous Jones Act which prohibits any foreign flagged ship (*all cruise ships fly foreign flags*) from traveling between two US ports without stopping at a “foreign” port. As Canadian ports are still “COVID-closed”, this change will allow all the ships that sail to Alaska which used to require a stop in Canada (say Vancouver) between their departure from a US port (say, Seattle) and the next US port in Alaska to set out again.

The Jones Act is just one of the factors a cruise ship captain must contend with to cast off from shore, but with the extraordinary intervention of the Alaska Tourism Restoration Act, signed on May 25th, the Biden Administration is doing what it can to help restore Alaskan tourism and allow ships to again begin sailing on the West Coast. That is particularly important news for Santa Barbara as we're a tourism destination for cruise lines. Anchors Away!

Separately, Carnival Cruise Lines has been approved to restart cruises to and from US ports (sailings have already started out of Southampton) and has plans for four ships to begin sailing in July, also out of Florida. This is where the real drama starts.

Knowing the new CDC guidance was coming, several cruise lines issued restrictions for anyone sailing who was *not* vaccinated. That seems reasonable enough. Those lines are still paying for all the people who became infected on their ships in the early days of the pandemic, an outcome that nearly bankrupted them. They don't want to ever again be called “floating petri dishes of disease.” Terrible branding for that “special” cruise vacation. So, what's the problem?

It's almost impossible to believe, but the craven governor of Florida, **Ron DeSantis**, literally issued an Executive Order on April 2, 2021, *making it illegal* to require “patrons or customers to issue vaccine passports to provide any documentation certifying COVID-19 vaccination or post -transmission recovery to gain access to entry upon, or service from the business.” If you think Republicans like DeSantis are “business friendly” think again. That Executive Order was aimed squarely at the cruise lines who primarily depart from Florida ports. That's insane. The cruise line that, in order to protect its passengers and crew, requires everyone to be vaccinated, will be breaking Florida law.

I doubt this Executive Order will withstand judicial review, so I'm rooting for the cruise industry to stick to its guns and sue to protect itself from Florida. In essence, DeSantis is attempting to stop one of Florida's largest industries from charting a course that will allow it to recover from the pandemic. That's not only terrible public policy, but it is also completely nuts from an economic point of view for the state of Florida.

Explaining this upside-down situation is like being a commentator at the Mad Hatter's Tea Party.

What's going on? We are in a Trumpian world where facts don't matter and "playing to the base" even when it is totally illogical is the name of the game here. The "base" somehow came to believe that a person's right to avoid getting vaccinated somehow means a private business owner, *for the safety of his/her employees and customers*, cannot require that a patron show proof of vaccination to enter and stay on his/her premises.

Apparently, there is some baseless fear that if I want to show my vaccination certificate in order to take a cruise somehow that infringes on your right to not be vaccinated, if you are foolish enough to avoid it. (The over 612,000 people who died were in fact not vaccinated.) This doesn't mean you have the right to infect other customers or employees who are similarly foolish or unfortunate enough to decline vaccination. Would you take a cruise, living in confined indoor quarters with thousands of other people if you thought many of them weren't vaccinated? More to the point, if you are a cruise line, how do you insure against the liability if one of your passengers were infected by a non-vaccinated passenger?

In addition to being insane, DeSantis is contravening US policy which has already allowed airlines to require proof of vaccination and/or cure from prior COVID infection in order to fly. Recently the EEOC authorized employers across the nation to require employees be vaccinated—which means Florida law, as it relates to employees, is "trumped" (you'll pardon the expression) by Federal law and is therefore not enforceable.

Israel, with the highest vaccination rate per capita in the world, launched its Green Pass program in February to allow fully vaccinated citizens entry to concert venues, gyms, hotels, and restaurants, among other places. Now, Israelis can also use the Green Pass to enter Cyprus and Greece. Thailand, which relies heavily on tourism and was economically devastated by pandemic restrictions, says it hopes to install a vaccine passport policy for international visitors by the summer. Belize and Iceland, both of which depend on tourism, have announced their own vaccine passport programs. **Ms. von der Leyen**, the chief executive of the European Union, on May 25th said Europe will be open for US tourists this summer once they iron out their vaccine certificate program known as the Digital Green Certificate. In Denmark the Corona Pass exclusively permits indoor dining, attendance at indoor sports and cultural events, entering hair salons, tattoo businesses, massage parlors and driving schools. You get the point.

All the vaccinated people want their old lives back. Those who refuse, for non-medically approved reasons, can do so if they choose, but they won't get to hear the strains of Anchors Away! They're not sailing in the near future because the cruise lines don't want that risk—and neither do their customers!

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