



ORDER OF THE HEALTH OFFICER No. C19-07y (updated)

**ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO
ENCOURAGING COVID-19 VACCINE COVERAGE
AND REDUCING DISEASE RISKS
(Safer Return Together)**

DATE OF ORDER: June 11, 2021, updated July 8, 2021, July 20, 2021, August 2, 2021,
August 12, 2021, August 24, 2021, September 10, 2021, and October 13, 2021

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; California Penal Code §§ 69, 148(a)(1); and San Francisco Administrative Code § 7.17(b).)

Summary: As of October 13, 2021, this Order replaces the prior update of this health order, Health Officer Order No. C19-07y (issued September 10, 2021), in its entirety. Even though more people are vaccinated in San Francisco and the region against the virus that causes COVID-19, there remains a risk that people may come into contact with others who may have COVID-19 when outside their residence. San Francisco has experienced a surge in new COVID-19 cases and an increase in hospitalizations, mostly among people who are not fully vaccinated, due to the highly contagious Delta variant. Future surges may occur due to other variants. In some instances, individuals who are fully vaccinated have been infected by breakthrough infections and are showing symptoms, though nearly no vaccinated individuals have required hospitalization. Most COVID-19 infections are caused by people who have no symptoms of illness. There are also people in San Francisco who are not yet fully vaccinated, including children under 12 years old, and people who are immuno-compromised and may be particularly vulnerable to infection and disease. We have also seen surges in other parts of the country and the world, increasingly impacting younger adults. Everyone who is eligible, including people at risk for severe illness with COVID-19—such as unvaccinated older adults and unvaccinated individuals with health risks—and members of their households, are urged to get vaccinated as soon as they can if they have not already done so.

The best way to address the current surge and future surges is for everyone who is eligible to get fully vaccinated as soon as possible. For the time being, in coordination with other Bay Area jurisdictions and consistent with CDC recommendations regarding indoor masking to help prevent transmission, this Order imposes a “universal” face covering requirement for individuals in indoor public settings, with some exemptions, including as of October 15 for stable groups that are 100% fully vaccinated in some controlled settings that meet certain health requirements. Also, the Order describes the



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health and vaccination benchmarks by which the County, in coordination with other Bay Area jurisdictions, will lift the indoor universal face covering requirement. It also maintains face covering requirements in other settings such as public transit, health care facilities, homeless shelters, jails, and schools, consistent with federal and state rules.

And this Order maintains some requirements on businesses and government entities, such as a general requirement to report positive cases in the workplace and in schools, a more limited requirement for signage, and a proof of vaccination requirement to admit people age 12 and older to attend indoor large or mega-events largely consistent with state rules with some additional rules and limitations, as well as for staff of such events. It also requires personnel working in certain high-risk settings, such as acute care hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters and jails, and certain other designated health care settings, as well as certain types of listed people (home health care workers and pharmacists) to be fully vaccinated, with limited exemptions and within specified timeframes. This Order imposes vaccination requirements for personnel working in certain high-risk settings, consistent with State requirements, including an individual mandate for vaccination on personnel working in those settings. Also, this Order includes proof of vaccination requirements for patrons to use certain indoor facilities, such as restaurants, bars, clubs, and gyms, as well as for people attending large and mega indoor events. This Order includes recommendations to reduce COVID-19 risk, but not requirements, for individuals, businesses, and government entities.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY AND
COUNTY OF SAN FRANCISCO ORDERS:**

1. Definitions.

For purposes of this Order, the following initially capitalized terms have the meanings given below.

- a. *Business*. A “Business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.
- b. *Cal/OSHA*. “Cal/OSHA” means the California Department of Industrial Relations, Division of Occupational Safety and Health, better known as Cal/OSHA.
- c. *CDC*. “CDC” means the United States Centers for Disease Control and Prevention.
- d. *Close Contact*. “Close Contact” means having any of following interactions with someone with COVID-19 while they were contagious: (i) being within six feet of



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them for a total of 15 minutes or more in a 24-hour period; (ii) living or staying overnight with them; (iii) having physical or intimate contact including hugging and kissing; (iv) taking care of them, or having being taken care of by them; or (v) having direct contact with their bodily fluids (*e.g.*, they coughed or sneezed on you or shared your food utensils). The person is considered contagious *either* if they had symptoms, from 48 hours before their symptoms began until at least 10 days after the start of symptoms, *or* if they did not have symptoms, from 48 hours before their COVID-19 test was collected until 10 days after they were tested.

- e. *County*. The “County” means the City and County of San Francisco.
- f. *COVID-19*. “COVID-19” means coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus and that resulted in a global pandemic.
- g. *DPH*. “DPH” means the San Francisco Department of Public Health.
- h. *DPH Core Guidance*. “DPH Core Guidance” means the webpage and related materials titled *Core Guidance for COVID-19* that DPH regularly updates and includes health and safety recommendations for individuals and Businesses as well as web links to additional resources, available online at www.sfdph.org/dph/covid-19/core-guidance.asp.
- i. *Face Covering Requirements*. “Face Covering Requirements” means the requirement to wear a Well-Fitted Mask (i) as required by federal or state law including, but not limited to, California Department of Public Health guidance and Cal/OSHA’s rules and regulations; (ii) in indoor common areas of homeless shelters, emergency shelters, and cooling centers, except while sleeping, showering, engaged in personal hygiene that requires removal of face coverings, or actively eating or drinking; (iii) in indoor common areas of jails except while sleeping, showering, engaged in personal hygiene that requires removal of face coverings, or actively eating or drinking; and (iv) as required by Section 3(b), below and Appendix A, attached to the Order. If a separate state, local, or federal order or directive imposes different face covering requirements, including requirements to wear respirators or surgical masks in certain settings, the more health protective requirement applies.
- j. *FDA*. “FDA” means the United States Food and Drug Administration.
- k. *Fully Vaccinated/Full Vaccination*. “Fully Vaccinated” and “Full Vaccination” mean two weeks after completing the entire recommended series of vaccination (usually one or two doses) with a vaccine authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization (WHO). For example, as of the date of issuance of this Order, an individual would be fully vaccinated at least two weeks after receiving a second dose of the Pfizer-BioNTech (Comirnaty) or Moderna COVID-19 vaccine or two weeks after receiving the single dose Johnson & Johnson’s Janssen COVID-19 vaccine. A list of FDA-authorized vaccines is available at www.fda.gov/emergency-



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[preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines](https://www.who.int/pqweb/vaccines/covid-19-vaccines). A list of WHO-authorized vaccines is available at <https://extranet.who.int/pqweb/vaccines/covid-19-vaccines>. On August 23, 2021, the FDA granted full approval for the Pfizer-BioNTech (Comirnaty) vaccine for people age 16 and older.

Unless otherwise specified, the following are acceptable as proof of Full Vaccination: (i) the CDC vaccination card, which includes name of person vaccinated, type of vaccine provided, and date last dose administered, or similar documentation issued by another foreign governmental jurisdiction, (ii) a photo of a vaccination card as a separate document, (iii) a photo of the a vaccination card stored on a phone or electronic device, (iv) documentation of vaccination from a healthcare provider, (v) written self-attestation of vaccination signed (including an electronic signature) under penalty of perjury and containing the name of the person vaccinated, type of vaccine taken, and date of last dose administered, or (vi) a personal digital COVID-19 vaccine record issued by the State of California and available by going to <https://myvaccinerecord.cdph.ca.gov> or similar documentation issued by another State, local, or foreign governmental jurisdiction, or by an approved private company (a list of approved companies offering digital vaccine verification is available at www.sfdph.org/dph/alerts/files/vaccine-verification-sites.pdf). If any state or federal agency uses a more restrictive definition of what it means to be Fully Vaccinated or to prove that status for specified purposes (such as Cal/OSHA rules for employers in workplaces), then that more restrictive definition controls for those purposes. Also, to the extent Cal/OSHA approves an alternate means of documenting whether an employee is “fully vaccinated,” even if less restrictive than the definition contained here, employers may use the Cal/OSHA standard to document their employees’ vaccination status.

- l. *Health Officer.* “Health Officer” means the Health Officer of the City and County of San Francisco.
- m. *High-Risk Settings.* “High-Risk Settings” means certain care or living settings involving many people, including many congregate settings, where vulnerable populations reside out of necessity and where the risk of COVID-19 transmission is high, consisting of general acute care hospitals, skilled nursing facilities (including subacute facilities), intermediate care facilities, residential care facilities for the elderly, homeless shelters, and jails.
- n. *Household.* “Household” means people living in a single Residence or shared living unit. Households do not refer to individuals who live together in an institutional group living situation such as in a dormitory, fraternity, sorority, monastery, convent, or residential care facility.
- o. *Qualifying Medical Reason.* “Qualifying Medical Reason” means a medical condition or disability recognized by the FDA or CDC as a contra-indication to COVID-19 vaccination.



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- p. *Large Indoor Event.* “Large Indoor Event” means an event with 1,000-4,999 people attending indoors. A Large Indoor Event may be public or private, may have either assigned or unassigned seating, and may be either general admission or ticketed events. A Large Indoor Event can also include an event without seating or without tickets.
- q. *Mega-Event.* “Mega-Event” means an event with either more than 5,000 people attending indoors or more than 10,000 people attending outdoors, consistent with the definition of those events in the State’s Post-Blueprint Guidance. As provided in the State’s Post-Blueprint Guidance, a Mega-Event may have either assigned or unassigned seating, and may be either general admission or gated, ticketed and permitted events.
- r. *Personnel.* “Personnel” means the following people who provide goods or services associated with a Business in the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the Business); independent contractors; vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Business. “Personnel” includes “gig workers” who perform work via the Business’s app or other online interface, if any.
- s. *Religious Beliefs.* “Religious Beliefs” means a sincerely held religious belief, practice, or observance protected by state or federal law.
- t. *Residence.* “Residence” means the location a person lives, even if temporarily, and includes single-family homes, apartment units, condominium units, hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or Household.
- u. *Schools.* “Schools” mean public and private schools operating in the County, including independent, parochial, and charter schools.
- v. *State’s Post-Blueprint Guidance.* The “State’s Post-Blueprint Guidance” means the guidance entitled “Beyond the Blueprint for Industry and Business Sectors” that the California Department of Public Health issued on May 21, 2021 and that applies from June 15, 2021 through November 1, 2021, including as the State may extend, update or supplement that guidance in the future. (See www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx.)
- w. *Tested.* “Tested” means to have a negative test for the virus that causes COVID-19 within the prior 72 hours. Both nucleic acid (including polymerase chain reaction (PCR)) and antigen tests are acceptable. The following are acceptable as proof of a negative COVID-19 test result: a printed document (from the test provider or laboratory) or an email, text message, webpage, or application (app) screen displayed



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on a phone or mobile device from the test provider or laboratory. The information should include person's name, type of test performed, negative test result, and date the test was administered. If any state or federal agency uses a more restrictive definition of what it means to be Tested for specified purposes (such as Cal/OSHA rules for employers in workplaces), then that more restrictive definition controls for those purposes.

- x. *Ventilation Guidelines.* “Ventilation Guidelines” means ventilation guidance from recognized authorities such as the CDC, the American Society of Heating, Refrigerating and Air-Conditioning Engineers, or the State of California, including Cal/OSHA.
- y. *Well-Fitted Mask.* A “Well-Fitted Mask” means a face covering that is well-fitted to an individual and covers the nose and mouth especially while talking, consistent with the Face Covering Requirements. CDC guidance regarding Well-Fitted Masks may be found at www.cdc.gov/coronavirus/2019-ncov/your-health/effective-masks.html. A non-vented N95 mask is strongly recommended as a Well-Fitted Mask, even if not fit-tested, to provide maximum protection. A Well-Fitted Mask does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric or any mask that has an unfiltered one-way exhaust valve.

2. Purpose and Intent.

- a. *Purpose.* The public health threat of serious illness or death from COVID-19 is generally decreasing in the County, the Bay Area, and the State due to the vaccines. But COVID-19 continues to pose a risk especially to individuals who are not Fully Vaccinated, and certain safety measures continue to be necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective method to prevent transmission and ultimately COVID-19 hospitalizations and deaths. It is important to ensure that as many eligible people as possible are vaccinated against COVID-19. Further, it is critical to ensure there is continued reporting of cases to protect individuals and the larger community. Accordingly, this Order allows Businesses, schools, and other activities to resume fully while at the same time putting in place certain requirements designed to (1) extend vaccine coverage to the greatest extent possible; (2) limit transmission risk of COVID-19; (3) contain any COVID-19 outbreaks; and (4) generally align with guidance issued by the CDC and the State relating to COVID-19 except in limited instances where local conditions require more restrictive measures. This Order is based on evidence of continued community transmission of SARS-CoV-2 within the County as well as scientific evidence and best practices to prevent transmission of COVID-19. The Health Officer will continue to monitor data regarding the evolving scientific understanding of the risks posed by COVID-19, including the impact of vaccination, and may amend or rescind this Order based on analysis of that data and knowledge.
- b. *Intent.* The primary intent of this Order is to continue to protect the community from COVID-19 and to also increase vaccination rates to reduce transmission of COVID-



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19 long-term, so that the whole community is safer and the COVID-19 health emergency can come to an end.

- c. **Interpretation**. All provisions of this Order must be interpreted to effectuate the purposes and intent of this Order as described above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order. In the event of any inconsistency between the summary, headings, or subheadings and the text of this Order, the text will control. Certain initially capitalized terms used in this Order have the meanings given them in Section 1 above. The interpretation of this Order in relation to the health orders or guidance of the State is described in Section 10 below.
- d. **Application**. This Order applies to all individuals, Businesses, and other entities in the County. For clarity, the requirements of this Order apply to all individuals who do not currently reside in the County when they are in the County. Governmental entities must follow the requirements of this Order that apply to Businesses, unless otherwise specifically provided in this Order or directed by the Health Officer.
- e. **DPH Core Guidance**. All individuals and Businesses are strongly urged to follow the DPH Core Guidance, containing health and safety recommendations for COVID-19.
- f. **Effect of Failure to Comply**. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both, as further provided in Section 12 below.

3. General Requirements for Individuals.

- a. **Vaccination**. Individuals are strongly urged to get Fully Vaccinated as soon as they are able to. In particular, people at risk for severe illness with COVID-19—such as unvaccinated older adults and unvaccinated individuals with health risks—and members of their Household, are urged to get Fully Vaccinated as soon as they can. Information about who is at increased risk of severe illness and people who need to take extra precautions can be found at www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html. For those who are not yet Fully Vaccinated, staying home or choosing outdoor activities as much as possible with physical distancing from other Households whose vaccination status is unknown is the best way to prevent the risk of COVID-19 transmission. Fully Vaccinated individuals are subject to fewer restrictions as provided in this Order, and there are allowances for certain large gatherings where all the participants are Fully Vaccinated.
- b. **Face Coverings**. Because of the recent surge in the Delta variant, everyone, including people who are Fully Vaccinated, must wear a Well-Fitted Mask in indoor public settings as described in Appendix A to this Order. That Appendix lists exceptions



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when a Well-Fitted Mask is not required. All persons must also follow the Face Covering Requirements. People should be respectful of an individual's decision to wear face coverings even in settings where they are not required, such as crowded outdoor settings, and no Business or other person should take an adverse action against individuals who chose to wear a face covering to protect their health. Under current federal law, when riding or waiting to ride on public transit people who are inside the vehicle or other mode of transportation or are indoors at a public transit stop or station, must wear Well-Fitted Masks. This requirement extends to all modes of transportation other than private vehicles, such as airplanes, trains, subways, buses, taxis, ride-shares, maritime transportation, street cars, cable cars, and school buses. But any passenger who is outdoors or in open-air areas of the mode of transportation, such as open-air areas of ferries, buses, and cable-cars, is not required by federal law to wear a face covering. Personnel and passengers on public transit are urged to get Fully Vaccinated, and those who are not Fully Vaccinated are strongly urged to wear a Well-Fitted Mask or respirator when not otherwise required by the Face Covering Requirements. Under Cal/OSHA's rules and regulations, employers may also be required to ensure employees continue to wear Well-Fitted Masks or respirators, particularly in indoor settings. Businesses and other entities must adhere to Cal/OSHA laws and regulations relating to COVID-19 health and safety measures in the workplace. Nothing in this Order is intended to reduce any of those requirements or otherwise modify them in a way that is less protective of public health.

i. Additional Face Covering Recommendations.

1. Outdoor Crowded Gatherings. People who are outdoors in close proximity to other people who are not part of their Household are strongly encouraged to wear a Well-Fitted Mask.
2. Indoor Private Gatherings. People are strongly encouraged to wear a Well-Fitted Mask when present in an indoor private gathering at a Residence if someone who is not part of a person's Household is present in the Residence. For clarity, people must wear a Well-Fitted Mask in common areas of a Residence that is used as a shared rental with multiple Households.
3. Providing a Well-Fitted Mask. Businesses and other entities subject to this Order are strongly encouraged to provide a Well-Fitted Mask at no cost to people who do not have one upon entry inside the facility.

ii. Compliance with CDPH Vaccination Status Order's Mask Requirements. Businesses and governmental entities with Personnel in Acute Health Care Settings, Long-Term Care Settings, High-Risk Congregate Settings, and Other Health Care Settings—as those terms are defined in the CDPH Vaccination Status Order, available online at



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www.cdpf.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx—must provide appropriate face coverings as required by the CDPH Vaccination Status Order.

- c. **Monitor for Symptoms.** Individuals should monitor themselves for symptoms of COVID-19. A list of COVID-19 symptoms is available online at www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html. Anyone with any symptom that is new or not explained by another condition must comply with subsections 3(d) and 3(e) below regarding isolation and quarantine.
- d. **Isolation.** Anyone who (i) has a positive COVID-19 test result, (ii) is diagnosed with COVID-19, or (iii) has a COVID-19 symptom that is new or not explained by another condition must refer to the latest COVID-19 isolation health directive (available online at www.sfdph.org/directives) and follow the requirements detailed there.
- e. **Quarantine.** Anyone who had Close Contact with someone with COVID-19 must refer to the latest COVID-19 quarantine health directive (available online at www.sfdph.org/directives) and follow the requirements detailed there.
- f. **Moving to, Traveling to, or Returning to the County.** Everyone is strongly encouraged to comply with any State travel advisories and CDC travel guidelines (available online at www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html).
- g. **Indoor Private Gatherings.** Individuals are urged to wear Well-Fitted Masks and maintain physical distance when they are in indoor private gatherings in Residences with members of other Households, regardless of the vaccination status of those individuals. Nothing in this section limits any requirements that apply under this Order to indoor public settings, indoor Mega-Events, Large Indoor Events, or that Cal/OSHA or other State authority may impose on any indoor setting involving gatherings.

4. General Requirements for Businesses and Governmental Entities.

- a. **Vaccination.** All Businesses and governmental entities are strongly urged to consider implementing measures to require Personnel and patrons to be Fully Vaccinated as soon as possible. Also, the following Businesses must require patrons and staff (as distinguished from the broader term “Personnel”) to provide proof of Full Vaccination and comply with the other requirements detailed in Appendix B to this Order:
 - Operators or hosts of establishments or events where food or drink is served indoors—including, but not limited to, dining establishments, bars, clubs, theaters, and entertainment venues.



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- Gyms, recreation facilities, yoga studios, dance studios, and other fitness establishments, where any patrons engage in cardiovascular, aerobic, strength training, or other exercise involving elevated breathing.
- b. Encourage Activities that Can Occur Outdoors. All Businesses and governmental entities are urged to consider moving operations or activities outdoors, if feasible and to the extent allowed by local law and permitting requirements, because there is generally less risk of COVID-19 transmission outdoors as opposed to indoors.
- c. Personnel Health Screening. Businesses and governmental entities must develop and implement a process for screening Personnel for COVID-19 symptoms, but this requirement does not mean they must perform on-site screening of Personnel. Businesses and governmental entities should ask Personnel to evaluate their own symptoms before reporting to work. If Personnel have symptoms consistent with COVID-19, they should follow subsections 3(d) and 3(e) above.
- d. Businesses Must Allow Personnel to Stay Home When Sick. Businesses are required to follow Cal/OSHA rules and regulations allowing Personnel to stay home where they have symptoms associated with COVID-19 that are new or not explained by another condition or if they have been diagnosed with COVID-19 (by a test or a clinician) even if they have no symptoms, and to not to have those Personnel return to work until they have satisfied certain conditions, all as further set forth in the Cal/OSHA rules. Also, Businesses must comply with California Senate Bill 95 (Labor Code, sections 248.2 and 248.3), which provides that employers with more than 25 employees must give every employee 80 hours of COVID-related sick leave retroactive to January 1, 2021 and through September 30, 2021 (pro-rated for less than full time employees), including that employees may use this paid sick leave to get vaccinated or for post-vaccination illness. Each Business is prohibited from taking any adverse action against any Personnel for staying home in any of the circumstances described in this subsection.
- e. Signage. In addition to any signage otherwise required in this Order or any directives issued by the Health Officer for specific Business or other sectors, the following general signage requirements apply.
 - i. Signage for Patrons. All Businesses and governmental entities are required to conspicuously post signage reminding individuals of COVID-19 prevention best practices to reduce transmission: Get vaccinated; Stay home if sick, and talk to your doctor; Masks are required indoors; Maximize fresh air; and Clean your hands. Sample signage is available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>.
 - ii. Signage for Employees. All Businesses and governmental entities are required to post signs in employee break rooms or areas encouraging employees to get vaccinated and informing them how to obtain additional



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information. Sample signage is available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>.

- f. **Ventilation Guidelines.** All Businesses and governmental entities with indoor operations are urged to review the Ventilation Guidelines and implement ventilation strategies for indoor operations as feasible. Nothing in this subsection limits any ventilation requirements that apply to particular settings under federal, state, or local law.
- g. **Mandatory Reporting by Businesses and Governmental Entities.** Consistent with Cal/OSHA rules and regulations, Businesses and governmental entities must require that all Personnel immediately alert the Business or governmental entity if they test positive for COVID-19 and were present in the workplace either (1) within the 48 hours before onset of symptoms or within 10 days after onset of symptoms if they were symptomatic; or (2) within 48 hours before the date on which they were tested or within 10 days after the date on which they were tested if they were asymptomatic. If a Business or governmental entity learns that three or more of its Personnel are confirmed positive cases of COVID-19 and visited the workplace during their high-risk exposure period at any time during a 14-day period (*i.e.*, three cases onsite within a 14-day period), then the entity must call DPH at 628-217-6100 immediately to report the cases and in any event no later than the next business day after learning of those positive cases. Businesses and governmental entities must also comply with all case investigation and contact tracing measures directed by DPH including providing any information requested within the timeframe provided by DPH, instructing Personnel to follow isolation and quarantine protocols specified by DPH, and excluding positive cases and unvaccinated close contacts from the workplace during these isolation and quarantine periods.

Schools and Programs for Children and Youth are subject to separate reporting requirements set forth in Health Officer Directive Nos. 2020-33 and 2020-14, respectively, including as those directives are updated in the future.

5. Schools and Programs for Children and Youth

- a. **Schools.** Based on the demonstrated low risk of transmission in school settings and the requirement for universal masking indoors, the Health Officer strongly believes that schools can and should reopen in full for in-person classes for all grades at the beginning of the 2021/2022 school year. Largely because not all children are eligible to be vaccinated against COVID-19 at this time, schools must follow the health and safety requirements set forth in Health Officer Directive No. 2020-33, including as it may be amended in the future, to ensure the safety of all students and Personnel at the school site. It is anticipated that in the near future the FDA will grant emergency use authorization to at least one COVID-19 vaccine for children ages 5 to 11 years.
- b. **Programs for Children and Youth.** Largely because not all children are eligible to be vaccinated against COVID-19 at this time, the following Programs for Children and



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Youth must operate in compliance with the health and safety requirements set forth in Health Officer Directive No. 2020-14, including as it may be amended in the future: (1) group care facilities for children who are not yet in elementary school—including, for example, licensed childcare centers, daycares, family daycares, and preschools (including cooperative preschools); and (2) with the exception of schools, which are addressed in subsection a above, educational or recreational institutions or programs that provide care or supervision for school-aged children and youth—including for example, learning hubs, other programs that support and supplement distance learning in schools, school-aged childcare programs, youth sports programs, summer camps, and afterschool programs.

6. Vaccination Requirements for Personnel in High-Risk Settings and Other Health Care Personnel.
 - a. High-Risk Settings. Except for some Personnel as provided in subsections (a)(iii), (b), and (c) below, and for Personnel exempt under subsection (d) below, no later than September 30, 2021:
 - i. Businesses and governmental entities with Personnel in High-Risk Settings must (1) ascertain vaccination status of all Personnel in High-Risk Settings who routinely work onsite, and (2) ensure that before entering or working in any High-Risk Setting, all Personnel who routinely work onsite have received their first dose of a one-dose COVID-19 vaccine regimen or their second dose of a two-dose COVID-19 vaccine regimen authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization, and as defined in subsection (a)(vii) below. Until such Personnel are Fully Vaccinated, they are subject to at least the minimum public health and safety requirements in subsection (a)(iv) below; and
 - ii. Personnel who routinely work onsite in High-Risk Settings must have received their first dose of a one-dose COVID-19 vaccine regimen or their second dose of a two-dose COVID-19 vaccine regimen authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization, and as defined in subsection (a)(vii) below. Until such Personnel are Fully Vaccinated, they are subject to at least the minimum public health and safety requirements in subsection (a)(iv) below; and
 - iii. For purposes of this Order, Personnel who are not permanently stationed or regularly assigned to a High-Risk Setting but who in the course of their duties may enter or work in High-Risk Settings even on an intermittent or occasional basis or for short periods of time are considered to routinely work onsite in High-Risk Settings. No later than October 13, 2021, Businesses and governmental entities with such Personnel are required to (1) ascertain vaccination status of all such Personnel and (2) ensure that before entering or working in any High-Risk Setting, all such Personnel are Fully Vaccinated



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with any vaccine authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization, unless exempt under subsection (d) below. Additionally, no later than September 29, 2021, all such Personnel must have received their first dose of a one-dose COVID-19 vaccine regimen or their second dose of a two-dose COVID-19 vaccine regimen authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization, and as defined in subsection (a)(vii) below. Until such Personnel are Fully Vaccinated, they are subject to at least the minimum public health and safety requirements in subsection (a)(iv) below; and

- iv. All Businesses and governmental entities subject to this Section 6 must require any exempt Personnel who are not Fully Vaccinated to comply with at least the following public health and safety measures:
 1. get tested for COVID-19 at least once a week (and at least twice a week for exempt Personnel who are not Fully Vaccinated in general acute care hospitals, skilled nursing facilities, and intermediate care facilities) using either a nucleic acid (including polymerase chain reaction (PCR)) or antigen test; and
 2. at all times at the worksite in the High-Risk Setting wear a face covering in compliance with the State Public Health Officer Order of July 26, 2021 (“CDPH Vaccination Status Order”), available at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx>.

Because of the COVID-19 risks to any exempt Personnel who are not Fully Vaccinated, the High-Risk Setting must provide such Personnel, on request, with a well-fitting non-vented N95 respirator and strongly encourage such Personnel to wear that respirator at all times when working with patients, residents, clients, or incarcerated people;

Regular testing and masking as required under this Section 6 are not as protective of public health as Full Vaccination in helping prevent transmission of COVID-19; accordingly, they are a minimum safety requirement for exempt Personnel in High-Risk Settings. Businesses and governmental entities subject to this Section 6 may require additional safety measures for such Personnel. For example, factors a Business or governmental entity may consider in determining appropriate safety measures for exempt Personnel include, but are not limited to:

- a) Whether the Personnel will place other people at risk of transmission of COVID-19 because they are required to come into contact (including on an emergency basis) with other Personnel or



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with persons whose vaccination status is unknown, who are not yet eligible for the vaccine, or who are members of a vulnerable population (*e.g.*, the elderly, incarcerated people, and acute care patients);

- b) The type and frequency of testing available to the Personnel and whether the Business or governmental entity has the ability to provide testing to Personnel, without relying on public health resources, and track the requisite testing;
- c) Whether the Business or governmental entity can ensure compliance with the mask mandate whenever the Personnel are around other people in the workplace; and
- d) Whether the proposed accommodation imposes an undue burden because it is costly, infringes on other Personnel's job rights or benefits, compromises workplace safety, decreases workplace efficiency, or requires other Personnel to do more than their share of potentially hazardous or burdensome work.

Nothing under the Order limits the ability of a Business or governmental entity under applicable law to determine whether they are unable to offer a reasonable accommodation to unvaccinated Personnel with an approved exemption; and

- v. All Businesses and governmental entities subject to this Section 6 must, consistent with applicable privacy laws and regulations, maintain records of employee vaccination or exemption status; and
- vi. All Businesses and governmental entities subject to this Section 6 must provide these records to the Health Officer or other public health authorities promptly upon request, and in any event no later than the next business day after receiving the request.
- vii. Currently, a two-dose COVID-19 vaccine regimen includes the Pfizer-BioNTech (Comirnaty) or Moderna vaccines or a COVID-19 vaccine authorized by the World Health Organization. Currently, a one-dose vaccine regimen is the Johnson & Johnson Janssen COVID-19 vaccine.
- viii. This mandated vaccination schedule allows Businesses, governmental entities, and affected Personnel adequate time to comply with this Order. In the interest of protecting residents of High-Risk Settings, Personnel, and their families, Businesses, governmental entities, and affected Personnel are strongly urged to meet these vaccination requirements as soon as possible.



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For clarity, this requirement applies to Personnel in other buildings in a site containing a High-Risk Setting, such as a campus or other similar grouping of related buildings, where such Personnel do any of the following: (i) access the acute care or patient, resident, client, or incarcerated person areas of the High-Risk Setting; or (ii) work in-person with patients, residents, clients, or incarcerated people who visit those areas. All people in San Francisco who work in a clinical setting with a population that is more vulnerable to COVID-19 are strongly urged to be fully vaccinated against COVID-19.

- b. **Adult Care Facilities, Adult Day Programs, and Dental Offices.** As soon as possible, but no later than October 13, 2021, Businesses and governmental entities with Personnel in adult care facilities, adult day programs licensed by the California Department of Social Services, and dental offices must, in relation to such settings, comply with the applicable requirements of this Section 6 and meet the timing requirements set forth in subsection (a)(iii) above. For clarity, Personnel of such Businesses or governmental entities in those settings are subject to subsection (a)(ii) above and must be Fully Vaccinated or qualify for an exemption under subsection (d) below and follow the precautions as set forth in this Order.
- c. **Home Health Care Workers and Pharmacists.** As soon as possible, but no later than October 13, 2021, Businesses and governmental entities with Personnel who are home health care workers or pharmacists must, in relation to such Personnel, comply with the applicable requirements of this Section 6 and meet the timing requirements set forth in subsection (a)(iii) above. For clarity, all such Personnel are subject to subsection (a)(ii) above and must be Fully Vaccinated or qualify for an exemption under subsection (d) below and follow the precautions as set forth in this Order.
- d. **Limited Exemptions.** Personnel covered by this Section 6 may be exempt from the vaccination requirements under this section only upon providing the requesting Business or governmental entity a declination form, signed by the individual under penalty of perjury stating either of the following: (1) the individual is declining vaccination based on Religious Beliefs or (2) the individual is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons. As to declinations for Qualifying Medical Reasons, to be eligible for this exemption Personnel must also provide to their employer or the Business a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the exemption (but the statement should not describe the underlying medical condition or disability) and indicating the probable duration of the individual's inability to receive the vaccine (or if the duration is unknown or permanent, so indicate). A sample ascertainment and declination form is available online at www.sfdph.org/dph/covid-19/files/declination.pdf. As to declinations based on Religious Beliefs, a Business or governmental entity may seek additional information as allowed or required by applicable law to determine whether Personnel have a qualifying Religious Belief. Personnel who qualify for and are granted by the employing Business or



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governmental entity an exemption due to Religious Beliefs or Qualifying Medical Reasons, as provided above, must still follow at least the minimum health and safety requirements in subsection (a)(iv), above. Nothing in this Order is intended to limit any Business's or governmental entity's ability under applicable law to determine whether they are able to offer a reasonable accommodation to Personnel with an approved exemption. Because testing and masking is not as effective as Full Vaccination at preventing the spread of COVID-19, a Business may determine that the minimum requirements in subsection (a)(iv) above are not sufficient to protect the health and safety of people in High-Risk Settings.

- e. **Record Keeping Requirements.** Businesses or governmental entities subject to this Section 6 must maintain records with following information:
 - i. For Fully Vaccinated Personnel: (1) full name and date of birth; (2) vaccine manufacturer; and (3) date of vaccine administration (for first dose and, if applicable, second dose). Nothing in this subsection is intended to prevent an employer from requesting additional information or documentation to verify vaccination status, to the extent permissible under the law.
 - ii. For unvaccinated Personnel: signed declination forms with written health care provider's statement where applicable, as described in subsection (d) above.
- f. **Compliance with CDPH Orders.** In addition to the requirements set forth above:
 - i. Until the more health protective requirements in this section take effect, Businesses and governmental entities with Personnel in High-Risk Settings must comply with the requirements of the CDPH Vaccination Status Order; and
 - ii. Businesses and governmental entities with Personnel in adult care facilities and Other Health Care Settings—as that term is defined in the CDPH Vaccination Status Order—must be in full compliance with the requirements of the CDPH Vaccination Status Order.
 - iii. Businesses and governmental entities with Personnel who provide services or work in facilities covered by the State Public Health Officer Order of August 5, 2021 (“CDPH Health Care Worker Vaccine Order”), must comply with the requirements of that order, including as that order may be amended in the future. See www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx.
- g. **Cooperation with Public Health Authorities.** Businesses or governmental entities with Personnel subject to this Section 6 must cooperate with Health Officer or DPH requests for records, documents, or other information regarding the Business or governmental entity's implementation of these vaccination requirements. This



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cooperation includes, but is not limited to, identifying all jobs or positions within the organization and describing: (1) whether a given job or position is subject to the vaccination requirements of this Section 6, (2) how the Business or governmental entity determined a job or position is subject to vaccination requirements of this Section 6, and (3) how the Business or governmental entity is ensuring full compliance with the vaccination requirements set forth in this Section 6. Complete responses to these requests must be provided to the Health Officer or DPH promptly upon request, and in any event within three business days after receiving the request.

- h. Chart. For convenience of reference, a chart summarizing which settings and Personnel are subject to which state and local vaccination requirements is available at <https://www.sfdph.org/dph/alerts/files/C19-07-State-and-Local-Mandates-Chart.pdf>.

7. Mega-Events and Large Indoor Events.

- a. Compliance with State's Post-Blueprint Guidance. All Businesses, governmental entities, and other organizations hosting Mega-Events must comply with the requirements in the State's Post-Blueprint Guidance for indoor Mega-Events and are strongly urged to follow the recommendations in the State's Post-Blueprint Guidance for outdoor Mega-Events.
- b. Vaccine Verification Requirements.
- i. For indoor Mega-Events, Personnel and patrons age 12 and up are currently required to show proof, before entering the facility, that they are Fully Vaccinated or Tested.
 - ii. Except as provided below, as soon as possible, but no later than August 20, 2021, operators or hosts of indoor Mega-Events and Large Indoor Events must require all patrons age 12 and up to show proof, before entering the facility, that they are Fully Vaccinated, subject to any applicable requirements of federal, state, or local laws requiring accommodation. Indoor Mega-Events and Large Indoor Event may not accept a written self-attestation as proof of Full Vaccination.
 - iii. As soon as possible, but no later than October 13, 2021, operators or hosts of indoor Mega-Events and Large Indoor Events must require all staff to show proof, before entering the facility, that they are Fully Vaccinated, subject to any applicable requirements of federal, state, or local laws requiring accommodation.

For clarity, “staff” as used in this Section 7 does not include all individuals included in the broader term “Personnel.” Performers or players who are not employed by the Business, governmental entity, or other organization hosting the event (*e.g.*, members of visiting teams and independent performers not employed by the host) are not covered by this Section, but are strongly encouraged to be Fully Vaccinated before playing or performing in San Francisco. If they are not, they are required to:

- Remain at least six feet away from members of the public for the entire



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duration of the event;

- Provide the Business, governmental entity, or other organization hosting the event with proof of a negative COVID-19 test (nucleic acid or antigen) taken within the 48 hours before the event; and
- Wear a Well-Fitted Mask at all times except while actively performing or playing as required by Appendix A of this Order.
- They will not be able to enter the indoor portion of any of the businesses covered in Appendix B of this Order except areas required for them to perform or play.

c. Health and Safety Plan Requirement.

The host or organizer of an indoor or outdoor Mega-Event, Large Indoor Event, or series of Mega-Events or Large Indoor Events must submit to the Health Officer a proposed plan detailing the procedures that will be implemented to minimize the risk of transmission among patrons and Personnel. Specifically, the proposed plan should include to following:

- Description of event details (date/time; expected capacity; location; and type of event).
- Contact name for the event (*i.e.*, a person who can be reached in the event of an outbreak and/or who can be contacted to discuss the proposed plan).
- An explanation of how the host or organizer will have attendees meet requirements for providing their vaccination status (required indoors, recommended outdoors).
- An explanation of how the host or organizer will communicate/message:
 - Information to ensure that guests are aware of vaccination requirements (indoors)/recommendations (outdoors); and
 - The safety measures being taken.
- If the event is being held indoors, an explanation of how the host or organizer will adhere to the Face Covering Requirements and Appendix A of this Order.
- A description of the strategies that will be implemented to avoid stagnant crowds (this can include traffic flow, advanced ticketing, touchless payment, etc.).

A template for plans for Large Indoor Events with 1,000-4,999 attendees is available at www.sfdph.org/dph/alerts/files/C19-07-HSP-over-1000.pdf.

Plans must be submitted by email to HealthPlan@sfcityatty.org at least ten business days before the planned event or, if earlier, ten business days before the date on which tickets will begin to be sold or offered to the public. If tickets for a Large Indoor Event are already on sale as of the date of this Order, the host or organizer must submit the plan within 30 days of the date of this Order or 48 hours before the event, whichever comes first. The host or organizer does not need advance written



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approval of the Health Officer or the Health Officer's designee to proceed with the Mega-Event or Large Indoor Event consistent with the plan. But in the event the Health Officer identifies deficiencies in the plan, DPH will contact the host or organizer, and the host or organizer is required to work with DPH to address any and all deficiencies.

- d. **Recommendations for Outdoor Events.** All Businesses, governmental entities, and other organizations hosting outdoor events with between 5,000 and 9,999 attendees are strongly urged to (1) follow the recommendations in the State's Post-Blueprint Guidance for outdoor Mega-Events; and (2) require all patrons age 12 and up to show proof, before entering the event, that they are Fully Vaccinated, subject to any applicable requirements of federal, state, or local laws requiring accommodation.
- e. For convenience of reference, a chart summarizing the requirements for Mega-Events and Large Events is available at www.sfdph.org/dph/alerts/files/C19-07-Mega-and-Large-Event-Chart.pdf.
8. **COVID-19 Health Indicators.** The City will continue to make publicly available on its website updated data on COVID-19 case rates, hospitalizations and vaccination rates. That information can be found online at <https://sf.gov/resource/2021/covid-19-data-and-reports>. The Health Officer will monitor this data, along with other data and scientific evidence, in determining whether to modify or rescind this Order, as further described in Section 2(a) above.
9. **Incorporation of State and Local Emergency Proclamations and Federal and State Health Orders.** The Health Officer is issuing this Order in accordance with, and incorporates by reference, the emergency proclamations and other federal, state, and local orders and other pandemic-related orders described below in this Section. But this Order also functions independent of those emergency proclamations and other actions, and if any State, federal, or local emergency declaration, or any State or federal order or other guidance, is repealed, this Order remains in full effect in accordance with its terms (subject to Section 13 below).
 - a. **State and Local Emergency Proclamations.** This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by the Governor, the February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency, and the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, as each of them have been and may be supplemented.
 - b. **State Health Orders.** This Order is also issued in light of the various orders, directives, rules, and regulations of the State, including, but not limited to, those of the State's Public Health Officer and Cal/OSHA. The State has expressly acknowledged that local health officers have authority to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer.



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- c. **Federal Orders.** This Order is further issued in light of federal emergency declarations and orders, including, but not limited to, the January 20, 2021 Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing, which requires all individuals in Federal buildings and on Federal land to wear masks, maintain physical distance, and adhere to other public health measures, and the February 2, 2021 Order of the CDC, which requires use of masks on public transportation, as such orders are amended, extended or supplemented.
- 10. Obligation to Follow Stricter Requirements of Orders.**
- Based on local health conditions, this Order includes a limited number of health and safety restrictions that are more stringent than those contained under State orders. Where a conflict exists between this Order and any state or federal public health order related to the COVID-19 pandemic, the most restrictive provision (*i.e.*, the more protective of public health) controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County.
- 11. Obligation to Follow Health Officer Orders and Directives and Mandatory State Guidance.**
- In addition to complying with all provisions of this Order, all individuals and entities, including all Businesses and governmental entities, must also follow any applicable orders and directives issued by the Health Officer (available online at www.sfdph.org/healthorders and www.sfdph.org/directives) and any applicable mandatory guidance issued by the State Health Officer or California Department of Public Health. To the extent that provisions in the orders or directives of the Health Officer and the mandatory guidance of the State conflict, the more restrictive provisions (*i.e.*, the more protective of public health) apply. In the event of a conflict between provisions of any previously-issued Health Officer order or directive and this Order, this Order controls over the conflicting provisions of the other Health Officer order or directive. And to the extent the continuing term of another order of the Health Officer is tied to the duration of the Stay-Safer-At-Home Order, this Order shall be deemed a continuation of the Stay-Safer-At-Home Order for those purposes only.
- 12. Enforcement.**

Under Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order (including, without limitation, any health directives) constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both. DPH is authorized to respond to such public



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nuisances by issuing Notice(s) of Violation and ordering premises vacated and closed until the owner, tenant, or manager submits a written plan to eliminate all violations and DPH finds that plan satisfactory. Such Notice(s) of Violation and orders to vacate and close may be issued based on a written report made by any City employees writing the report within the scope of their duty. DPH must give notice of such orders to vacate and close to the Chief of Police or the Chief's designee to be executed and enforced by officers in the same manner as provided by San Francisco Health Code section 597. As a condition of allowing a Business to reopen, DPH may impose additional restrictions and requirements on the Business as DPH deems appropriate to reduce transmission risks, beyond those required by this Order and other applicable health orders and directives.

13. Effective Date.

This Order is effective at 12:01 a.m. on June 15, 2021 and will continue, as updated, to be in effect until the Health Officer rescinds, supersedes, or amends it in writing. The easing of the requirement to wear a Well-Fitted Mask in certain settings for stable groups consisting of people who are 100% Fully Vaccinated as further provided in Appendix A attached to this Order, is effective at 12:01 a.m. on October 15, 2021.

14. Relation to Other Orders of the San Francisco Health Officer.

Upon issuance of this order on October 13, 2021, this Order revises and entirely replaces the prior update to Health Officer Order No. C19-07y (issued September 10, 2021). Leading up to and in connection with the effective date of this Order, the Health Officer has rescinded or is rescinding a number of other orders and directives relating to COVID-19, including those listed in the Health Officer's Omnibus Rescission of Health Officer Orders and Directives, dated June 11, 2021. On and after the effective date of this Order, the following orders and directives of the Health Officer shall continue in full force and effect: Order Nos. C19-11 (Laguna Honda Hospital protective quarantine), C19-16 (hospital patient data sharing), C19-18 (vaccine data reporting), and C19-19 (minor consent to vaccination); and the directives that this Order references in Sections 3(e) and 5, as the Health Officer may separately amend or later terminate any of them. Health Officer Order No. C19-15 was also reinstated on August 19, 2021, and remains in effect as outlined in that order (including as it is amended in the future). Also, this Order also does not alter the end date of any other Health Officer order or directive having its own end date or that continues indefinitely.

15. Copies.

The County must promptly provide copies of this Order as follows: (1) by posting on the DPH website (www.sfdph.org/healthorders); (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102; and (3) by providing to any member of the public requesting a copy.



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16. Severability.

If a court holds any provision of this Order or its application to any person or circumstance to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

Susan Philip, MD, MPH,
Health Officer of the
City and County of San Francisco

Dated: October 13, 2021

Attachments:

- Appendix A – Face Covering Requirements (dated October 13, 2021)
- Appendix B – Proof of Vaccination Requirements (dated August 12, 2021)

Order No. C19-07y – Appendix A: Face Covering Requirements

[October 13, 2021]

1. General Requirement to Wear Well-Fitted Mask.

Everyone, including people who are Fully Vaccinated, must for the time being wear a Well-Fitted Mask in indoor public settings at all times except as provided in Sections 4 and 5, below. In coordination with health officers from other Bay Area jurisdictions, the Health Officer will, by a further amendment to the Order, terminate the general requirements in this Appendix A when all three of the following health and vaccination benchmarks are met:

- a. The case count in the County is at or below CDC level of yellow transmission for at least three weeks (*i.e.*, fewer than 50 cases per 100,000 of population for the past seven days and less than 8% rate for positive tests over the past seven days);
- b. The total number of patients hospitalized in the County due to COVID-19 is no more than 65 (*i.e.*, patients hospitalized not due to COVID-19 do not count towards this number); and
- c. The earlier of the following occurs:
 - i. 80% of the total population in the County (including children of all ages) have received their final dose of vaccine, subject to the Health Officer's consideration of the equitable distribution of the vaccine among children ages 5 to 11 years living in communities in the County that are vulnerable and highly impacted by COVID-19; or
 - ii. Eight weeks after the FDA grants emergency use authorization of any COVID-19 vaccine for children ages 5 to 11 years.

After these conditions are met and the requirements under this Appendix A terminate, the Well-Fitted Mask and other face covering requirements and recommendations in the body of the Order will continue, as well as all Face Covering Requirements under any other federal, state, or local law, order, rule or regulation.

2. Ventilation.

Businesses and operators of other public and private facilities where people are allowed to remove their Well-Fitted Masks indoors (under any of the exceptions provided in Section 5, below) may only allow people to remove their Well-Fitted Masks if they use at least one of the following ventilation strategies: (1) all available windows and doors accessible to fresh outdoor air are kept open as long as air quality and weather conditions permit; (2) fully operational HVAC system; or (3) appropriately sized portable air cleaners in each room. For clarity, if windows and doors are closed due to air quality or weather conditions, then a Business or operator of a public or private facility must follow at least one of remaining ventilation strategies before allowing people to remove their Well-Fitted Masks under this Order.

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3. Proof of Full Vaccination.

Businesses and other entities are urged to require people to provide proof that they are Fully Vaccinated before allowing people to remove their Well-Fitted Mask to the extent allowed in Section 5, below. For clarity, even if a Business or other entity does verify that people are Fully Vaccinated, people still must wear a Well-Fitted Mask unless otherwise exempted under this Order.

4. Status-Based Exemptions.

- a. **Medical or Safety Exemption.** A person does not need to wear a Well-Fitted Mask when they can show: (1) a medical professional has provided a written exemption to the Face Covering Requirement, based on the person's medical condition, other health concern, or disability; or (2) that they are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication; or (3) wearing a Well-Fitted Mask while working would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. In accordance with California Department of Public Health ("CDPH") and United States Centers for Disease Control and Prevention ("CDC") guidelines, if a person is exempt from wearing a Well-Fitted Mask under this paragraph, they still must wear an alternative face covering, such as a face shield with a drape on the bottom edge, unless they can show either: (1) a medical professional has provided a written exemption to this alternative face covering requirement, based on the person's medical condition, other health concern, or disability; or (2) wearing an alternative face covering while working would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines.

A Well-Fitted Mask should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Well-Fitted Mask without assistance.

- b. **Children.** In accordance with CDPH and CDC guidelines, any child younger than two years old must not wear a Well-Fitted Mask because of the risk of suffocation. Children age two to nine years must wear Well-Fitted Masks to the greatest extent feasible. Children age two to nine years may wear an alternative face covering (as that term is described in Section 4.a, above) if their parent or caregiver determines it will improve the child's ability to comply with this Order. Children age two to nine and their accompanying parents or caregivers should not be refused any essential service based on a child's inability to wear a Well-Fitted Mask (for example, if a four-year old child refuses to keep a Well-Fitted Mask on in a grocery store), but the parent or caregiver should when possible take reasonable steps to have the child wear a Well-Fitted Mask to protect others and minimize instances when children without Well-Fitted Masks are brought into settings with other people. Parents and caregivers of children age two to nine years must supervise the use of Well-Fitted Masks to ensure safety and avoid

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misuse. Children must wear face coverings in schools as required under State health rules.

- c. **Personal Protective Equipment.** A person does not need to wear a Well-Fitted Mask when wearing personal protective equipment (“PPE”) that is more protective than a Well-Fitted Mask, including when required by (i) any workplace policy or (ii) any local, state, or federal law, regulation, or other mandatory guidance. When a person is not required to wear such PPE and in an indoor public setting, they must wear a Well-Fitted Mask or PPE that is more protective unless otherwise exempted under this Order.

5. Activity- and Location-Based Exemptions.

To the extent allowed by state or federal rules requiring face coverings for unvaccinated people, wearing a Well-Fitted Mask is not required in any of the following situations:

- a. **Indoor Public Setting While Alone or with member of Household.** A person does not need to wear a Well-Fitted Mask when they are alone or with a member of their Household in a public building or completely enclosed space such as an office, and people who are not part of their Household are not likely to be in the same space. If someone who is not part of a person’s Household enters the enclosed space, both people must wear a Well-Fitted Mask for the duration of the interaction. For clarity, people must wear Well-Fitted Masks whenever they are in semi-enclosed spaces such as cubicles and common areas for shared living settings, such as hotels, shared rentals with multiple Households, dormitories, fire stations, lobbies, and elevators. A Well-Fitted Mask must be worn if the person is in an indoor public space where others who are not part of their Household routinely are present.
- b. **Active Eating and Drinking.** People may remove their Well-Fitted Mask while actively eating or drinking. People are urged to be seated at a table or positioned at a stationary counter or place while eating or drinking. For clarity, Well-Fitted Masks may be removed while actively eating or drinking in both indoor dining and indoor settings other than indoor dining where patrons may eat or drink, such as live performances and movies.
- c. **Motor Vehicles.** A person does not need to wear a Well-Fitted Mask when in a personal motor vehicle and either alone or exclusively with other members of the same Household. But a Well-Fitted Mask is required when alone in the vehicle if the vehicle is used as a taxi or for any private car service or ride-sharing vehicle. Persons sharing a personal motor vehicle with people outside of the same Household are strongly encouraged to roll down the vehicle’s windows for ventilation.

Personnel may also remove their Well-Fitted Mask in motor vehicles they use for work or in personal motor vehicles they use to commute to and from work, if all of the following conditions are satisfied:

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- i. Everyone in the motor vehicle must be Fully Vaccinated.
- ii. No person is unvaccinated due to a medical disability or religious exemption.
- iii. Everyone in the motor vehicle must be employed by the same Business or other entity. For clarity, this exemption does not apply to carpools where the people in the vehicle are employed by two or more different Businesses or other entities.
- iv. No children under 12 years old are present. If children under 12 years old are present, everyone must wear a Well-Fitted Mask unless otherwise exempted by this Order.

This Personnel motor vehicle exemption does not apply to use of any mode of public transit, taxis, limousines, or shared transportation networks.

- d. **Showering, Personal Hygiene, or Sleeping.** People may remove their Well-Fitted Mask only while showering or actively engaging in personal hygiene that requires removal of the Well-Fitted Mask, including at a gym, fitness center, or other facility. People may remove their Well-Fitted Mask while sleeping in indoor public settings.
- e. **Live or Recorded Performance and Professional Sports.** Performers at indoor live or recorded settings or events such as concerts, live music, film, television, recording studios, theater, opera, symphony, and professional sports may remove their Well-Fitted Masks while actively performing or practicing. If they remove their Well-Fitted Mask, performers must maintain at least six feet of distance from attendees and employees and are encouraged to maintain as much distance from other performers as possible. Performers are strongly urged to be Fully Vaccinated or regularly tested, and to wear their Well-Fitted Masks to the greatest extent possible. Attendees and employees must remain masked while attending or working at the performance except when another exemption applies.
- f. **Religious Gatherings.** Service leaders of indoor public religious gatherings, including by way of example but not limitation, choirs, may remove their Well-Fitted Mask while actively performing religious services. If they remove their Well-Fitted Mask, service leaders must maintain at least six feet of distance from participants except when another exception applies and are encouraged to maintain as much distance from other service leaders as possible. Service leaders are strongly urged to be Fully Vaccinated or regularly tested, and to wear their Well-Fitted Masks to the greatest extent possible. Participants in indoor religious gatherings may remove their Well-Fitted Masks to participate in religious rituals.

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Also, service leaders, participants, and Personnel in indoor public religious gatherings may remove their Well-Fitted Masks (with no distancing requirement) if all of the following conditions are satisfied:

- i. All people (including service leaders, participants, and Personnel) entering the facility provide proof they are Fully Vaccinated.
- ii. No person is unvaccinated due to a medical disability or religious exemption.
- iii. The religious gathering consists of a stable group of people who participate on a regular basis. No guests or people who are not part of the congregation or do not regularly participate in the religious gathering are present. If any guest or individual who is not part of the congregation or does not regularly participate in the religious gathering is present, everyone must wear a Well-Fitted Mask unless otherwise exempted by this Order.
- iv. The operator of the facility or host of the religious gathering controls access to ensure that all people entering the facility are Fully Vaccinated. People who enter the facility on an intermittent or occasional basis for short periods of time (*e.g.*, people who deliver goods or packages) do not need to provide proof of Full Vaccination, but must wear a Well-Fitted Mask unless otherwise exempted under this Order and are strongly encouraged to avoid entering any area of the facility covered by this exemption where people in that area do not need to wear Well-Fitted Masks. For clarity, anyone who participates in the religious gathering at the facility is not considered to be there on an intermittent or occasional basis for a short period of time, regardless of how briefly they may participate or whether the gathering itself does not last long.
- v. No children under 12 years old are present. If a child under 12 years old is present, everyone must wear a Well-Fitted Mask unless otherwise exempted by this Order.
- vi. The operator of the facility or host of the gathering must implement at least one of the ventilation strategies listed in Section 2 of this Appendix A.
- vii. An operator of the facility or host of the gathering may provide for distinct gathering spaces where people may remove their Well-Fitted Masks. For example, if a religious gathering occupies two floors in a building, people on one floor could remove their Well-Fitted Masks because they are Fully Vaccinated and the space otherwise satisfies all the conditions in this Section, but all the people on another floor must wear a Well-Fitted Mask

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because they do not satisfy all the conditions of this Section (*e.g.*, not Fully Vaccinated or guests). But, people must wear a Well-Fitted Mask in common areas in that building, such as elevators, lobbies, or restrooms, where people from the two spaces could interact.

- viii. Consistent with the Cal/OSHA definition of “outbreak,” people may remove their Well-Fitted Masks under this exemption only if there have been no outbreaks (currently defined as three or more COVID-19 cases in an “exposed group” within a 14-day period) for the past 30 days.
- g. **Personal Services**. Patrons of personal services such as facials, beard trims, facial piercing and tattoos, and facial massages may remove their Well-Fitted Mask only while actively receiving a service or treatment that requires temporary removal of the Well-Fitted Mask. Where they cannot maintain at least six feet of distance, providers of personal services must wear a N-95 mask, respirator, or procedural/surgical mask while administering the service.
- h. **Recreational Sports**. Except as provided in this subsection h below, participants in indoor recreational sports, gyms, and yoga studios may not remove their Well-Fitted Masks except while actively engaged in water-based sports (*i.e.*, swimming, swim lessons, diving, and water polo) and other sports where masks create imminent risk to health (*e.g.*, wrestling and judo). Swim instructors who are not Fully Vaccinated are required to wear a face shield at all times that they are in the water with other people.

Patrons and Personnel of indoor gyms, fitness centers, yoga studios, and other fitness or recreational facilities may remove their Well-Fitted Masks if all of the following conditions are satisfied:

- i. All people (including patrons and Personnel) entering the facility provide proof they are Fully Vaccinated.
- ii. No person is unvaccinated due to a medical disability or religious exemption.
- iii. The patrons must be limited to members or other regular participants for whom the operator of the facility maintains contact information. No guests or drop-ins may be present. If a guest or drop-in is present, everyone in the facility must wear a Well-Fitted Mask unless otherwise exempted under this Order.
- iv. The operator of the facility controls access to ensure that all people entering the facility are Fully Vaccinated. People who enter the facility on an intermittent or occasional basis for short periods of time (*e.g.*, people who deliver goods or packages) do not need to provide proof of Full Vaccination, but must wear a Well-Fitted Mask unless otherwise

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exempted under this Order and are strongly encouraged to avoid entering any area of the facility covered by this exemption where people in that area do not need to wear Well-Fitted Masks. For clarity, anyone who participates in the exercise, recreational, or fitness activities at the facility is not considered to be there on an intermittent or occasional basis for a short period of time, regardless of how briefly they may participate or whether the activity itself does not last long.

- v. No children under 12 years old are present. If a child under 12 years old is present, everyone must wear a Well-Fitted Mask unless otherwise exempted by this Order.
 - vi. The operator of the facility must implement at least one of the ventilation strategies listed in Section 2 of this Appendix A.
 - vii. An operator of the facility may provide for distinct exercise spaces where people may remove their Well-Fitted Mask masks. For example, if a gym has two floors, people on one floor could remove their Well-Fitted Masks because they are all Fully Vaccinated and the space otherwise meets all the conditions listed in this Section, but all the people on another floor must wear a Well-Fitted Mask because they do not meet the conditions listed in this section (*e.g.*, not Fully Vaccinated due to a medical exemption or a guest). Or if the facility has fully-enclosed rooms for separate uses (*e.g.*, a yoga, cardio, or spin room), people in that room could remove their Well-Fitted Mask when they are Fully Vaccinated and the space otherwise meets all the conditions listed in this Section, where the people in other shared areas of the facility remain masked. But, people must wear a Well-Fitted Mask in common areas in that facility, such as elevators, lobbies, or restrooms, where people from the two spaces could interact.
 - viii. Consistent with the Cal/OSHA definition of “outbreak,” people may remove their Well-Fitted Masks under this exemption only if there have been no outbreaks (currently defined as three or more COVID-19 cases in an “exposed group” within a 14-day period) for the past 30 days.
- i. **Offices.** Personnel in indoor offices may remove their Well-Fitted Masks if all of the following conditions are satisfied:
- i. All people entering the facility provide proof they are Fully Vaccinated.
 - ii. No person is unvaccinated due to a medical disability or religious exemption.

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- iii. The people in the office space must be limited to the Personnel of the Business or other entity. No visitors may be present. If a visitor is present, everyone in the office space must wear a Well-Fitted Mask unless otherwise exempted under this Order.
 - iv. The Business or other entity controls access to ensure that all people entering the office space are Fully Vaccinated. People who enter the office space on an intermittent or occasional basis for short periods of time (*e.g.*, people who deliver goods or packages) do not need to provide proof of Full Vaccination, but must wear a Well-Fitted Mask unless otherwise exempted by this Order and are strongly encouraged to avoid entering any area of the facility covered by this exemption where people in that area do not need to wear Well-Fitted Masks. For clarity, anyone who works for the employer or in the office space is not considered to be there on an intermittent or occasional basis for a short period of time, regardless of how irregularly or briefly they may be in the space.
 - v. No children under 12 years old are present. If a child under 12 years old is present, everyone must wear a Well-Fitted Mask unless otherwise exempted by this Order.
 - vi. The Business or other entity must implement at least one of the ventilation strategies listed in Section 2 of this Appendix A.
 - vii. A Business or other entity may provide for distinct work spaces where people may remove their Well-Fitted Masks. For example, if an employer occupies two floors in a building, employees on one floor could remove their Well-Fitted Masks because they are Fully Vaccinated and the space otherwise satisfies all the conditions in this Section, but all the employees on another floor must wear a Well-Fitted Mask because they do not satisfy all the conditions of this Section (*e.g.*, not Fully Vaccinated or visitors). But, people must wear a Well-Fitted Mask in common areas in that building, such as elevators, lobbies, or restrooms, where people from the two spaces could interact.
 - viii. Consistent with the Cal/OSHA definition of “outbreak,” people may remove their Well-Fitted Masks under this exemption only if there have been no outbreaks (currently defined as three or more COVID-19 cases in an “exposed group” within a 14-day period) for the past 30 days.
- j. Indoor Classes and Other Similar Gatherings. Speakers, instructors, participants, and Personnel in indoor classes and other similar gatherings may remove their Well-Fitted Masks if all of the following conditions are satisfied:

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- i. All people (including speakers, instructors, participants, and Personnel) entering the facility provide proof they are Fully Vaccinated.
- ii. No person is unvaccinated due to a medical disability or religious exemption.
- iii. The gathering consists of a stable group of people meeting on a regular basis. By way of example but not limitation, this exemption does not apply to one-time lectures or presentations, community events, or secular memorials. No guests or drop-in participant may be present. If a guest or drop-in participant is present, everyone must wear a Well-Fitted Mask unless otherwise exempted by this Order.
- iv. The operator of the facility or host of the gathering controls access to the event to ensure that all people entering the facility are Fully Vaccinated. People who enter the facility on an intermittent or occasional basis for short periods of time (*e.g.*, people who deliver goods or packages) do not need to provide proof of Full Vaccination, but must wear a Well-Fitted Mask unless otherwise exempted under this Order and are strongly encouraged to avoid entering any area of the facility covered by this exemption where people in that area do not need to wear Well-Fitted Masks. For clarity, anyone who participates in the class or gathering at the facility is not considered to be there on an intermittent or occasional basis for a short period of time, regardless of how briefly they may participate or whether the class or gathering itself does not last long.
- v. No children under 12 years old are present. If a child under 12 years old or guest is present, everyone must wear a Well-Fitted Mask unless otherwise exempted by this Order.
- vi. The total number of people present in the indoor class or other gathering (excluding religious gatherings, which are separately exempted above) does not exceed 100 people.
- vii. The operator of the facility or host of the gathering must implement at least one of the ventilation strategies listed in Section 2 of this Appendix A.
- viii. An operator of the facility or host of the gathering may provide for distinct gathering spaces where people may remove their Well-Fitted Masks. For example, if a gathering occupies two floors in a building, people on one floor could remove their Well-Fitted Masks because they are Fully Vaccinated and the space otherwise satisfies all the conditions in this Section, but all the people on another floor must wear a Well-Fitted Mask because they do not satisfy all the conditions of this Section (*e.g.*, not

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Fully Vaccinated or guests). However, people must wear a Well-Fitted Mask in common areas in that building, such as elevators, lobbies, or restrooms, where people from the two spaces could interact.

- ix. Consistent with the Cal/OSHA definition of “outbreak,” people may remove their Well-Fitted Masks under this exemption only if there have been no outbreaks (currently defined as three or more COVID-19 cases in an “exposed group” within a 14-day period) for the past 30 days.

Order No. C19-07y – Appendix B: Proof of Vaccination Requirements

[August 12, 2021]

1. Covered Businesses and Events.

For purposes of this Appendix B, Covered Businesses include:

- a. Operators/hosts of establishments or events where food or drink is served indoors—including, but not limited to, dining establishments, bars, clubs, theaters, and entertainment venues. For clarity, this does not include food or drink provided as part of a religious ceremony (*e.g.*, communion or kiddush).
- b. Gyms, recreation facilities, yoga studios, dance studios, and other fitness establishments, where any patrons engage in cardiovascular, aerobic, strength training, or other exercise involving elevated breathing. For clarity, fitness establishments and activities that are part of a K-12 school or operate as a Program for Children and Youth are covered by separate sector-specific directives (available at www.sfdph.org/directives) and are not subject to the requirements of this Appendix B.

2. Vaccination Requirement for Patrons.

- a. **Requirement.** As soon as possible, but no later than August 20, 2021, Covered Businesses must require all patrons age 12 and older to show proof that they are Fully Vaccinated before entering any indoor portion of a facility, subject only to the exceptions below and any applicable requirements of federal, state, or local laws requiring accommodation.

For purposes of this requirement, Covered Businesses may not accept a written self-attestation of vaccination proof of Full Vaccination. The following are the only acceptable proof of Full Vaccination:

- (1) the CDC vaccination card, which includes name of person vaccinated, type of vaccine provided, and date last dose administered, or similar documentation issued by another foreign governmental jurisdiction;
- (2) a photo or copy of a vaccination card as a separate document;
- (3) a photo of a vaccination card stored on a phone or electronic device;
- (4) documentation of vaccination from a healthcare provider; or
- (5) a personal digital COVID-19 vaccine record issued by the State of California and available by going to myvaccinerecord.cdph.ca.gov or similar documentation issued by another state, local, or foreign governmental jurisdiction, or by an approved private company (a list of approved companies offering digital vaccine cards is available at www.sfdph.org/dph/alerts/files/vaccine-verification-sites.pdf).

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Covered Businesses are required to cross-check proof of Full Vaccination for each patron against a photo identification, unless photo identification is integrated into the digital COVID-19 vaccine record.

b. Exceptions and Clarifications.

- i. For clarity, individuals who do not provide proof of Full Vaccination may use the outdoor portions of Covered Business facilities (but not the indoor portions except solely as provided in subsections (ii), (iii), and (v) below).
- ii. Covered Businesses may allow patrons wearing a Well-Fitted Mask to come indoors to use a restroom without requiring patrons to show proof they are Fully Vaccinated.
- iii. Dining establishments and bars may require proof of Full Vaccination to be shown at the time of patrons' first in-person interaction with staff (*e.g.*, at the time of ordering) rather than at the entrance to the establishment, but only if all such patrons wear Well-Fitted Masks at all times after entering the indoor portion of the facility and before showing such proof. Dining establishments and bars are prohibited from serving any patron indoors who fails to provide this proof.
- iv. Theaters where concessions are sold may require proof of Full Vaccination to be shown at the time of patrons' purchase of concessions rather than at the entrance to the establishment. Theaters are prohibited from selling food or beverages to any patron indoors who fails to provide this proof.
- v. Dining establishments and bars that serve food may allow individuals wearing a Well-Fitted Mask to enter the indoor portion of the facility to order, pick up, or pay for food or drink "to go" without showing proof of Full Vaccination.
- vi. Businesses may obtain proof of Full Vaccination in advance of a patron's arrival at a facility, *e.g.*, by email or through a reservation system, but must confirm identification at the time of entry into the facility.
- vii. Businesses operating food courts in indoor shopping centers that offer seated dining are required to obtain proof of Full Vaccination before patrons enter into the food court unless those operators remove seating from the area.
- viii. Individuals hosting private events in their homes are not subject to the requirements of this Appendix B but are strongly urged to require all guests age 12 and older to show proof that they are Fully Vaccinated.

3. Vaccination Requirement for Staff.

- a. Requirements. Subject to the exceptions below and any applicable requirements of

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[August 12, 2021]

federal, state, or local laws requiring accommodation:

- i. As soon as possible, but no later than August 20, 2021, Covered Businesses must use their best efforts to ascertain the vaccination status of all staff who routinely work onsite. A sample Employee Vaccination Program Ascertainment Form is available at www.sfdph.org/dph/covid-19/files/declination.pdf.
- ii. As soon as possible, but no later than October 13, 2021, Covered Businesses must ensure that all staff who routinely work onsite provide proof that they are Fully Vaccinated before entering or working in any indoor portion of the facility;
- iii. Consistent with applicable privacy laws and regulations, Covered Businesses must maintain records of staff vaccination or exemption status, and provide these records to the Health Officer or other public health authorities promptly upon request, and in any event no later than the next business day after receiving the request.

b. **Exceptions and Clarifications.**

- i. For clarity, “staff” as used in this order does not include all individuals included in the broader term “Personnel.” Individuals who enter or work in a Covered Business facility on an intermittent or occasional basis or for short periods of time (*e.g.*, individuals who deliver goods or packages) are not covered by the requirements in this Appendix B.

4. **Signage.**

- a. **Signage for Patrons.** As soon as possible, but no later than August 20, 2021, all Covered Businesses are required to conspicuously post at the entrance to the facility signage informing individuals that proof of Full Vaccination is required to enter the indoor portion of the facility. Sample signage is available at sf.gov/outreach-toolkit-coronavirus-covid-19.
- b. **Signage for Staff.** As soon as possible, but no later than August 20, 2021, all Covered Businesses are required to post signs in employee break rooms or similar areas informing staff that they are required to provide proof of Full Vaccination by October 13, 2021, and informing them how to obtain additional information about getting vaccinated. Sample signage is available online at sf.gov/outreach-toolkit-coronavirus-covid-19.