



County of San Diego

HEALTH AND HUMAN SERVICES AGENCY
PUBLIC HEALTH SERVICES

ORDER OF THE HEALTH OFFICER AND EMERGENCY REGULATIONS

(Effective February 6, 2021)

Pursuant to California Health and Safety Code sections 101040, 120175, and 120175.5 (b) the Health Officer of the County of San Diego (Health Officer) **ORDERS AS FOLLOWS:**

Effective immediately, and continuing until further notice, the following will be in effect for San Diego County (county):

1. All persons are to remain in their homes or at their place of residence, except for employees or customers traveling to and from essential businesses or a State authorized sector as defined in sections 10 and 11, below, or to participate in individual or family outdoor activity as allowed by this Order.
2. All “gatherings,” as defined in the November 13, 2020 CDPH Guidance for the Prevention of COVID-19 Transmission for Gatherings found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-for-the-Prevention-of-COVID-19-Transmission-for-Gatherings-November-2020.aspx> shall comply with said guidance. Gatherings not in compliance are prohibited.
3. **SCHOOLS**
 - a. All public, charter, and private schools may hold classes and other school activities only under circumstances permitted by the State and in compliance with the COVID-19 and Reopening In-Person Instruction Framework & Public Health Guidance for K-12 Schools in California, 2020-2021 School Year guidance (available at: https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Consolidated_Schools_Guidance.pdf), and as may be updated or superseded by further State guidance. Institutions of higher education may hold classes or other school activities only under circumstances permitted by the State and in compliance with the [COVID – 19 Industry Guidance: Institutions of Higher](#)

[Education](#) and as may be updated or superseded by further State guidance. A written, worksite-specific COVID-19 prevention plan as stated in their applicable state guidance may be used by schools and institutions of higher education in lieu of a Social Distancing and Sanitation Protocol or Safe Reopening Plan.

- b. All school districts, charter schools, and private schools serving grades TK – 12 inclusive, shall report the following to the San Diego County Office of Education (SDCOE) on or before the second and fourth Monday of each month, in a format designated by SDCOE:
 - i. Number of students participating in full-time in-person learning, by school site and school district, if applicable.
 - ii. Number of students participating in hybrid learning (a mix of in-person and distance learning) by school site and school district, if applicable.
 - iii. Number of students participating in distance learning by school site and school district, if applicable.
 - iv. Number of school employees who work onsite at a school, by school site and school district, if applicable.
 - v. The name, email, mailing address, and phone number of the person responsible for responding to complaints regarding COVID-19 prevention, by school site and school district, if applicable.

SDCOE shall report this information to the County of San Diego by the end of business on the following day (Tuesday) and shall post this information on its publicly facing website.

- c. All school districts, charter schools, and private schools serving grades TK – 12 inclusive, as required in the most recent *COVID -19 Industry Guidance: Schools and School-Based Programs*, shall notify local health officials immediately of any positive case of COVID-19, and exposed staff and families, as relevant, while maintaining confidentiality as required by state and federal laws.
4. Child daycare and child care providers shall operate in compliance with the measures set forth in State [COVID-19 Updated Guidance: Child Care Programs and Providers](#) and shall prepare and post a Safe Reopening Plan pursuant to section 11c, below.
 5. “Non-essential personnel,” as defined in section 15a below, are prohibited from entry into any hospital or long-term care facility. All essential personnel who are COVID-19 positive or show any potential signs or symptoms of COVID-19 are strictly prohibited from entry into hospitals or long-term care facilities. Notwithstanding the foregoing, individuals requiring

medical care for COVID-19 or related conditions may be admitted to hospitals or other medical facilities if the hospital or medical facility is appropriate for treating COVID-19 and has adequate precautions in place to protect its patients, medical personnel and staff.

6. Hospitals and [healthcare providers](#), including dentists shall:
 - a. Take measures to preserve and prioritize resources; and,
 - b. May authorize and perform non-emergent or elective surgeries or procedures based on their determination of clinical need and supply capacity, and where consistent with State guidance.
 - c. Nothing in this Order shall prevent physicians and other healthcare providers from conducting routine preventive care provided it conforms to any applicable State guidance.
 - d. Nothing in this Order shall prevent dentists or dental hygienists from conducting routine preventive care provided it conforms to any applicable State guidance.
7. Hospitals, healthcare providers, pharmacies, commercial testing laboratories, and any other setting conducting testing shall report all positive and non-positive (i.e., negative, indeterminate, and specimen unsatisfactory) test results from nucleic acid amplification tests, antibody tests, and antigen diagnostic tests for SARS-CoV-2 to the Public Health Officer immediately after such results are received.
8. Face coverings shall be worn as described and required in California Department of Public Health Face Covering Guidance issued on November 16, 2020, (available at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>).
9. All businesses not meeting the definition of essential business or State authorized sector in section 10 and 11 below are referred to in this Order as “non-essential businesses” and shall be and remain closed for the duration of this Order. All essential businesses and businesses and entities in State authorized sectors must comply with the requirements of this Order. Notwithstanding the foregoing, any business may remain open if its employees and owners can provide its services from home, including by telecommuting, without direct contact with the public.
10. ESSENTIAL BUSINESSES
 - a. “Essential business” is any business or activity (or a business/activity that employs/utilizes workers) designated by the State Public Health Officer as “Essential

Critical Infrastructure Workers” set forth in: <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>) as that list may be updated from time-to-time, and referenced in Executive Order N-33-20 issued by the Governor of the State of California.

- b. All essential businesses that allow members of the public to enter a facility must prepare and post a “Social Distancing and Sanitation Protocol” on the form available at: https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/SOCIAL_DISTANCING_AND_SANITATION_PROTOCOL_04022020_V1.pdf), or on a form required by another governmental entity requiring substantially similar information, for each of their facilities open to the public in the county. The Social Distancing and Sanitation Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and employees. A copy of the Social Distancing and Sanitation Protocol must also be provided to each employee performing work at the facility. All essential businesses shall implement the Social Distancing and Sanitation Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing and Sanitation Protocol must describe all measures required in section c below. Any business that fails to prepare and successfully implement a Social Distancing and Sanitation Protocol shall immediately close.
- c. When the State of California has issued an [industry guidance](#), or any subsequent amendments thereto, with mandatory or suggested restrictions and/or measures to be implemented by a particular sector of essential business, every essential business in that sector must comply with the guidance and shall include in its Social Distancing and Sanitation Protocol (prepared pursuant to section b, above) all of the measures listed in the industry guidance. Any mandatory measures required by this Order must also be included in a Social Distancing and Sanitation Protocol.

11. STATE AUTHORIZED SECTORS

- a. A “State authorized sector” is a type of business or activity that is not an essential business as defined in section 10a above, and is operating in conformance with the State of California’s Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe {available at: https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf}, and the Blueprint for a Safer Economy framework {available at:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19CountyMonitoringOverview.aspx> } with the exception of places of worship which in addition to the listed sector activities are allowed to operate indoor at 25% capacity with singing and chanting being prohibited during indoor services.

- b. All State authorized sectors, with the exception of restaurants, bars, wineries, distilleries and breweries which do not limit services to take-out or delivery, must prepare and post a “Safe Reopening Plan” on the form available at: https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/Community_Sector_Support/BusinessesandEmployers/SafeReopeningPlanTemplate.pdf for each of their facilities in the county. Restaurants bars, wineries, distilleries and breweries which do not limit services to take-out or delivery, must prepare and post a “COVID-19 Restaurant Operating Protocol” on the form found at https://www.sandiegocounty.gov/content/dam/sdc/deh/fhd/food/pdf/covid19sdrestaurantoperatingprotocol_en.pdf for each restaurant in the county.
- c. The Safe Reopening Plan, or COVID-19 Restaurant Operating Protocol, must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and employees. A copy of the Safe Reopening Plan must also be provided to each employee performing work at the facility. All businesses or entities in a State authorized sector shall implement the Safe Reopening Plan, or COVID-19 Restaurant Operating Protocol, and provide evidence of its implementation to any authority enforcing this Order upon demand. The Safe Reopening Plan, or COVID-19 Restaurant Operating Protocol, must describe all measures required in section d, below. Any business that fails to prepare and comply with its Safe Reopening Plan, or COVID-19 Restaurant Operating Protocol, shall immediately close.
- d. When the State of California has issued an [industry guidance](#), or any subsequent amendments thereto, with mandatory or suggested restrictions and/or measures to be implemented by a particular State authorized sector, every business or entity in that sector must comply with the guidance and shall include in its Safe Reopening Plan or Restaurant Operating Protocol (prepared pursuant to section b, above) all of the measures listed in the industry guidance. Any mandatory measures required by this Order must also be included in a Safe Reopening Plan.
- e. All restaurants, bars, wineries, distilleries and breweries that are otherwise permitted to be open shall be closed from 10:00 p.m. until 5:00 a.m. every day except for delivery, take-out, and drive-thru. Guests already in the establishment at 10:00 p.m. may remain in the establishment until 11:00 p.m..

12. Each essential business, and business or entity in a State authorized sector, shall take all of the following actions if an employer becomes aware that an employee is diagnosed with COVID-19:

- a. Promptly notify the County Department of Public Health that there is an employee that is laboratory-confirmed diagnosed with COVID-19, together with the name, date of birth, and contact information of the employee.
- b. Cooperate with the County Department of Public Health's COVID-19 response team to identify and provide contact information for any persons exposed by the employee at the workplace.
- c. Provide notice of the exposure to any employees, and contractors (who regularly work at the workplace), who may have been exposed to COVID-19, as stated in the State's COVID-19 Employer Playbook for a Safe Reopening, available at <https://files.covid19.ca.gov/pdf/employer-playbook-for-safe-reopening--en.pdf>.

13. OUTDOOR RECREATION

- a. Each public park and recreation area or facility, shall operate in compliance with the measures set forth in the [State COVID-19 Industry Guidance: Campgrounds, RV Parks and Outdoor Recreation](#). The operator of the park shall prepare a Safe Reopening Plan pursuant to section 11, above, indicating how the park or recreation facility will implement the required measures. Any park or recreation area/facility at which the Protocol requirements cannot be effectively implemented may be required to close.
- b. Outdoor recreation instruction and day camps that comply with the State COVID-19 Industry Guidance: Day Camps, may be conducted in park and recreation areas/facilities.
- c. Recreational boating may occur in compliance with applicable State guidance: <https://files.covid19.ca.gov/pdf/guidance-campgrounds.pdf>.
- d. Outdoor playgrounds may operate in compliance with the State guidance Outdoor Playgrounds and other Outdoor Recreational Facilities, available at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Outdoor%20Playgrounds%20and%20other%20Outdoor%20Recreational%20Facilities.aspx>.

14. Persons who have been diagnosed with COVID-19, or who are likely to have COVID-19, shall comply with the Order of the Health Officer titled: "Isolation of All Persons with or Likely to have COVID-19", or as subsequently amended. Persons who have a close contact with a person

who either has COVID-19, or is likely to have COVID-19, shall comply with the Order of the Health Officer titled: “Quarantine of Persons Exposed to COVID-19,” or as subsequently amended. Both orders are available at:

https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community_epidemiology/dc/2019-nCoV/health-order.html. If a more specific isolation or quarantine order is issued to a person, that order shall be followed.

15. For purposes of this Order:

- a. “Non-essential personnel” are employees, contractors, or members of the public who do not perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of the long-term care facility or hospital. Non-essential personnel do not include first responders, nor State, federal, or local officials, investigators, or medical personnel carrying out lawful duties. Non-essential personnel do not include visitors to hospitals and long-term care facilities who are granted entry by the facility’s director, or designee, because they are family or friends who are visiting a resident in an end of life or similar situation, are parents or guardians visiting a child who is a patient, or because of any other circumstances deemed appropriate by the facility director, or designee, and where appropriate precautions by the facility that follow federal, State, and local public health guidance regarding COVID-19 are followed.
- b. “Social distancing” is maintaining a six-foot separation from all persons except for household members, first responders and medical providers or employees conducting temperature screenings.

16. This Order is issued as a result of the World Health Organization’s declaration of a worldwide pandemic of COVID-19 disease, also known as “novel coronavirus.”

17. This Order is issued based on scientific evidence regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19. The age, condition, and health of a significant portion of the population of the county places it at risk for serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public—such as older adults, and those with underlying health conditions—at significant risk.

18. The actions required by this Order are necessary to reduce the number of individuals who will be exposed to COVID-19, and will thereby slow the spread of COVID-19 in the county. By reducing the spread of COVID-19, this Order will help preserve critical and limited healthcare capacity in the county and will save lives.

19. This Order is issued in accordance with, and incorporates by reference: a) the Declaration of Local Health Emergency issued by the Health Officer on February 14, 2020; b) the Proclamation of Local Emergency issued by the County Director of Emergency Services on February 14, 2020; c) the action of the County Board of Supervisors to ratify and continue both the local health emergency and local emergency on February 19, 2020; d) the Proclamation of a State of Emergency issued by the Governor of the State of California on March 4, 2020; e) Executive Order N-25-20 issued by the Governor of the State of California on March 12, 2020 which orders that “All residents are to heed any orders and guidance of state and local health officials, including but not limited to the imposition of social distancing measures, to control COVID-19”; f) Proclamation 9984 regarding COVID-19 issued by the President of the United States on March 11, 2020; g) Executive Order N-33-20 issued by the Governor of the State of California on March 19, 2020; h) the “Interim Additional Guidance for Infection Prevention and Control for Patients with Suspected or Confirmed COVID-19 in Nursing Homes” issued by the CDC; i) COVID-19 guidance issued by the California Department of Public Health on including, but not limited to the Face Coverings Guidance issued on November 16, 2020; j) the State of California’s “Resilience Roadmap;” k) the State of California’s Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe; l) and the California Statewide Public Health Officer Order dated August 28, 2020.

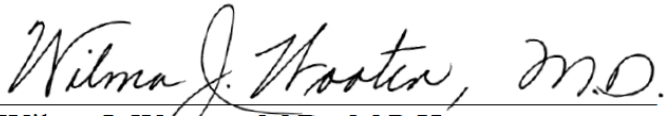
20. This Order is issued to prevent circumstances often present in gatherings that may exacerbate the spread of COVID-19, such as: 1) the increased likelihood that gatherings will attract people from a broad geographic area; 2) the prolonged time period in which large numbers of people are in close proximity; 3) the difficulty in tracing exposure when large numbers of people attend a single event or are at a single location; and 4) the inability to ensure that such persons follow adequate hygienic practices. Section 11e of this Order requires a closing time for restaurants, bars, wineries, distilleries and breweries commensurate with the traditional end of dine-in meal service. The State Health Officer found (as stated in the November 19, 2020 Limited Stay at Home Order) that “certain activities conducted during 10:00pm to 5:00am are often non-essential and more likely related to social activities and gatherings.” For restaurants, bars, wineries, distilleries and breweries, the time restriction is also imposed to reduce the

occurrence of higher alcohol consumption and reduced food consumption after 10:00 p.m. CDPH Guidance on Closure of Sectors in Response to COVID-19, dated July 1, 2020, observed that “alcohol consumption slows brain activity, reduces inhibition, and impairs judgment, factors which contribute to reduced compliance with recommended core personal protective measures, such as the mandatory use of face coverings and maintaining six feet of distance from people outside of one’s own household.”

21. This Order is issued to provide additional opportunities for recreational activities while also requiring additional protections from the spread of COVID-19 to the public who are taking advantage of these opportunities for recreational activities. And providing additional protections for employees of essential businesses or businesses or entities in State authorized sectors and their customers/clients.
22. This Order is issued to protect the public health as businesses are allowed to reopen by requiring businesses to implement procedures necessary to ensure their employees and customers comply with social distancing, sanitation and screening practices.
23. This Order comes after the release of substantial guidance from the Health Officer, the California Department of Public Health, the CDC, and other public health officials throughout the United States and around the world.
24. The statement of facts and circumstances set forth as justification for each Guidance issued by the California Department of Health Services that is referenced in this Order are hereby accepted and incorporated by reference into this Order.
25. Pursuant to Health and Safety Code section 120175.5 (b) all governmental entities in the county shall take necessary measures within the governmental entity’s control to ensure compliance with this Order and to disseminate this Order to venues or locations within the entity’s jurisdiction where gatherings may occur.
26. Violation of this Order is subject to fine, imprisonment, or both. (California Health and Safety Code section 120295.)
27. To the extent necessary, this Order may be enforced by the Sheriff or chiefs of police pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029.
28. Once this Order takes effect it shall supersede the Order of the Health Officer and Emergency Regulations dated December 9, 2020.

IT IS SO ORDERED:

Date: February 6, 2021



Wilma J. Wooten, M.D., M.P.H.
Public Health Officer
County of San Diego

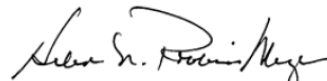
EMERGENCY REGULATIONS

As Director of Emergency Services for the County of San Diego, I am authorized to promulgate regulations for the protection of life and property pursuant to Government Code Section 8634 and San Diego County Code section 31.103. The following shall be in effect for the duration of the Health Officer Order issued above which is incorporated in its entirety by reference:

The Health Officer Order shall be promulgated as a regulation for the protection of life and property.

Any person who violates or who refuses or willfully neglects to obey this regulation is subject to fine, imprisonment, or both. (Government Code section 8665.)

Date: February 6, 2021



Helen Robbins-Meyer
Chief Administrative Officer
Director of Emergency Services
County of San Diego

THIS ORDER AND EMERGENCY REGULATIONS DOES NOT SUPERSEDE MORE RESTRICTIVE STATE ORDERS OR GUIDANCE. ALL PERSONS MUST REFERENCE BOTH THIS DOCUMENT AND APPLICABLE STATE ORDERS AND GUIDANCE. TO THE EXTENT THERE IS ANY INCONSISTENCY THE MORE RESTRICTIVE MEASURE APPLIES.