

County of Santa Clara
Public Health Department

Health Officer
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**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA
ESTABLISHING MANDATORY RISK REDUCTION MEASURES
APPLICABLE TO ALL ACTIVITIES AND SECTORS TO ADDRESS
THE COVID-19 PANDEMIC**

DATE OF ORDER: July 2, 2020

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.*; Cal. Penal Code §§ 69, 148(a)(1); Santa Clara County Ordinance Code § A1-28.)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND SANTA CLARA COUNTY ORDINANCE CODE SECTION A18-33, THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA (“HEALTH OFFICER”) ORDERS:

1. Purpose and Intent.

- a. This Order supersedes the May 18, 2020 Order of the Health Officer directing all individuals to shelter in place (“Prior Order”), as amended on June 5, 2020, as of the effective date and time set forth in Section 16 below. This Order allows most activities, travel, business, and governmental functions to occur subject to specified restrictions, limitations, and conditions to limit the transmission of Novel Coronavirus Disease 2019 (“COVID-19”). COVID-19 continues, however, to pose a severe risk to residents of our County, and significant safety measures are necessary to protect against a surge in COVID-19 cases and deaths. This Order requires risk reduction measures to be in place across all business sectors and activities, ensuring necessary precautions are followed as we adapt the way we live and function in light of the ongoing threat that the virus poses. The Health Officer will continue to monitor data regarding and evolving scientific understanding of the risks posed by COVID-19 and may amend or rescind this Order based on analysis of that data and knowledge. As of the effective date and time of this Order set forth in Section 16 below, all individuals, businesses, and government agencies in the County are required to follow the provisions of this Order.
- b. The primary intent of this Order is to reduce the risk of COVID-19 transmission in the County. All provisions of this Order must be interpreted to effectuate this intent. 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.

- c. The efforts taken under the Health Officer's prior shelter-in-place orders slowed the virus's trajectory. While the public health emergency and threat to the County's population remain severe, the region has significantly increased its capacity to detect cases, contain spread, and treat infected patients through widespread testing; greatly expanded its case investigation and contact tracing program and workforce; and expanded hospital resources and capacity.
- d. At the same time, across the region and the rest of the State, there has been a significant and rapid reopening of businesses and activities, accompanied by an increase in cases and hospitalizations, which carry risks to County residents and resources. As we continue to evolve our strategies for protecting residents of the County from COVID-19, we must take into account both the trajectory of the virus in the County and across the region, and also the reality that under the Prior Order, the vast majority of businesses and many activities were allowed to open with restrictions and limitations in place. Further, many of the businesses and activities that remained closed in our County were open elsewhere, and our residents were traveling to other jurisdictions to engage in those activities or engaging in them here in the County without following proper precautions. To protect the community from COVID-19, we must ensure that when people engage in activities they are doing so as safely as possible.
- e. In light of all these circumstances, it is appropriate to allow most activity, travel, and business operations to resume, but subject to significant conditions and limitations to reduce the risk of COVID-19 transmission, prevent serious illness and death, and ensure that healthcare resources and capacity remain sufficient to meet the needs of the population.
- f. The restrictions set forth in this Order are based on evidence of continued significant community transmission of COVID-19 within the County; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that 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; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious negative outcomes and can also spread COVID-19 to more vulnerable people. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, direct or indirect interpersonal interactions can result in preventable transmission of the virus.

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- g. The scientific evidence shows that, at this stage of the pandemic, it remains essential to maintain limitations and conditions to slow virus transmission to help: (a) protect the most vulnerable; (b) prevent the health care system from being overwhelmed; (c) prevent long-term chronic health conditions associated with COVID-19, such as cardiovascular, kidney, and respiratory damage and loss of limbs from blood clotting; and (d) prevent deaths. These limitations and conditions are necessary to slow the spread of the COVID-19 disease, preserving health care capacity in the County and advancing toward a point in the current public health emergency where transmission can be controlled.
2. **Applicability.** All individuals, businesses, and other entities in the County are ordered to comply with the applicable provisions of this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when they are in the County. Governmental entities are urged to follow the requirements of this Order applicable to businesses, but governmental entities and their contractors are not required follow these requirements to the extent that such requirements would impede or interfere with an essential governmental function, as determined by the governmental entity, unless otherwise specifically directed by the Health Officer.
3. **Incorporation of Emergency Proclamations and State Orders.**
- a. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom; the February 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the County; the February 3, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer; the February 10, 2020 Resolution of the Board of Supervisors of the County of Santa Clara Ratifying and Extending the Declaration of a Local Health Emergency; and the February 10, 2020 Resolution of the Board of Supervisors of the County of Santa Clara Ratifying and Extending the Proclamation of a Local Emergency.
 - b. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the “State Shelter Order”), which set baseline statewide restrictions on non-residential business activities, effective until further notice; the Governor’s March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order; the Governor’s May 4, 2020 Executive Order N-60-20; and the May 7, 2020 Order of the State Public Health officer allowing local jurisdictions to begin phased reopening. The May 4, 2020 Executive Order and May 7, 2020 Order of the State Public Health Officer expressly acknowledge that local health officers have authority to establish and implement public health measures within their respective

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jurisdictions that are more restrictive than those implemented by the State Public Health Officer.

4. **Obligation to Follow Stricter Order.** Where a conflict exists between this Order and any order issued by the State Public Health Officer or the Governor related to the COVID-19 pandemic, the most restrictive provision controls. For clarity, all individuals and entities must comply with the State Shelter Order, any mandatory guidance issued by the California Department of Public Health, any mandatory orders of the Governor, or any other mandatory provision of State law to the extent it is stricter than any provision of this Order. 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. In addition, to the extent any federal guidelines allow activities that are not allowed by this Order, this Order controls and those activities are not allowed.
5. **Obligation to Follow Health Officer 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 directives issued by the County Health Officer and any applicable “COVID-19 Industry Guidance” issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>. To the extent that provisions in the directives of the County Health Officer and the guidance of the State Health Officer conflict, the more restrictive provisions apply.
6. **Definitions.**
 - a. For purposes of this Order, 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. For clarity, “business” also includes a for-profit, non-profit, or educational entity performing services or functions under contract with a governmental agency.
 - b. For purposes of this Order, “personnel” means the following individuals who provide goods or services or perform operations 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 (such as “gig workers” who perform work via the business’s application or other online interface); vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the business.

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- c. For purposes of this Order, a “gathering” is any indoor or outdoor event, assembly, meeting, or convening that brings together people from separate households in a coordinated fashion. The limitations on gatherings set forth in this Order apply to gatherings for any purpose, including for economic, social, religious, cultural, or other purposes such as, by way of example and not limitation, a conference, worship service, performance, or party. For clarity, a gathering does not include normal operations in: classrooms; areas where people may be in transit; or settings in which people are in the same general space at the same time but engaged in separate activities, including, by way of example, medical offices, hospitals, or business environments like offices, stores, and restaurants where people may be working, shopping, or eating in the same general area but are not gathering together in an organized fashion. A gathering also does not include internal meetings exclusively involving personnel of a single business because those activities are subject to separate provisions of this Order and Health Officer directives.
7. **Staying Home Is the Best Way to Reduce Risk.** All people are strongly reminded that continuing to stay home as much as possible is the best way to prevent the risk of COVID-19 transmission, and therefore trips and activities outside the home should be minimized. All activities that involve contact with people outside of one’s household increase the risk of transmission of COVID-19.
8. **Older Adults and Individuals with Serious Underlying Medical Conditions.** Older adults (those age 70 or older) and individuals with serious underlying medical conditions (including immunocompromised state, chronic kidney disease, chronic obstructive pulmonary disease, obesity, serious heart conditions, sickle cell disease, and diabetes) are strongly urged to stay in their places of residence except to access critical necessities such as food and medicine. Adults aged 50 to 69 are encouraged to minimize activities and interactions with people outside their household to the extent practicable.
9. **Social Distancing Requirements.** When outside their place of residence, all individuals must strictly comply with following “Social Distancing Requirements” to the maximum extent possible, except to provide necessary care to others (including childcare, adult or senior care, care to individuals with special needs, and patient care) or as otherwise expressly allowed in this Order. For clarity, activities that cannot be conducted while maintaining Social Distancing Requirements are generally prohibited; those activities may be conducted only if they are the subject of specific directives of the Health Officer establishing the protocols that must be followed in order to reduce the risk of transmission of COVID-19 when conducting those specific activities.
 1. Maintaining at least six feet of social distance from individuals who are not part of their household;

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2. Frequently washing their hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
 3. Covering their coughs and sneezes with a tissue or fabric or, if not possible, into their sleeve or elbow (but not into hands);
 4. Wearing a face covering as required by Section 10; and
 5. Avoiding all contact with anyone outside their household when sick with a fever, cough, or other COVID-19 symptoms.
10. **Face Coverings.** Face coverings must be worn at all times and by all individuals as specified in the California Department of Public Health’s mandatory Guidance for the Use of Face Coverings (“Face Covering Guidance”) and in accordance with any additional directives issued by the County Health Officer. Further, all individuals must wear face coverings at all times when inside a business facility or using public transportation. For clarity, a face covering is not required when a person is in a personal office (a single room) when others outside of that person’s household are not present as long as the public does not regularly visit the room. Further, individuals under age two, individuals a healthcare professional has advised should not wear a face covering because they have a medical condition that would make wearing a face covering dangerous, and individuals who are hearing impaired or communicating with someone who is hearing impaired, do not need to wear a face covering.

11. Limitations on Gatherings.

- a. Gatherings of any size outside of a single household remain strongly discouraged because they carry significant risk of exposure to COVID-19.
- b. Any gathering occurring indoors is prohibited unless it involves no more than 20 people or 1 person per 200 square feet of the space accessible to participants in the gathering, whichever is fewer.
- c. Any gathering occurring outdoors is prohibited unless it involves no more than 60 people and occurs in an outdoor area large enough to allow for social distancing of all attendees.
- d. Participants in gatherings of any size must adhere to any additional directives of the Health Officer applicable to gatherings, and also the Social Distancing and Face Covering Requirements set forth above in Sections 9 and 10.

12. Requirements Applicable to All Businesses.

- a. **Maximization of Telework.** All businesses must continue to maximize the number of personnel who work remotely from their place of residence. For clarity, all businesses must require that all personnel carry out their job functions remotely if they are able to do so.

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b. **Activities that Can Occur Outdoors.** All businesses are strongly urged to move as many operations as possible outdoors, where there is generally less risk of COVID-19 transmission. Businesses that cannot meet the Density or strict Face Covering requirements indoors may be able to operate by shifting their operations outdoors.

c. **Social Distancing Protocol.**

1. All businesses must prepare, submit to the County, and implement a “Social Distancing Protocol” for each facility or worksite at which any personnel or members of the public may be present, using the updated form identified in Paragraph 3 below. The Social Distancing Protocol must confirm that the business is achieving the applicable requirements listed in that form, which include important mandates regarding worker and customer safety.
2. For any business that only performs services for dispersed facilities or worksites that the business does not own or operate (such as, by way of example, residential cleaning service operations at client homes), the business must submit a Social Distancing Protocol for its operation as a whole.
3. The Social Distancing Protocol must be completed using the fillable webform and submitted to the County Public Health Department at www.COVID19Prepared.org. All Social Distancing Protocols will be stored and available in a publicly accessible database.
4. The Social Distancing Protocol must be completed by a person authorized to complete and sign it on behalf of the business, and it must be signed under penalty of perjury. All businesses must provide evidence of implementation of their Social Distancing Protocol to any authority enforcing this Order upon demand.
5. All businesses with facilities or worksites that are currently open must submit a new Social Distancing Protocol pursuant to this Section 12.c on or before the effective date of this Order as a condition of continued operation. Prior Social Distancing Protocols are no longer valid.
6. A full copy of the current Social Distancing Protocol for each facility or worksite must be distributed to each person performing work at that business location and made available to customers upon request. For any business that only performs services for dispersed facilities or worksites that the business does not own or operate, a copy of the Social Distancing Protocol must be provided to each person performing work for that business in the County, and

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also to the owner or operator of each facility or worksite where it performs services.

7. A COVID-19 PREPARED Sign and Social Distancing Protocol Visitor Information Sheet, which can only be downloaded and printed upon completion of the webform, must be posted at or near the entrance of the relevant facility or business worksite for which an individual Social Distancing Protocol is required, and shall be easily viewable by the public and personnel from outside the facility or worksite. This includes all construction worksites. Any business that only performs services for dispersed facilities or worksites that the businesses does not own or operate is not required to post a COVID-19 PREPARED Sign or Social Distancing Protocol Visitor Information Sheet.

- d. **Density Limitation.** The total number of personnel present at a business facility may not exceed one personnel per 250 gross square feet of the facility, and the total number of customers or members of the public may not exceed one person per 150 square feet of space open to the public. Business facilities with less than 250 gross square feet of space may have no more than one personnel present at the facility, and businesses with less than 150 square feet of space open to the public may have no more than one customer or member of the public at the facility at a time. Minors under the age of 12, when accompanied by an adult, do not count towards these density limitations. Healthcare facilities, educational and childcare facilities, and other facilities that are specifically identified in a Health Officer directive are exempt from these density limitations and may be subject to alternative limitations.
- e. **Mandatory Reporting Regarding Personnel Contracting COVID-19.** 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 within the 48 hours prior to onset of symptoms or within 48 hours of the date on which they were tested. In the event that a business or governmental entity learns that any of its personnel is a confirmed positive case of COVID-19 and was at the workplace in this timeframe, the business or governmental entity is required to report the positive case within four hours to the Public Health Department at www.sccsafeworkplace.org. Businesses and governmental entities must also comply with all case investigation and contact tracing measures by the County, including providing any information requested.

13. **Facilities that Must Remain Closed.** The following facilities are not allowed to open under this Order because they create a particularly high risk of COVID-19 transmission:

- a. Any indoor facility that is used for an activity inherently necessitating the removal of a face covering, including but not limited to indoor dining, indoor bars, indoor swimming

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pools, smoking lounges, saunas, steam rooms, and heated exercise studios. This prohibition does not apply to healthcare facilities.

- b. Professional sports stadiums and arenas, except that professional sports training is permitted and professional sporting events can occur in such facilities without spectators and in accordance with other applicable requirements, upon approval by the Health Officer of a facility-specific risk reduction protocol.
- c. Non-residential adult and elder day care facilities.
- d. Amusement and theme parks.
- e. Nightclubs, music and concert venues, and indoor theaters.
- f. Indoor playgrounds and amusement centers such as bounce centers, ball pits, and laser tag.
- g. Any additional businesses or facilities that the Health Officer specifies in a directive or order must be closed.

14. **Transit.** Transit agencies must facilitate compliance with Social Distancing Requirements to the greatest extent feasible. All people must comply with the Face Covering Guidance in Section 10 and Social Distancing Requirements in Section 9 while riding or waiting for public transit, except people specifically exempted.
15. **Enforcement.** Pursuant to Government Code sections 26602 and 41601, Health and Safety Code section 101029, and Santa Clara County Ordinance Code section A1-34 *et seq.*, the Health Officer requests that the Sheriff, all chiefs of police in the County, and all enforcement officers ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
16. **Effective Date.** This Order shall become effective on the later of (1) 12:01 a.m. on July 13, 2020 or (2) 12:01 am two days following approval by the State Department of Public Health of a “variance” under the State’s “Resilience Roadmap” as described at covid19.ca.gov. This Order shall continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
17. **Copies.** Copies of this Order shall promptly be: (1) made available at the County Government Center at 70 W. Hedding Street, San José, California; (2) posted on the County Public Health Department website (www.sccphd.org); and (3) provided to any member of the public requesting a copy of this Order.
18. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or

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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:

Sara H. Cody, M.D.
Health Officer of the County of Santa Clara

Dated: _____

Approved as to form and legality:

James R. Williams
County Counsel

Dated: _____

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