# AMENDED ORDER OF THE YOLO COUNTY PUBLIC HEALTH OFFICER FOR THE WEARING OF FACE COVERINGS IN WORKPLACES AND PUBLIC SETTINGS

**AMENDED ON: <u>September 21, 2021; October 11, 2021</u>**

**Please read this Order carefully. Violation of, or failure to comply with, this Order is a public nuisance subject to citation, abatement, or both, as well as a misdemeanor punishable by fine, imprisonment, or both (California Government Code § 8634 and 8665; California Health and Safety Code §§ 120155, 120220, 120275, 120295; California Penal Code § 69, 148(a)(1)); Executive Order N-25-20).**

## SUMMARY OF THIS ORDER

**This Amended Order requires all individuals to wear face coverings when indoors in workplaces and public settings, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business.**

**On October 8, 2021, this Order was amended to add an exemption for physically distanced performers with a recent negative test for SARS-CoV-2.**

## BACKGROUND

Since June 15, 2021 when most restrictions from the State of California's Blueprint for a Safer Economy were lifted, the average daily incident case rate of COVID-19 in Yolo County has increased eightfold to reach the "Substantial Transmission" level of the US Centers for Disease Control and Prevention's ("CDC") Indicators for Levels of Community Transmission. The testing positivity rate in Yolo County has also risen tenfold since June 15. Hospitalizations from COVID-19 in Yolo County have risen from one patient on June 15 to 15 patients on July 23. While the majority of cases since June 15 have occurred among unvaccinated persons, the daily case rate among vaccinated persons has risen to reach the CDC's "Moderate Transmission" level, meaning that the risk of infection is not longer considered low in fully vaccinated persons.

The significantly more transmissible Delta variant of the SARS-CoV-2 virus has become the predominant strain in the US and in Yolo County. During the week of July 17 through July 25, 2021, 88 percent of positive specimens genotyped by the UC Davis Genome Center were identified as the Delta variant. The COVID-19 vaccines currently authorized in the US have been shown to be highly safe and effective at providing protection to individuals and communities, particularly against severe COVID-19 disease and death, and are recommended by the CDC for all populations for whom the vaccine is authorized by the US Food and Drug Administration.

In considering options to stem this rapid increase in COVID-19 transmission, a continued increase in the proportion of the population vaccinated is necessary but not sufficient. Universal indoor use of face coverings, also known as masking, is the least disruptive and most immediately impactful additional measure to take. All individuals, especially those who are unvaccinated or at higher risk of severe outcomes from COVID-19, should take personal measures to reduce risk in addition to masking.

This Order is necessary to control and reduce the rate of community spread and to reinforce the need for safe interactions. The Health Officer will continue to assess the public health situation as it evolves and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.

## ORDER

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 120220, THE PUBLIC HEALTH OFFICER OF THE COUNTY OF YOLO ("HEALTH OFFICER") HEREBY ORDERS AS FOLLOWS:

1. Except as otherwise set forth herein, the July 28, 2021 Guidance for the Use of Face Coverings issued by the California Department of Public Health ("CDPH"), as may be amended from time to time, continues to apply throughout the County.

2. This Order directs that face coverings shall be worn, regardless of vaccination status, over the mouth and nose, in all indoor public settings, venues, gatherings, and workplaces, such as, but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference centers, and State and local government offices. For purposes of this Order, all non-residential settings are considered public, and common areas within apartments and other multi-household residential settings (e.g., common patios, laundry rooms, lobbies) are also considered public.

3. Individuals, businesses, venue operators, hosts, and others responsible for the operation of indoor public settings must:

- Require all patrons to wear face coverings for all indoor settings, regardless of their vaccination status; and
- Post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the masking requirements to all patrons.

In addition, those responsible for indoor public settings are strongly encouraged to provide face coverings at no cost to individuals required to wear them.

4. Exemptions from face covering requirements – Individuals are not required to wear face coverings in the following circumstances:

- Persons who are working alone in a closed office or room;
- Persons who are actively eating and/or drinking;
- Persons swimming or showering in a fitness facility;
- Persons who are obtaining a medical or cosmetic service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- Fully vaccinated athletes on a Yolo County-based team under the supervision of a team physician who are participating in an NCAA-sponsored intercollegiate athletic competition or practice, provided that participants in indoor activities are tested twice weekly for SARS-CoV-2 using an FDA-authorized or laboratory-developed molecular test, regardless of their vaccination status. Those who are not fully

vaccinated are required to wear a face covering at all times indoors, and do not fall under this exemption. When extended travel makes twice weekly testing infeasible, participants in indoor activities may test weekly for one week if they return to twice weekly testing the following week. The exemption from face covering requirements does not apply to athletes not actively participating in a practice or competition (for example, on the bench), coaches, other athletic staff, or officials. Visiting intercollegiate athletes are not required to wear face coverings during competition if they are in compliance with NCAA requirements described in Resocialization of Collegiate Sport: 2021 Fall Training and Competition;

- Artistic performers who are unable to perform while masked, who are either
  a) fully vaccinated and test negative for SARS-CoV-2 using either
     i) an FDA-authorized or laboratory-developed molecular test on a specimen collected within 72 hours of the performance or
     ii) an FDA-authorized antigen test on the day of the performance; or
  b) not fully vaccinated and test negative for SARS-CoV-2 using an FDA-authorized antigen test on the day of the performance;
  and provided the performers remain at least 12 feet from the audience at all times. To avoid potential conflicts with existing State orders, this exemption does not apply to performers on K-12 school campuses.
- Persons who are specifically exempted from wearing face masks pursuant to other CDPH guidance.

5. Employers and businesses subject to the Cal/OSHA COVID-19 Emergency Temporary Standards ("ETS") and/or the Cal/OSHA Aerosol Transmissible Diseases Standards should consult the applicable regulations for additional requirements. The ETS allow local health jurisdictions to mandate more protective measures. This Order, which requires face coverings for all individuals in indoor settings and businesses, regardless of vaccination status, takes precedence over the more permissive ETS regarding employee face coverings.

6. Mega Events:

- Indoor Mega-Events: All attendees of indoor mega-events (defined as 1,000 or more attendees) must wear face coverings while indoors and must otherwise comply with the restrictions set forth in the CDPH guidance Beyond the Blueprint for Industries and Sectors.

- Outdoor Mega-Events: Attendees of outdoor mega-events (defined as 10,000 or more attendees) are required to wear face coverings while in an indoor setting and in areas where 50% of the structure has adjacent impermeable walls, such as concourses and concession stands, and must otherwise comply with the restrictions set forth in the CDPH guidance Beyond the Blueprint for Industries and Sectors.

7. Unvaccinated as well as fully vaccinated persons should continue to follow CDC guidance for unvaccinated people and for fully vaccinated people to protect themselves and others, including wearing a well-fitted face covering, physical distancing (at least 6 feet), avoiding crowds, avoiding poorly ventilated spaces, covering coughs and sneezes, washing hands often, and following any applicable workplace, school, or business sector guidance or

requirements including the Cal/OSHA Emergency Temporary Standards. Fully vaccinated people should still watch for symptoms of COVID-19, especially following an exposure to someone with suspected or confirmed COVID-19. If symptoms develop, all people – regardless of vaccination status – should isolate and be clinically evaluated for COVID-19, including SARS-CoV-2 testing. Anyone testing positive for SARS-CoV-2, regardless of vaccination status, must follow the Mass Isolation Order of the Yolo County Health Officer.

8. This Order shall become effective at 12:01 am on July 30, 2021 and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. The Health Officer intends to end the Order when the daily COVID-19 case rate falls below 2 per 100,000 for seven consecutive days.

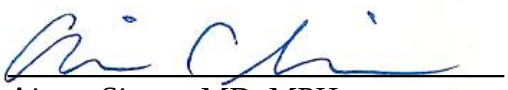
9. All State orders and guidance documents referenced in State orders are complementary to this Order. By way of this Order, the Health Officer adopts such directives as orders as well. Where a conflict exists between a local order and any State public health order related to the COVID-19 pandemic, the most restrictive provision controls pursuant to, and consistent with, California Health and Safety Code § 131080, unless the State Health Officer issues an order that expressly determines a provision of a local public health order is a menace to public health.

10. Pursuant to Government Code §§ 26602 and 41601 and Health and Safety Code § 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County 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 pursuant to Section 120275 of the Health & Safety Code is punishable as a misdemeanor by fine, imprisonment, or both. Other administrative and judicial remedies are also available.**

11. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 625 Court Street, Woodland, CA 95695; (2) posted on the County website (www.yolocounty.org); and (3) provided to any member of the public requesting a copy of this Order.

12. If any provision of this Order or its application to any person or circumstance is held to be invalid, the reminder 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:**



Dated: October 11, 2021

Aimee Sisson, MD, MPH
Health Officer of the County of Yolo