ORDER No. c19-11 OF THE HEALTH OFFICER OF THE COUNTY OF SAN MATEO DIRECTING ALL INDIVIDUALS IN THE COUNTY TO LIMIT GATHERINGS TO NOT EXCEED 50 PEOPLE, ALLOW SOCIAL BUBBLES, ADHERE TO SOCIAL DISTANCING REQUIREMENTS, FACE COVERING REQUIREMENTS, AND REQUIRING BUSINESSES TO IMPLEMENT A SOCIAL DISTANCING PROTOCOL AND WRITTEN HEALTH AND SAFETY PLANS

DATE OF ORDER: June 17, 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))

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF SAN MATEO (“HEALTH OFFICER”) ORDERS:

1. **Introduction.** On June 12, 2020, after having addressed the criteria listed in the COVID-19 County Variance Attestation form as set forth by the California Department of Public Health (“CDPH”), the County of San Mateo (the “County”) submitted a written attestation to CDPH that the County has addressed the readiness criteria in order to qualify for a variance. On June 16, 2020, CDPH approved the County’s submission. Because the County has a variance, as of the effective date and time of this Order set forth in Section 15 below, the County can continue the gradual re-opening to match the maximum allowed by the State’s Resilience Roadmap. This Order is intended to fully harmonize the County with the State as to the activities and businesses allowed. If an activity or business is allowed under the March 19, 2020 Order of the State Public Health Officer (the “State Shelter Order”) as subsequently interpreted or modified by the State, the intention is that it is allowed under this Order. Further, as the State continues to allow additional activities and businesses in variance counties, it is the intention that those activities and businesses will automatically be allowed in San Mateo County. However, this Order provides for certain additional behavioral restrictions to ensure continued social distancing and limit person-to-person contact to reduce the rate of transmission of Novel Coronavirus Disease 2019 (“COVID-19”). Specifically, this Order requires the continued practice of Social Distancing and Face Covering Requirements as described in Section 13.d and Section 13.e, a prohibition on gatherings that exceed 50 people as set forth in Section 12, the allowance of Social Bubbles as set forth in Section 13.f, and the requirement that businesses must implement and produce a Social Distancing Protocol as described in Section 13.b and a written health and safety plan compliant with State guidance and described in Section 13.e.
2. **Rescindment of Shelter in Place Order.** This Order rescinds the June 4, 2020 Order of the Health Officer No. c19-5f (and all Appendices to the Shelter in Place Order issued June 4, 2020) directing all individuals to shelter in place (“Shelter in Place Order”) and the May 19, 2020 Order of the Health Officer No. c19-8b (the “Face Covering Order”). However, this Order incorporates the Face Covering Order for continued adherence of Face Covering Requirements as described in Section 13.e.

3. **Reasoning.** This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; continued uncertainty regarding the degree of undetected asymptomatic transmission; 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 outcomes. Due to the outbreak of the COVID-19 disease in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others. Further, evidence shows that the virus can survive for hours to days on surfaces and be indirectly transmitted between individuals. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings and other direct or indirect interpersonal interactions can result in preventable transmission of the virus.

4. **Health Officer Will Continue to Monitor.** As further provided in Section 6 below, the Health Officer will continue to monitor the risks of the activities and businesses allowed under this Order based on the COVID-19 Indicators (as defined in Section 6) and other data, and may, if conditions support doing so, adjust the Order. The contents of this Order will be assessed on an ongoing basis and it may need to be modified if the risk associated with COVID-19 increases in the future.

5. **Cases Within the County and Surrounding Bay Area.** The collective efforts taken to date regarding this public health emergency have slowed the virus’ trajectory, but the emergency and the attendant risk to public health remain significant. As of June 17, 2020, there are 2,653 confirmed cases of COVID-19 in the County (up from 44 on March 15, 2020, just before the first shelter-in-place order) as well as at least 16,168 confirmed cases (up from 2,092 confirmed cases on March 15, 2020) and at least 476 deaths (up from 51 deaths on March 15, 2020) in the seven Bay Area jurisdictions that first issued the Shelter in Place Order on March 16, 2020. The cumulative number of confirmed cases continues to increase, though the rate of increase has slowed in the weeks leading up to this Order. Evidence suggests that the restrictions on mobility and Social Distancing Requirements imposed by the Shelter in Place Order (and the orders that preceded it) are slowing the rate of increase in community transmission and confirmed cases by limiting interactions among people, consistent with scientific evidence of the efficacy of similar measures in other parts of the country and world.

6. **COVID-19 Indicators.** The Health Officer is monitoring several key indicators (“COVID-19 Indicators”), which are among the many factors informing the decision whether to modify existing...
health officer orders. Progress on some of these COVID-19 Indicators—specifically related to hospital utilization and capacity makes it appropriate, at this time, to allow for increased activity. But the continued prevalence of the virus that causes COVID-19 requires activities and business functions to remain restricted, and those activities that are allowed by the State of California to occur must do so subject to social distancing and other infection control practices identified by the Health Officer or the State. Evaluation of the COVID-19 Indicators will be critical to determinations by the Health Officer regarding whether to maintain the Order or if the restrictions imposed by this Order will be further modified. The Health Officer will continually review whether modifications to the Order and others are warranted based on (1) progress on the COVID-19 Indicators; (2) developments in epidemiological and diagnostic methods for tracing, diagnosing, treating, or testing for COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19. The COVID-19 Indicators include, but are not limited to, the following:

a. The capacity of hospitals and the health system in the County and region, including acute care beds and intensive care unit beds, to provide care for COVID-19 patients and other patients, including during a surge in COVID-19 cases.

b. The supply of personal protective equipment (“PPE”) available for hospital staff and other healthcare providers and personnel who need PPE to safely respond to and treat COVID-19 patients.

c. The ability and capacity to quickly and accurately test persons to determine whether they are COVID-19 positive, especially those in vulnerable populations or high-risk settings or occupations.

d. The ability to conduct case investigation and contact tracing for the volume of cases and associated contacts that will continue to occur, isolating confirmed cases and quarantining persons who have had contact with confirmed cases.

7. **Incorporation of County Orders.** 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 March 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the County, the March 3, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, the March 10, 2020 Resolution of the Board of Supervisors of the County of San Mateo Ratifying and Extending the Declaration of a Local Health Emergency, the April 7, 2020, Board of Supervisors’ Resolution Further Extending the Proclamation of Local Health Emergency Until the County Takes Action to Terminate the Local Emergency, the June 15, 2020 Order of the Health Officer No. c19-1c extending and revising the Order restricting visitors to skilled nursing facilities to all residential type facilities, the March 24, 2020 Order of the Health Officer No. c19-4 directing all laboratories conducting COVID-19 diagnostic tests to report COVID-19 test information, the May 14, 2020 Orders of the Health Officer Nos. c19-6b and c19-7b requiring isolation for COVID-19 positive individuals and quarantine of Close Contacts of COVID-19 positive individuals, the Vehicle-Based Gathering Order issued May 11, 2020 Health Officer Order
No. c19-9; and the May 13, 2020 Order of the Health Officer No. c19-10 directing clinical laboratories to accept assignments for diagnostic tests from Optum Serve and Logistics Health Inc.

8. **Incorporation of State Orders.** This Order is also issued in light of State Shelter Order, which set baseline statewide restrictions on non-residential business activities and personal activities, effective until further notice, and the Governor’s March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order. The May 4, 2020 Executive Order issued by Governor Newsom and May 7, 2020 Order of the State Public Health Officer permit certain businesses to reopen if a local health officer believes the conditions in that jurisdictions warrant it, but expressly acknowledge the authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer as well as subsequent modifications to orders. This Order may adopt in certain respects more stringent restrictions addressing the particular facts and circumstances in this County, which are necessary to control the public health emergency as it is evolving within the County and the Bay Area. Without this tailored set of restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the County will worsen to the point at which it may overtake available health care resources within the County and increase the death rate. Also, this Order sets forth mandatory Social Distancing and Face Covering Requirements for all individuals in the County when engaged in activities outside their residences; and adds a mechanism to ensure that all businesses with facilities that are allowed to operate comply with the Social Distancing Requirements and prepare, post, implement, and distribute to their personnel a plan that is compliant with State guidance. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision 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.

9. **Applicability.** All individuals, businesses and other entities in the County are ordered to comply with this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when in the County. Schools may take measures, to the extent practicable, within the scope and intent of these orders in order to balance the educational and developmental needs of children with the risk of disease transmission.

10. **Social Distancing and Face Covering Requirements.** When people need to leave their place of residence, they must strictly comply with Social Distancing and Face Covering Requirements as defined in Sections 13.d and 13.e.

11. **Social Distancing Protocol and Written Health and Safety Plan.** As a condition of operating under this Order, the operators of all businesses must prepare or update, post, implement, and distribute to their personnel a Social Distancing Protocol for each of their facilities in the County frequented by personnel or members of the public, as specified in Section 13.b. In addition to the Social Distancing Protocol, all businesses allowed to operate under this Order must follow any industry-specific guidance issued by the Health Officer and the State of California related to COVID-19 and any conditions on operation
specified in this Order. Furthermore, businesses must prepare, post, implement, and distribute to their personnel a written health and safety plan as required by the State of California outlined in its guidance, as specified in Section 13.c.

12. Gathering Limitation. Gatherings of any size outside of a single household or living unit remain discouraged because they carry significant risk of exposure to COVID-19. Accordingly, except to the extent that the State of California has adopted or adopts in the future a specific limitation or allowance on the size of gatherings (which are hereby incorporated by reference), all public and private gatherings must not exceed 50 people. For example, this limitation does not supersede the specific limitation/allowance the State has set for protest gatherings and places of worship, which can exceed the 50-person limit when in compliance with the State Shelter Order. And, participants of gatherings of any size must adhere to Social Distancing and Face Covering Requirements as set forth below in Sections 13.d and 13.e, unless it is a small outdoor gathering of individuals belonging to the same Social Bubble as defined in Section 13.f below.


a. Business. For the 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.

b. Social Distancing Protocol. For the purposes of this Order, facilities in the County visited or used by the public or personnel must, as a condition of such operation, prepare and post a “Social Distancing Protocol” for each of the facility. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A, and it must be updated from prior versions to address new requirements listed in this Order or in related guidance or directives from the Health Officer or State of California. The Social Distancing Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and personnel. A copy of the Social Distancing Protocol must also be provided to each person performing work at the facility. All businesses subject to this paragraph shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing Protocol must explain how the business is achieving the following, as applicable:
   i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times—for clarity this limitation does not require social distancing where it would make performing business functions impossible (e.g., while a barber is cutting hair);
   ii. Requiring face coverings to be worn by all persons entering the facility, other than those exempted from face covering requirements (e.g. young children) or as necessarily required by the businesses operation (e.g., while eating);
   iii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
iv. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and personnel, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);

v. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;

vi. Regularly disinfecting other high-touch surfaces;

vii. Posting a sign at the entrance of the facility informing all personnel and customers that they should: avoid entering the facility if they have any COVID-19 symptoms; maintain a minimum six-foot distance from one another; sneeze and cough into one’s elbow; not shake hands or engage in any unnecessary physical contact; and

viii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention’s guidance at: https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html).

c. **Health and Safety Plan.** For the purposes of this Order, all businesses that are operating at locations in the County visited or used by the public or personnel must, as a condition of such operation, prepare, post, implement, and distribute to their personnel a written health and safety plan that addresses how it will comply with all applicable Statewide guidance issued by the State of California, which is hereby incorporated by reference and should be treated as if issued by the Health Officer and made mandatory to the extent applicable. If it is a service business that operates at customer homes, it must instead of posting at the home, send an electronic version of the plan to the customer at least one day in advance of the service being provided. In addition, businesses must post any additional placards or other content as directed by San Mateo County Health and found at https://www.smchealth.org/health-officer-orders-and-statements. Statewide guidance can be found as of the date of this Order at the following locations: https://covid19.ca.gov/roadmap-counties/ and https://covid19.ca.gov/industry-guidance/. If the State guidance provides a “checklist”, the “checklist” may serve as the framework for the required plan.

d. **Social Distancing Requirements.** For purposes of this Order, “Social Distancing Requirements” means:

   i. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit;

   ii. Frequently washing 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;

   iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands);

   iv. Wearing a face covering when out in public, consistent with the orders or guidance of the Health Officer; and

   v. Avoiding all social interaction outside the household when sick with a fever, cough, or other COVID-19 symptoms.
All individuals, including for persons responsible for supervising minors, must strictly comply with Social Distancing Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care) or as necessary to carry out an activity.

e. **Face Covering Requirements.** A “Face Covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer’s eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical-grade. A Face Covering may be factory-made or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not have to adjust it frequently, so as to avoid touching the face. For as long as medical grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks as Face Coverings under this Order; those medical grade masks should be reserved for health care providers and first responders. In general, even when not required by this Order, people are strongly encouraged to wear Face Coverings when in public. Also, for Face Coverings that are not disposed of after each use, people should clean them frequently and have extra ones available so that they have a clean one available for use.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Order and is not to be used to comply with this Order’s requirements. Valves of that type permit droplet release from the mask, putting others nearby at risk. Face shields are also not Face Coverings under this Order.

Information about how to wear and clean Face Coverings may be found at the website of Centers for Disease Control and Prevention, at https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html.

i. All members of the public, except as specifically exempted below, must wear a Face Covering outside their home or other place they reside in the following situations:
   1. When they are inside of, or in line to obtain goods and/or services, any business or other entity allowed to operate, including but not limited to, grocery stores, convenience stores, supermarkets, laundromats, restaurants, salons and government facilities;
   2. When they are engaged in work at a business or other entity allowed to operate;
   3. When they are obtaining services at healthcare operations, including hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, other healthcare facilities, mental health providers, or facilities providing veterinary care and similar healthcare services for animals, unless directed otherwise by an employee or worker at the healthcare operation; or
4. When they are waiting for or riding on public transportation (including without limitation any bus, BART or CalTrain) or paratransit or are in a taxi, private car service, or ride-sharing vehicle.

   ii. Each driver or operator of any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle must wear a Face Covering while driving or operating such vehicle, regardless of whether a member of the public is in the vehicle, due to the need to reduce the spread of respiratory droplets in the vehicle at all times.

   iii. Except as required herein, this Order does not require any person to wear a Face Covering while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.

   iv. All businesses and other entities operating must:

      1. Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is:

         a. interacting in person with any member of the public;

         b. working in any space visited by members of the public, such as by way of example and without limitation, reception areas, grocery store or pharmacy aisles, service counters, public restrooms, cashier and checkout areas, waiting rooms, service areas, and other spaces used to interact with the public, at all times regardless of whether anyone from the public is present;

         c. working in any space where food is prepared or packaged for sale or distribution to others;

         d. working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or

         e. in any room or enclosed area when other people (except for members of the person’s own household or residence) are present.

      2. 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. By way of example and without limitation, a construction worker, plumber, bank manager, accountant, or bike repair person is not required to wear a Face Covering if that individual is alone and in a space not regularly visited by the public, but that individual must put on a Face Covering when coworkers are nearby, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present. Additionally, a brief removal of a Face Covering when necessary to preserve health and safety, shall not constitute a violation of this Order.

      3. Take reasonable measures, such as posting signs, to remind their customers and the public of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Businesses and other entities allowed to operate under any Health Officer order must take all reasonable steps such as clear signage and verbal directives to prohibit any member of the public who is not wearing a Face Covering from entering, must not
serve that person if those efforts are unsuccessful, and may call the police for assistance if that person refuses to leave.

4. A sample sign to be used for notifying customers can be found at the County website, at https://cmo.smegov.org/document/face-covering-signs-businesses.

v. Any child aged two years or less must not wear a Face Covering because of the risk of suffocation. This Order does not require that any child aged twelve years or less wear a Face Covering. Parents and caregivers must supervise use of Face Coverings by children to avoid misuse.

vi. Wearing a Face Covering is recommended while engaged in outdoor land-based recreation such as walking, hiking, bicycling, or running, but not required unless conditions make it impossible to maintain Social Distancing Requirements (as defined herein), including maintaining at least six feet of separation from all other people. Accordingly, each person engaged in such activity must bring a Face Covering and wear that Face Covering in circumstances where it is difficult to maintain compliance with Social Distancing Requirements (as defined herein), and that they carry the Face Covering in a readily accessible location, such as around the person’s neck or in a pocket, for such use. Because running or bicycling causes people to more forcefully expel airborne particles, making the usual minimum six feet distance less adequate, runners and cyclists must take steps to avoid exposing others to those particles, which include the following measures: wearing a Face Covering when possible; crossing the street when running to avoid sidewalks with pedestrians; slowing down and moving to the side when unable to leave the sidewalk and nearing other people; never spitting; and avoiding running or cycling directly in front of or behind another runner or cyclist who is not in the same household.

vii. A Face Covering is also not required by this Order to be worn by a particular individual if the person (or, if applicable, the person’s conservator, guardian or a minor’s parent) can show either: (1) a healthcare professional has advised that wearing a Face Covering may pose a risk to the person wearing the Face Covering for reasons related to physical or mental health, such as an impairment or disability that significantly impacts the person’s ability to safely use a Face Covering; or (2) wearing a Face Covering would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. A Face Covering should not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance.

viii. COVID-19 spreads easily in households. People in the County are encouraged to consider whether wearing a Face Covering in their household or living unit would protect someone else living there who is vulnerable to COVID-19. Vulnerable people include: people sixty years old and older; people with serious heart conditions, hypertension, severe obesity, diabetes, chronic lung disease, chronic kidney disease being treated by dialysis, and moderate-to-severe asthma; and those who are immunosuppressed. This determination is left to the individual but should be strongly considered for anyone who lives with a vulnerable person and is engaged in frequent out-of-home activity.
f. **Social Bubble.** A Social Bubble is defined as a group of twelve or fewer people from different households or living units who have agreed amongst themselves to only socialize with members of their group. A Social Bubble must be maintained for a minimum of three weeks. And people can only be members of one Social Bubble at a time. While face coverings and social distancing are always recommended, members of a Social Bubble are relieved of these requirements when with members of their Social Bubble in outdoor settings in the same manner as if they belonged to a single household or living unit.

14. **Enforcement.** Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 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 is punishable by fine, imprisonment, or both.

15. **Effective Date and Time.** This Order shall become effective immediately and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.

16. **Copies.** Copies of this Order shall promptly be: (1) made available at 400 County Center, Redwood City, CA 94063; (2) posted on the County Public Health Department website (www.smhealth.org); and (3) provided to any member of the public requesting a copy of this Order.

17. **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 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:**

Scott Morrow MD, MPH  
Health Officer of the County of San Mateo

Dated: June 17, 2020

Attachments: Appendix A – Social Distancing Protocol