

Summary of Update to Health Order
Adding Proof of Full Vaccination Requirements

In light of the continued surge in cases and increase in hospitalizations due to the highly contagious Delta variant of COVID-19, to safeguard against likely future variants, and to help ensure the safe reopening of San Francisco schools with in-person instruction, the Health Officer is updating the Safer Return Together Order. Among other changes this update, which the Health Officer issued on August 12, adds a new requirement for operators of two types of businesses—(1) businesses and events that serve food or drink indoors, such as dining establishments, bars, clubs, theaters and entertainment venues and (2) gyms, recreation facilities, yoga studios, and other fitness establishments—to check proof of full vaccination of both patrons 12 years and older and staff before they enter the business’s indoor facilities, with limited exceptions. The order also requires proof of full vaccination only (negative testing is no longer allowed) for people 12 years of age or older attending indoor mega-events and for a new category of large indoor events (with attendance between 1,000 and 4,999 people), as well as staff and performers at those events, again with limited exceptions. And it extends the vaccination requirement for health care providers to additional categories of employees, including workers of adult day centers, residential care facilities, dental offices, home health aides and pharmacists, who are all currently exempt from State vaccination or testing requirements. The timing of when these various requirements become operational varies between August 20 and October 13, as generally described below.

Vaccination remains the best tool and highest public health priority to stop the spread of the virus, protect the community and further economic recovery. Most of the new cases are among people who are not fully vaccinated. Also, nearly all of the hospitalizations are of patients who are unvaccinated. The Health Officer continues to strongly urge all individuals who are eligible to get fully vaccinated as soon as they can, and all businesses and governmental entities to consider implementing safety measures to require their employees to get fully vaccinated as soon as possible. In settings where any individuals are likely to remove their face coverings or engage in activity involving elevated breathing, additional safety measures for both employees and patrons are necessary, and to encourage individuals who are eligible to get fully vaccinated, the Health Officer has made the changes summarized below.

Summary:

- Main new requirement – vaccination verification for patrons and staff in certain indoor public settings. The update to the order adds a new requirement for certain businesses to verify the vaccination status of both patrons and staff. The businesses subject to the order are (1) businesses and events that serve food or drink indoors where patrons can remove masks, such as dining establishments, bars, clubs, theaters and entertainment venues, and (2) indoor gyms, recreation facilities, yoga studios, and other fitness establishments, where patrons must currently wear masks but may have elevated breathing. Fitness establishments and activities that are part of a K-12 school or operate as a program for children and youth are covered by separate sector-specific directives and are not subject to the new verification requirement of this order.

- Limited required accommodations. The order’s new requirements for both patrons and staff are subject to any applicable requirements of federal, state, or local laws requiring accommodations.
 - Indoor events in private residences. Hosts of gatherings of multiple households indoors in private residences where food or drink is served are strongly urged to require proof of vaccination.
- New vaccination verification for patrons. As soon as possible, but no later than August 20, 2021, the order requires the businesses subject to the new vaccination verification requirement require all patrons age 12 and up to show proof that they are fully vaccinated before allowing them entry to any indoor portion of a facility with limited exceptions. For example, as to restaurants and bars, verification can occur at the time of the patrons’ first in-person interaction with staff (*e.g.*, when ordering) as long as such patrons wear a well-fitted mask while indoors. Theaters where concessions are sold may require proof of full vaccination to be shown at the time of patrons’ purchase of concessions rather than at the entrance to the establishment. Theaters are prohibited from selling food or beverages to any patron indoors who fails to provide this proof. (Theaters with 1,000 or more patrons in attendance are considered large indoor events and must follow those rules, including checking vaccination status on entry, as described below.)
 - Proof of vaccination. Acceptable proof of vaccination includes the CDC vaccination card, a physical or digital copy or picture of that card, documentation from a healthcare provider, or a personal digital COVID-19 vaccine record issued by the State of California or by an approved private company. Written self-attestation of vaccination status is not an acceptable form of proof for purposes of this requirement. Businesses subject to this new requirement must cross check proof of full vaccination against each patron’s photo identification.
 - Limited exceptions. The vaccination verification requirement does not apply in the following situations:
 - Businesses may allow patrons to use the outdoor portions of the business without vaccination verification.
 - Businesses may allow patrons wearing a well-fitted mask to use a restroom indoors without vaccination verification.
 - Businesses that serve food or drink “to go” may allow individuals wearing a well-fitted mask to order, pick up or pay for food or drink without vaccination verification.
 - Advance verification option. Businesses may verify vaccination status in advance of the patron’s arrival as long as they confirm identification when the patron enters the facility.
- New vaccination verification for staff. The order also requires businesses subject to the new vaccination verification requirement to use their best efforts to ascertain the vaccination status of all staff who routinely work onsite by August 20, 2021. As soon as possible, but not later than October 13, 2021, businesses must ensure that all staff who routinely work onsite provide proof that they are fully vaccinated before entering or working in any indoor portion of the facility. Consistent with applicable privacy laws, businesses must maintain records of staff vaccination or exemption status. Individuals

who enter or work in a business on an intermittent or occasional basis or for short periods of time are not required to show proof of full vaccination.

- New signage required for covered businesses. Businesses subject to the vaccination verification requirement must post signage for both patrons and staff informing them that proof of full vaccination is required to enter indoor portions of the facility. DPH is making available two new template signs for covered businesses to post regarding these vaccination verification requirements.
- Guidance. Following issuance of the updated order, DPH intends to provide guidance to businesses on how to satisfy the vaccine verification requirements, through frequently asked questions that DPH will make publicly available on its website.
- Proof of full vaccination required for mega-events and for a new category of large indoor events. Consistent with State rules, the requirements and recommendations for mega-events (indoor events with more than 5,000 individuals and outdoor events with more than 10,000 individuals) continue. Generally, the State rules require personnel and patrons age 12 and up to show proof, before entering the facility, that they are fully vaccinated or have a negative COVID-19 test, and under local requirements the event sponsor must submit a health and safety plan in advance to DPH. The update to the order now includes an additional local limitation on mega-events, allowing only proof of full vaccination for those 12 and up to enter an indoor mega-event. As a result, under the local order neither a negative test nor self-attestation of full vaccination are allowed. The updated order also creates a new category of large indoor events, which are indoor events between 1,000 and 4,999 individuals, and subjects them to the same vaccination verification and plan submission requirements as indoor mega-events. Children under 12 may attend these events so long as they comply with indoor mask requirements. The vaccination requirements also apply to performers and staff at these events, with a limited exception for visiting performers and staff if they satisfy certain COVID-19 safety precautions, such as negative testing, masking when not performing and distancing from members of the public. In connection with issuance of the updated order, DPH is making available a simplified chart summarizing the various COVID-19 health safety requirements for mega-events and large events.
- Outdoor Large Events. While all businesses and governmental entities are strongly urged to consider implementing measures to require personnel and patrons to be fully vaccinated as soon as possible, sponsors of outdoor events with between 5,000 and 9,999 people attending are strongly urged to require proof of vaccination or negative testing.
- Vaccination requirements for personnel in high-risk settings extended to cover other health care providers. The update to the order maintains the requirement for businesses and governmental entities with personnel (employees and contractors) in high-risk settings to ensure that such personnel are fully vaccinated unless exempt under the order and to keep records documenting full vaccination status. The order adds new settings that are subject to the mandatory vaccination and documentation requirements, including: adult care facilities, adult day programs licensed by the California Department of Social

Services, and dental offices. Additionally, businesses or governmental entities with personnel who are home health care workers or pharmacists must ensure that those personnel are fully vaccinated unless exempt under the order. In connection with issuance of the updated order, DPH is making available a simplified chart summarizing which settings and personnel are subject to what state and local vaccination requirements.

- Conforming changes for new State Health Order regarding mandatory vaccinations for employees in health care facilities. The updates to the order also make changes to conform to the recent new order the State issued for certain health care facilities. The State order requires all workers to receive the full vaccination regimen (one shot for Johnson & Johnson, two shots for Pfizer or Moderna) unless exempt due to a religious belief or qualified medical reason. The State order applies to acute care settings (hospitals, skilled nursing facilities, and psychiatric hospitals), adult day health care centers, program of all-inclusive care for the elderly, congregate living health facilities, chemical dependency recovery hospitals, ambulatory surgery centers, outpatient care, dialysis centers, hospice facilities, pediatric day health and respite care facilities, and residential substance use treatment and mental health treatment facilities. The State health order went into effect on August 5 and requires compliance by September 30.
- Timing. The Health Officer issued the updated order on Thursday, August 12. The new vaccination verification requirements for patrons of the bars, restaurants, clubs, gyms and other covered businesses will become operational at 12:01 a.m. on Friday, August 20. The new vaccination ascertainment requirements for staff at those businesses will become operational at the same time, and the vaccination requirement for that staff will become operational at 12:01 a.m. on Wednesday, October 13. The changed vaccination verification requirements for indoor mega-events and the new vaccination verification requirements for large indoor events become operational on August 20, subject to a limited exception for events where any tickets or reservations were sold before August 12 and that occur before September 15. Large events and mega-events that are covered by that exemption must still comply with the requirements for proof of full vaccination or negative testing that currently apply to mega-events. The updates to the order will remain in effect until the Health Officer determines they are no longer needed or need to be changed, depending on health conditions. The Health Officer will regularly assess health conditions to determine whether and under what conditions vaccination verification is still necessary.