



San Francisco is experiencing a rapid and significant surge of COVID-19 cases. Under the State’s November 19, 2020 Limited Stay At Home Order, beginning at 10:00 p.m. on November 30, 2020, Dining Establishments operating outdoor dining must close from 10:00 p.m. to 5:00 a.m. each day. This limitation does not apply to Food Preparation or Delivery Essential Businesses, and those businesses may continue to offer delivery and take-out consistent with this directive, and employees may continue to work and commute to and from the Food Preparation or Delivery Essential Business during these hours. To the extent of any conflict or inconsistency with any other provision of this directive or guidance, this requirement controls.

DIRECTIVE OF THE HEALTH OFFICER No. 2020-05

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR RESTAURANTS AND OTHER FACILITIES THAT PREPARE AND
SERVE FOOD FOR DELIVERY OR CARRY OUT**

(PUBLIC HEALTH DIRECTIVE)
DATE OF DIRECTIVE: May 8, 2020

By this Directive, the Health Officer of the City and County of San Francisco (the “Health Officer”) issues industry-specific direction that certain Essential Businesses providing goods and services described below must follow as part of the local response to the Coronavirus Disease 2019 (“COVID-19”) pandemic. This Directive constitutes industry-specific guidance as provided under Section 6 of Health Officer Order No. C19-07c issued on April 29, 2020 (the “Stay-Safe-At-Home Order”) and, unless otherwise defined below, initially capitalized terms used in this Directive have the same meaning given them in that order. This Directive goes into effect immediately upon issuance but provides for an implementation grace period requiring compliance by 11:59 p.m. on May 15, 2020, and this Directive remains in effect until suspended, superseded, or amended by the Health Officer, as further provided below. This Directive has support in the bases and justifications set forth in the Stay-Safe-At-Home Order. As further provided below, it also automatically incorporates any revisions to that order or other future orders issued by the Health Officer that supersede that order or reference this Directive. This Directive is intended to promote best practices as to Social Distancing Requirements and sanitation measures, helping prevent the transmission of COVID-19 and safeguard the health of workers, customers, and the community.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER DIRECTS AS
FOLLOWS:**

- 1. This Directive applies to all owners, operators, managers, or supervisors of any Essential Businesses that the Stay-Safe-At-Home Order permits to be open to the public in the City and County of San Francisco (the “City”) and that provide services or perform work as described in subsection 16.f.xvi of the Stay-Safe-At-Home Order where the services include preparing, serving, providing for pick-up, or delivering prepared food (“Food Preparation or Delivery Essential Businesses”). For clarity, Food Preparation or Delivery Essential Businesses include, without**



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limitation, restaurants preparing food for delivery and takeaway, as well as food delivery services such as services that the public accesses via telephone, online, or via an app that deliver prepared food directly to residences or businesses.

2. Attached as Exhibit A to this Order are a list of best practices that apply to Food Preparation or Delivery Essential Businesses (the “Best Practices”). This Directive and the attached Best Practices may be revised by the Health Officer, through revision of this Directive or another future directive or order, as conditions relating to COVID-19 require, in the discretion of the Health Officer. Each Food Preparation or Delivery Essential Business must stay updated regarding any changes to the Stay-Safe-At-Home Order and this Directive by checking the City Administrator’s website (www.sfgsa.org) or the Department of Public Health website (<https://www.sfdph.org/dph/alerts/coronavirus.asp>) regularly.
3. Each Food Preparation or Delivery Essential Business must, by 11:59 p.m. on May 15, 2020, create, adopt, and implement a written health and safety plan (a “Health and Safety Plan”) addressing all applicable Best Practices attached to this Directive as Exhibit A. The Health and Safety Plan must address each requirement listed in the Best Practices, whether by describing the plan for implementing the requirement or indicating why the requirement does not apply. The Best Practices attachment is not itself intended to serve as the Health and Safety Plan, such as by having the Essential Business simply check off items that have been or will be done. Rather, the contents of the Best Practices must be adapted into a separate Health and Safety Plan. A form-fillable electronic document for this purpose is available online at www.sfgsa.org or <https://www.sfdph.org/dph/alerts/coronavirus.asp>, as is a sample Health and Safety Plan. But a Health and Safety Plan may be hand-written or otherwise completed in any format that addresses the substance of all the listed requirements in the Best Practices.
4. Depending on the nature of the Essential Business covered by this Directive, there may be certain people associated with the Essential Business that are subject to this Directive. Collectively those people are referred to by this Directive and the Best Practices as “Personnel”, and those people include all of the following who provide goods or services associated with the Essential Business in the City: 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 Essential Business’s app or other online interface); vendors who are permitted to sell goods onsite (such as farmers or others who sell at stalls in farmers’ markets); volunteers; and other individuals who regularly provide services onsite at the request of the Essential Business. This Directive requires the Essential Business to ensure that Personnel who perform work associated with the Essential Business are addressed by the Health and Safety Plan and comply with those requirements.
5. Each Food Preparation or Delivery Essential Business subject to this Directive must provide items such as Face Coverings (as provided in Health Order No. C19-12 issued on April 17, 2020), hand sanitizer or handwashing stations, or both, and disinfectant and related supplies to Personnel and to the public, all as required by the Best Practices. If any such Food Preparation or Delivery Essential Business is unable to provide these required items or otherwise fails to comply with required



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Best Practices or fails to abide by its Health and Safety Plan, then it must cease operating until it can fully comply and demonstrate its strict compliance. Further, as to any non-compliant operation, any such Food Preparation or Delivery Essential Business is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safe-At-Home Order.

- 6. Each Food Preparation or Delivery Essential Business is required to take certain steps in the Health and Safety Plan related to its Personnel, including certain actions listed in Sections 2.1 through 2.4 of the Best Practices if Personnel are sick. Each Food Preparation or Delivery Essential Business is prohibited from taking any adverse action against any Personnel for staying home in the circumstances listed in Sections 2.1 through 2.4 of the Best Practices. Personnel of each Food Preparation or Delivery Essential Business are prohibited from coming to work if they are sick and must comply with the Directive, including the rules for returning to work listed in Sections 2.1 through 2.4 of the Best Practices.**
- 7. Each Food Preparation or Delivery Essential Business must (a) make the Health and Safety Plan available to a member of the public on request, (b) provide the plan to all Personnel working on site or otherwise in the City in relation to its operations, and (c) post the plan in any storefront or at the entrance to any other physical location that such Essential Business operates within the City.**
- 8. Implementation of this Directive augments—but does not limit—the obligations of each Food Preparation or Delivery Essential Business under the Stay-Safe-At-Home Order including, but not limited to, the obligation to prepare, post, and implement a Social Distancing Protocol under Section 6 and subsection 16.h of the Stay-Safe-At-Home Order. The covered Food Preparation or Delivery Essential Businesses must follow these industry-specific Best Practices and update them as necessary for the duration of this Directive, including, without limitation, as this Directive is amended or extended in writing by the Health Officer and consistent with any extension of the Stay-Safe-At-Home Order, any other order that supersedes that order, and any Health Officer order that references this Directive.**

This Directive is issued in furtherance of the purposes of the Stay-Safe-At-Home Order. Where a conflict exists between this Directive and any state, local, or federal public health order related to the COVID-19 pandemic, including, without limitation, the Social Distancing Protocol, the most restrictive provision controls. Failure to carry out this Directive is a violation of the Stay-Safe-At-Home Order, constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is a misdemeanor punishable by fine, imprisonment, or both.

Tomás J. Aragón, MD, DrPH,
Health Officer of the
City and County of San Francisco

Date: May 8, 2020