



San Francisco is experiencing a rapid and significant surge of COVID-19 cases. Accordingly, beginning at 10:00 pm on November 30, 2020, under the State's November 19, 2020 Limited Stay At Home Order, all gatherings with members of other Households and all activities conducted outside a residence, lodging, or temporary accommodation with members of other Households—including drive-in gatherings—must cease between 10:00 p.m. and 5:00 a.m., except for activities, if any, associated with Essential Businesses and Essential Governmental Functions as those terms are defined in Health Officer Order C19-07o.

DIRECTIVE OF THE HEALTH OFFICER No. 2020-28b

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR DRIVE-IN GATHERINGS**

(PUBLIC HEALTH DIRECTIVE)

DATE OF DIRECTIVE: November 3, 2020

By this Directive, the Health Officer of the City and County of San Francisco (the “Health Officer”) issues industry-specific direction that businesses offering drive-in gatherings as 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 Sections 4e and 11 and Appendix C-2 of Health Officer Order No. C19-07m issued on November 3, 2020 (the “Stay-Safer-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 This Directive goes into effect immediately upon issuance, and remains in effect until suspended, superseded, or amended by the Health Officer. This Directive has support in the bases and justifications set forth in the Stay-Safer-At-Home Order. As further provided below, this Directive automatically incorporates any revisions to the Stay-Safer-At-Home 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, and supervisors (“Drive-In Gathering Hosts”) of any business hosting Drive-In Gatherings, as set forth in Section 8 of Appendix C-2 the Stay-Safer-At-Home Order.**
- 2. Attached as Exhibit A to this Directive is a list of best practices that apply to Drive-In-Gatherings and Drive-In Gatherings Hosts (the “Best Practices”). Each Drive-In Gathering Host must comply with all of the relevant requirements listed in the Best Practices.**
- 3. Attached as Exhibit B to this Directive is a list of other best practices regarding gatherings titled “Tips and Frequently Asked Questions for Gatherings” (the “Tip Sheet”) issued by the Department of Public Health. Each Drive-In Gathering Host**



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must comply with all of the relevant requirements listed in the Tip Sheet, including as that document is updated or revised. Each Drive-In Gathering Host should regularly check online for an update to the Tip Sheet by going to www.sfdcp.org/gatheringtips.

4. Each Drive-In Gathering Host, before it begins to host or operate a Drive in Gathering, or allow Personnel onsite, must create, adopt, and implement a written health and safety plan (a “Health and Safety Plan”). The Health and Safety Plan must be substantially in the form attached to this Directive as Exhibit C.
5. If an aspect, service, or operation of the Drive-In Gathering is also covered by another Health Officer directive (all of which are available at www.sfdph.org/directives), then the Drive-In Gathering Host must comply with all applicable directives, and it must complete all relevant Health and Safety Plan forms.
6. Each Drive-In Gathering Host must (a) make the Health and Safety Plan available to a customer and Personnel on request, (b) provide a summary of the Health and Safety Plan to all Personnel working on site or otherwise in the City in relation to its operations, and (c) post the Health and Safety Plan at each entrance to any physical business site within the City. Also, each Drive-In Gathering Host must provide a copy of the Health and Safety Plan and evidence of its implementation to any authority enforcing this Directive upon demand.
7. Each Drive-In Gathering Host subject to this Directive must provide items such as Face Coverings (as provided in Health Order No. C19-12c issued on July 22, 2020, and any future amendment to that order), hand sanitizer or handwashing stations, or both, and disinfectant and related cleaning supplies to Personnel, all as required by the Best Practices. If any such Drive-In Gathering Host is unable to provide these required items or otherwise fails to comply with required 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 Drive-In Gathering Host, any such Drive-In Gathering is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safer-At-Home Order.
8. For purposes of this Directive, “Personnel” includes all of the following people who provide goods or services associated with a Drive-In Gathering: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); independent contractors; vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Drive-In Gathering Host. “Personnel” includes “gig workers” who perform work via the business’s app or other online interface, if any.
9. 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 Drive-In Gathering Host must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive by checking the Department of Public Health website (www.sfdph.org/directives) regularly.



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- 10. Implementation of this Directive augments—but does not limit—the obligations of each Drive-In Gathering Host under the Stay-Safer-At-Home Order including, but not limited to, the obligation to prepare, post, and implement a Social Distancing Protocol under Section 4.d and Appendix A of the Stay-Safer-At-Home Order. The Drive-In Gathering Host 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-Safer-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-Safer-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-Safer-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.

A handwritten signature in blue ink that reads "Tomás Aragon".

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

Date: November 3, 2020