



ORDER OF THE HEALTH OFFICER No. C19-12d

**ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO
GENERALLY REQUIRING MEMBERS OF THE PUBLIC AND
WORKERS TO WEAR FACE COVERINGS**

(PUBLIC HEALTH EMERGENCY ORDER)

DATE OF ORDER: December 22, 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); San Francisco Administrative Code §7.17(b))

Summary:

Since March 2020, the City and County of San Francisco (the “City”), its citizens, and the Bay Area have collectively worked together to reduce the spread of SARS-CoV-2, the virus that causes coronavirus disease 2019 (“COVID-19”) and that is the cause of the global pandemic. While these efforts have slowed the spread of COVID-19, the City is currently at the beginning of a major surge in infections and hospitalizations. To help secure what gains we have made against this disease and return to increasing personal interactions with others and reopen businesses and our schools, we must redouble our commitment to wearing Face Coverings for as long as it takes to end the pandemic.

Face Coverings are more important now than ever. Substantial scientific evidence shows that when combined with physical distancing and other health and safety practices like handwashing and regular disinfection of surfaces, wearing Face Coverings significantly reduces the chance of COVID-19 spreading in the community. Face Coverings are particularly important when people are indoors or when physical distancing of six feet is difficult to maintain (for example, on mass transit). Face Coverings reduce the amount of infectious aerosols that people generate while talking and release into the air, posing a risk of infection to others. Face Coverings also provide some protection to the wearer by reducing the amount of infectious droplets expelled from persons not wearing a face covering that would otherwise land on the wearer’s face.

In these important ways and others, wearing a Face Covering is both an act of altruism and self-interest. By doing so, we not only protect our fellow community members, but ultimately ourselves and our loved ones, especially those who are vulnerable due to age or health conditions. And in wearing a Face Covering around others, we show that we care for those around us. “My mask protects you, and yours protects me.”



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In sum, going forward and for as long as this Order remains in effect as needed to address the pandemic, and unless a specific exception set forth in this Order applies:

- Everyone must wear a Face Covering when outside their residence if anyone else other than members of their Household or living unit is within six feet and, must start putting it on early enough to meet the six foot requirement;
- Everyone must wear a Face Covering when outdoors where distances between people change frequently and often come to six feet or less, such as a busy sidewalk;
- Everyone must wear a Face Covering in the workplace except when in a completely enclosed private space or an isolated area not regularly used by others;
- Everyone must wear a Face Covering when in shared areas of buildings including lobbies, common rooms, hallways, laundry areas, food preparation spaces, and bathrooms; and
- Everyone must wear a Face Covering when preparing food or other items for sale or distribution to people who are not members of their Household or living unit.

People may remove their Face Covering when they are outdoors if they are alone or with only members of their Household or living unit and nobody else is within six feet. People may remove their Face Covering when otherwise permitted by a Health Officer order or directive.

This Order includes certain specific exceptions. For instance, this Order requires that any child younger than two years not wear a Face Covering because of the risk of suffocation. This Order also does not apply to people who are in their own cars alone or with members of their own Household or living unit, unless they use the vehicle to transport others. And anyone who has a written exemption from a healthcare provider based on a disability, medical condition, or other condition that prevents them from wearing a Face Covering does not need to wear one.

The Order updates and replaces the prior Face Covering order (Health Officer Order No. C19-12c) issued on July 22, 2020. This Order is in effect, without a specific expiration date, until it is extended, rescinded, superseded, or amended in writing by the Health Officer. The Health Officer will continue to carefully monitor the evolving situation and will periodically revise this Order as conditions warrant to protect the public and limit the spread of the virus.

This summary is for convenience only and may not be used to interpret this Order; in the event of any inconsistency between the summary and the text of this Order below, the text will control.



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**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, 120175, AND 120220, THE HEALTH OFFICER OF THE
CITY AND COUNTY OF SAN FRANCISCO (“HEALTH OFFICER”) ORDERS:**

1. Effective Date.

This Order will take effect at 11:59 p.m. on December 22, 2020 (the “Effective Date”), and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. As of the Effective Date, this Order replaces Order Number C19-12c, issued July 22, 2020. Any capitalized terms in this Order that are defined in the Stay-Safer-At-Home Order incorporate the definitions in that order (including as those definitions may later be updated or revised without a need to update this Order.)

2. Face Covering Defined.

As used in this Order, 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



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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 through the nose and does not have to adjust it frequently, so as to avoid touching the face. 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. Information on cleaning a Face Covering is available from the CDC at www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wash-cloth-face-coverings.html.

Members of vulnerable groups who are at higher risk for serious illness (such as older adults or people with certain underlying medical conditions; for more information visit <https://www.sfcddcp.org/vulnerable>) and people engaged in higher risk situations (such as indoor dining and public/shared transit) are encouraged to consider wearing a properly fitted N95 respirator. N95 respirators – commonly known as “N95’s” or “N95 masks” – can offer additional protection against viral transmission compared to other Face Coverings, but may not be safe for everyone to use. For more information on how to wear and properly use an N95 respirator, visit www.sfcddcp.org/ppe.

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 allows droplets to be released from the mask, putting others nearby at risk. As a result, these masks are not a Face Covering under this Order and must not be used to comply with this Order’s requirements.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found at the CDC website, at www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html.

3. Face Covering Requirement and Exceptions.

Each person in the City must wear a Face Covering when outside the person’s Household (when “Outside the Residence”) at all times except as follows:

- a. A person does not need to wear a Face Covering when allowed by another Health Officer order or directive not to wear a Face Covering, including as those orders or directives may be amended. In such instances—for example Health Officer Directives Nos. 2020-14e (Childcare Providers), 2020-16d (Outdoor Dining), and 2020-19d (Small Outdoor Gatherings) found at www.sfdph.org/directives—the other order or directive will describe the specific conditions that permit the person not to wear a Face Covering.
- b. A person does not need to wear a Face Covering when outdoors alone or with a member of their Household or living unit only if (i) they can maintain a minimum of



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six feet distance from all people who are not part of their Household or living unit at all times whether or not they are stationary or moving and (ii) they have a Face Covering visible and immediately ready to cover the nose and mouth (such as hanging around their neck). A Face Covering must always be worn in fluid situations where distances between people change frequently such as a busy sidewalk or popular outdoor area where it is impractical or impossible to maintain six feet of distance at all times. In other situations where maintaining constant social distance is more practicable, such as walking on an uncrowded sidewalk or trail, a person must ensure that their Face Covering is in place before they are within six feet of anyone who is not part of their Household or living unit. For clarity, if two people are walking towards each other on a sidewalk, they must begin donning their Face Covering early enough so that all faces are covered before they come within six feet of each other (for example, at normal walking speeds, people should begin donning their Face Covering when they are about 30 feet, or two car lengths, away from each other).

- c. A person does not need to wear a Face Covering when wearing personal protective equipment (“PPE”) such as a medical-grade N95 mask or a similar mask that is more protective than a Face Covering, as required by (i) any workplace policy or (ii) any local, state, or federal law, regulation, or other mandatory guidance. When a person is not required to wear such PPE, they must wear a Face Covering unless otherwise exempted from this Order.
- d. A person does not need to wear a Face Covering when they are alone or with a member of their Household or living unit in a building or completely enclosed space such as a private office, and people who are not part of their Household or living unit are not likely to be in the same space at any time in the following few days. If someone who is not part of a person’s Household or living unit enters the enclosed space, both people must wear a Face Covering for the duration of the interaction. For clarity, individuals must wear Face Coverings whenever they are in semi-enclosed spaces such as cubicles. When Outside the Residence, a Face Covering must be worn if the person is in a space where others who are not part of their Household or living unit routinely are present, even if the person is alone at the time. By way of example and without limitation, a Face Covering must be worn in shared office spaces, office spaces or desks where different individuals work on different days, spaces where shared equipment or tools are used or stored, and in common areas such as conference rooms, elevators, laundry rooms, food preparation areas, break rooms, lobbies, hallways and bathrooms. A Face Covering must also be worn by someone like a plumber, teacher, care assistant, or housecleaner who visits someone else’s house or living space to perform work, and anyone who lives there should also wear a Face Covering when near the visitor.

A Face Covering does not need to be worn in such spaces by someone who is eating or drinking so long as that person complies with Section 3.e below. And anyone who is preparing food or other items for sale or distribution to others is required by Section 4.b below to wear a Face Covering at all times when preparing such food or other items,



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even if they are alone when doing so.

- e. A person does not need to wear a Face Covering when (i) alone or only with members of their Household or living unit, (ii) they are eating or drinking, whether indoors or outdoors, and (iii) nobody else is within six feet. In the context of foodservice such as a restaurant, guidelines issued by the state or in a separate Health Officer order or directive must be followed and may require servers to wear a Face Covering.
- f. In accordance with California Department of Public Health (“CDPH”) and United States Centers for Disease Control and Prevention (“CDC”) guidelines, any child younger than two years old must not wear a Face Covering because of the risk of suffocation. Children age two to nine years must wear Face Coverings to the greatest extent feasible. Children age two to nine years may wear an alternative face covering (as that term is described in Section 3.g, below) if their parent or caregiver determines it will improve the child’s ability to comply with this Order. Children age two to nine and their accompanying parents or caregivers should not be refused any essential service based on a child’s inability to wear a Face Covering (for example, if a four-year old child refuses to keep a Face Covering on in a grocery store), but the parent or caregiver should when possible take reasonable steps to have the child wear a Face Covering to protect others and minimize instances when children without Face Coverings are brought into settings with other people. Parents and caregivers of children age two to nine years must supervise the use of Face Coverings to ensure safety and avoid misuse.
- g. A person does not need to wear a Face Covering when they can show either:
(1) a medical professional has provided a written exemption to the Face Covering requirement, based on the individual’s medical condition, other health concern, or disability; or (2) wearing a Face Covering while working would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. In accordance with CDPH and CDC guidelines, if a person is exempt from wearing a Face Covering under this paragraph, they still must wear an alternative face covering, such as a face shield with a drape on the bottom edge, unless they can show either: (1) a medical professional has provided a written exemption to this alternative face covering requirement, based on the individual’s medical condition, other health concern, or disability; or (2) wearing an alternative face covering while working 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 also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance.

- h. A person does not need to wear a Face Covering when in a motor vehicle and either alone or exclusively with other members of the same Household or living unit. But a Face Covering is required when alone in the vehicle if the vehicle is used as a taxi or



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for any private car service or ride-sharing vehicle as outlined in Section 4.c below.

4. Face Covering Requirements in Specific Circumstances.

Regardless of the exceptions listed above, a Face Covering is required as follows:

- a. A person must wear a Face Covering when they are required by another Health Officer order or directive to wear a Face Covering, including when the requirement of the other order or directive is more restrictive than this Order.
- b. A person must wear a Face Covering when they are working in any space where food or other goods are handled, prepared, or packaged for sale or distribution to others. This requirement does not apply when preparing food or items for members of a person's own Household or living unit.
- c. A driver or operator of any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle must wear a Face Covering when driving, operating, standing, or sitting in such vehicle, regardless of whether anyone else is in the vehicle, due to the need to reduce the spread of respiratory droplets in the vehicle at all times. But drivers or operators of public transportation vehicles are permitted to remove a Face Covering when seated in the operator compartment of the vehicle at terminals, the vehicle is stopped, and there are no passengers onboard due to the physical separation of the operator compartment and cleaning protocols between drivers.

5. Wearing Face Coverings Around People Vulnerable to COVID-19.

People in the City 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 older adults and people with certain underlying medical conditions. A full list of populations that are vulnerable to COVID-19 and which should accordingly take extra precautions is available online at www.sfcddcp.org/vulnerable. This determination is left to the individual, but if anyone who lives with a vulnerable person is engaged in frequent out-of-home activity under the Stay-Safe-At-Home Order, wearing a Face Covering when home may reduce the risk to the vulnerable person.

6. Examples Where Face Covering is Required.

By way of example and without limitation, this Order requires a Face Covering when a person is Outside the Residence in all of the following circumstances unless an exception applies:

- a. When working at, engaged in, in line at, or seeking services or goods from any Essential Business, Outdoor Business, or Additional Business;



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- b. When inside or at any location or facility engaging in Minimum Basic Operations or when seeking, receiving, or providing Essential Government Functions;
- c. When engaged in Essential Infrastructure work;
- d. When engaged in any Outdoor Activity or Additional Activity, unless otherwise specifically provided in a separate Health Officer order or directive;
- e. When providing or obtaining services at Healthcare Operations unless permitted by this Order or a directive not to wear a Face Covering for a limited amount of time;
- f. When at or near a transit stop, station, or terminal and when waiting for or riding on public transportation (including without limitation any bus, BART, Muni light rail, street car, cable car, or CalTrain) or in a paratransit vehicle, taxi, private car service, or ride-sharing vehicle; and
- g. When in or walking through common areas such as hallways, stairways, elevators, and parking facilities.

7. Face Covering Requirements for Businesses.

All Essential Businesses, Outdoor Businesses, Additional Businesses, as well as entities and organizations with people engaged in Essential Infrastructure work, Minimum Basic Operations, Essential Government Functions, Outdoor Activities, Additional Activities, or Healthcare Operations, must:

- a. Require their employees, contractors, owners, volunteers, gig workers, and other personnel to wear a Face Covering at the workplace and when performing work off-site at all times as required by this Order and with allowance for exceptions included in the order.
- b. Take reasonable measures, such as posting signs, to remind customers, clients, visitors, and others of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Essential Businesses, Outdoor Businesses, Additional Businesses, and entities or organizations that are engaged in Essential Infrastructure work, Minimum Basic Operations, Essential Government Functions, or Healthcare Operations or that facilitate Outdoor Activities or Additional Activities must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from waiting in line or entering, must not serve that person if those efforts are unsuccessful, and seek to remove that person.

A sample sign to be used for notifying customers can be found at the Department of Public Health website, at sf.gov/outreach-toolkit-coronavirus-covid-19.



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8. Intent.

The intent of this Order is to ensure that all people when Outside the Residence in the City as permitted by the Stay-Safe-At-Home Order wear a Face Covering to reduce the likelihood that they may transmit or contract the virus that causes COVID-19. In so doing, this Order will help reduce the spread of the virus and mitigate its impact on members of the public and on the delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent.

9. Continuing Severe Health and Safety Risk Posed by COVID-19.

This Order is issued based on evidence of ongoing and increasing occurrence of COVID-19 and transmission of the SARS-CoV-2 virus within the City, the Bay Area, and the United States of America and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. Due to the outbreak of the virus in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the City. People can be infected with the virus and be contagious and not have any symptoms, meaning they are asymptomatic. People can also be infected and contagious 48 hours before developing symptoms, the time when they are pre-symptomatic. Many people with the SARS-CoV-2 virus also have only mild symptoms and do not realize they are infected and contagious. Asymptomatic and pre-symptomatic people and those with only mild symptoms can unintentionally infect others. Evidence shows that wearing a face covering, when combined with physical distancing of at least six feet and frequent hand washing, significantly reduces the risk of transmitting coronavirus when in public and engaged in activities. And because it is not always possible to maintain at least six feet of distance, all people must wear a Face Covering when outdoors near others or engaged in work and other activities when others are nearby or likely to touch shared surfaces or use shared equipment. For clarity, although wearing a Face Covering is one tool for reducing the spread of the virus, doing so is not a substitute for sheltering in place, physical distancing of at least six feet, and frequent hand washing.

10. Cases and Deaths.

This Order is also issued in light of the existence, as of December 19, 2020, of 20,976 confirmed cases of infection by the virus that causes COVID-19 (up from 37 on March 16, 2020, the day before the first shelter-in-place order in the City went into effect), primarily by way of community transmission, as well as at least 176 deaths (up from a single death on March 17, 2020). This information, as well as information regarding hospitalizations and hospital capacity, is regularly updated on the San Francisco Department of Public Health's website at <https://data.sfgov.org/stories/s/fjki-2fab>. This Order is necessary to slow the rate of spread, and the Health Officer will continue to assess the quickly evolving situation and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.



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11. Obligation to Follow Stricter Requirements of Orders.

Where a conflict exists between this Order and any state law or public health order related to the COVID-19 pandemic or infectious diseases, the most restrictive provision (i.e., the more protective of public health) controls. Consistent with Executive Orders of the Governor of the State of California, Statewide Public Health Officer Orders, 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 the County.

12. Incorporation of State and Local Emergency Proclamations and State and Local Health Orders.

- (a) State and Local Emergency Proclamations. 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 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom, the February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed, as supplemented on March 11, 2020, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.
- (b) State Health Orders. This Order is also issued in light of updated guidance on face coverings issued by the CDPH on November 16, 2020, the December 3, 2020 Regional Stay At Home Order (as supplemented), the earlier March 19, 2020 Order of the State Public Health Officer (the “State Shelter Order”), which set baseline statewide restrictions on non-residential Business activities, effective until further notice, the Governor’s March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order, and the other orders of the State Public Health Officer related to the pandemic and the State’s response to the pandemic.
- (c) Local Health Orders and Directives. This Order is also issued in light of other orders and directives issued by the Health Officer as they relate to the pandemic and the County’s response to the pandemic. Those orders and directives show the seriousness of the issue and the many efforts that the County, including but not limited to the Department of Public Health, have taken to address the spread of COVID-19 within the County. This Order incorporates by reference and is based in part on each of the other orders and directives issued by the Health Officer to this point, including as each of them may be updated in the future. That includes, without limitation, Health Officer Order No. C19-07q (imposing restrictions on



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activities outside the home for all people in the County to protect all during the pandemic), including as it may be updated or amended in the future, in relation to this Order.

13. Failure to Comply With Order.

Under Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. As stated at the beginning of 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.

14. Copies.

The City must promptly provide copies of this Order as follows: (1) by posting on the Department of Public Health website at www.sfdph.org/healthorders; (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102; and (3) by providing to any member of the public requesting a copy. In addition, the owner, manager, or operator of any facility, business, or entity that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and must provide a copy to any member of the public asking for a copy.

15. Severability.

If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other people or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

16. Interpretation.

All provisions of this Order must be interpreted to effectuate the intent of this Order as described in Section 1 above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order; in the event of any inconsistency between the summary, headings, or subheadings and the text of this Order, the text will control.

IT IS SO ORDERED:

Susan Philip, MD, MPH,
Acting Health Officer of the
City and County of San Francisco

December 22, 2020