



San Francisco is experiencing a rapid and significant surge of COVID-19 cases. Accordingly, beginning at 11:59 p.m. on November 13, 2020, and until there is a further order of the Health Officer, dining establishments (including restaurants and bars that serve meals) must temporarily cease operating for indoor dining. Dining establishments may operate for outdoor dining and take-out. See Section 11 of Appendix C1 to Health Officer Order No. C19-07n. 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. 2020-16d

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR DINING ESTABLISHMENTS,
INCLUDING OUTDOOR DINING AND INDOOR DINING**

(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 all dining establishments, 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 4.e and 11 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 This Directive goes into effect immediately, and remains in effect until suspended, superseded, or amended by the Health Officer.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, patrons, 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 allows Dining Establishments to offer both Indoor and Outdoor Dining, and attempts to mitigate the risk of community transmission by modifying behaviors consistent with the medical and scientific understanding of the virus. In order to minimize the risk, all protocols in this Directive and Best Practices must be followed. When dining, patrons remove their masks to eat and drink, and there is generally less ventilation indoors than outdoors, indoor dining presents a heightened risk of aerosol transmission of the virus. Accordingly, patrons are encouraged to choose Outdoor Dining or Take Out options where possible.**
- 2. This Directive is intended to enable safer restaurant-style dining, not large social gatherings or lengthy gatherings where individuals are not wearing Face Coverings. Patrons or other members of the public congregating in or around a Dining**



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Establishment, particularly without following Social Distancing Requirements or wearing Face Coverings are at a heightened risk of community transmission.

3. This Directive applies to all owners, operators, managers, and supervisors of any restaurant, or bar that provides a bona fide meal, as defined below (each a “Dining Establishment”). Each Dining Establishment must have received the necessary permits to serve meals, including any permits necessary to serve food outdoors (e.g. Shared Spaces permit), or catering permits to serve food (e.g. DPH Pop Up permit). Any Dining Establishment that serves alcoholic beverages must also serve a bona fide meal, and comply with all of the following:
 - a. The sale of alcoholic beverages without a bona fide meal is prohibited, and each patron ordering an alcoholic beverage must also order a bona fide meal.
 - b. A “bona fide meal” means a sufficient quantity of food that it would constitute a main course. Dining Establishments should consult guidance from the State Department of Alcoholic Beverage Control on what constitutes a bona fide meal. <https://www.abc.ca.gov/what-is-required-to-be-considered-a-meal/>.
 - c. Bona fide meals must be prepared and served by the Dining Establishment or another person or business operating under an agreement with the Dining Establishment and appropriate permits from the San Francisco Department of Public Health (“DPH”). Dining Establishments offering bona fide meals prepared and served by another person or business in this manner must receive or coordinate all orders for food and alcoholic beverages. Orders and payment from patrons for alcohol and food must be received by the Dining Establishment, which may then pass on the food order and a portion of the payment to the meal provider.
4. Attached as Exhibit A to this Directive is a list of best practices that apply to all Dining Establishments (the “Best Practices”). Each Dining Establishment must comply with all of the relevant requirements listed in the Best Practices.
5. Before engaging in any activity under this Directive, each Dining Establishment 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 B.
6. Guidance from the Department of Public Health related to Outdoor and Indoor Dining is attached to this Directive as Exhibit C, and available at <http://www.sfdph.org/directives>.
7. If an aspect, service, or operation of a Dining Establishment is also covered by another Health Officer directive (all of which are available at <http://www.sfdph.org/directives>), including Health Officer Directive 2020-05 for Food Preparation or Delivery Essential Businesses, then the Dining Establishment must comply with all applicable directives, and it must complete all relevant Health and Safety Plan forms.



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- 8. Each Dining Establishment must (a) post its Health and Safety Plan at the entrance or another prominent location of every physical location it operates within the City, (b) provide a copy of the Health and Safety Plan to Personnel, and (c) make the Health and Safety Plan available to members of the public on request. Also, each Dining Establishment must provide a copy of the Health and Safety Plan and evidence of its implementation to any authority enforcing this Directive upon demand.**
- 9. Each Dining Establishment subject to this Directive must provide items such as Face Coverings (as provided in Health Officer 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 Dining Establishment 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 Dining Establishment, any such Dining Establishment is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safer-At-Home Order.**
- 10. For purposes of this Directive, “Personnel” includes all of the following people who provide goods or services associated with a Dining Establishment: 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 allowed to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Dining Establishment. “Personnel” includes “gig workers” who perform work via the business’s app or other online interface, if any.**
- 11. 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 Dining Establishment must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive by checking the Department of Public Health website (<https://www.sfdph.org/directives>) regularly.**
- 12. Implementation of this Directive augments—but does not limit—the obligations of each Dining Establishment 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 Dining Establishment 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.**
- 13. Dining Establishments must allow City representatives immediate full access to the entire premises, including the kitchen, to inspect for compliance, including surprise inspections.**



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- 14. A violation of any condition contained in a permit issued to a Dining Establishment by the Entertainment Commission is a violation of this Directive and the Stay-Safe-at-Home Order, and may be enforced as such.**

- 15. Dining Establishments that fail to comply with this Directive, including, but not limited to, preventing large social gatherings or lengthy gatherings where individuals are not wearing Face Coverings other than when eating or drinking, create public nuisances and a menace to public health. Accordingly, Dining Establishments must not permit or allow such gatherings, whether on public or private property. Any Dining Establishment that permits or allows such gatherings is injurious to public health within the meaning of Business & Professions Code section 25601 and is subject to reporting to the California Department of Alcoholic Beverage Control. Patrons or other members of the public who violate these requirements are subject to citation per Cal. Penal Code section 148(a), S.F. Admin. Code section 7.17, S.F. Police Code section 21, and Cal. Business & Professions Code section 25620.**

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

Date: November 3, 2020