

RESOLUTION NO. 21-5444

RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF WEST HOLLYWOOD RATIFYING MEASURES TO  
PREVENT THE SPREAD OF COVID-19

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY  
RESOLVE AS FOLLOWS:

SECTION A. For the reasons set forth in the Order and in the public record, the City Manager/Director of Emergency Services Executive Order No. 2021-7 dated September 10, 2021, implementing COVID-19 vaccine verification requirements for City of West Hollywood (“City”) facilities, covered businesses, City contractors, City employees and City officials, is hereby ratified as amended, clarified and for ease of reference restated in full below, especially in light of the September 17, 2021, issuance of a revised Order of the Health Officer for the County of Los Angeles Department of Public Health:

SECTION 1. Recitals.

- A. All of the recitals in West Hollywood Director of Emergency Services Executive Order Nos. 2020-1, 2020-2, 2020-3, 2020-4, 2020-7, 2020-8, 2020-9, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, 2020-17, 2021-1, 2021-2, 2021-3, and 2021-6 remain in effect and are incorporated herein by reference.
- B. On March 16, 2020, the City Council of the City of West Hollywood proclaimed the existence of a local emergency in response to new cases of COVID-19, authorizing the City Manager to exercise the emergency powers necessary to take extraordinary measures to prevent death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering.
- C. During the pendency of the Local Emergency and Statewide State of Emergency, the Director of Emergency Services is empowered: “[to] make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council.” under Section 2.80.060 A.(6)(a) of the West Hollywood Municipal Code.
- D. COVID-19 continues to present an imminent threat to the health and safety of City of West Hollywood residents. Although vaccines are now widely available, many people in the State and County are still not fully vaccinated and remain susceptible to infection. The disease can still spread rapidly through person-to-person contact and to those in close proximity. Further, more contagious variants of the disease are now present in the State and County, the most predominant of which is the Delta variant.

- E. According to the Los Angeles County Health Officer Order, unvaccinated people are considered at a higher risk of infection and higher risk of severe illness or death from COVID 19 and require special considerations because they are at higher risk for negative health outcomes.
- F. After a devastating year and a half of public health orders limiting personal and business activities, the American Medical Association says that “vaccination is the primary way to put the pandemic behind us and avoid the return of stringent public health measures.” “This is especially necessary to protect those who are vulnerable, including unvaccinated children and the immuno-compromised.”
- G. In addition to providing protection against COVID-19, there is increasing evidence that COVID-19 vaccines also provide protection against COVID-19 infections without symptoms (asymptomatic infections). The Centers for Disease Control and Prevention (CDC) reports that COVID-19 vaccination can reduce the spread of disease overall, helping protect people around you. The CDC also reports that vaccines continue to be highly effective at preventing hospitalization and death, including against the Delta variant. Dr. Barbara Ferrer, Los Angeles County Department Director of Public Health, also reports that vaccines are the most powerful tool to ending the pandemic. Fully vaccinated people with breakthrough infections from the Delta variant appear to be infectious for a shorter period. This means limiting spaces to only allow vaccinated people where people are in close contact (per CAL OSHA -- less than 6 feet for more than 15 minutes) should reduce the risk of spread and transmission to those close quarters while allowing businesses to remain open without having to limit capacity or close business operations.
- H. Vaccination requirements for entering certain spaces are an alternative approach to stringent public health measures (e.g. closing businesses to prevent the spread of COVID 19). An increasing number of public entities and businesses have issued or plan to issue formal COVID-19 vaccine policies that, subject to specified exemptions, require persons to be vaccinated in order to remain employed for a specific entity/business, enter a facility, or obtain a good or service. “Vaccine mandate” does not mean “involuntary vaccination.” Rather, such programs impose consequences on individuals who refuse to get vaccinated, such as not allowing access to certain places.
- I. Businesses such as bars, restaurants, personal care services, and health and fitness facilities, amongst other businesses specified in this Order (defined as “Covered Businesses”) have a higher risk of transmission because patrons are more likely to remove their face masks and/or are in close proximity with other patrons and the staff. For example, patrons of restaurants and bars need to remove their face coverings to eat and drink and typically remain in close proximity for more than 15 minutes. Patrons of personal care services are often required to be less than six (6) feet from a staff member. And patrons of health and fitness facilities engage in cardiovascular, aerobic, strength training, or other exercise

involving elevated breathing that increases the likelihood and amount of respiratory droplets that are released into the air and onto fitness equipment. The virus is airborne. The high probability of transmission is exacerbated when patrons are required to stay in an indoor space for a prolonged period of time to receive a good or service or food or drink. Requiring patrons to provide Proof of Full Vaccination before entering indoor areas of businesses and remaining there for a prolonged period of time reduced the likelihood that they will succumb to a severe infection of the disease. Adopting similar vaccination requirements for staff is necessary because staff will have contact with patrons during their visit.

- J. On September 17, 2021, the Health Officer issued a revised Order of the Health Officer for the County of Los Angeles Department of Public Health. This order requires bars and nightclubs to require proof of vaccination and strongly encourages the same at restaurants. The September 20, 2021, revisions herein are intended to reconcile the requirements for consistency and ease of implementation throughout the region. Bars and nightclubs should reference the County Order for applicable provisions: <http://publichealth.lacounty.gov/media/coronavirus/reopening-la.htm#orders>. The County also provides guidance at this website for all Covered Businesses on verifying proof for purposes of compliance with this Order.
- K. Indoor (and certain outdoor) areas of “City Facilities” (as defined in this Order) present a similar risk. City Facilities are generally open to all members of the public. Thus, a person is more likely to be in close proximity with a person that is not a member of their own household, including city staff and contractors. Also, City Facilities are often used by operators/hosts of recreation activities that gather members of the public for prolonged periods of time, often in close proximity and with elevated breathing from physical activity.
- L. Additionally, the City as an employer is obligated to the extent possible, protect the health and safety of its City employees.
- M. Individuals with genuine medical contraindications to vaccination should be provided the opportunity to pursue reasonable accommodations from requirements from their employers and to access city services. Upon review and analysis of medical exemptions to vaccine mandates, professors affiliated with the Harvard School of Law Petrie-Flom Center recommend some of the policies in this Order to prevent the misuse of COVID-19 vaccine medical exemptions. <https://blog.petrieflom.law.harvard.edu/2021/08/23/covid-vaccine-medical-exemptions/>.
- N. While there is currently a significant increase in the community transmission of COVID-19 in California, vaccination against COVID-19 is the most effective means of preventing further infections, transmission, and outbreaks. As we respond to the dramatic increase in cases, transmission and prevention measures must be increased for the protection of patrons and workers in the facilities referenced in

this Order. This can be done by reducing the risk that visitors to these facilities are bringing COVID-19 from the community and introducing it into these settings. In addition to county-wide face mask requirements, an emphasis on vaccination should also contribute to reduction of transmission risk in these higher-risk settings.

- O. This Order is adopted pursuant to the City's police powers and powers afforded to the City in time of National, State, County and Local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law, and the Chapter 2.80 of the West Hollywood Municipal Code to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency. COVID-19 vaccines are a powerful tool in ending the pandemic. Many eligible people in the City remain unvaccinated and thus susceptible to infection. Robust emergency measures are necessary to protect members of the public from COVID-19, to increase vaccination rates, and to prevent against any further disruption of businesses and activities as a result of COVID-19.

SECTION 2. Emergency Measures in Executive Order No. 2021-7.

A. Definitions. For purposes of this Order:

- i. "City Contractor" shall mean persons providing services to the City of West Hollywood through a contract with the City, and those persons are present at City Facilities, and/or interact in-person with city employees or city businesses or community members as part of their contractual obligations.
- ii. "Community members" shall mean residents, property and business owners, and persons who work, attend school, or are homeless in the City of West Hollywood.
- iii. "Covered Businesses" shall mean:
  - (1) Establishments where food or drink is served indoors, including, but not limited to; restaurants, theaters, cannabis consumption lounges, and entertainment venues. To the extent that a bar or nightclub does not fall under paragraphs 11(f) and (g) of the September 17, 2021, County Health Officer Order (as may be amended), the bar or nightclub shall be considered a Covered Business.
  - (2) Health/fitness facilities, including, but not limited to; gyms, recreation facilities, yoga studios, dance studios, and other fitness establishments, where any patrons engage in cardiovascular, aerobic, strength training, or other exercise involving elevated breathing.

- (3) Personal care establishments that include businesses that offer personal care services such as but not limited to, esthetician, skin care and cosmetology services, non-medical electrology, body art professional, tattoo parlors, microblading and permanent makeup, piercing shops, massage therapy (non-healthcare), tanning services, nail salons, hair salons and barbershops.
- iv. “Fully Vaccinated” and “Full Vaccination” means two weeks after completing the entire recommended series of vaccination (usually one or two doses) with a vaccine authorized to prevent COVID-19 by the U.S. Food and Drug Administration (FDA), including by way of an emergency use authorization, or by the World Health Organization (WHO). For example, as of the date of issuance of this Order, an individual would be fully vaccinated at least two weeks after receiving a second dose of the Pfizer-BioNTech (Comirnaty) or Moderna COVID-19 vaccine or two weeks after receiving the single dose Johnson & Johnson’s Janssen COVID-19 vaccine. A list of FDA-authorized vaccines is available at [www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19vaccines](http://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19vaccines). A list of WHO-authorized vaccines is available at <https://extranet.who.int/pqweb/vaccines/covid-19-vaccines>.
- v. “City Facilities” shall be interpreted to include City buildings and areas of City parks where City employees, City contractors and/or members of the public are present to conduct city business and/or utilize city services or facilities.
- vi. “Face Masks” shall be defined as the term is defined in the Los Angeles County Department of Public Health’s Health Officer Order, as this order is amended from time to time.
- vii. “Indoor” shall be defined as a structure with more than 50% of the sides “closed,” or made up of impermeable walls that air cannot flow through or a structure with 50% or less of the sides “open,” or made up of permeable wall material when the open side is continuous and made up of adjacent walls that form a corner.
- viii. “Negative COVID-19 Test” shall mean a negative SARS-CoV-2 test, where the specimen collection occurred within 72 hours before each visit and for which the test results are available at the time of entry to the subject business or facility. Patrons may use either PCR testing or antigen testing. Any PCR or antigen test used must either have Emergency Use Authorization by the FDA or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.
- B. The following are acceptable forms of “Proof of Vaccination” or Proof of Full Vaccination:

- i. The CDC vaccination card, which includes name of person vaccinated, type of vaccine provided, and date last dose administered, or similar documentation issued by another foreign governmental jurisdiction;
- ii. A photo or copy of a vaccination card as a separate document;
- iii. A photo of a vaccination card stored on a phone or electronic device;
- iv. Documentation of vaccination from a healthcare provider; or
- v. A personal digital COVID-19 vaccine record issued by the State of California and available by going to [myvaccinerecord.cdph.ca.gov](https://myvaccinerecord.cdph.ca.gov) or similar documentation issued by another state, local, or foreign governmental jurisdiction, or by an approved private company.
- vi. These same forms of documentation may be used to comply with the requirements to show at least one dose prior to November 4, 2021 ("Proof of Vaccination").

C. Vaccination Requirements for Patrons at Covered Businesses.

- i. Requirement. As soon as possible, but no later than November 4, 2021, Covered Businesses must require all patrons age 18 and older to show proof that they are Fully Vaccinated before entering any Indoor portion of a facility, subject only to the exceptions below. Between October 7, 2021, and November 3, 2021, all patrons age 18 and older must provide proof that they have received at least one dose of COVID-19 vaccination listed in the definitions above for entry into the facility to obtain indoor service (Proof of Vaccination), subject to all of the same requirements herein for providing proof and verification of Full Vaccination and any exemptions and clarifications.

For purposes of this requirement, Covered Businesses may not accept a written self-attestation of vaccination proof of Full Vaccination. Only the forms of Proof listed in Paragraph (B) of this Order are acceptable.

Covered Businesses are required to cross-check Proof of Full Vaccination for each patron against a photo identification, unless photo identification is integrated into the digital COVID-19 vaccine record.

- ii. Exemptions and Clarifications.
  - (1) For clarity, individuals who do not provide Proof of Full Vaccination may use the outdoor portions of Covered Business facilities (but not the Indoor portions except solely as provided in subsections (2), (3), and (5) below).

- (2) Covered Businesses may allow patrons wearing a Face Mask to come Indoors to use a restroom without requiring patrons to show Proof of Full Vaccination.
- (3) Restaurants, cannabis consumption lounges, and entertainment venues may require Proof of Full Vaccination to be shown at the time of patrons' first in-person interaction with staff (e.g., at the time of ordering) rather than at the entrance to the establishment, but only if all such patrons wear Face Masks at all times after entering the Indoor portion of the facility and before showing such proof. These businesses are prohibited from serving any patron indoors who fails to provide this proof.
- (4) 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.
- (5) Restaurants, cannabis consumption lounges, and entertainment venues that serve food/drinks may allow individuals wearing a Face Mask to enter the Indoor portion of the facility to order, pick up, or pay for food or drink "to go" without showing Proof of Full Vaccination.
- (6) Covered Businesses may obtain Proof of Full Vaccination in advance of a patron's arrival at a facility, e.g., by email or through a reservation system, but must confirm identification at the time of entry into the facility.
- (7) Persons under the age of 18 are not required to show Proof of Full Vaccination in order to enter any Indoor or outdoor area of a Covered Business.
- (8) This Section (C) applies subject to requirements of federal, state, or local laws requiring accommodation. Covered Businesses must provide reasonable accommodations to customers who need them because of a disability or medical condition. If a customer is unable to show Proof of Full Vaccination due to a disability or medical condition, the business operator must engage with them in a cooperative dialogue, or a good faith discussion, to see if a reasonable accommodation is possible. Reasonable accommodations can take many forms. For example, a customer could purchase food to take with them or consume outdoors, join a virtual exercise class, or organize a house call for a personal service, or speak with a business representative by phone. The

business does not have to provide a reasonable accommodation if it would impose an undue hardship on the business.

(9) To the extent that a bar or nightclub does not fall under paragraphs 11(f) and (g) of the September 17, 2021, County Health Officer Order (as may be amended), the bar or nightclub shall fall under this Section (C).

iii. Signage for Patrons. As soon as possible, but no later than October 7, 2021, all Covered Businesses are required to conspicuously post at the entrance to the facility signage informing individuals that Proof of Full Vaccination is required to enter the indoor portion of the facility. Sample signage is available at [www.weho.org/coronavirus](http://www.weho.org/coronavirus).

D. Vaccination Requirement for Staff at Covered Businesses.

i. Requirement. Subject to the exceptions below:

(1) As soon as possible, but no later than October 7, 2021, Covered Businesses must use their best efforts to ascertain the vaccination status of all staff who routinely work onsite.

(2) As soon as possible, but no later than November 4, 2021, Covered Businesses must ensure that all staff who routinely work onsite provide Proof of Full Vaccination before entering or working in any Indoor portion of the facility.

(3) Consistent with applicable privacy laws and regulations, Covered Businesses must maintain records of staff vaccination or exemption status and may be required to provide a self-certification to the city that it is complying with the terms of this Order.

ii. Exemptions and Clarifications.

(1) For clarity, "staff" as used in this Order does not include all individuals who enter or work in a Covered Business facility on an intermittent or occasional basis or for short periods of time (e.g., individuals who deliver goods or packages) are not covered by the requirements of this Order.

(2) Persons under the age of 18 are not required to provide Proof of Full Vaccination to their employer.

(3) This Section (D) applies subject to requirements of federal, state, or local laws requiring accommodation. As necessary to comply with any applicable law requiring employers to provide accommodations, employers may offer a reasonable accommodation to any employee who does not receive a



vaccination due to a medical condition, disability or sincerely held religious belief. A reasonable accommodation may include only working in outdoor areas and/or working at a social distance from coworkers or non-employees, working a modified shift, getting frequent and periodic Negative COVID-19 Tests, be given the opportunity to telework, or accepting a reassignment. As set out in applicable law, the business does not have to provide a reasonable accommodation if it would impose an undue hardship on the business.

- (4) This Section (D) is applicable subject to any applicable collective bargaining processes required prior to implementing the requirement. The City Manager may grant an extension to deadlines in this section as are demonstrated to be necessary following bona fide collective bargaining.
- (5) To the extent that a bar or nightclub does not fall under paragraphs 11(f) and (g) of the September 17, 2021, County Health Officer Order (as may be amended), the bar or nightclub shall fall under this Section (D).

- i. Signage for Staff. As soon as possible, but no later than November 4, 2021, all Covered Businesses are required to post signs in employee break rooms or similar areas informing applicable staff that they are required to provide Proof of Full Vaccination by November 4, 2021 and informing them how to obtain additional information about getting vaccinated. Sample signage is available online at: [www.weho.org/coronavirus](http://www.weho.org/coronavirus).

E. Vaccination Requirements for City Facilities and City Contractors.

- i. Requirement. Subject to the exceptions below:
  - (1) As soon as possible, but no later than November 4, 2021, persons age 18 and older must show Proof of Full Vaccination before entering any Indoor area within a City Facility, subject only to the exceptions below and any applicable requirements of federal, state, or local laws requiring accommodation. Between October 7, 2021 and November 3, 2021, all persons age 18 and older must provide proof that they have received at least one dose of COVID-19 vaccination listed in the definitions above (Proof of Vaccination) before entering any Indoor area within a City Facility, subject to all of the same requirements herein for providing proof and verification of Full Vaccination and any exemptions and clarifications.
  - (2) Operators/hosts of "Recreation Activities" such as but not limited to: team sports, athletic activities and privately organized clubs and leagues held outdoors or Indoors on the premises of a City Facility

must as soon as possible but no later than November 4, 2021, require athletes, coaches, staff and volunteers 18 and older to show Proof of Full Vaccination before participating in any outdoor or Indoor recreation activity, held on the premises of a City Facility, subject only to the exceptions below and any applicable requirements of federal, state or local laws requiring accommodation. Between October 7, 2021 and November 3, 2021, Operators/hosts of "Recreation Activities" must require athletes, coaches, staff and volunteers 18 and older to show proof that they have received at least one dose of COVID-19 vaccination listed in the definitions above (Proof of Vaccination) before participating in any outdoor or Indoor recreation activity, held on the premises of a City Facility, subject to all of the same requirements herein for providing proof and verification of Full Vaccination and any exemptions and clarifications.

- (3) Youth sports, youth activities, and youth programming are subject to any applicable Los Angeles County Department of Public Health guidelines and/or health officer orders.
- (4) As soon as possible, but no later than November 4, 2021, City Contractors must show Proof of Full Vaccination before entering any City Facility or engaging in-person with city employees, community members or city businesses, subject only to the exceptions below and any applicable requirements of federal, state, or local laws requiring accommodation. Between October 7, 2021, and November 3, 2021, City Contractors must provide proof that they have received at least one dose of COVID-19 vaccination listed in the definitions above (Proof of Vaccination) before entering any City Facility or engaging in-person with city employees, community members or city businesses, subject to all of the same requirements herein for providing proof and verification of Full Vaccination and any exemptions and clarifications.

ii. Exemptions and Clarifications.

- (1) The vaccination requirements applicable to persons entering an Indoor portion of a City Facility does not apply to members of the public of all ages attending a public Brown Act meeting. In lieu of a vaccination requirement, an in-person Brown Act meeting at a City Facility may be limited in capacity to provide space for social distancing between attendees, social distancing of attendees may be required, no one with a fever over 100.4 degrees shall be allowed into the facility, and equivalent viewing and commenting options will be provided in a remote and virtual format, and subject to any applicable face mask requirement.

- (2) The vaccination requirements applicable to persons entering an Indoor portion of a City Facility does not apply to members of the public utilizing an Indoor cooling center. In lieu of a vaccination requirement, an Indoor cooling center at a City Facility may be limited in capacity, social distancing may be required, and no one with a fever over 100.4 degrees shall be allowed into the facility, and subject to any applicable face mask requirement.
- (3) This Section (E) applies subject to requirements of federal, state, or local laws requiring accommodation. Reasonable accommodations may be provided to the requirements in this Section (E) to enter the facilities without Proof of Full Vaccination for individuals who have not received the vaccine due to disability or medical condition (for example medical contraindications to vaccination, or diagnostic precaution that supports the request). In order to utilize this medical exemption, the individual must provide proof of a Negative COVID-19 Test, use of a face mask, and a written statement that the person is excused from receiving any COVID-19 vaccine due to a medical condition or disability. The statement does not need to describe the underlying medical condition or disability itself; only the fact that the person has a qualifying medical condition or disability. The statement must be provided by an active, licensed health care provider (such as MD, DO, NP, PA) who has treated and/or examined the individual. The statement shall contain the clinician's state license number and contact information and shall indicate that the grounds for medical exemptions must be connected to contraindications as expressed by the CDC, the vaccine manufacturer, and/or the individual's physical condition contraindicating immunization, or diagnostic precaution that supports the request or other similar disability. Reasonable accommodations to this Section (E) may take others forms other than providing access to the building to unvaccinated individuals and may include, by way of example, remote and virtual city services. As set out in applicable law, the city does not have to provide a reasonable accommodation if it would impose an undue hardship on the city.

#### F. Vaccination Requirements for City Employees and Officials.

All City employees, temporary employees, interns, contract personnel, volunteers, and elected or appointed officials who work at all City Facilities shall be subject to a separate vaccination policy that will require vaccination no later than November 1, 2021. That separate policy shall control the applicable terms for these listed individuals.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this order is found to be unconstitutional or otherwise invalid by any court of

competent jurisdiction, such decision shall not affect the remaining provisions of this order.

**SECTION 4. Effective Date and Termination.** This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council. The Order may also be superseded by a duly enacted ordinance or order of the City Council expressly superseding this Order. Additional implementing regulations may be promulgated to assist in compliance with these requirements, and specifically, as may be needed to assess and grant requests for accommodation under federal, state or local law. Notwithstanding, if the Los Angeles County Health Officer lifts countywide requirements for vaccine verification as set out in the September 17, 2021, revised Health Officer Order (as may be amended), the City Council will review the need for this Order at its next regularly scheduled City Council meeting. The status of the health pandemic and health guidance also continues to evolve. The policies in this Order should be consistently reviewed to determine their continued appropriateness. As noted throughout, the Order is issued subject to requirements of federal, state and local laws requiring accommodation.

**SECTION B.** While the Order does not cover the Los Angeles County (“County”) Sheriff’s Department or Fire Department because the City cannot regulate the County’s activities as a separate government entity, the City strongly encourages the County to mandate vaccine for its employees, including the Sheriff and Fire personnel who provide services in West Hollywood.

**SECTION C.** Safe Harbor provision for accommodations. For purposes of complying with the provisions of this Order, for any requested accommodation under state, federal or local law for a facility that does not have a space for outdoor accommodations (or virtual/remote accommodations), a reasonable accommodation may include providing access to the building to unvaccinated individuals if the individual provides proof of a Negative COVID-19 Test, use of a face mask or social distancing to the extent feasible, and a written documentation that the person is excused from receiving any COVID-19 vaccine due to a medical condition or disability, as set out in Section E(ii)(3) above. This safe harbor accommodation does not need to be provided for facilities that have outdoor space or other available accommodations.

**SECTION D.** As authorized by Urgency Ordinance No. 20-1107U (amended in 20-1111U), Emergency Executive Orders and Resolutions adopted by the City Council in response to the local state of emergency are enforceable through an administrative citation pursuant to West Hollywood Municipal Code Chapter 1.08, subject to Schedule D as reflected in the Administrative Citation Fee Schedule.

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PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 20<sup>th</sup> day of September, 2021 by the following vote:

AYES:	Councilmember:	D'Amico, Erickson, Horvath, Mayor Pro Tempore Shyne, and Mayor Meister.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

DocuSigned by:

*LAUREN MEISTER*

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LAUREN MEISTER, MAYOR

ATTEST:

DocuSigned by:

*Melissa Crowder*

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MELISSA CROWDER, CITY CLERK

**COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH  
ORDER OF THE HEALTH OFFICER**



**RESPONDING TOGETHER AT WORK AND IN THE COMMUNITY  
BEYOND THE BLUEPRINT FOR A SAFER ECONOMY, HIGH TRANSMISSION —  
ENCOURAGING COVID-19 VACCINATION COVERAGE  
WITH MODERATE RISK REDUCTION MEASURES**

**Issue Date: Friday, September 17, 2021  
Effective as of 11:59pm on Thursday, October 07, 2021**

**Brief Highlights** (Changes highlighted in yellow):

- Aligns with the State's September 8, 2021, definition of [Outdoor Mega Events](#).
- Beginning October 7, 2021, all attendees, ages 12 and over, at Outdoor Mega Events involving 10,000 or more persons must, prior to entry, show proof of full vaccination against COVID-19 or a pre-entry negative COVID-19 (diagnostic) test result. Self-attestation is not a permitted method for verification of vaccination or test result.
- Beginning October 7, 2021, requires bars, breweries, wineries, distilleries, nightclubs and lounges for indoor service and operations to verify the COVID-19 vaccination status of their patrons and employees.
- The County Health Officer strongly recommends that beginning October 7, 2021, that the operators of all restaurants and food facilities reserve and prioritize indoor seating/service for those who are fully vaccinated against COVID-19.

**Please read this Order carefully.**

**SUMMARY OF THE ORDER:** Since June 15, 2021 and after the retiring of the State's Blueprint for a Safer Economy, community transmission of COVID-19 in Los Angeles County has rapidly increased from Low to High. Based on continuously high daily new cases of COVID-19 to a level that indicates High community transmission of the COVID-19 virus, based on the federal Centers for Disease Control and Prevention (CDC) indicators, this Order continues to require masking by all, regardless of vaccination status, in an effort to slow the continuously high trends in and level of transmission of COVID-19 currently being seen in Los Angeles County.

This Order mainly aligns with the State Public Health Officer Order of June 11, 2021 and continues to place certain safety requirements on individuals consistent with federal and state rules. Further, this Order incorporates by reference the July 26, 2021 Order of the State Public Health Officer, which requires specific transmission prevention measures to be taken by Acute Health Care and Long-Term Care settings, High-Risk Congregate settings, and Other Health Care settings. In addition, this Order continues to require that all persons wear face masks while in indoor public settings and businesses, with limited exceptions, as a precautionary measure with this High level of community transmission. On July 28, 2021, the CDC, and the California Department of Public Health each issued new guidance validating the universal indoor masking requirements of this Order. The CDC's Interim Public Health Recommendations for Fully Vaccinated People advises that "preliminary evidence suggests that fully vaccinated people who do become infected with the Delta variant can spread the virus to others" and therefore recommends that fully vaccinated people should wear a mask in indoor settings if they are in a [geographic] area where there is Substantial or High rates of COVID-19 community transmission. Moreover, the State Public Health Officer recommended universal masking,

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regardless of vaccination status, in public indoor settings across California. The State Public Health Officer explained that universal indoor masking “adds an extra precautionary measure for all to reduce the transmission of COVID-19, especially in communities currently seeing the highest rates of transmission.”

In addition, this Order continues some requirements on businesses and government entities, such as a general requirement to report positive cases in the workplace and in schools, a requirement for signage, and a proof of vaccination or testing negative for COVID-19 requirement to admit people to attend Indoor **and Outdoor** Mega Events. Also, this Order includes best practice recommendations to reduce COVID-19 risk for individuals, businesses, and government entities.

COVID-19 daily cases and community transmission remain high; on **September 16, 2021** alone, Los Angeles County reported **2,023** new cases. As of **September 9, 2021**, and although the test positivity rate and hospitalizations have declined or appear to be stable, Los Angeles County is also reporting a 7-day daily average case rate of **15.1** cases per 100,000 people. This indicates a continued and high risk of COVID-19 infection for those who are not or cannot be vaccinated against COVID-19. Based upon federal CDC indicators and thresholds, this means that community transmission of COVID-19 within the County of Los Angeles is now High, and highly likely to increase during the coming weeks as we start to move into the Winter months when respiratory viruses, like influenza and SARS-CoV-2, have spread more easily.

Even though more people in Los Angeles County and the region are vaccinated against the virus that causes COVID-19, there remains a risk that people may come into contact with others who may have COVID-19 when outside their residence. There are millions of people in Los Angeles County who are not yet vaccinated against COVID-19, including children under 12 years old who are not currently eligible to be vaccinated, and people who are immuno-compromised and may be particularly vulnerable to infection and disease. Most COVID-19 infections are caused by people who have no or mild symptoms of infection. Variants of the virus that spread more easily or cause more severe illness remain present and have increased in our County. In the absence of physical distancing requirements for the public and capacity limits for indoor and outdoor settings, unvaccinated and partially vaccinated persons are more likely to get infected and spread the virus, which is transmitted through the air and concentrates in indoor settings. We have also seen surges in our County and in other parts of the country and the world, **continuously** impacting younger adults.

At this time, the current COVID-19 vaccines are effective at helping to reduce the risk of getting and spreading the infection and also of getting seriously ill even if a fully vaccinated person gets COVID-19, **including** against the current variants of the virus that causes COVID-19. Although no vaccine is 100 percent effective at preventing illness in vaccinated people, the currently authorized COVID-19 vaccines remain the best form of protection against COVID-19. Vaccinations remain widely available to those 12 years and older.

**The best way to reduce the current level of community transmission and to prevent future surges is for everyone who is eligible, including those who have recovered from a COVID-19 infection, to get fully vaccinated as soon as possible.** People at risk for severe illness with COVID-19, such



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as unvaccinated older adults and unvaccinated individuals with health risks, and members of their households are strongly urged to get vaccinated against COVID-19 as soon as they can if they have not already done so. Those who are not fully vaccinated are urged to adhere to both the required and recommended risk reduction measures.

We must remain vigilant against variants of the virus that causes COVID-19, especially given High levels of transmission here and in other parts of the world and due to the possibility of a new variant being identified for which the current COVID-19 vaccines may not be effective. Currently, the Delta variant remains predominant in Los Angeles County. The Delta variant is two times as contagious than early COVID-19 variants and continues to lead to increased infections. Further, recent data suggests that the immune response to COVID-19 vaccination might be reduced in some immunocompromised people, which increases their risk of serious health consequences from COVID-19 infection. It is, therefore, prudent to require continued indoor masking for all as an effective public health measure to reduce transmission between people.

This Order is issued to help slow and improve the High level of community transmission of COVID-19 here in Los Angeles County.

This Order's primary intent is to reduce the transmission risk of COVID-19 in the County for all, especially those who are not fully vaccinated and fully vaccinated but immunocompromised persons, in the absence of other protective measures, like physical distancing requirements and capacity limits. Accordingly, this Order allows Businesses, schools, and other activities to remain open while at the same time putting in place certain requirements designed to (1) limit transmission risk of COVID-19 and (2) contain any COVID-19 outbreaks.

This Order will be revised in the future, if needed, to reflect the State Executive Orders, California Division of Occupational Safety and Health's (better known as Cal/OSHA) worksite requirements, State Public Health Officer Orders and guidance, and CDC recommendations. Should local COVID-19 conditions warrant, the County Health Officer may, after consultation with the Board of Supervisors, issue Orders that are more restrictive than those of the State Public Health Officer.

This Order is effective within the County of Los Angeles Public Health Jurisdiction, defined as all cities and unincorporated areas within the County of Los Angeles, with the exception of the cities of Long Beach and Pasadena that must follow their respective City Health Officer orders and guidance. This Order is effective at 11:59pm on Thursday, October 07, 2021 and will continue until further notice.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND  
SAFETY CODE SECTIONS 101040, 101085, AND 120175,  
THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:**

1. This Order supersedes the Health Officer's Prior Order.



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2. This Order's intent is to continue to protect the community from COVID-19, in particular for those who are not or cannot be fully vaccinated<sup>1</sup> against COVID-19 in the County, in the absence of other protective measures and to increase vaccination rates to reduce spread of COVID-19 long-term, so that the whole community is safer and the COVID-19 pandemic can come to an end. Failure to comply with any of the Order's provisions constitutes an imminent threat and menace to public health, and a public nuisance, and is punishable by citation or fine.
  - a) This Order does not supersede any stricter limitation imposed by a local public entity within the County of Los Angeles Public Health Jurisdiction. The Order is consistent with existing authority that local health jurisdictions may implement or continue more restrictive public health measures if the jurisdiction's Local Health Officer determines that health conditions in that jurisdiction warrant such measures. Where a conflict exists between this Order and any State Public Health Officer Order related to controlling the spread of COVID-19 during this pandemic, the most restrictive provision controls, unless the County of Los Angeles is subject to a court order requiring it to act on, or enjoining it from enforcing, any part of this Order.
3. All persons living within the County of Los Angeles Public Health Jurisdiction should continue to practice required and recommended COVID-19 infection control measures at all times and when among other persons when in community, work, social or school settings, especially when multiple unvaccinated persons from different households may be present and in close contact with each other, especially when in indoor or crowded outdoor settings.
4. **Face Masks.** All individuals must follow the requirements included in both the requirements of this Order and the July 28, 2021 Guidance for the Use of Face Coverings issued by the California Department of Public Health.
  - a) These requirements are aligned with July 28, 2021 recommendations issued by the CDC. The CDC recommendations provide information about both indoor and higher risk settings where masks are required or recommended to prevent transmission to:
    - i. Persons with a higher risk of infection (e.g., unvaccinated or immunocompromised persons),
    - ii. Persons with prolonged, cumulative exposures (e.g., workers), or
    - iii. Persons whose vaccination status is unknown.

When people wear a mask correctly, they protect others as well as themselves. Consistent and correct mask use is especially important indoors and outdoors when in close contact with (less than six feet from) others who are not fully vaccinated against COVID-19 or whose vaccination status is unknown.

- b) Masks are required to be worn by everyone, regardless of COVID-19 vaccination status, in the following settings:

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<sup>1</sup> People are considered "fully vaccinated" against COVID-19 two weeks or more after they have received the second dose in a 2-dose series (e.g., Pfizer-BioNTech or Moderna) or 2 weeks or more after they have received a single-dose vaccine (e.g., Johnson and Johnson [J&J]/Janssen).

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- i. On public transit (examples: airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares),
  - ii. In transportation hubs (examples: airport, bus terminal, marina, train station, seaport or other port, subway station, or any other area that provides transportation),
  - iii. Indoors in K-12 schools, childcare and other youth settings,
  - iv. Healthcare settings (including long term care facilities),
  - v. State and local correctional facilities and detention centers,
  - vi. Homeless shelters, emergency shelters, and cooling centers,
  - vii. All indoor public settings, venues, gatherings, and public and private businesses (some examples: offices, manufacturing, warehouses, retail, **food and beverage services**, theaters, family entertainment centers, meetings, and state and local government offices serving the public, Indoor Mega Events, among others), and
  - viii. Outdoor Mega Events.
- c) Recommendation **for higher level of protection**: In indoor public and private settings where there is close contact with other people who may not be fully vaccinated, individuals should consider wearing a higher level of protection, such as wearing two masks (“double masking”) or a wearing a respirator (e.g., KN95 or N95). This is particularly important if an individual is not fully vaccinated and is in an indoor or crowded outdoor setting.
- d) Individuals, businesses, venue operators or hosts of public indoor settings, venues, gatherings, and businesses, and Outdoor Mega Events must:
- i. Require all patrons, customers, and guests to wear masks when inside at all indoor settings and at Outdoor Mega Events, regardless of their vaccination status; and
  - ii. Post clearly visible and easy to read signage, with or without having an employee present, at all entry points for indoor and outdoor settings to communicate the masking requirements for patrons, customers, and guests.
- e) For clarity, patrons, customers, or guests at public indoor settings, venues, gatherings, and public and private businesses, and at Outdoor Mega-Events are required to wear a face mask except while:
- i. Actively eating or drinking, which is the limited time during which the mask can be removed briefly to eat or drink, after which it must be immediately put back on. Patrons, customers, or guests must be seated at a table or positioned at a stationary counter, ticketed seat, or place while actively eating or drinking.
  - ii. Showering or engaging in personal hygiene or a personal care service that requires the removal of the face mask;
  - iii. Alone in a separate room, office or interior space;
- f) Special considerations are made for people with communication difficulties or certain disabilities. Clear masks or cloth masks with a clear plastic panel that [fit well](#) are an

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alternative type of mask for people who interact with: people who are deaf or hard of hearing, children or students learning to read, people learning a new language, and people with disabilities.

- g) All businesses, venue operators or hosts must implement measures to clearly communicate to non-employees the masking requirements on their premises.
- h) No person can be prevented from wearing a mask as a condition of participation in an activity or entry into a business.
- i) The categories of persons who are exempt from mask requirements remain unchanged at this time and can be found at <http://publichealth.lacounty.gov/acd/ncorona2019/masks/#notwear>. In workplaces, certain employees may be exempt from wearing a mask when performing specific tasks which cannot feasibly be performed while wearing a mask. This exception is limited to the period of time in which such tasks are actually being performed. Workers who cannot feasibly wear a mask while performing their work must be tested for COVID-19 at least twice per week, unless the employer is provided proof of the employee's full vaccination against COVID-19 or proof of recovery from laboratory-confirmed COVID-19 within the past 90 days against COVID-19.
- j) In workplaces, most employers and businesses are subject to the Cal/OSHA COVID-19 [Emergency Temporary Standards \(ETS\)](#) and some to the [Cal/OSHA Aerosol Transmissible Diseases Standards](#), and should consult those regulations for additional applicable requirements. The ETS allow local health jurisdictions to require more protective mandates. This County Health Officer Order, which requires masking of all individuals at indoor public settings and businesses, and Outdoor Mega-Events, regardless of vaccination status, is such a mandate in Los Angeles County, and overrides the more permissive ETS regarding employee<sup>2</sup> masking.
- k) All employers and businesses subject to Cal/OSHA must review and comply with the active Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS). As approved and effective, the full text of the COVID-19 Prevention emergency standards will be listed under [Title 8, Subchapter 7, sections 3205-3205.4](#) of the California Code of Regulations. All businesses or employers with independent contractors should also review the State Labor Commissioner's Office webpage entitled, "[Independent contractor versus employee](#)", which discusses the "employment status" of persons hired as independent contractors, to ensure correct application of the ETS.

**5. Mandatory Reporting by Businesses and Governmental Entities.** Persons and businesses within the County of Los Angeles Public Health Jurisdiction must continue to follow the COVID-19 infection control protocols and guidance provided by the County Department of Public Health regarding isolation of persons confirmed or suspected to be infected with the virus that causes COVID-19 disease or quarantine of those exposed to and at risk of infection from COVID-19. In instances where the County has not provided a specific

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<sup>2</sup> Some independent contractors are considered as employees under the State Labor Code. For more details, check the California Department of Industrial Relations' [Independent contractor versus employee](#) webpage.

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guidance or protocol, specific guidance or protocols established by the State Public Health Officer shall control.

- a) In the event that an owner, manager, or operator of any business knows of three (3) or more cases of COVID-19 among their employees within a span of 14 days, the employer must report this outbreak to the Department of Public Health at (888) 397-3993 or (213) 240-7821, or online at [www.redcap.link/covidreport](http://www.redcap.link/covidreport).
- b) In the event that an owner, manager, or operator of any business is informed that one or more employees, assigned or contracted workers, or volunteers of the business has tested positive for, or has symptoms consistent with COVID-19 (case), the employer must have a protocol to require the case(s) to isolate themselves at home and require the immediate self-quarantine of all employees that had a workplace exposure to the case(s).

6. **LACDPH Best Practice Guidance.** All individuals and Businesses are strongly urged to follow the LACDPH Best Practice Guidance, containing health and safety recommendations for COVID-19.
7. **Considerations for Persons at Higher Risk for Negative Health Outcomes:** At this time, people at risk for severe illness or death from COVID-19—such as unvaccinated older adults and unvaccinated individuals with health risks—and members of their household, should defer participating in activities with other people outside their household where taking protective measures, including wearing face masks and social distancing, may not occur or will be difficult, especially indoors or in crowded spaces. For those who are not yet fully vaccinated, staying home or choosing outdoor activities as much as possible with physical distancing from other households whose vaccination status is unknown is the best way to prevent the risk of COVID-19 transmission.
8. **Encourage Activities that Can Occur Outdoors.** All Businesses and governmental entities are urged to consider moving operations or activities outdoors, where feasible and to the extent allowed by local law and permitting requirements, because there is generally less risk of COVID-19 transmission outdoors as opposed to indoors.
9. **Ventilation Guidelines.** All Businesses and governmental entities with indoor operations are urged to review the Ventilation Guidelines and implement ventilation strategies for indoor operations as feasible. See California Department of Public Health [Interim Guidance for Ventilation, Filtration and Air Quality in Indoor Environments](#) for detailed information. Nothing in this Order limits any ventilation requirements that apply to particular settings under federal, state, or local law.
10. **High-Risk Health Care and Congregate Settings.** This Order incorporates by reference the State Public Health Officer Order of July 26, 2021, which requires additional statewide facility-directed measure to protect particularly vulnerable populations. The Order is found here: [State Public Health Officer Order issued July 26, 2021](#)
11. **Sectors that Continue to Require Additional Risk Reduction Measures.** The following sectors serve persons and populations that have lower rates of vaccination, who are at higher



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**risk of being infected**, or who are not yet eligible to be vaccinated. As such, these sectors continue to require additional risk reduction measures and must operate subject to the following conditions listed below and those specified in the County sector-specific reopening protocol(s) located at <http://publichealth.lacounty.gov/media/Coronavirus/index.htm>:

- a) **Day camps.** Day camp owners and operators must implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Day Camps, attached to this Order as **Appendix K**.
- b) **Schools (K-12) and School Districts.** All public and private schools (K-12) and school districts within the County of Los Angeles may open for in-person classes. Educational facilities serving students at any grade level must prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocols for K-12 Schools, attached to this Order as **Appendix T1**, and must follow the Protocol for COVID-19 Exposure Management Plan in K-12 Schools, attached to this Order as **Appendix T2**.
- c) **Mega Events (Outdoor and Indoor).** Mega Events are characterized by large crowds greater than 1,000 indoor or 10,000 outdoor attendees. Mega Events **include conventions, conferences, expos, concerts, shows, nightclubs, sporting events, live events and entertainment, fairs, festivals, parades, theme parks, amusement parks, water parks, large private events or gatherings, marathons or endurance races, and car shows.** Mega Events may have either assigned or unassigned seating, and may be either general admission or gated, ticketed and permitted events. These events are considered higher risk for COVID-19 transmission.
  - i. **Indoor Mega Events:** Indoor Mega Events where 1,000 or more people are in attendance, remain open to the public. In addition to the **public** health recommendations, Indoor Mega Event operators must verify the full vaccination status<sup>3</sup> or pre-entry negative COVID-19 viral test<sup>4</sup> result of all attendees. Attendees must wear a face covering while indoors at an Indoor Mega Event. Indoor Mega Event operators must prominently place information on all communications, including reservation and ticketing systems, to ensure guests are aware of the proof of pre-entry **negative** testing or full vaccination status, including masking requirements, and acceptable modes of verification. For Indoor Mega Events taking place on or after September 20, 2021, self-attestation can no longer be used as a method to verify an attendee's status as fully vaccinated or as proof of a negative COVID-19 test result.
  - ii. **Outdoor Mega Events:** Outdoor Mega Events that attract crowds of over 10,000 persons, remain open to the public. **Beginning October 7, 2021, Outdoor Mega Event operators of events that are ticketed or held in a defined space with controlled points of entry must verify the full vaccination status (see**

<sup>3</sup> The following are acceptable as proof of full vaccination status: **1) A photo identification of the attendee and 2) their vaccination card** (which includes name of person vaccinated, type of COVID-19 vaccine provided and date last dose administered) OR a photo of a vaccination card as a separate document OR a photo of the attendee's vaccine card stored on a phone or electronic device OR documentation of the person's full vaccination against COVID-19 from a healthcare provider.

<sup>4</sup> Pre-entry negative testing is testing that must be conducted within 72 hours before event start time (both PCR and antigen are acceptable). Results of the test must be available prior to entry into the event or venue. The following are acceptable as proof of a negative COVID-19 viral test result: **1) A photo identification of the attendee and 2) a printed document from the test provider or laboratory OR an email or text message displayed on a phone from the test provider or laboratory.** The information should include person's name, type of test performed, and negative test result (date of test must be within prior 72 hours).

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footnote 3) or pre-entry negative COVID-19 viral test (see footnote 4) result of all attendees, ages 12 and older, prior to entry to the event. All attendees must wear face masks at all times, except when actively eating or drinking. Outdoor Mega Event operators must prominently place information on all communications, including reservation and ticketing systems, to ensure guests are aware of both the County Health Officer's Order that all persons must wear a face mask while in attendance and the County Health Officer requirement that all attendees, ages 12 and older, either be fully vaccinated against COVID-19 or obtain a negative COVID-19 viral test prior to attending the event. Operators are to make face masks available for all attendees.

iii. **Additional Recommendations for Both Outdoor and Indoor Mega Events:** Mega Event operators are encouraged to follow these additional recommendations:

1. Assign staff to remind all guests to wear face masks while on the premises or location.
  2. Encourage everyone to get vaccinated when eligible.
  3. Facilitate increased ventilation of indoor spaces (i.e., open all windows and doors to increase natural air flow), following California Department of Public Health [Interim Guidance for Ventilation, Filtration and Air Quality in Indoor Environments](#).
  4. Encourage everyone to sign up for [CA Notify](#) as an added layer of protection for themselves and the community to receive alerts when they have been in close contact with someone who tests positive for COVID-19.
  5. Convey the risk of attending large, crowded events where the vaccine status of other attendees may be unknown to the individuals.
  6. Convey the risk of attending large, crowded events for populations that may not currently be eligible for vaccination or may be immunocompromised and whose vaccine protection may be incomplete.
  7. Encourage all venues along any parade or event route to provide outdoor spaces for eating/drinking/congregating to reduce the risk of transmission in indoor settings.
- d) **Overnight Organized / Children's Camps.** An organized camp is a site with program and facilities established for the primary purpose of providing an overnight outdoor group living experience for recreational or other purposes for five days or more during one or more seasons of the year. A Notice of Intent to Operate must be submitted by the Camp operator to the Environmental Health Division [Communityhealth@ph.lacounty.gov](mailto:Communityhealth@ph.lacounty.gov) prior to operation. The owner or operator of an Overnight Organized/ Children's Camp must prepare, implement, and post the required Los Angeles County Public Health Protocols for Overnight Organized / Children's Camps, attached to this Order as **Appendix K-1**.
- e) **Organized Youth Sports Activities.** Organized youth sports include all school (TK-12 Grades) and community-sponsored programs and recreational or athletic activities and privately organized clubs and leagues. Organized Youth Sport Protocols do not apply to

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collegiate or professional sports. This Protocol provides direction on outdoor and indoor youth sports activities to support an environment that presents less risk for participants of these sports. The organizers and operators of Organized Youth Sport Activities must review, implement, and post the required Los Angeles County Public Health Protocol for Organized Youth Sports, effective September 1, 2021, attached to this Order as **Appendix S**.

- f) Bars, Breweries, Wineries and Distilleries.** Effective October 7, 2021, bars that have a low-risk food facility public health permit and breweries, wineries, and distilleries with a #1, #2, #4, #23 and/or #74 state alcohol license that do not possess or that are not required to have a public health permit to operate must require patrons, who are 12 years of age or older, to provide proof of their COVID-19 vaccination status for entry. Between October 7 and November 3, 2021, all patrons must provide proof they have received at least one dose of COVID-19 vaccination for entry into the facility to obtain indoor service at a bar, brewery, winery, or distillery. Beginning November 4, 2021, all bars, breweries, wineries, and distilleries must require patrons, who are 12 years of age or older, to provide proof of full vaccination against COVID-19 for entry into the facility to obtain indoor service. Patrons who do not provide proof of vaccination against COVID-19, as specified, may be served in and use the outdoor portions of the facility, where the risk of exposure to the virus that causes COVID-19 is less likely when compared to being indoors. See paragraph 11.i for further clarification. Bars, breweries, wineries, and distilleries must comply with the [Guidance for Verifying Proof of COVID-19 Vaccination](#) and [Guidance for Verifying Proof of a Negative COVID-19 Test](#) attached to this Order.<sup>5</sup> In addition, by November 4, 2021, all on-site employees must provide their employer with proof of full vaccination against COVID-19.<sup>6</sup>
- g) Nightclubs and Lounges.** Effective October 7, 2021, nightclubs and lounges<sup>7</sup> that are open only to persons 18 years of age or older, must require patrons and on-site personnel to provide proof of their COVID-19 vaccination status for entry. Between October 7 and November 3, 2021, patrons must provide proof they have received at least one dose of COVID-19 vaccination for entry into the facility to obtain indoor service at a nightclub or lounge. Beginning November 4, 2021, all nightclubs and lounges must

<sup>6</sup> On-site employees of the bars, breweries, wineries, distilleries, nightclubs and lounges may be exempt from the vaccination requirements only upon providing their employer, a declination form, signed by the individual stating either of the following: (1) the worker is declining vaccination based on sincerely held religious beliefs, or (2) the individual is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons.

- a. To be eligible for a Qualified Medical Reasons exemption the individual must also provide to their employer a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the exemption (but the statement should not describe the underlying medical condition or disability) and indicating the probable duration of the worker's inability to receive the vaccine (or if the duration is unknown or permanent, so indicate). See the most updated version of the [CDC's Interim Clinical Considerations for Use of COVID-19 Vaccines guidance](#).
- b. If an operator of a bar, brewery, winery, distillery, nightclub or lounge deems its on-site employee to have met the requirements of an exemption, the unvaccinated exempt employee must meet the following requirements when entering or working in such facility:
  - a. Test for COVID-19 at least once per week with either polymerase chain reaction (PCR) or antigen test that either has Emergency Use Authorization (EUA) by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.
  - b. Wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering facepiece respirator, at all times while in the bar, brewery, winery, distillery, nightclub or lounge.

<sup>7</sup> Nightclub means a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided, and/or has as its primary source of revenue (a) the sale of alcohol for consumption on the premises, (b) cover charges, or (c) both. A lounge is defined as a business that operates primarily for the preparation, sale, and service of beer, wine, or spirits. Minors are not allowed in a lounge.

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require patrons to provide proof of full vaccination for entry into the facility to obtain indoor service. Patrons who do not provide proof of full vaccination against COVID-19 may be served in outdoor portions of the facility, where the risk of exposure to COVID-19 is less likely when compared to indoors. Nightclubs and lounges must comply with the [Guidance for Verifying Proof of COVID-19 Vaccination](#) and [Guidance for Verifying Proof of a Negative COVID-19 Test](#) attached to this Order. In addition, by November 4, 2021, all on-site employees must provide their employer with proof of full vaccination against COVID-19 (see footnote 5).

- h) **Restaurants.** These indoor venues serve food or drink indoors and are required to maintain a valid public health permit to operate. Due to the increased risk of transmission at places where persons are indoors and unmasked, the County Health Officer strongly recommends that the operators of these venues reserve and prioritize indoor seating and service for patrons who are fully vaccinated against COVID-19. They should verify the full vaccination status of all patrons, 12 years of age or older, who will be seated indoors for food or beverage service. Patrons who cannot provide proof of full vaccination against COVID-19 should be served in outdoor portions of the facility, where the risk of exposure to the virus that causes COVID-19 is less likely when compared to being indoors. See paragraphs 11.i.a through 11.i.c for further clarification.
- i) For clarity, individuals who do not provide proof of partial or full vaccination at bars, breweries, wineries, distilleries, nightclubs and lounges, may use the outdoor portions of the facility, but may not remain inside the facility except as solely provided in the subsections below:
- a. The individual, who is wearing a well-fitted mask, may enter the indoor portion of the facility as part of their employment to make a delivery or pick-up, provide a service or repair to the facility, or for an emergency or regulatory purpose.
  - b. The individual, who is wearing a well-fitted mask, may enter the indoor portion of the facility to get to the outdoor portion of the facility or to use the restroom.
  - c. The individual, who is wearing a well-fitted mask, may enter the indoor portion of the facility to order, pick-up, or pay for food or drink “to go.”

**REASONS FOR THE ORDER**

12. This Order is based upon the following determinations: continued evidence of sustained and High community transmission of COVID-19 within the County; documented asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that millions of people in the County population continue to be at risk for infection with serious health complications, including hospitalizations and death from COVID-19, due to age, pre-existing health conditions, being unvaccinated or not eligible for vaccination, and the increasing presence of more infectious variants of the virus that causes COVID-19 and which have been shown to cause more severe disease being present in the County; preliminary evidence that suggests that fully vaccinated people who do become infected with the Delta variant can spread the virus to others; and further evidence that other County residents, including younger and otherwise healthy people, are also at risk for serious negative health



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outcomes and for transmitting the virus to others. The Order's intent is to continue to reduce the risk of COVID-19 infection for all, especially those who are not or cannot be fully vaccinated against COVID-19 in the County.

13. Existing community transmission of COVID-19 in Los Angeles County **remains High** and continues to present a **high** risk of infection and harm to the health of those who are not or cannot be vaccinated against COVID-19. COVID-19 vaccinations are widely available to those 12 years and older, but as of August 8, 2021, nearly 2.5 million eligible people age 12 years and older in our community have not received a COVID-19 vaccination and remain susceptible to infection, in addition to the approximately 1.4 million children under the age of 12 years who are not currently eligible to receive a COVID-19 vaccination. New variants of the virus that may spread more easily or cause more severe illness are increasingly present in our county and remain a high risk for those who are not vaccinated against COVID-19 in the absence of other community mitigation measures, like physical distancing requirements and capacity limits in indoor and outdoor settings. As of, **September 16, 2021**, there have been at least **1,439,011** cases of COVID-19 and **25,775** deaths reported in Los Angeles County. Increased interactions among members of the public have resulted in an increased number of daily new cases. As of **September 9, 2021**, the 7-day average daily case rate **is now at 15.1** cases per 100,000 people, indicating High community transmission, in the absence of capacity limits and physical distancing requirements across sectors in both indoor and outdoor settings. Making the risk of community transmission worse, some individuals who contract the COVID-19 virus have no symptoms or have only mild symptoms, and so are unaware that they carry the virus and are transmitting it to others. Because even people without symptoms can transmit the virus, and because new evidence shows the infection is now more easily spread, universal indoor masking is a risk reduction measure that is proven to reduce the risk of transmitting the virus.

14. Epidemiologic evidence demonstrates that the rate of community transmission, hospitalizations and testing positivity rates have all drastically increased since June 15, 2021. Although more than **11,989,705** vaccine doses have been administered and more than **5,899,901** residents ages 12 and older are fully vaccinated against COVID-19 in Los Angeles County, COVID-19 infection remains a significant health hazard to all residents.

In line with the State Public Health Officer, the Health Officer will continue to monitor scientific evidence and epidemiological data within the County.

15. The Health Officer will continue monitoring epidemiological data to assess the impact of lifting restrictions and fully re-opening sectors. Those Indicators include, but are not limited to:

- a) The number of new cases, hospitalizations, and deaths among residents in areas in the lowest Healthy Places Index (HPI) quartile and by race/ethnicity.
- b) The COVID-19 case rate.
- c) The percentage of COVID-19 tests reported that are positive.
- d) The availability of COVID-19 vaccines and the percentage of eligible County residents vaccinated against COVID-19.

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- e) The number of fully vaccinated people who get sick, are hospitalized, or die from COVID-19.

**ADDITIONAL TERMS**

16. The County shall promptly provide copies of this Order by: (a) posting it on the Los Angeles Department of Public Health's website ([www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)), (b) posting it at the Kenneth Hahn Hall of Administration located at 500 West Temple Street, Los Angeles, CA 90012, (c) providing it to any member of the public requesting a copy, and (d) issuing a press release to publicize the Order throughout the County.
- a) The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and download, review and implement all applicable Best Practice Guidance.
- b) Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is encouraged to consult the Los Angeles County Department of Public Health's website ([www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)) daily to identify any modifications to this Order and the Best Practice Guidance and continue to implement these important and necessary infection control protocols.
17. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
18. This Order incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 4, 2020 declarations of a local and public health emergency issued by the Los Angeles County Board of Supervisors and Los Angeles County Health Officer, respectively, and as they may be supplemented.
19. This Order may be revised in the future as the State Public Health Officer amends its guidance to reflect evolving public health conditions and recommendations issued by the federal CDC and other public health authorities. Should local COVID-19 conditions warrant, the Health Officer may, after consultation with the Board of Supervisors, issue orders that are more restrictive than the guidance and orders issued by the State Public Health Officer.
20. This Order is consistent with the provisions in the Governor's Executive Order N-60-20 and the State Public Health Officer's May 7, 2020 Order, that local health jurisdictions may implement or continue more restrictive public health measures in the jurisdiction if the local health officer believes conditions in that jurisdiction warrant them. Where a conflict exists between this Order and any state public health order related to controlling the spread of COVID-19 during this pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080, except where the State Health Officer may issue an order expressly directed at this Order or a provision of this Order and based upon a finding that a provision of this Order constitutes a menace to the public health, any more restrictive measures in this Order may continue to apply and control in the County of Los Angeles Public Health Jurisdiction.

**COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH  
ORDER OF THE HEALTH OFFICER**



- 21. Pursuant to Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and all chiefs of police in all cities located in the Los Angeles County Public Health Jurisdiction ensure compliance with and enforcement 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.
- 22. This Order is issued pursuant to Health and Safety Code sections 101040, 120175, and 120295.
- 23. This Order shall become effective at 11:59pm on **Thursday, October 07, 2021** and will continue to be until it is revised, rescinded, superseded, or amended in writing by the Health Officer.

**IT IS SO ORDERED:**

**9/17/2021**

**Muntu Davis, M.D., M.P.H.**

**Issue Date**

Health Officer,  
County of Los Angeles



## **Appendices At-A-Glance**

**Businesses and customers should continue reviewing best practice documents and sector-specific protocol for designated areas on a regular basis to ensure they are complying with the latest health protection and prevention measures.**

All DPH protocol and best practice documents are available at:

<http://publichealth.lacounty.gov/media/Coronavirus/index.htm>

- Appendix K:** Reopening Protocol for Day Camps [Revised 6/23/2021]
- Appendix K-1:** Reopening Protocol for Overnight Organized/ Children's Camps [Revised 6/14/2021]
- Appendix S:** Protocol for Organized Youth Sports [Revised 8/30/2021]
- Appendix T1:** Reopening Protocols for K-12 Schools [Revised 8/12/2021]
- Appendix T2:** Protocol for COVID-19 Exposure Management Plan in K-12 Schools [Revised 9/8/2021]