

County of Santa Clara
Public Health Department

Health Officer
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
408.792.3798



**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA
ESTABLISHING FOCUSED SAFETY MEASURES TO PROTECT THE
COMMUNITY FROM COVID-19**

DATE OF ORDER: May 18, 2021

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); Santa Clara County Ordinance Code § A1-28; County Ordinance NS-9.291.)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND SANTA CLARA COUNTY ORDINANCE CODE SECTION A18-33, THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA (“HEALTH OFFICER”) ORDERS:

1. Purpose and Intent.

- a. This Order supersedes the October 5, 2020 Risk Reduction Order of the Health Officer (“Prior Order”), and will take effect on the date and time set forth in Section 11 below. This Order puts in place certain local requirements designed to limit transmission of SARS-CoV-2, the virus that causes the Novel Coronavirus Disease 2019 (“COVID-19”). The public health threat from COVID-19 is decreasing in the County. However, COVID-19 continues to pose a risk especially to residents of Santa Clara County (“County”) who are not fully vaccinated, and certain safety measures continue to be necessary to protect against COVID-19 cases and deaths. Vaccines are the most effective method for preventing COVID-19 cases and deaths, and for preventing transmission of COVID-19, and it is therefore important to ensure that as many eligible people as possible are vaccinated against COVID-19. Further, it is critical to ensure there is continued reporting of cases to protect individuals and the larger community. This Order requires specific safety measures, focused on case reporting, vaccination, and use of face coverings indoors. The Health Officer will continue to monitor data regarding the evolving scientific understanding of the risks posed by COVID-19, including the impact of vaccination, and may amend or rescind this Order based on analysis of that data and knowledge. As of the effective date and time of this Order, all individuals and businesses in the County are required to follow the provisions of this Order. Government agencies must also follow the provisions of this Order unless otherwise specified.

- b. The primary intent of this Order is to continue to protect the community from COVID-19 and to also increase vaccination rates to reduce transmission of COVID-19 long-term, so that the whole community is safer and the COVID-19 health emergency can come to an end. All provisions of this Order must be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
 - c. This Order is based on evidence of continued community transmission of SARS-CoV-2 within the County as well as scientific evidence and best practices to prevent transmission of respiratory viruses generally and SARS-CoV-2 specifically.
2. **Applicability.** All individuals, businesses, and other entities in the County are ordered to comply with the applicable provisions of this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when they are in the County. Governmental entities must follow the requirements of this Order applicable to businesses, unless otherwise specifically directed by the Health Officer.
3. **Incorporation of Emergency Proclamations and State Orders.**
 - a. This Order is issued in accordance with, and incorporates by reference, the Governor's March 4, 2020 Proclamation of a State of Emergency; the February 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the County; the County Health Officer's February 3, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19); the February 10, 2020 Resolution of the Board of Supervisors of the County of Santa Clara Ratifying and Extending the Declaration of a Local Health Emergency; and the February 10, 2020 Resolution of the Board of Supervisors of the County of Santa Clara Ratifying and Extending the Proclamation of a Local Emergency.
 - b. This Order is also issued in light of the various Orders of the State Public Health Officer; the Governor's March 19, 2020 Executive Order N-33-20 directing California residents to follow State public health directives; the Governor's May 4, 2020 Executive Order N-60-20; and subsequent orders of the Governor and State Health Officer. These orders expressly acknowledge that local health officers have authority to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer.
4. **Obligation to Follow Stricter Order.** Where a conflict exists between this Order and any order issued by the State Public Health Officer, the Governor, or a State agency (such as the California Division of Occupational Safety and Health (Cal/OSHA)) related to the COVID-19 pandemic, the most restrictive provision controls. For clarity, all individuals and entities must

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comply with the State Order, any mandatory guidance issued by the California Department of Public Health, any mandatory orders of the Governor or a State agency, or any other mandatory provision of State law to the extent it is stricter than any provision of this Order. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except if the State Health Officer issues 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 this County. In addition, to the extent any federal guidelines are inconsistent with this Order, this Order is controlling.

5. **Obligation to Follow Health Officer Directives and Mandatory State Guidance.** In addition to complying with all provisions of this Order, all individuals and entities, including all businesses and governmental entities, must also follow any applicable directives issued by the County Health Officer and any applicable mandatory guidance issued by the California Department of Public Health. To the extent that provisions in the directives of the County Health Officer and the guidance of the State Health Officer conflict, the more restrictive provisions apply.
6. **Definitions.**
 - a. For purposes of this Order, a “business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership, or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure. For clarity, “business” also includes a for-profit, non-profit, or educational entity performing services or functions under contract with a governmental agency.
 - b. For purposes of this Order, “personnel” means the following individuals who provide goods or services or perform operations associated with a business in the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); independent contractors (such as “gig workers” who perform work via the business’s application or other online interface); vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the business.
 - c. For purposes of this Order, a person is “fully vaccinated” two weeks after completion of the entire recommended series of vaccination (usually one or two doses) with a vaccine authorized to prevent COVID-19 by the federal Food and Drug Administration, including by way of an emergency use authorization. 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 or Moderna COVID-19 vaccine or two weeks after receiving the single dose Johnson & Johnson COVID-19 vaccine.

7. **Getting Vaccinated Is the Best Way to Reduce Risk.** Getting vaccinated against COVID-19 is the best way to protect the vaccinated person from infection, hospitalization, and death from COVID-19, as well as to prevent harm to others by reducing the risk of transmission of COVID-19. Therefore, all eligible persons are strongly urged to get vaccinated against COVID-19 as soon as possible.
8. **Face Coverings.** All persons must follow the Health Officer's Mandatory Directive on Use of Face Coverings.
9. **Requirements Applicable to All Businesses and Governmental Entities.**
 - a. **Activities Encouraged to Occur Outdoors.** All businesses and governmental entities should consider moving operations and activities outdoors, where there is significantly less risk of COVID-19 transmission, especially if patrons are unlikely to be vaccinated.
 - b. **Mandatory Reporting Regarding Personnel Contracting COVID-19.** Businesses and governmental entities must require that all personnel immediately alert the business or governmental entity if they test positive for COVID-19 and were present in the workplace either (1) within the 48 hours prior to onset of symptoms or within 10 days after onset of symptoms if they were symptomatic; or (2) within 48 hours prior to the date on which they were tested or within 10 days after the date on which they were tested if they were asymptomatic. In the event that a business or governmental entity learns that any of its personnel is a confirmed positive case of COVID-19 and was at the workplace in this timeframe, the business or governmental entity is required to report the positive case within 24 hours to the County Public Health Department at www.sccsafeworkplace.org. Businesses and governmental entities must also comply with all case investigation and contact tracing measures directed by the County, including providing any information requested within the timeframe provided by the County, instructing personnel to follow isolation and quarantine protocols specified by the County, and excluding positive cases and unvaccinated close contacts from the workplace during these isolation and quarantine periods.
 - c. **Ascertainment of Vaccination Status.** Businesses and governmental entities must ascertain the vaccination status of all personnel. Until a person's vaccination status is ascertained, they must be treated as not fully vaccinated. Personnel who decline to provide vaccination status must also be treated as unvaccinated. Businesses and governmental entities must complete their initial ascertainment of vaccination status for all personnel within 14 days of the effective date of this Order. Thereafter, they must obtain updated vaccination status for all personnel who were not fully vaccinated every 14 days. Business and governmental entities must maintain appropriate records to demonstrate compliance with this provision.

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- d. **Mandatory Rules for Personnel not Fully Vaccinated.** Businesses and governmental entities must require all personnel who are not fully vaccinated to (1) comply with all applicable provisions of the Mandatory Directive on Use of Face Coverings, and (2) comply with all applicable provisions of the Health Officer's Mandatory Directive on Unvaccinated Personnel.
10. **Enforcement.** Pursuant to Government Code sections 26602 and 41601, Health and Safety Code section 101029, and Santa Clara County Ordinance Code section A1-34 *et seq.*, the Health Officer requests that the Sheriff, all chiefs of police in the County, and all enforcement officers ensure compliance with and enforce 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. This Order is also subject to the civil enforcement authority established by Urgency Ordinance No. NS-9.291.
11. **Effective Date.** This Order shall become effective on 12:01 a.m. on Wednesday, May 19, 2021. This Order shall continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
12. **Copies.** Copies of this Order shall promptly be: (1) made available at the County Government Center at 70 W. Hedding Street, San José, California; (2) posted on the County Public Health Department's COVID-19 website (covid19.sccgov.org); and (3) provided to any member of the public requesting a copy of this Order.
13. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:


Sara H. Cody, M.D.
Health Officer of the County of Santa Clara

Dated: 5/18/2021

Approved as to form and legality:


James R. Williams
County Counsel

Dated: 5/18/2021

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