

**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
REQUIRING USE OF FACE COVERINGS INDOORS BY ALL PERSONS**

DATE OF ORDER: August 2, 2021

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. **Background.** This Order is made in light of the recent significant increase in COVID-19 cases and hospitalizations in Santa Clara County (“County”), due primarily to the Delta variant of SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Delta variant is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others. The U.S. Centers for Disease Control and Prevention (CDC) and the California Department of Public Health (CDPH) now both recommend that all persons—regardless of vaccination status—wear face coverings indoors. Vaccination remains the best and most effective tool in preventing COVID-19 and its harms; evidence shows that even against the Delta variant, fully vaccinated individuals have substantial protection against severe illness, hospitalization, and death. In considering options to stem the rapid increase in COVID-19 transmission, a continued increase in the proportion of the population vaccinated is the best measure available. However, universal indoor use of face coverings is the least disruptive and most immediately impactful additional measure to take.
2. **Requirement to Wear Face Coverings Indoors.**
 - a. Regardless of vaccination status, all persons must wear face coverings at all times when indoors except:
 - (1) in their own residence or working in a closed room or office alone or with members of their household;
 - (2) when they are actively performing an activity that cannot be done while wearing a face covering (e.g., actively eating or drinking, swimming or showering in a fitness facility, or obtaining a medical or cosmetic service requiring removal of a face covering); or,
 - (3) as specifically exempted from use of face coverings under the guidance of CDPH at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID->

[19/guidance-for-face-coverings.aspx](#) (e.g., to communicate with someone who is hearing impaired or where a face covering poses a safety risk).

For clarity, this Order does not prohibit any otherwise lawful activity but instead requires the use of face coverings indoors to the maximum extent possible. However, all persons are strongly discouraged from engaging in any activities that require removal of face coverings indoors (e.g., indoor dining), and instead encouraged to choose safer alternatives (e.g., outdoor dining). Even outdoors, individuals are recommended to use face coverings if they are in crowded areas.

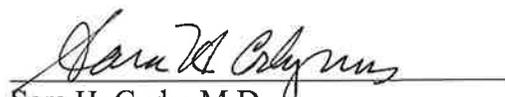
- b. All businesses and governmental entities must enforce this face covering requirement for all personnel and for all customers or members of the public entering their facilities, regardless of vaccination status. All businesses and governmental entities must post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the face covering requirements to all persons entering the facility. In addition, those responsible for indoor public settings are strongly encouraged to provide face coverings at no cost to individuals who do not have one upon entry.
3. **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, or 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.
 4. **Recommendations from the Health Officer.** The Health Officer urges all businesses and governmental entities to follow the recommendations set forth below:
 - a. Businesses and governmental entities should implement mandatory vaccination requirements for all personnel, subject only to the limited exemptions required by law.
 - b. Businesses and governmental entities should move operations and activities outdoors where possible, where there is significantly less risk of COVID-19 transmission. Where this is not possible, ventilation should be maximized.
 - c. Businesses and governmental entities should prohibit all personnel who are not fully vaccinated from engaging in any work-related travel to places with elevated rates of COVID-19, with widespread circulation of variants of concern, or where community vaccination rates are below the average in the Bay Area region.
 - d. Businesses and governmental entities should require all personnel not fully vaccinated to obtain frequent testing for COVID-19 consistent with current local, state, and federal recommendations. Any person, vaccinated or unvaccinated, who has any symptoms consistent with COVID-19 should be tested immediately.

5. **Definitions.** For purposes of this Order, the following definitions apply:
- 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. “Face covering” means a face covering that is well-fitted to an individual and covers the nose and mouth especially while talking, consistent with the guidance of the CDPH at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric or any mask that has an unfiltered one-way exhaust valve.
 - c. “Personnel” means the following individuals who provide goods or services or perform operations associated with a business or governmental entity 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.
6. **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.
7. **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 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.
8. **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.

9. **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.
10. **Effective Date.** This Order is effective at 12:01 am on August 3, 2021. This Order shall continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
11. **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](https://www.sccgov.org/covid19)); and (3) provided to any member of the public requesting a copy of this Order.
12. **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: Aug. 2, 2021

Approved as to form and legality:


James R. Williams
County Counsel

Dated: Aug. 2, 2021

Order Requiring Use of Face Coverings Indoors
By All Persons (Issued August 2, 2021)