

HEALTH OFFICER ORDER NO. 2020-12.3
COUNTY OF SANTA BARBARA

FOR THE CONTROL OF COVID-19
PHASED REOPENING WITHIN SANTA BARBARA COUNTY

Health Officer Order No. 2020-12.3 Supersedes and Replaces Health Officer Order
No. 2020-12.2

Effective Date: July 2, 2020, 5:00 p.m. PDT

(Changes are underlined.)

Please read this Order carefully. Violation of or failure to comply with this Order may constitute a misdemeanor punishable by fine of up to \$1,000, imprisonment, or both. (Health and Safety Code §§ 101029, 120295 et seq.) Violators are also subject to civil enforcement actions including fines or civil penalties per violation per day, injunctive relief, and attorneys' fees and costs.

This Health Officer Order No. 2020-12.3 supersedes and replaces Health Officer Order No. 2020-12.2 that was effective July 1, 2020. Nothing in this Health Officer Order No. 2020-12.3 supersedes State Executive Orders or State Health Officer Orders. COVID-19 industry specific guidance provided by the California Department of Public Health is available at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Guidance.aspx#>

Summary: This Health Officer Order orders the closure of all brewpubs, breweries, bars, and pubs, both indoors and outdoors. Certain additional industries that are listed in Attachment A must cease indoor operations, but may continue to operate outdoors if they are able to and must follow industry-specific State guidance including the use of face coverings and social distancing. Businesses that must stay closed and are not allowed to reopen physical locations at this time are listed in the Attachment A. This Order reaffirms the reopening of some, but not all, Businesses (as defined) within the County of Santa Barbara. Businesses allowed to reopen must comply with requirements to protect against COVID-19 and social distancing.

WHEREAS, on March 4, 2020, Governor Newsom declared a state of emergency for conditions caused by a novel coronavirus, COVID-19, and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic, and on March 12, 2020, the County of Santa Barbara declared a local emergency and a local health emergency in relation COVID-19 in the community; and

WHEREAS, in the County of Santa Barbara as well as throughout California and the nation, there are insufficient quantities of critical healthcare infrastructure, including hospital beds, ventilators and workers, capable of adequately treating mass numbers of patients at a single time – should the virus spread unchecked; and

WHEREAS, in direct response to the lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to “flatten

the curve” of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread; and

WHEREAS, in furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure (the “State Stay-at-Home Order”); and

WHEREAS, also on March 19, 2020, the State Public Health Officer ordered all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations for the federal critical infrastructure sectors, which was updated on March 28, 2020; and

WHEREAS, on March 20, 2020, the State Public Health Officer designated a list of Essential Critical Infrastructure Workers, to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to protect public health and safety, which was updated on March 22, 2020; and

WHEREAS, on May 4, 2020, Governor Newsom issued Executive Order N-60-20 to allow reopening of lower-risk businesses and spaces (“Stage Two”), and then to allow reopening of higher-risk businesses and spaces (“Stage Three”) and to allow a County to pursue a variance to move further into the stages upon notification and certification of a written attestation to the California Department of Public Health (CDPH); and

WHEREAS on May 7, 2020, the State Public Health Officer ordered that upon certification a County may move through the stages of reopening at their own pace as long as the sectors are given guidance from the State about reopening requirements; and

WHEREAS, on May 20, 2020, the CDPH approved and posted to the State’s website the County of Santa Barbara’s Variance Attestation allowing the County to move through the stages; and

WHEREAS, the CDPH issued guidance regarding various businesses and activities including for places of worship and providers of religious services and cultural ceremonies, hair salons and barbershops, schools and school-based programs; childcare; day camps; casinos operated by sovereign tribal nations; music, film and television production; professional sports without live audiences; campgrounds, RV Parks and outdoor recreation; hotels; cardrooms, satellite wagering facilities and racetracks; family entertainment centers; restaurants, bars and wineries; fitness facilities, museums, zoos, aquariums and galleries; extended personal care services; and

WHEREAS, on July 1, 2020, CDPH instructed counties which have been on State’s County Monitoring list for more than three consecutive days to immediately close all bars, breweries, pubs and brewpubs, as well as indoor operations of Businesses for specified industries and sectors. As of July 1, 2020, the County of Santa Barbara has been on the State’s County Monitoring list for 16 days. Therefore, this Order is closing indoor and outdoor bars, breweries, brewpubs and pubs, as well as the indoor Businesses for specified industries and sectors. These Businesses have been found to promote the mixing of populations beyond households. The activities within these Businesses make

adherence to social distancing and consistently wearing a face covering difficult, all of which lead to an increase in community spread of COVID-19; and

WHEREAS, the County Health Officer finds: (1) the County has received repeated reports that some businesses have refused to comply with the State Stay-at-Home Order and State guidance; (2) the reported activities are inconsistent with the State Stay-at-Home Order and/or Stage Two or Stage Three of the California Resilience Roadmap; (3) guidance for businesses is required to prevent the potential increased spread of COVID-19 which would add strain to the County of Santa Barbara health care system; (4) without the guidance and restrictions described herein some businesses are likely to continue to impair efforts at mitigating the spread of the illness both within the County and statewide; and (5) distinctions made in this Order are to minimize the spread of COVID-19 that could occur through proximity and duration of contact between individuals; and

WHEREAS, the intent of this Order is to order businesses in the County of Santa Barbara regarding operations under the State Stay-at-Home Order and the Stage Two and Stage Three of the California Resilience Roadmap, and to slow the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent.

ACCORDINGLY, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, THE HEALTH OFFICER OF THE COUNTY OF SANTA BARBARA ORDERS:

1. This Order 2020-12.3 is effective 5:00 p.m. (PDT) July 2, 2020 and continuing until 5:00 p.m. (PDT), on July 26, 2020 or until it is extended, rescinded, superseded, or amended in writing by the County of Santa Barbara Health Officer ("Health Officer"). This Order applies in the incorporated and unincorporated areas of Santa Barbara County ("County").
2. "Business" or "Businesses" for the purpose of this Health Officer Order is defined to mean any institution, establishment, public or private agency, for-profit, non-profit, or educational entity, whether an organization, corporate entity, partnership, or sole proprietorship.
3. All Businesses except those listed in Attachment A, as attached hereto and incorporated by this reference, may remain open or open, upon completion of, and in accordance with all of the following:
 - a. Perform a detailed risk assessment including reviewing State and local guidance relevant to the Business and create a site-specific protection plan;
 - b. Train employees about how to limit the spread of COVID-19 including how to screen themselves for COVID-19 symptoms and when to stay home. COVID-19 symptoms are described in Attachment B;
 - c. Set up individual control measures and screenings;
 - d. Put disinfection protocols in place;

- e. Observe "Face Covering" orders in effect from the local health officer and/or the California Department of Public Health;
 - f. Complete the RISE attestation, including its social distancing protocol, and self-certification process at: <https://recoveryabc.org/reopen-your-business/>. (if a Business does not have access to the internet it can call 833-688-5551); and
 - g. Post the self-certification at the Business location.
4. **Emergency Food Permit.** Wineries and tasting rooms that serve alcoholic beverages but that do not have an on-site permitted food facility and would like to serve food:
- a. Must obtain an Emergency Food Permit issued by the Santa Barbara County Health Department to temporarily serve food.
 - b. A winery or tasting room in possession of an Emergency Food Permit issued by the Santa Barbara County Health Department may continue to temporarily serve food at their discretion, unless otherwise suspended, revoked, or terminated. (All brewpubs, breweries, bars, and pubs, both indoors and outdoors may not operate at this time regardless of an emergency food permit.)
 - c. A winery or tasting room in possession of an Emergency Food Permit issued by the Santa Barbara County Health Department may cease operations of food service at their discretion, but in doing so may be subject to closure of the physical location.
5. Businesses that must keep physical locations closed are listed in Attachment A, as attached hereto and incorporated by this reference. Businesses listed in Attachment A may continue to provide services so long as those services can be provided remotely and without individuals physical present at the Business location, unless an exception applies. Maintenance to prevent property damage of the Businesses listed in Attachment A is allowed. This list may be amended from time to time, as required for our region's response to COVID-19.

IN ADDITION TO THE ABOVE ORDER THE HEALTH OFFICER STRONGLY RECOMMENDS that retailers designate specific hours of operation for their stores to accommodate populations at high risk of developing severe COVID-19 disease, such as persons over the age of 65 years.

This Order is issued as a result of the worldwide pandemic of COVID-19 which has infected at least 10,857,346 individuals worldwide, in 213 countries and territories, including 3,164 cases, and 29 deaths in the County, and is implicated in over 520,127 worldwide deaths.

This Order is issued based on evidence of continued community-based transmission of COVID-19 both within the County and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

This Order is issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time.

This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially.

This Order is issued in accordance with, and incorporates by reference: the March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 12, 2020 Declaration of Local Health Emergency and Proclamation of Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in the County; the March 17, 2020 Resolution of the Board of Supervisors ratifying the County Declaration of Local Health Emergency and Proclamation of Emergency regarding COVID-19; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; Governor Gavin Newsom's Executive Order N-25-20 of March 12, 2020 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; the March 13, 2020 Presidential Declaration of a National Emergency due to the national impacts of COVID-19; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; the March 16, 2020 order of the State Public Health Officer prohibiting all gatherings with expected presence above ten (10) individuals; Governor Newsom's Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the March 22, 2020, Presidential Declaration of a Major Disaster in California beginning on January 20, 2020 under Federal Emergency Management Agency (FEMA) Incident DR-4482-CA; and, Governor Newsom's Executive Order N-60-20 of May 4, 2020 to allow reopening of lower-risk businesses and spaces ("Stage Two"), and then to allow reopening of higher-risk businesses and spaces ("Stage Three"), and directing the Public Health Officer to establish criteria and procedures to determine whether and how particular local jurisdictions may implement public health measures that depart from the statewide directives of the State Public Health Officer.

This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101040 and 120175; Health and Safety Code sections 101030 et seq., 120100 et seq.; and Title 17 of the California Code of Regulations section 2501.

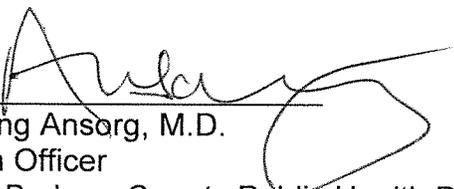
If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall

not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

The violation of any provision of this Order constitutes a threat to public health. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code sections 101029 and 120295, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. Per Health and Safety Code section 101029, "the sheriff of each county, or city and county, may enforce within the county, or the city and county, all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, may enforce within the area subject to his or her jurisdiction all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. This section is not a limitation on the authority of peace officers or public officers to enforce orders of the local health officer. When deciding whether to request this assistance in enforcement of its orders, the local health officer may consider whether it would be necessary to advise the enforcement agency of any measures that should be taken to prevent infection of the enforcement officers."

Copies of this Order shall promptly be: (1) made available at the County Public Health Department; (2) posted on the County Public Health Department's website (publichealthsb.org); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:



Henning Ansorg, M.D.
Health Officer
Santa Barbara County Public Health Department

ATTACHMENT A
HEALTH OFFICER ORDER NO. 2020-12.3
COUNTY OF SANTA BARBARA

Businesses that Must Keep Physical Locations Closed

1. Amphitheaters, concert halls and venues, performing arts centers
2. Amusement and theme parks
3. Arenas
4. Banquet halls
5. Brewpubs, breweries, bars, and pubs, including bars located at permitted food facilities, both indoors and outdoors
6. Cardrooms, except outdoor operations
7. Climbing gyms
8. Community centers
9. Conference and convention centers
10. Dance halls, dances
11. Dine-in Restaurants, except outdoor dining, take-out and delivery
12. Fairs, festivals, public exhibitions
13. Family Entertainment Centers (for example: bowling alleys, miniature golf, batting cages and arcades) except outdoor operations
14. In-person higher education including technical schools, colleges, universities, adult education, and trade schools (distance learning is permitted)
15. Live performance venues, live theatre, and live performances
16. Lounges
17. Movie theatres, except outdoor operations
18. Museums, except outdoor exhibits and operations
19. Music events, concerts
20. Nightclubs including private social clubs
21. Indoor paintball, laser tag, or air soft facilities
22. Parties and Receptions. Wedding ceremonies (religious or non-religious) are permitted so long as the June 12, 2020 CDPH guidance for Places of Worship and Providers of Religious Services available at <https://covid19.ca.gov/pdf/guidance-places-of-worship.pdf/> is followed including (a) indoor venues are limited to 25% of capacity or 100 people whichever is fewer, or (2) outdoor venues are limited by the natural limits that permit social distancing of six feet between people from different households. Receptions for weddings are not allowed.
23. Playgrounds
24. Raceways
25. Rodeos, public equestrian events
26. Roller derby

27. Skating rinks, such as ice and roller (except these facilities may operate on a reservation or appointment-only basis for individual physical fitness activities or skills training following the guidance provided for gyms and fitness centers. No open (public) skating, group practices or team / club events are allowed.)
28. Saunas and steam rooms
29. Organized sports (except professional sports without a live audience)
30. Sports stadiums and facilities (except as necessary for professional sporting events without live audiences)
31. Trampoline and bounce houses
32. Wineries and tasting rooms, except outdoor operations
33. Zoos, except outdoor exhibits and operations

ATTACHMENT B

HEALTH OFFICER ORDER NO. 2020-12.3
COUNTY OF SANTA BARBARA

COVID-19 SELF-EVALUATION

The County Health Officer has defined COVID-19 symptoms as follows:

Mild to Moderate Symptoms Related to or
Other Respiratory Illness such as:

Sore Throat

Runny Nose

Fever

Chills

Not Feeling Well

Sneezing

Coughing

Gastro-Intestinal symptoms such as:

Soft Stool

Stomach Cramps

New loss of smell and/or taste