

HEALTH OFFICER ORDER NO. 2020-12.8
COUNTY OF SANTA BARBARA

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

Health Officer Order No. 2020-12.8 Supersedes and Replaces Health Officer Order No.
2020-12.7

Effective Date: September 23, 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. 2020-12.8 supersedes and replaces Health Officer Order No. 2020-12.7 that was effective August 31, 2020. Nothing in this Health Officer Order supersedes State Executive Orders or State Public 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: On August 28, 2020, the State Public Health Officer ordered an update to the State COVID-19 reopening framework and implemented a four-tier color-coding system. As of August 31, 2020, the County of Santa Barbara is classified as Tier One, "purple" – the highest risk tier. Under the updated framework, some sectors that were previously ordered closed by the State Public Health Officer may reopen with modifications.

Consistent with the State Public Health Officer Order issued August 28, 2020, and State guidance issued September 22, 2020, this Health Officer Order allows the reopening of some, but not all, Businesses within the County of Santa Barbara. Businesses that may remain open, or open indoor operations with modifications include, but are not limited to, hair salons and barbershops, clothing and shoe stores, florists, grocery stores, home and furnishing stores, jewelry stores, libraries, retailers, shopping malls, sporting goods stores, toy stores, physician-ordered electrolysis, and nail salons as listed in Attachment A. Additional Businesses allowed to reopen under this Health Officer Order that were not included in prior orders are underlined. All Businesses (as defined) must follow State and local orders.

Consistent with the State Public Health Officer Order issued August 28, 2020, this Health Officer orders the continued closure of indoor operations for some Businesses such as gyms and fitness centers, places of worship, protests, and offices that are non-essential as listed in Attachment B. Businesses that must stay closed and are not allowed to reopen physical locations at this time are listed in the Attachment B.

Consistent with the State Public Health Officer Order issued August 28, 2020, this Order prohibits "gatherings" large and small, unless an exemption applies.

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. 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, on July 1, 2020, CDPH instructed counties which had 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. On July 13, 2020, the State Public Health Officer ordered counties which had been on the State’s County Monitoring list for more than three consecutive days to close indoor operations of: gyms and fitness centers; places of worship; protests; offices for non-essential

critical infrastructure sectors defined at covid19.ca.gov; personal care services (including nail salons, massage parlors, and tattoo parlors); hair salons and barbershops; and malls; and

WHEREAS, on July 13, 2020, CDPH mandated that all CDPH industry or sector guidance issued must be followed including all infectious control measures, and the use of face coverings both indoors and outdoors in certain settings; and

WHEREAS, on August 28, 2020, the State Public Health Officer ordered an update to the framework for reopening, which is known as California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe. Governor Newsom introduced this framework as the Blueprint for a Safer Economy, with a four-tiered color-coded county classification system: (1) purple represents the highest widespread risk level; (2) red represents substantial risk; (3) orange represents moderate risk; and, (4) yellow the lowest level, represents minimal risk. Counties are prohibited from moving through the tiers more than one tier at a time and must stay at the same tier for at least three weeks; and

WHEREAS, as of September 22, 2020, the County of is classified as a Tier One county, in the "purple", highest risk tier. Under the updated framework, some sectors that were ordered closed by the July 13, 2020 State Public Health Officer Order may reopen with modifications depending on their county's tier classification while others must remain closed; 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, State guidance, and/or local Health Officer Orders; (2) the reported activities are inconsistent with the State Stay-at-Home Order and/or Santa Barbara County's classification tier; (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 County of Santa Barbara's Tier One, "purple", highest risk classification under California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe, 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 2020-12.8 is effective 5:00 p.m. (PDT) September 23, 2020 and continuing until 5:00 p.m. (PDT), on October 22, 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. **Gatherings are not allowed.** As required by the State Public Health Officer Order of May 7, 2020, and March 19, 2020, all gatherings, whether large or small, are prohibited unless exempt.
 - a. A “gathering” is any event or convening that brings together people from different households in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space, whether public or private.
 - b. **Gathering exemptions.** All gatherings that are exempt must comply with State Executive Orders, State Public Health Orders, and State guidance available at [covid19.ca.gov](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/State-Guidance), and Santa Barbara County Health Officer Orders.
 - i. To the extent that Businesses are open, and activities allowed, individuals may leave their homes to work at, patronize, or otherwise engage with those Businesses, or activities, and must, when they do so, continue at all times to practice physical distancing, and follow State and Local Orders;
 - ii. The prohibition on gatherings does not apply to outdoor recreational activities when physical distancing of six feet can be maintained. Examples of recreational activities include, but are not limited to, walking, cycling, jogging, and hiking;
 - iii. The prohibition on gatherings does not apply to congregate living situations, including dormitories, and homeless encampments; and
 - iv. The prohibition on gatherings does not apply to outdoor worship services, outdoor wedding ceremonies, outdoor cultural ceremonies (religious and non-religious), or outdoor protests, when physical distancing of six feet can be maintained.
3. “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.
4. All Businesses except those listed in Attachment B, 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 C;
 - 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. If operating outdoors, a tent, canopy, or other sun shelter may be used as long as no more than one side is closed;
 - g. Complete the RISE attestation, including its social distancing protocol, and self-certification process at: <https://recoverysbc.org/reopen-your-business/>. (if a Business does not have access to the internet it can call 833-688-5551); and
 - h. Post the self-certification at the Business location.

5. Businesses listed in Attachment A, as attached hereto and incorporated by this reference, are subject to the additional modifications described in Attachment A such as outdoor only operations or indoor occupancy limits.
6. Businesses listed in Attachment B, as attached hereto and incorporated by this reference, must keep physical locations closed. Businesses listed in Attachment B 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 B is allowed. This list may be amended from time to time, as required for our region's response to COVID-19
7. **Emergency Food Permit.** Breweries, bars, brewpubs, pubs, 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 brewery, bar, brewpub, pub, 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.
 - c. A brewery, bar, brewpub, pub, 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.

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 31,750,386 individuals worldwide, in 213 countries and territories, including 8,952 cases, and 111 deaths in the County, and is implicated in over 974,030 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; 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; the May 7, 2020, State Public Health Officer Order; the July 13, 2020 State Public Health Officer Order; and the August 28, 2020 State Public Health Officer Order called California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe.

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.

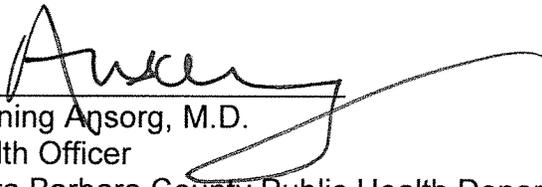
If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue 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:

A handwritten signature in black ink, appearing to read 'Ansgorg', written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

ATTACHMENT A
HEALTH OFFICER ORDER NO. 2020-12.8
COUNTY OF SANTA BARBARA

**Businesses that are subject to additional modifications such as
outdoor operations or indoor occupancy limits**

Businesses listed in this Attachment A must comply with the requirements in Section 4 of this Health Officer Order and the additional modifications described below.

1. Aquariums outdoors only
2. Brewpubs, breweries, bars, and pubs must close until those establishments are allowed to resume operation per state guidance and local permission, unless they are providing sit-down, dine-in meals. Alcohol may only be sold in the same transaction as a meal.
 - a. Brewpubs, breweries, bars, and pubs that provide sit-down meals must follow the CDPH dine-in restaurant guidance, shall offer only outdoor dining, and should continue to encourage takeout and delivery service whenever possible.
 - b. Brewpubs, breweries, bars, and pubs that do not provide sit-down meals, but wish to operate under this Order must obtain an Emergency Food Permit as described above.
 - c. Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals shall follow CDPH guidance for retail operations.
 - d. Producers of beer, wine, and spirits must follow CDPH guidance for manufacturing operations.
 - e. Brewpub, breweries, bars and pubs must offer foodservice during all hours of operation.
 - f. This section also applies to bars located at permitted food facilities.
3. Body waxing studios outdoors only if allowed by the licensing or permitting authority
4. Bookstores with indoor occupancy limited to 25% capacity
5. Cardrooms outdoors only
6. Clothing and shoe stores with indoor occupancy limited to 25% capacity
7. Cultural ceremonies outdoors only
8. Dance studios outdoors only
9. Drive-in theaters outdoors only
10. Education. In-person higher education including technical schools, colleges, universities, adult education, and trade schools. Indoor lectures are prohibited. Courses offered in specialized indoor settings (e.g. labs, studio arts), whose design imposes substantial physical distancing on participants are permitted so long as the CDPH guidance for Institutions of Higher Education available at <https://files.covid19.ca.gov/pdf/guidance-higher->

- education--en.pdf is followed. (Distance learning is allowed.)
11. Electrologists may operate indoors for physician-ordered electrolysis only
 12. Estheticians outdoors only if allowed by the licensing or permitting authority
 13. Family Entertainment Centers (ball pits, bounce centers, bowling alleys, kart racing, miniature golf, batting cages, paintball, air soft facilities, laser tag) outdoors only
 14. Fitness centers, gyms, and studios including but not limited to those for dance, yoga, pilates, crossfit, cycling, boxing, and martial arts outdoors only
 15. Florists with indoor occupancy limited to 25% capacity
 16. Grocery Stores with indoor occupancy limited to 50% capacity
 17. Home and furnishing stores with indoor occupancy limited to 25% capacity
 18. Jewelry stores with indoor occupancy limited to 25% capacity
 19. Libraries with indoor occupancy limited to 25% capacity
 20. Massage therapy studios outdoors only if allowed by the licensing or permitting authority
 21. Movie theatres outdoors only
 22. Museums outdoors only
 23. Nail salons indoors, or outdoors only if allowed by the licensing or permitting authority
 24. Offices for non-essential critical infrastructure sectors, defined at [covid19.ca.gov](https://www.covid19.ca.gov), via remote operations only
 25. Places of Worship outdoors only
 26. Protests outdoors only
 27. Professional sports without live audiences
 28. Raceways or racetracks without spectators outdoors only
 29. Restaurants (dine-in) outdoors only, take-out and delivery allowed
 30. Retailers with indoor occupancy limited to 25% capacity
 31. Satellite wagering sites outdoors only
 32. Schools closed for in-person instruction, except TK-6 instruction with an approved waiver.
 33. Shopping malls with indoor occupancy limited to 25% capacity. Common areas and food court dining areas must remain closed. Food court food facilities may remain open for off-site consumption (take-out or delivery).
 34. Skating rinks, such as ice and roller, outdoors only. (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.)
 35. Skin care and cosmetology services outdoors only if allowed by the licensing or permitting authority
 36. Organized sports and team sports including adult, amateur (non-professional) team sports, and indoor conditioning and drills are not allowed,

except:

- a. Professional sports without a live audience; and
 - b. Youth sports and physical education when all of the following are maintained: (i) outdoors, (ii) physical distancing of at least six feet between participants can be maintained, and (iii) it is a stable cohort, such as a class, that limits the risks of transmission in accordance with CDPH guidance for Youth Sports available at <https://files.covid19.ca.gov/pdf/guidance-youth-sports--en.pdf>; and
 - c. Intercollegiate athletics in compliance with the CDPH Industry Sector Guidance for Institutions of Higher Education – Specific Interim Guidance for Collegiate Athletics available at <https://files.covid19.ca.gov/pdf/guidance-higher-education--en.pdf>.
37. Sporting goods stores with indoor occupancy limited to 25% capacity
 38. Toy stores with indoor occupancy limited to 25% capacity
 39. Wedding ceremonies (religious or non-religious) outdoors only are permitted so long as the CDPH guidance for Places of Worship and Providers of Religious Services available at <https://files.covid19.ca.gov/pdf/guidance-places-of-worship.pdf> is followed. Indoor ceremonies are not allowed at this time. Occupancy at outdoor venues is limited by the natural limits of the venue that permit social distancing of six feet between people from different households. Receptions for weddings are not allowed.
 40. Wineries and tasting rooms outdoors only
 41. Zoos outdoors only

ATTACHMENT B
HEALTH OFFICER ORDER NO. 2020-12.8
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. Climbing gyms
6. Community centers
7. Conference and convention centers
8. Dance halls, dances
9. Electrologists, except for physician-ordered electrolysis only
10. Fairs, festivals, public exhibitions
11. Live performance venues, live theatre, and live performances
12. Lounges
13. Music events, concerts
14. Nightclubs including private social clubs
15. Parties and Receptions.
16. Piercing shops
17. Playgrounds
18. Rodeos and public equestrian events
19. Roller derby
20. Saunas and steam rooms
21. Sports stadiums and facilities (except as necessary for professional and intercollegiate sporting events without live audiences)
22. Swimming Pools Indoors
23. Tattoo Parlors

ATTACHMENT C

HEALTH OFFICER ORDER NO. 2020-12.8
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