



Public Health

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Director

Corwin Porter
Assistant Director

Maxwell Ohikhuare, M.D.
Health Officer

Erin Gustafson, M.D., MPH
Acting Health Officer

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO

FOR THE CONTROL OF COVID-19

DATE OF ORDER: April 23, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295; County Code Section 31.0101 Et. Seq.)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, AND SAN BERNARDINO COUNTY CODE SECTION 31.0101 ET. SEQ., THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO (“HEALTH OFFICER”) ORDERS:

Effective 12:00 a.m. on Saturday, April 25, 2020, and continuing until rescinded, pending further Order of the Health Officer, the following Order will be in effect for the County of San Bernardino (hereinafter the “County”) and consolidates and supersedes all previous COVID-19-related Orders from the Health Officer except for the Order issued on April 6, 2020, titled, “Requirements for All Individuals Entering Certain Licensed Facilities and Other Agencies Who Are Not A Patient, Existing Resident or New Resident”.

1. **Governor’s Order and Term of Orders.** Governor Newsom’s Executive Order N-33-20, including the Order of the California State Public Health Officer issued on March 19, 2020, requires all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain the continuity of operations of the federal Essential Critical Infrastructure Sectors that are defined at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>. All businesses, services, facilities or organizations (businesses) that fall under the Essential Critical Infrastructure Sectors referenced above are Essential businesses. All businesses, services, facilities or organizations that do not fall under the Essential Critical Infrastructure Sectors referenced above are non-Essential and are to remain closed. The Governor’s Executive Order N-33-20 shall remain in effect until rescinded.

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD
First District

JANICE RUTHERFORD
Second District

DAWN ROWE
Third District

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Chairman, Fourth District

JOSIE GONZALES
Vice Chair, Fifth District

Gary McBride
Chief Executive Officer

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2. **Essential Businesses.** Essential businesses that remain in operation shall follow social distancing and infection control guidelines published by the Centers for Disease Control and Prevention (CDC) and the California Department of Public Health (CDPH). Businesses shall identify and implement required measures for social distancing and infection control in each of their facilities. If the measures identified and implemented are not effective in maintaining proper social distancing and infection control, additional measures shall be identified and implemented or the facility shall be closed.
3. **Public or Private Gatherings.** Public or private Gatherings, as defined, are hereby prohibited in the County. A “Gathering” is defined as any event or convening that brings or is likely to bring together two or more people from more than one household or living unit in a single room or space at the same time, such as an auditorium, amphitheater, stadium, arena, room, hall, or any other indoor or outdoor space used for non-Essential purposes, except as provided in Section 4 below. This includes Gatherings at private residences of people who do not live at that residence. This Order does not apply to homeless encampments or Gatherings required for the Essential businesses referenced in Section 1 above.
4. **Public Recreational Activities.** Individuals and those living in the same household or living unit, may engage in outdoor recreational activities at parks, trails and lakes, including, but not limited to, walking, running, hiking, equestrian activities, bicycle riding, boating, golfing, pickleball and tennis. While engaging in outdoor recreational activities, social distancing and face covering requirements must be complied with, gatherings may not occur, ancillary services such as shops, snack bars, concession stands must remain closed, and common surfaces such as picnic tables, playground/exercise equipment and rental equipment may not be utilized. Jurisdictions with public recreational locations such as parks, trails, beaches, lakes and rivers should monitor usage and parking on a regular basis. If usage of a public recreational location results in a failure to comply with social distancing, the responsible jurisdiction should take steps, where feasible, to reduce usage to achieve social distancing. Such steps could include, but are not limited to, closing parking lots, closing the location, or any other reasonable steps to reduce public use. Public exercise and playground equipment should be cordoned off to isolate commonly-touched surfaces.
5. **Face Coverings.** All individuals in San Bernardino County shall wear face coverings over their nose and mouth, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings when in public and when working in Essential businesses, when feasible. Face coverings and care of face coverings are described on the California Department of Public Health website at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx>.
 - a. An owner or operator of an Essential business described in Section 1 of this Order may refuse admission or service to any individual who fails to wear a face covering as required by this Order.
 - b. A face covering is not required for drivers traveling alone or with members of their households, unless they must lower their windows to interact with first responders, food service workers, or others who are not members of their households.
 - c. A face covering is not required for solitary outdoor exercise/activity or for members of the same household engaging in outdoor exercise/activity. If others are present, regardless of social distancing, a face covering is required.

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6. **Staffing at Certain Licensed Facilities.** Staff working at certain licensed facilities and other agencies listed in Attachment A at <http://wp.sbcounty.gov/dph/wp-content/uploads/sites/7/2020/04/Attachment-A-and-B.pdf> shall follow the Order of the Health Officer issued on April 6, 2020, pertaining to:
 - a. temperature screening
 - b. self-evaluation for COVID-19 symptoms and quarantine or self-isolation as appropriate;
 - c. masking of all staff while in a facility; and
 - d. avoiding staff working in multiple facilities.
7. **Persons in High Risk Categories.** Pursuant to Governor Newsom's recommendation on March 15th, a strong recommendation is made that all persons who are 65 years old or older, have a chronic underlying condition, or have a compromised immune system self-quarantine themselves at home.
8. **Persons Exhibiting Symptoms.** Pursuant to recommendations from the Centers for Disease Control and Prevention (CDC), a strong recommendation is made for persons exhibiting mild to moderate symptoms of COVID-19 to self-isolate in their place of residence unless seeking medical treatment. A guide to symptoms is found here: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.
9. **Resource Prioritization.** Pursuant to recommendations from the Centers for Disease Control and Prevention (CDC), hospitals, clinics and healthcare providers should take measures to preserve and prioritize resources including delaying non-emergent or elective surgeries or procedures where feasible.
10. **Lodging and Short-Term Rentals.** Short-term lodging facilities, including hotels, motels, and short-term residential-style rental units, are to cease operations unless they are being used **only** for one of the following two COVID-19 mitigation and containment measures:
 - a. Protecting homeless populations, for example, isolation, quarantine or the housing of displaced persons, or
 - b. Housing workers that are performing Essential Critical Infrastructure functions.

In the event of a question of uncertainty as to whether a particular short-term lodging use falls within the Governor's exemptions for COVID-19 mitigation and containment measures, a written determination from the Health Officer, County Public Health Department Operations Center, or the County Emergency Operation Center, that the use is authorized, or a directive from any of those entities to allow the use, shall be adequate to authorize such use. In the event it is not possible to obtain a determination in writing, such determination may be provided verbally by the above entities and documented by the lodging provider and the County (name of authorizing person, entity, and date/time authorization was made).

11. **Basis for Order.** The Health Officer finds:
 - a. SARS-CoV2 is a highly-contagious virus that has resulted in a global pandemic, and causes COVID-19, a serious illness that is causing an alarming number of deaths.
 - b. Existing community transmission of COVID-19 in the County presents a substantial risk of harm to the health of residents. Currently there is no vaccine available to protect against COVID-19. It is easily spread through person-to-person contact. Public health experts have

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determined that some individuals who contract the virus have no symptoms or have mild symptoms and in many cases they are not aware they are carrying the virus and are unaware they are transmitting the potentially deadly virus to others. In the absence of a vaccine or treatment for COVID-19, restrictions on gatherings and social distancing practices and other safety precautions such as wearing face coverings are essential to slow transmission of and prevent the spread of the disease. These constitute the most effective approach and are based on best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

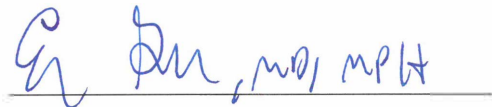
- c. Gatherings and places of public assemblage pose an increased risk for community transmission of COVID-19 and are a substantial risk to public health. There is an increased likelihood that gatherings will attract people from a broad geographical area and there can be a prolonged time period in which large numbers of people are in close proximity. In addition, it is difficult to trace exposure when large numbers of people attend a single event or at a single location. Scientific evidence shows that at this stage of the public health emergency, it remains essential to continue to slow the virus transmission as much as possible to protect the most vulnerable, to prevent the healthcare system from being overwhelmed and to prevent deaths.
12. **Intent of Order.** This Order will help to save lives by reducing the number of Californians who contract COVID-19 before an effective treatment or vaccine is available; protect those most likely to experience severe symptoms, such as older Californians and those with underlying chronic conditions; preserve and protect our healthcare delivery system; and minimize the social and economic impacts of COVID-19 over the long run. Further, this Order seeks to ensure continued operation of Essential businesses and access to Essential businesses by the public, while reducing the risk of spread of or exposure to COVID-19.
 13. **Incorporation of Other Orders.** 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 10, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in San Bernardino County; the March 10, 2020 Resolution of the Board of Supervisors of the County of San Bernardino proclaiming the existence of a Local Emergency in the County of San Bernardino regarding COVID-19; the March 10, 2020 Resolution of the Board of Supervisors of the County of San Bernardino ratifying and extending the Declaration of Local Health Emergency due to COVID-19; and Executive Order N-33-20 of the Governor of California and Order of the State Public Health Officer issued on March 19, 2020.
 14. **Other Guidance.** This Order comes after the release of substantial guidance from the Health Officer, the California Department of Public Health, the Centers for Disease Control and Prevention, and other public health officials throughout the United States and around the world, including but not limited to, the Centers for Disease Control and Prevention’s “Interim Additional Guidance for Infection Prevention and Control for Patients with Suspected or Confirmed COVID-19 in Nursing Homes”, the California Department of Public Health Face Covering Guidance issued on April 1, 2020, and Recommendation Regarding the Use of Cloth Face Coverings from the Centers from Disease Control and Prevention issued on April 3, 2020.

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15. **Legal Authority.** This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.
16. **Severability of Order.** This Order shall not supersede any conflicting or more restrictive orders issued by the State of California or Federal governments, including any requirements regarding child care. If any portion of this Order or the application thereof 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.
17. **Enforcement Authority.** To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, this order is enforceable by the Sheriff and all Chiefs of Police in the County. The violation of any provision of this Order constitutes an imminent threat to public health and is a crime punishable by up to a \$1,000 fine or imprisonment up to 90 days, or both. Code Enforcement Officers with the County of San Bernardino Land Use Services Department, and individuals employed as Registered Environmental Health Specialists with the San Bernardino County Fire District are authorized designees of the San Bernardino County Health Officer for the purpose of investigating and determining whether individuals and businesses are complying with these orders.

Copies of this Order shall promptly be: (1) made available at the County of San Bernardino Health Administration office located at 351 N. Mountain View Ave., #303, San Bernardino, CA 92415; (2) posted on the County of San Bernardino Public Health Department's website (wp.sbcounty.gov/dph); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:



Dr. Erin Gustafson, MD, MPH
Acting Public Health Officer
County of San Bernardino

Dated: April 23, 2020

EMERGENCY REGULATIONS

As Director of Emergency Services for the County of San Bernardino, I am authorized to promulgate regulations for the protection of life and property pursuant to Government Code Section 8634 and San Bernardino County Code section 21.0105. The following shall be in effect for the duration of the Health Officer Order issued above which is incorporated in its entirety by reference: The Health Officer Order shall be promulgated as a regulation for the protection of life and property. Any person who violates or who refuses or willfully neglects to obey this regulation is subject to fine, imprisonment, or both. (Government Code section 8665.)

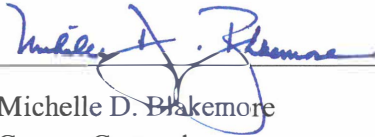
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Dated: April 23, 2020

Gary McBride
Director/CEO
Office of Emergency Services
County of San Bernardino

Approved as to form and legality:



Dated: April 23, 2020

Michelle D. Blakemore
County Counsel
County of San Bernardino