

HEALTH OFFICER ORDER NO. 2020-7.1
COUNTY OF SANTA BARBARA

**AMENDED ORDER 2020-7.1 UPDATES WINERIES, BREWERIES, AND TAP
ROOMS & ADDS SOCIAL DISTANCING REQUIREMENTS**

FOR THE CONTROL OF COVID-19
STAY WELL AT HOME ORDER
CLARIFICATION OF STATE STAY-AT-HOME ORDER
FOR SELECTED BUSINESSES

Effective Date: April 5, 2020, 5:00pm PDT
AMENDMENT 2020-7.1 EFFECTIVE: APRIL 09, 2020 5:00PM PDT

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.

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, which is attached hereto as Attachment B and incorporated by this reference, 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, attached hereto as Attachment C and incorporated by this reference; 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, attached hereto as Attachment D and incorporated by this reference; and

WHEREAS, the County Health Officer intends to clarify specific jobs and functions within the Essential Critical Infrastructure Workers list for the County of Santa Barbara; and

WHEREAS, the County Health Officer finds: (1) the County has received repeated reports that some of the selected business described herein refuse to comply with the State Stay-at-Home Order, (2) the reported activities are inconsistent with the State Stay-at-Home Order, (3) clarification for these businesses activities is required to prevent the potential increase in spreading COVID-19 and adding strain upon the County of Santa Barbara health care system; and (4) without the clarifications and restrictions described herein some of the selected businesses are likely to continue to impair efforts at mitigating the spread of the illness both within the County and statewide.

WHEREAS, the intent of this Order is to provide clarity to select businesses in the County of Santa Barbara regarding operations under the State Stay-at-Home Order 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 AMENDED Order 2020-7.1 is effective 5:00 p.m. (PDT) April 09, 2020. This Order is effective 5:00 p.m. (PDT) Friday April 5, 2020 and continuing until 5:00 p.m. (PDT), on May 4, 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. **Social Distancing Requirements.** All Essential Businesses shall implement social distancing, except when closer contact is required for fire, law enforcement, first responders, childcare, adult or senior care, care to individuals with special needs, and patient care. Social distancing is maintaining at least a six-foot distance from all individuals who are not part of the same household or living unit, and not gathering in groups.

3. **Restaurant Restrictions.** All licensed food facilities, as defined by Section 113789 of the Health and Safety Code, (referred to as “food facility” or “food facilities”) may only prepare and offer food that is provided to customers via delivery service, via pick-up for takeout dining, and via drive-thru. Restaurants, bars, nightclubs, and coffee shops that offer food to consumers may remain open only for purposes of continuing to prepare and offer food to consumers via delivery service, pick-up, or drive-thru.

a. **Procedures for take-out restaurants and entities.** Licensed food facilities that are allowed to prepare and offer food via delivery service, pick-up, or drive-thru must comply with the following procedures:

i. **Containers required.** All food must be completely contained in a suitable container before being transferred to a customer. For example, ice cream cones are not allowed; ice cream scoops in a covered container are allowed. A slice of pizza on a paper plate is not allowed; a slice of pizza in a covered box or securely wrapped in aluminum foil is allowed.

ii. **Facial covers required.** “Facial covers” means a cloth cover that fully covers the tip and nostrils of the nose and the mouth. All food workers shall wear protective facial covering while engaged in food preparation, serving, and kitchen maintenance activities. Facial covers shall be provided by the employer and shall be maintained in a clean and sanitary manner.

iii. **Must consume food away from premises.** The exception for take-out food activities is designed to enable persons who are confined to their places of residence to obtain prepared food to take back to their places of residence for consumption. The take-out food shall not be consumed anywhere within the line-of-sight of a person standing in front of the facility that sold the food. No on-site dining, whether inside or outside (including shared patios, courtyards, or food courts) is permitted. Facilities shall remove, rearrange, or otherwise make unavailable for use all tables, chairs, or other customer seating, or dining fixtures on their premises.

b. **Six-foot spacing must be maintained.** Licensed food facilities that provide and offer food to consumers for pick up must require patrons who are ordering food and beverages to be and remain at least six (6) feet apart from each other while inside the facility. All persons waiting in line or otherwise congregating outside a food facility selling food via take-out, delivery, or drive-thru shall maintain a distance of at least six feet from all other persons. Food facilities shall be responsible for assuring that the six-foot social distancing requirement is observed at all times.

c. **Violators subject to permit suspension.** Food facilities not adhering to the State’s Stay-at-Home Order or this Order may be subject to immediate

permit suspension and mandatory closure for the duration of this Order, including extensions of this Order.

4. **Food facility workers may not work while ill.** “Food facility” or “food facilities” means all licensed food facilities, as defined by Section 113789 of the Health and Safety Code. No food facility worker or volunteer may work or volunteer in a food facility with symptoms of COVID-19.
 - a. The symptoms requiring exclusion from a food facility as defined by the Santa Barbara County Health Officer are found in Attachment A.
 - b. Food facility workers or volunteers who have had symptoms of COVID-19 as defined by the Santa Barbara County Health Officer (Attachment A) shall return to work only when they have been free of symptoms for at least 72 hours without medication AND at least seven (7) days have elapsed since the onset of symptoms.
 - c. The Health Officer recommends food facility operators actively screen all workers and/or volunteers, including those from outside services (such as HVAC, plumbing, or electrical contractors) for COVID-19 symptoms upon each individual’s arrival at the food facility. Individuals who exhibit symptoms consistent with COVID-19 as defined by the Santa Barbara County Health Officer shall be immediately excluded from the facility.
5. **Facility closures without exception.** The following businesses are ordered to close:
 - a. Bars and nightclubs that do not serve food;
 - b. Movie theaters, live performance venues, bowling alleys, and arcades;
 - c. Gyms, and fitness centers, and aquatic centers; and
 - d. Trophy shops or trophy businesses;
 - e. Tattoo parlors, tattoo businesses, tattoo artists, and body art facilities; and
 - f. Barbers, hair salons, and hairstylists.
6. **Wineries, breweries, and tap rooms.** Public access to wineries, breweries, and tap rooms shall close, except for:
 - a. Venues that as of March 16, 2020 were authorized to provide off sale beer and wine to be consumed off premises; or
 - b. Venues that include meals provided by a full kitchen should follow Sections 3 and 4, above, for Restaurant Requirements and food facilities.
7. **Swimming pools and hot tubs to close.** The following facilities shall be closed to all persons: All swimming pools, spas, hot tubs, splash pads, saunas, and steam rooms, except:
 - a. Those located at a single-family residence, which shall be used only by members of the household residing at the single-family residence.
 - b. Medical or therapy pools that provide medically, prescribed, medically

necessary supervised therapy. Therapy sessions should employ social distancing standards of at least six feet at all times possible.

8. **Campground and RV parks to close.** All public and private campgrounds and recreational vehicle (RV) parks shall close, except that persons who certify that their RV is their primary residence may be permitted to stay in the RV park. All persons residing in an RV shall comply with all State and County Health Orders otherwise applicable to residents.
9. **Nail salons, manicurist, and pedicurist to close.** All decorative nail care business, nail salons, manicurists, and pedicurists shall close, except those required for medical necessity, such as treatment for diabetes, or persons taking prescribed blood thinners.
10. **Day spas and massage parlors to close.** All day spas and massage parlors shall close, except those required for medical necessity.

This Order is issued as a result of the worldwide pandemic of COVID-19 which has infected at least 1,074,290 individuals worldwide, in 204 countries and territories, including 139 cases, and one fatality in the County, and is implicated in over 56,989 worldwide deaths.

This Order is issued based on evidence of increasing 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; and 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 4482-DR-CA.

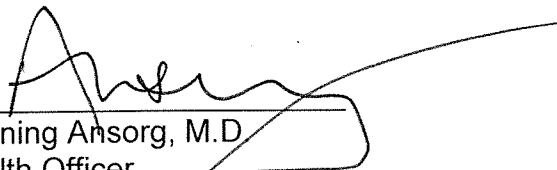
This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101040 and 120175; Health and Safety Code sections 101030 et seq., 120100 et seq.; and Title 17 of the California Code of Regulations section 2501.

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.

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

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

