

November 16, 2021

**C-28**

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Confirm the City Manager's promulgation of the revised Safer at Home Quarantine Order and revised Public Health Emergency Order for the Control of COVID-19, both issued on November 4, 2021, by the City of Long Beach Health Officer as a regulation. (Citywide)

DISCUSSION

On March 19, 2020, the City's Health Officer issued a Public Health Emergency Order (Health Order) to mitigate the effects of COVID-19 within Long Beach. The City's Health Officer has revised the Health Order from time to time, as necessary, to protect public health and safety during this ongoing emergency. On November 4, 2021, the City's Health Officer issued revisions to the Quarantine and Health Orders. The revised Quarantine Order (attached) was issued to implement "Mandatory Requirements for Schools Using the Modified Quarantine Option." The revised Health Order (attached) was issued to:

- Effective November 15, 2021, require K-12 public and private schools to adhere to "Mandatory Requirements for Schools Using the Modified Quarantine Option," where applicable.
- Clarify that Mega Events are required to test attendees two years of age and older.
- Clarify that individuals engaged in performing arts, such as musical or theatrical performances, may perform for an audience without a face mask. This is exception is limited to the period of time in which such tasks are actually being performed. Individuals who cannot feasibly wear a mask while performing their work must be tested for COVID-19 at least twice per week, unless the establishment is provided proof of the individual's full vaccination against COVID-19 or proof recovery from laboratory-confirmed COVID-19 within the past 90 days against COVID-19.
- Clarify that where two or more employees travel in a vehicle together, all employees in the vehicle must wear face masks.

On May 12, 2020, the City Council adopted Long Beach Municipal Code (LBMC) Chapter 8.120, "Temporary Enforcement of Long Beach Health Orders Related to COVID-19," which became effective immediately as an urgency Ordinance. Chapter 8.120 requires, where practicable, the City Council to confirm COVID-19 Health Orders for the sole purpose of authorizing the City Manager's promulgation of such Health Orders. In the event it is not feasible to do this, Chapter 8.120, as amended on January 19, 2021, requires the City Manager to, within 14 days of promulgation of said Health Orders or at the next duly noticed public meeting of the City Council, request the City Council to confirm the City Manager's promulgation of the Health Order. The City Manager's promulgation of the Health Order, and City Council's confirmation of such orders, authorizes enforcement authority of the Health Orders under the Proclamation of Local Emergency and provisions of Chapter 8.120.

This process recognizes the potential need for the City's Health Officer to quickly amend or update, and the City Manager to promulgate as a regulation under the LBMC, City Health Orders that protect life and property as affected by the COVID-19 emergency. The process allows for the City to respond to the rapid development of COVID-19, while ensuring the City Council maintains oversight of the COVID-19 local emergency and the City Manager's promulgation of related orders.

This matter was reviewed by Deputy City Attorney Taylor M. Anderson and by Budget Manager Grace H. Yoon on November 9, 2021.

#### TIMING CONSIDERATIONS

City Council action is requested on November 16, 2021. Confirmation by the City Council of the revised Health and Quarantine Orders is a requirement of LBMC Chapter 8.120.

#### STATEMENT OF URGENCY

LBMC Chapter 8.120 requires the City Manager to, within 14 days of promulgation of said Health Orders or at the next duly noticed public meeting of the City Council, request the City Council to confirm the City Manager's promulgation of the Health Order. The Safer at Home Quarantine and Public Health Emergency Orders were revised and promulgated on November 4, 2021.

#### EQUITY LENS

The City has incorporated the Equity Toolkit into the City's Emergency Operations Center, as requested by the City Council on April 21, 2020. The revised Health Order takes the City's equity approach into consideration when the Health Order is drafted and implemented. The City's enforcement model for compliance with the Health Order prioritizes education with the community first.

#### FISCAL IMPACT

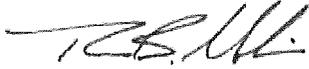
The full fiscal impact of the implementation and enforcement of the revised Health Order is unknown at this time, due to the unprecedented and quickly changing nature of the response to the pandemic. The Health Order and its amendments have an inherent impact on the health of the community and economic activity of Long Beach. There is substantial evidence provided through various public City reporting that the Health Order and its amendments are positively impacting the health and safety of Long Beach residents; and, there is substantial evidence, also provided through other public documents issued by the City, that the Health Order and its amendments are negatively impacting the economy and the City's financial status. As the Health Order is modified from time to time, the modifications are intended to ensure compliance with State directives and to strike a balance, appropriate at the time of modification, between the safety and well-being of residents and other important considerations such as economic impacts. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. B. Modica', written in a cursive style.

THOMAS B. MODICA  
CITY MANAGER

ATTACHMENTS: QUARANTINE ORDER – 11-4-21  
PUBLIC HEALTH EMERGENCY ORDER – 11-4-21

# HEALTH OFFICER ORDER FOR THE CONTROL OF COVID-19

## Quarantine Order

Revised Order Issued: **November 4, 2021**

This Order supersedes the prior Quarantine Order issued by the Long Beach Health Officer (Health Officer) on **September 15, 2021**. This Order is in effect until rescinded in writing by the Health Officer.

### HEALTH OFFICER ORDERS

- I. Definition of Close Contact. For purposes of this Order, a “close contact” is defined as any of the following people who were exposed to a COVID-19 positive person:
  - a. A person who was within 6 feet of a COVID-19 positive person for a total of 15 minutes or more over a 24-hrs period; or
  - b. A person who had unprotected contact with a COVID-19 positive person’s body fluids and/or secretions, such as, hugs or kisses, being coughed or sneezed on, sharing cups or utensils, or providing care without wearing appropriate protective equipment (e.g. facemask and gloves).
- II. Quarantine for Unvaccinated Individuals After Close Contact with a COVID-19 Positive Person.

Unvaccinated individuals who have had close contact with a suspected or confirmed COVID-19 positive person must quarantine for at least 7 days and up to 14 days after COVID-19 exposure. Individuals may discontinue quarantine within the timeframes below if they remain asymptomatic (i.e. do not develop symptoms):

- After Day 10 from the date of the last exposure. Testing 5 to 7 days after exposure is strongly recommended but not required; OR
- After Day 7 if the individual tests by having a diagnostic specimen collected on or after Day 5 from the date of last exposure and the test is negative.

Asymptomatic contacts that discontinue quarantine before Day 14 from the last known exposure must:

- **Self-monitor for COVID-19 symptoms** (fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea) through Day 14 from the last known exposure; AND
- **Strictly adhere to all recommended non-pharmaceutical interventions** (e.g. consistent use of face coverings, avoiding crowds, avoiding poorly ventilated indoor spaces, maintaining a distancing of at least 6 ft from others, frequent handwashing).

Day 0 of quarantine is the day of the last close contact the individual had with a COVID-19 positive person. Day 1 of quarantine begins the following day. Persons required to quarantine by this Order must follow all directions in the "Home Quarantine Guidance for Close Contacts to Coronavirus Disease 2019 (COVID-19)," which is available in [English](#), [Spanish](#), [Khmer](#), and [Tagalog](#).

Given the higher risk and impact of transmission in high risk congregate living settings, people who live in Congregate Care Facilities, correctional facilities, or dormitories must quarantine for 14 days after their last close contact with a COVID-19 positive person.

For purposes of this Order, "Congregate Care Facilities" include the following facilities within the City: Adult Residential Care Facilities (ARF) all license types; Chronic Dialysis Clinic; Continuing Care Retirement Communities; Hospice Facilities; Intermediate Care Facilities of all license types; Psychiatric Health Facilities; Residential Care Facilities for the Elderly; Residential Facility Chronically III; Skilled Nursing Facilities (SNFs); and Social Rehabilitation Facilities.

Private and public K-12 within Long Beach may implement modified quarantine protocol for unvaccinated students in accordance with the CDPH's guidance titled "COVID-19 Public Health Guidance for K-12 Schools in California, 2021-22 School Year", which may be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2021-22-School-Year.aspx>. Effective November 15, 2021, all public and private K-12 must also adhere to the "Mandatory Requirements for Schools Using the Modified Quarantine Option", where applicable, attached as [Appendix AA](#), as it may be amended from time to time.

### III. Quarantine for Vaccinated or Previously Infected Persons After Close Contact with a COVID-19 Positive Person

Vaccinated persons with an exposure to someone with suspected or confirmed COVID-19 are not required to quarantine if they meet all the following criteria:

- Are fully vaccinated from COVID-19 (i.e., more than 2 weeks following receipt of the second dose in a 2-dose series COVID-19 vaccine, or more than 2 weeks following receipt of one dose of a single-dose COVID-19 vaccine); AND
- Have remained asymptomatic (i.e. have not developed any symptoms) since the current COVID-19 exposure

Fully vaccinated persons who do not quarantine should still watch for symptoms of COVID-19 for 14 days following an exposure. Fully vaccinated persons should get tested within 3 to 5 days after their exposure even if they do not have symptoms. Fully vaccinated persons should also strictly adhere to all recommended non-pharmaceutical interventions (e.g. consistent use of face coverings, avoiding crowds, avoiding poorly ventilated indoor spaces, maintaining a distancing of at least 6 ft from others, frequent handwashing) for 14 days following an exposure. If a vaccinated person experiences symptoms of COVID-19, they should self-isolate and be clinically evaluated for COVID-19 by a medical provider, including testing.

Individuals who have tested positive for COVID-19 within the past 3 months and have recovered are not required to quarantine or get tested if they have had close contact with a COVID-19 positive person, as long as they do not develop new symptoms. Individuals who develop symptoms again within 3 months after first testing positive for COVID-19 may need to be tested again if there is no other cause identified for their symptoms. If an individual who has tested positive for COVID-19 within the past 3

months experiences symptoms of COVID-19, they should self-isolate and be clinically evaluated by a medical provider for COVID-19, including testing.

Persons who do not meet the criteria above should continue to follow the "Home Quarantine Guidance for Close Contacts to Coronavirus Disease 2019 (COVID-19)," which is available in [English](#), [Spanish](#), [Khmer](#), and [Tagalog](#), after exposure to someone with suspected or confirmed COVID-19.

This exemption shall not apply to inpatients and residents in Congregate Care Facilities.

#### IV. Isolation Required if Any Person in Quarantine Develops Symptoms of COVID-19

Any individual that develops symptoms must immediately self-isolate, seek COVID-19 testing, and contact their healthcare provider with any questions regarding their care. The requirements in this Section apply to vaccinated individuals as well as unvaccinated individuals and applies regardless of testing or earlier quarantine release. Any person who develops symptoms or tests positive for COVID-19 must follow the [Long Beach Isolation Order](#). The Long Beach Isolation Order and a list of testing sites may be found at [www.longbeach.com/covid19](http://www.longbeach.com/covid19).

### **BACKGROUND AND PURPOSE OF THIS ORDER**

The spread of Coronavirus Disease 2019 (COVID-19) remains a substantial threat to the public's health. Long Beach is currently subject to a declared local health emergency and a proclaimed local emergency due to the COVID-19 pandemic, and the Governor of the State of California proclaimed a state of emergency. All people are at risk for becoming ill with COVID-19, but some people are more vulnerable to serious illness as a result of COVID-19 due to age or underlying health conditions.

The purpose of this Order is to help slow the spread of COVID-19, to protect individuals against serious illnesses and death, and to protect the health care system from a surge of cases into emergency rooms and hospitals. This Order requires that people quarantine at home after close contact with someone with COVID-19. This Order is also issued to align with updated CDC and CDPH guidance.

Quarantine is used to keep someone who has been exposed to COVID-19 and might be infected away from others to prevent COVID-19 from spreading further. Since a significant number of COVID-19 infections are caused by people with no symptoms, quarantining people who have been exposed to COVID-19 is essential to stop the spread of COVID-19.

The CDC and CDPH currently still recommend a quarantine period of 14 days after COVID-19 exposure, based on estimates of the upper bounds of the COVID-19 incubation period. LBDHHS, like CDC and CDPH, recognizes the long duration of quarantine creates economic and personal hardship, impacts people's compliance with quarantine, and may impact the willingness of cases to name close contacts. Therefore, a shorter quarantine is permitted. This Order is amended to align with updated CDC and CDPH Guidance for Fully Vaccinated People, which recommends testing and masking after an exposure if vaccinated. This symptom-based strategy will prevent most, but not all, instances of secondary transmission.

Balancing the burdens of quarantine with the need to prevent spread of COVID-19, CDC the recently gave local public health departments shorter options for quarantine. The CDPH subsequently changed State recommendations for quarantine based on this information from the CDC. Links to CDC and CDPH recommendations may be found below in "Resources".

CDPH recommendations maintain stricter guidelines for those who live or work in higher risk congregate environments such as Congregate Care Facilities, correctional facilities, dormitories given the catastrophic impact of outbreaks in these settings.

This Order does not apply to government employees and other critical infrastructure workers, if the agency, in consultation with the Health Officer, has made a determination that due to CDC guidance that an alternate approach to COVID-19 transmission prevention is necessary in order to ensure continuity of critical services to the community. Healthcare facilities may also adapt their quarantine protocols in to mitigate critical staffing shortages.

### **LEGAL AUTHORITY**

This Order is made under the authority of California Health and Safety Code Sections 101040, 101475, 101085, 120175, 120215, 120220, and 120225. The Health Officer may take additional action(s), which may include civil detention or requiring a person to stay a health facility or other location to protect the public's health if an individual who is subject to this Order violates or fails to comply with this Order.

Violation of this Order is a misdemeanor punishable by imprisonment, fine or both pursuant to California Health and Section Code Section 120275 et seq and Long Beach Municipal Code sections 8.120.030.A and 8.120.030.E.3. Further, pursuant to Section 41601 of the California Government Code, the Health Officer requests that the Chief of Police in the City of Long Beach ensure compliance with and enforcement of this Order. The violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health.

### **RESOURCES**

- Home Quarantine Instructions for Close Contacts to COVID
- Home Isolation Instructions for People with COVID-19
- Public Health Emergency Isolation Order
- California Department of Public Health (CDPH) Guidance
  - 
  - Guidance on Isolation and Quarantine for COVID-19 Contact Tracing (updated on September 1, 2021) <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-on-Isolation-and-Quarantine-for-COVID-19-Contact-Tracing.aspx>
- Centers for Disease Control (CDC) Guidance
  - Interim Clinical Considerations for Use of mRNA COVID-19 Vaccines Currently Authorized in the United States (issued on February 10, 2021) - <https://www.cdc.gov/vaccines/covid-19/info-by-product/clinical-considerations.html>
  - CDC Guidance: When to Quarantine (updated July 29, 2021) - <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>
  - Options to Reduce Quarantine for Contacts of Persons with SARS-CoV-2 Infection Using Symptom Monitoring and Diagnostic Testing (updated December 2, 2020) - <https://www.cdc.gov/coronavirus/2019-ncov/more/scientific-brief-options-to-reduce-quarantine.html>

IT IS SO ORDERED:



Anissa Davis, MD, DrPH,

Health Officer, City of Long Beach

Date: November 4, 2021

#### PROMULGATION OF EMERGENCY REGULATIONS

As Director of Civil Defense for the City of Long Beach pursuant to Long Beach Municipal Code ("LBMC") section 2.69.060.A, and in accordance with the provisions of LBMC Chapter 8.120, I am authorized to promulgate regulations for the protection of life and property as affected by the COVID-19 emergency pursuant to Government Code section 8634, and LBMC sections 2.69.070.A and 8.120.020. The following shall be in effect for the duration of the Long Beach Health Officer Order, HEALTH OFFICER ORDER FOR CONTROL OF COVID-19: Quarantine Order, issued above, which is incorporated in its entirety by reference.

The Long Beach Health Officer Order, HEALTH OFFICER ORDER FOR CONTROL OF COVID-19: Quarantine Order, shall be promulgated as a regulation for the protection of life and property.

Any person who, after notice, knowingly and willfully violates or refuses or neglects to conform to the above referenced lawfully issued Health Order shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment. (Long Beach Municipal Code sections 8.120.030.A and 8.120.030.E.3.)

IT IS SO ORDERED:



Thomas B. Modica

City Manager, City of Long Beach

Date: November 4, 2021

## HEALTH ORDER FOR CONTROL OF COVID-19

Beyond the State's Blueprint for a Safer Economy – SUBSTANTIAL TRANSMISSION

ORDER ISSUED: November 4, 2021

Effective as of 11:59 p.m. on Thursday November 4, 2021

**Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (Ca. Health & Safety Code § 120275 et seq; Long Beach Municipal Code § 8.120.030.A and 8.120.030.E.3)**

**Summary:** This Long Beach Health Officer Order (Order) supersedes all Prior Safer-at-Home Orders and Health Orders for Control of COVID-19: Beyond the State's Blueprint for a Safer Economy (Prior Orders) issued by the Long Beach Health Officer to control the spread of the Novel Coronavirus (COVID-19) within the City of Long Beach (City). This Order continues to require masking indoors in public settings and businesses regardless of vaccination status.

Since this Order may change due to new information and guidance, all persons subject to this Order, including the owner, manager, or operator of any facility that is subject to this Order, is required to consult the Long Beach Department of Health and Human Services' website regularly to identify any modifications to this Order and is required to comply with any updates until this Order is terminated. A digital copy of this Order may be found at [www.longbeach.gov/covid19](http://www.longbeach.gov/covid19) or by scanning the QR Code below.



Changes to this Order include:

- Effective November 15, 2021, requires K-12 public and private schools to adhere to ["Mandatory Requirements for Schools Using the Modified Quarantine Option"](#), where applicable.
- Clarifies that Mega Events are required to test attendees two (2) years of age and older.
- Clarifies that individuals engaged in performing arts, such as musical or theatrical performances, may perform for an audience without a face mask. This exception is limited to the period of time in which such tasks are actually being performed. Individuals who cannot feasibly wear a mask while performing their work must be tested for COVID-19 at least twice per week, unless the establishment is provided proof of the individual's full vaccination against

COVID-19 or proof recovery from laboratory-confirmed COVID-19 within the past 90 days against COVID-19.

- Clarifies that where two or more employees travel in a vehicle together, all employees in the vehicle must wear face masks.

Since June 15, 2021 and after the retiring of the Blueprint for a Safer Economy, community transmission of COVID-19 has rapidly increased from low to substantial. This Order modifies the Prior Orders with regards to mask use. Based on continuously substantially elevated daily new cases of COVID-19, cases are at a level that indicates **substantial** community transmission of the virus that causes COVID-19 based on Centers for Disease Control and Prevention (CDC) indicators, this Order continues to require masking indoors in public settings and businesses, regardless of vaccination status, in an effort to slow the continuously substantial trends in and level of transmission of COVID-19 currently being seen in Los Angeles County, including the City of Long Beach.

COVID-19 daily cases and community transmission remain **substantial**. As of **November 4**, 2021, the 7-day daily average case rate is **9.4** cases per 100,000 people. These trends are similar to those reported by Los Angeles County. This indicates a continued and **substantial** risk of COVID-19 infection for those who are not or cannot be vaccinated against COVID-19. Based upon federal CDC indicators and thresholds, this means that community transmission of COVID-19 within the County of Los Angeles and the City of Long Beach is **substantial**, and likely to increase during the coming weeks as we start to move into the winter months when respiratory viruses, like influenza and SARS-CoV-2, have historically spread more easily.

Everyone must remain vigilant against variants of the virus that causes COVID-19, especially given the substantial levels of transmission locally and in other parts of the world, and due to the fact that the current COVID-19 vaccines may not be effective against these new and emerging variants. At this time, the Delta variant is predominant in Los Angeles County, including Long Beach. The Delta variant is two times as contagious as earlier COVID-19 variants and continues to lead to increased infections. Recent data suggests that the immune response to COVID-19 vaccination might be reduced in some immunocompromised people, which increases their risk of serious health consequences from COVID-19 infection. For the aforementioned reasons, it is prudent to require continued indoor masking for all as an effective public health measure to reduce transmission between people.

This Order is issued to help slow and improve the **substantial** level of community transmission of COVID-19 in Long Beach. This Order's primary intent is to reduce the transmission risk of COVID-19 in Long Beach for everyone, especially those who are not fully vaccinated and fully vaccinated but immunocompromised, in the absence of other protective measures, such as physical distancing requirements and capacity limits. Accordingly, this Order allows businesses, schools, and other activities to remain open while at the same time putting in place certain requirements designed to limit the transmission risk of COVID-19 and contain any COVID-19 outbreaks.

The Health Officer will continue to monitor the rate of COVID-19 disease spread, the severity of the resulting illnesses and deaths caused, California Department of Public Health (CDPH) and Centers for Disease Control and Prevention (CDC) recommendations, and the effect of this Order. If needed, this Order may be extended, expanded, or otherwise modified to protect the public's health.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101475, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY OF LONG BEACH ORDERS AS FOLLOWS:**

1. Continue Practicing COVID-19 Infection Control Measures. All persons living within the City of Long Beach (City) should continue to practice required and recommended COVID-19 infection control measures at all times and when among other persons when in community, work, social, or school settings, especially when multiple unvaccinated persons from different households may be present and in close contact with each other. All persons living within the City must continue to comply with the [City Isolation Order](#) or [City Quarantine Order](#), where applicable.
2. Face Masks. All individuals must follow the requirements included in both the requirements of this Order and the July 28, 2021 Guidance for the Use of Face Coverings issued by the California Department of Public Health”, as it may be amended from time to time, which may be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>, as amended from time to time. These requirements are aligned with July 28, 2021 recommendations issued by the CDC. The CDC recommendations provide information about both indoor and higher risk settings where masks are required or recommended to prevent transmission to: persons with a higher risk of infection (e.g. unvaccinated or immunocompromised persons); persons with prolonged, cumulative exposures (e.g. workers); or persons whose vaccination status is unknown.
  - a. Mask are required for everyone, regardless of COVID-19 vaccination status in the following settings:
    - i. On public transit (examples: airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares);
    - ii. In transportation hubs (examples: airport, bus terminal, marina, train station, seaport or other port, subway station, or any other area that provides transportation);
    - iii. Indoors in K-12 schools, childcare and other youth settings;
    - iv. Healthcare settings (including long term care facilities);
    - v. State and local correctional facilities and detention centers; and
    - vi. Homeless shelters, emergency shelters, and cooling centers; and
    - vii. Indoor and Outdoor Mega Events; and
    - viii. All indoor public settings, venues, public gatherings, and public and private businesses. Examples include:
      - Offices
      - Retail
      - Locations providing food and/or beverage service, while individuals are not actively eating or drinking
      - Theaters
      - Family entertainment centers
      - Gyms and fitness centers

- Meeting spaces
- State and local government offices serving the public
- Common areas and shared spaces in multi-family housing and lodging facilities (e.g. hotels, motels, shared rental units, and other similar facilities). Examples include, but are not limited to, lobbies, parking garages, laundry rooms, social gathering spaces, personal care services and fitness facilities
- Vehicles where more two or more employees are traveling together

Gatherings at private residences are not subject to masking requirements at this time.

- b. Individuals, businesses, and persons operating facilities subject to the requirements in Section 2.a of this Order must:
- i. Require all individuals to wear masks while present in all indoor public settings, regardless of their vaccination status; and
  - ii. Post clearly visible and easy to read signage, with or without having an employee present, at all entry points for indoor and outdoor settings to communicate the masking requirements for individuals.
- c. The following individuals are exempt from wearing masks or permitted to temporarily remove their face mask in the following instances:
- i. Persons younger than two years old. Very young children must not wear a mask because of the risk of suffocation.
  - ii. Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance. Such conditions are rare. Persons exempted from wearing a face mask due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.
  - iii. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication. Special considerations are permitted for people with communication difficulties or certain disabilities. Clear masks or cloth masks with a clear plastic panel that fit well are an alternative type of mask for people who interact with: people who are deaf or hard of hearing, people learning a new language, and people with disabilities.
  - iv. For pedagogical or developmental reasons. In limited situations where a face mask cannot be used for pedagogical or developmental reasons, (e.g., communicating or assisting young children or those with special needs) a face shield with a drape (per CDPH guidelines which may be found at [https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH\\_Document\\_Library/COVID-19/faceshield\\_handout.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH_Document_Library/COVID-19/faceshield_handout.pdf)) can be used instead of a face mask while in the classroom as long as the wearer maintains physical distance from others. Staff must return to wearing a face mask outside of the classroom.

- v. Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
  - vi. Individuals engaged in performing arts, such as musical or theatrical performances, may perform for an audience without a face mask. This exception is limited to the period of time in which such tasks are actually being performed. Individuals who cannot feasibly wear a mask while performing their work must be tested for COVID-19 at least twice per week, unless the establishment is provided proof of the individual's full vaccination against COVID-19 or proof recovery from laboratory-confirmed COVID-19 within the past 90 days against COVID-19.
  - vii. Persons traveling in a car alone or solely with members of their household.
  - viii. Persons who are working in an office, room, or indoor space alone.
  - ix. Persons who are actively eating or drinking at any setting identified in Section 2.a of this Order. "Actively eating or drinking" is limited to the time in which the face mask can be removed briefly to eat or drink, after which it must be immediately put back on. Individuals must be seated at a table or positioned at a stationary counter, ticketed seat, or other stationary place while actively eating or drinking indoors, or while actively eating or drinking at a Mega Event.
  - x. Persons showering or engaging in personal hygiene or a personal care service that requires removal of the face mask.
- d. All persons whose operations are subject to the requirements in Section 2.a must implement measures to clearly communicate to non-employees the masking requirements on their premises.
  - e. No person can be prevented from wearing a mask as a condition of participation in an activity or entry into a business.
  - f. In workplaces, most employers and businesses are subject to the Cal/OSHA COVID-19 [Emergency Temporary Standards \(ETS\)](#) and some to the [Cal/OSHA Aerosol Transmissible Diseases Standards](#) and should consult those regulations for applicable requirements. All employers and businesses subject to Cal/OSHA must review and comply with the active Cal/OSHA ETS. As approved and effective, the full text of the COVID-19 Emergency Temporary Standards will be listed under [Title 8, Subchapter 7, section 3205-3205.4](#) of the California Code of Regulations. All businesses or employers with independent contractors should also review the State Labor Commissioner's Officer webpage titled "[Independent Contractor versus employee](#)", which discusses the employment status of persons hired as independent contractor to ensure the correct application of the ETS. The ETS allow local health jurisdictions to require more protective mandates. This Order, which requires masking of all individuals at Mega Events and at indoor public settings, businesses, and venues regardless of vaccination status in Long Beach, overrides the more permissive ETS regarding employee masking.
3. Mandatory Reporting by Businesses and Governmental Entities. Persons, including businesses and governmental entities, within the City of Long Beach must continue to follow COVID-19 infection control protocols and guidance provided by the Long Beach Department of Health and Human

Services regarding isolation of persons confirmed or suspected to be infected with the virus that causes COVID-19 disease or quarantine of those exposed to and at risk of infection from COVID-19. In instances where the City has not provided a specific guidance or protocol, specific guidance or protocols established by the State Public Health Officer shall control.

- a. In the event that an owner, manager, or operator of any business knows of three (3) or more cases are identified within the workplace within a span of 14 days the employer should report this cluster to the Long Beach Department Health and Human Services at 562-570-INFO.
  - b. In the event that an owner, manager, or operator of any business is informed that one or more employees, assigned or contracted workers, or volunteers of the businesses has tested positive for, or has symptoms consistent with COVID-19 (case), the employer must have a protocol to require the case(s) to isolate themselves at home and require the immediate self-quarantine of all employees that had a workplace exposure to the case(s).
4. Considerations for People at Risk of Severe Illness or Death from COVID-19. At this time, people at risk for severe illness or death from COVID-19 – such as, unvaccinated older adults and unvaccinated individuals with health risks – and members of their household, should defer participating in activities with other people outside their household where taking protective measures (e.g. wearing a face mask and physical distancing) may not occur or will be difficult, especially indoors or in crowded spaces. For those who are not yet fully vaccinated, staying home or choosing outdoor activities as much as possible with physical distancing from other households whose vaccination status is unknown is the best way to prevent the risk of COVID-19 transmission.
  5. Encourage Activities that Can Occur Outdoors. All businesses and governmental entities are urged to consider moving operations or activities outdoors, where feasible, and to the extent allowed by local law and permitting requirements as there is generally less risk of COVID-19 transmission outdoors as opposed to indoors.
  6. Ventilation Guidelines. All businesses and governmental entities with indoor operations are urged to review and implement the Ventilation Guidelines as feasible. See California Department of Public Health Interim Guidance for Ventilation, Filtration and Air Quality in Indoor Environments, which may be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Interim-Guidance-for-Ventilation-Filtration-and-Air-Quality-in-Indoor-Environments.aspx>.
  7. Additional Requirements for High-Risk Health Care and Congregate Settings. This Order incorporates by reference as if fully set forth herein the State Public Health Officer Order of July 26, 2021 titled “Health Care Worker Protections in High-Risk Settings”, as it may be amended from time to time, which requires additional statewide facility-directed measures to protect particularly vulnerable populations in hospitals, acute health care and long-term care settings, high-risk congregate settings and other health care settings. The Order may be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx>. Failure to comply with any requirement set forth in State Public Health Officer Order of July 26, 2021 titled “Health Care Worker Protections in High-Risk Settings” is considered a violation of this Order.
  8. Additional Requirements for Visitors in Acute Health Care and Long-Term Care Settings. This Order incorporates by reference as if fully set forth herein the State Public Health Officer Order of August 5, 2021 titled “Requirements for Visitors in Acute Health Care and Long-Term Care Settings”, as it may be amended from time to time, which requires additional statewide facility-directed measures

to protect particularly vulnerable populations from visitors during indoor visitations at hospitals, skilled nursing facilities, and intermediate care facilities. The Order may be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Requirements-for-Visitors-in-Acute-Health-Care-and-Long-Term-Care-Settings.aspx>.

Failure to comply with any requirement set forth in State Public Health Officer Order of August 5, 2021 titled “Requirements for Visitors in Acute Health Care and Long-Term Care Settings”, is considered a violation of this Order.

9. Health Care Worker Vaccine Requirement. This Order incorporates by reference as if fully set forth herein the State Public Health Officer Order of August 5, 2021 titled “Health Care Worker Vaccine Requirement”, as it may be amended from time to time, which requires additional statewide measures to protect particularly vulnerable populations by requiring workers who provide services or work in certain health care facilities have their first dose of a one-dose regimen COVID-19 vaccine or their second dose of a two-dose regimen COVID-19 vaccine by September 30, 2021. The Order may be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx>. This Order shall additionally apply any requirements in the State Public Health Officer Order of August 5, 2021 titled “Health Care Worker Vaccine Requirement” to dental workers and home health care workers. Failure to comply with any requirement set forth in State Public Health Officer Order of August 5, 2021 titled “Health Care Worker Vaccine Requirement” is considered a violation of this Order.
10. Vaccine Verification Required for Workers in Schools. This Order incorporates by reference as if fully set forth herein the State Public Health Officer Order of August 11, 2021 titled “Vaccine Verification for Workers in Schools”, as it may be amended from time to time, which requires additional statewide measures to protect particularly vulnerable populations by verifying vaccination status among eligible private and public K-12 school workers, and establishes diagnostic screening testing of unvaccinated workers to minimize the risk that they will transmit while on K-12 school campuses, where a majority of students are not vaccinated and younger students are not yet eligible for vaccines. The Order may be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Requirements-for-Visitors-in-Acute-Health-Care-and-Long-Term-Care-Settings.aspx>. Failure to comply with any requirement set forth in State Public Health Officer Order of August 11, 2021 titled “Vaccine Verification for Workers in Schools” is considered a violation of this Order.
11. Sectors that Continue to Require Additional Risk Reduction Measures. The following sectors serve persons and populations that have lower rates of vaccination, persons who are at higher risk of being infected, or persons who are not yet eligible to be vaccinated. As such, these sectors continue to require additional risk reduction measures and must operate subject to the following conditions:
  - a. Day Camps. Day camp owners and operators must implement and post any “CDPH checklist and comply with any CDPH Guidance regarding day camps, which may be found at <https://covid19.ca.gov/safely-reopening/>.
  - b. K-12 Schools. All public and private K-12 schools in the City shall provide instruction in accordance with guidance issued by the State Health Officer for K-12 Schools in California for the 2020-2021 School Year”, as it may be amended from time to time, which may be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2021-22-School-Year.aspx>. Effective November 15, 2021, all public and private K-12 must also adhere to the “Mandatory Requirements for Schools Using the Modified Quarantine Option”, where applicable, attached as [Appendix AA](#), as it may be amended from time to time.

- c. Day Care. Day Care must adhere to guidance issued by the State Health Officer titled “COVID-19 UPDATED GUIDANCE: Child Care Programs and Providers”, as it may be amended from time to time, which may be found at <https://files.covid19.ca.gov/pdf/guidance-childcare--en.pdf>.
- d. Youth Sports. Youth recreational supports must operate in accordance with the [Recreational Sports Protocol](#), as amended from time to time, attached as Appendix W.
- e. Bars, Breweries, Craft Distilleries, and Wineries.
  - i. Bars must require patrons who are 21 years of age or older (and minors 12 years of age or older, where permitted at the establishment) to provide proof of full vaccination against COVID-19 for entry into the establishment to obtain indoor service. Patrons who do not provide proof of full vaccination against COVID-19 may be served in outdoor portions of the facility, where the risk of exposure to COVID-19 is less likely when compared to being indoors.
  - ii. Individuals who do not provide proof of vaccination at Bars may use outdoor portions of the facility, but may not remain inside the facility except as solely provided below provided the individual is wearing a well-fitted mask:
    - 1) The individual may enter the indoor portion of the facility as part of their employment to make a delivery or pick-up, provide a service or repair to the facility, or for an emergency or regulatory purpose.
    - 2) The individual may enter the indoor portion of the facility to get to the outdoor portion of the facility or to use the restroom.
    - 3) The individual may enter the indoor portion of the facility to order, pick-up, or pay for food or drinks for “to go” service.
  - iii. All on-site employees must provide their employer with proof of full vaccination against COVID-19.
    - 1) Employees may be exempt from the COVID-19 vaccination requirements under this subsection only upon providing their employer a declination form, signed by the individual stating either of the following: (1) the employee is declining vaccination based on religious beliefs or (2) the employee is excused from receiving any COVID-19 vaccine due to qualifying medical reasons. To be eligible for a qualified medical reasons exemption the employee must also provide to their employer a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the exemption and indicating the probable duration of the employee’s inability to receive the vaccine. Such written statement of qualifying medical exemption should not describe the underlying medical condition or disability and must indicate if the duration of the employee’s inability to receive the vaccine is unknown or permanent. See the most updated version of the [CDC’s Interim Clinical Considerations for Use](#).
    - 2) If an operator of a Bar deems its on-site employee to have met the requirements of the above-stated COVID-19 vaccination exemption, the

unvaccinated employee must meet the following requirements when entering or working in the establishment:

- a) Test for COVID-19 at least once per week either polymerase chain reaction (PCR) or antigen test that either has Emergency Use Authorization (EUA) by the US Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the US Centers for Medicare and Medicaid Services.
  - b) Wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering facepiece respirator, at all times while at the establishment.
- iv. Bars must comply with the Guidance for Verifying Proof of COVID-19 Vaccination attached to this Order. Acceptable forms of proof of full COVID-19 vaccination status include (a) photo identification of the attendee AND (b) any of the following - a vaccination card, a photo of the vaccination card as a separate document, a photo of the attendee's vaccine card stored on a phone or electronic device, a digital version of the vaccination card (e.g. QR Code), or documentation of the person's full vaccination against COVID-19 from a healthcare provider. The vaccination card must include the name of the person vaccinated, the type of COVID-19 vaccine provided, and the date of the last dose administered.

f. Nightclubs and Lounges.

- i. For purposes of this Order, "nightclub" means a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided, and/or has its primary source of revenue as the sale of alcohol for consumption on the premises, cover charges, or both. For purposes of this Order, "lounge" is defined as a business that operates primarily for the preparation, sale, and service of beer, wine, spirits, hookah, or cigars. Minors are not permitted in a lounge.
- ii. Nightclubs and lounges must require patrons who are 18 years of age or older to provide proof of full vaccination against COVID-19 for entry into the establishment to obtain indoor service. Patrons who do not provide proof of full vaccination against COVID-19 may be served in outdoor portions of the facility, where the risk of exposure to COVID-19 is less likely when compared to being indoors.
- iii. Individuals who do not provide proof of vaccination at nightclubs and lounges may use outdoor portions of the facility, but may not remain inside the facility except as solely provided below provided the individual is wearing a well-fitted mask:
  - 1) The individual may enter the indoor portion of the facility as part of their employment to make a delivery or pick-up, provide a service or repair to the facility, or for an emergency or regulatory purpose.
  - 2) The individual may enter the indoor portion of the facility to get to the outdoor portion of the facility or to use the restroom.

- 3) The individual may enter the indoor portion of the facility to order, pick-up, or pay for food or drinks for “to go” service.
- iv. All on-site employees must provide their employer with proof of full vaccination against COVID-19.
- 1) Employees may be exempt from the COVID-19 vaccination requirements under this subsection only upon providing their employer a declination form, signed by the individual stating either of the following: (1) the employee is declining vaccination based on religious beliefs or (2) the employee is excused from receiving any COVID-19 vaccine due to qualifying medical reasons. To be eligible for a qualified medical reasons exemption the employee must also provide to their employer a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the exemption and indicating the probable duration of the employee’s inability to receive the vaccine. Such written statement of qualifying medical exemption should not describe the underlying medical condition or disability and must indicate if the duration of the employee’s inability to receive the vaccine is unknown or permanent. See the most updated version of the [CDC’s Interim Clinical Considerations for Use](#).
  - 2) If an operator of a nightclub or lounge deems its on-site employee to have met the requirements of the COVID-19 vaccination exemption, the unvaccinated employee must meet the following requirements when entering or working in the establishment:
    - a) Test for COVID-19 at least once per week either polymerase chain reaction (PCR) or antigen test that either has Emergency Use Authorization (EUA) by the US Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the US Centers for Medicare and Medicaid Services.
    - b) Wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering facepiece respirator, at all times while at the establishment.
- v. Nightclubs and lounges must comply with the Guidance for Verifying Proof of COVID-19 Vaccination attached to this Order. Acceptable forms of proof of full COVID-19 vaccination status include (a) photo identification of the attendee AND (b) any of the following - a vaccination card, a photo of the vaccination card as a separate document, a photo of the attendee’s vaccine card stored on a phone or electronic device, a digital version of the vaccination card (e.g. QR Code), or documentation of the person’s full vaccination against COVID-19 from a healthcare provider. The vaccination card must include the name of the person vaccinated, the type of COVID-19 vaccine provided, and the date of the last dose administered.
- g. Restaurants. Due to the increased risk of transmission at places where people are indoors and unmasked, the City Health Officer strongly recommends that the operators of restaurants, which include, brewpubs, breweries, bars, pubs, craft distilleries, and wineries that hold a City-

issued restaurant permit to provide sit-down, dine-in bona fide meals, reserve and prioritize indoor seating and service for patrons who are fully vaccinated against COVID-19. Such establishments should verify the full vaccination status of patrons 12 years or older who will be seated indoors for food or beverage service. Patrons who cannot provide proof of full vaccination against COVID-19 may be served in outdoor portions of the facility, where the risk of exposure to COVID-19 is less likely when compared to being indoors.

- h. *Mega Events*. “Mega Events” are defined as events with large crowds greater than 1,000 attendees indoors per event per day (Indoor Mega Events) and 10,000 attendees outdoors per event per day (Outdoor Mega Events). Mega Events may have either assigned or unassigned seating, and may be either general admission or gated, ticketed, and permitted events. Examples of Mega Events include, but are not limited to, conventions, conferences, expos, sporting events, concerts, music or food festivals, car shows, large endurance events, marathons, parades, and sporting events. These events are considered higher risk for COVID-19 transmission.
- i. Pursuant to Section 2.a of this Order, all attendees of Mega Events must wear face masks at all times at the Mega Event except when actively eating or drinking. Designated areas for eating and drinking are strongly encouraged.
  - ii. All Indoor Mega Events and any Outdoor Mega Events that are ticketed or held in a defined space with controlled points of entry must verify the full COVID-19 vaccination status or pre-entry negative COVID-19 viral test result of all attendees prior to the event.
    - 1) Acceptable forms of proof of full COVID-19 vaccination status include (a) photo identification of the attendee AND (b) any of the following - a vaccination card, a photo of the vaccination card as a separate document, a photo of the attendee’s vaccine card stored on a phone or electronic device, a digital version of the vaccination card (e.g. QR Code), or documentation of the person’s full vaccination against COVID-19 from a healthcare provider. The vaccination card must include the name of the person vaccinated, the type of COVID-19 vaccine provided, and the date of the last dose administered.
    - 2) Pre-entry negative testing must be conducted within 72 hours before the event start time. Both PCR and antigen tests are acceptable forms of pre-entry negative testing. The results of the test must be available prior to entry into the event or venue. Acceptable forms of proof of a negative COVID-19 test result include (a) photo identification of the attendee AND (b) either of the following – a printed document from the test provider or laboratory OR an email or text message displayed on a phone from the test provider or laboratory. The test result should include the person’s name, type of test performed, negative test result, and the date of the test must be within the last 72 hours. **This Section shall apply to attendees two (2) years of age and older.**
    - 3) Indoor Mega Event operators and Outdoor Mega Event operators for events that are ticketed or held in a defined space with controlled points of entry operators must prominently place information on all communications, including reservation and ticketing systems, to ensure guests are aware that proof of pre-entry negative testing or full vaccination status is required. For events taking

place on or after September 20, 2021, self-attestation cannot be used as a method to verify an attendee's status as fully vaccinated against COVID-19 or as proof of a negative COVID-19 test result.

iii. Any Outdoor Mega Event that is not ticketed or held in a defined space with controlled points of entry must adhere to CDPH Guidance titled "Beyond the Blueprint for Industry and Business Sectors" which may be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx> and as it may be amended.

iv. *Additional Recommendations for Outdoor and Indoor Mega Events.*

- 1) Assign staff to remind all guests to wear masks while on the premises or at the location.
- 2) Encourage everyone to get vaccinated when eligible.
- 3) Facilitate increased ventilation of indoor spaces (i.e. open all windows and doors to increase natural air flow), following CDPH Interim Guidance for Ventilation, Filtration and Air Quality in Indoor Environments which may be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Interim-Guidance-for-Ventilation-Filtration-and-Air-Quality-in-Indoor-Environments.aspx>.
- 4) Encourage everyone to sign up for CA Notify at <https://canotify.ca.gov/#section2> as an added layer of protection for themselves and the community to receive alerts when they have been in close contact with someone who tests positive for COVID-19.
- 5) Convey the risk of attending large, crowded events where the vaccination status of other attendees may be unknown to the individuals.
- 6) Convey the risk of attending large, crowded events for populations that may not currently be eligible for vaccination or may be immunocompromised and whose vaccine protection may be incomplete.
- 7) Encourage all venues along any parade or event route to provide outdoor spaces for eating, drinking, or congregating to reduce the risk of transmission in indoor settings.

12. For purposes of this Order, an individual is considered "fully vaccinated" against COVID-19 two weeks or more after they have received the second dose in a 2-dose series (e.g. Pfizer-BioNtech or Moderna) or 2 weeks or more after they have received a single-dose vaccine (e.g. Johnson and Johnson [J&J]/Janssen).

### **PURPOSE AND FINDINGS**

13. Purpose. This Long Beach Health Officer Order (Order) supersedes all Prior Safer-at-Home Orders (Prior Orders) issued by the Long Beach Health Officer. This Order aligns the City with the Governor's directive to move beyond the Blueprint for Business and Industry and the State Public Health Officer's Memoranda of May 21 and June 9, 2021, the State Public Health Officer's Order of June 11, 2021 and updated to align with Los Angeles County's order mandating indoor masking.

14. Intent. This Order's intent is to continue to protect the community from COVID-19, in particular those individuals who are not, or cannot be, fully vaccinated against COVID-19 in the City as other protective measures are removed and to increase vaccination rates to reduce the spread of COVID-19 long-term, so that the whole community is safer and so the COVID-19 pandemic can come to an end.
15. Least Restrictive Means. The orders contained in this Order are necessary and least restrictive preventive measures to control and reduce the spread of COVID-19 in the City, help preserve critical and limited healthcare capacity in the City, and save the lives of City Beach residents.
16. State Law Requires Health Officer to Take Measures Necessary to Prevent the Spread of a Communicable Disease. The California Health and Safety Code section 120175 requires the Health Officer knowing or having reason to believe that any case of a communicable disease exists or has recently existed within the City to take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases. Furthermore, California Health and Safety Code sections 101040 and 101475 grant the Health Officer the authority to take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during a State or local emergency within their jurisdiction.
17. Continuing Severe Health and Safety Risk Posed by COVID-19. This Order is based upon scientific evidence and best practices, as currently known and available, to protect members of the public from avoidable risk of serious illness and death resulting from the spread of COVID-19, as well as to protect the healthcare system from a surge of cases into its emergency rooms and hospitals. This Order is issued based on the following determinations: evidence of continued significant community transmission of COVID-19 within the City; documents asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that people in the City continue to be at risk for infection with serious health complications, including hospitalizations and death from COVID-19, due to age, pre-existing health conditions, being unvaccinated or not eligible for vaccination, and more infectious variants of the virus that causes COVID-19 and which have been shown to cause more severe disease being present in the City; and further evidence that City residents, including younger and otherwise healthy people, are also at risk for serious negative health outcomes and for transmitting the virus to others; the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including hospitalizations and death, from COVID-19; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes.
18. Local Health Conditions Relating to COVID-19. Existing community transmission of COVID-19 in the City is increasing and continues to present a substantial risk of harm to the health of those who are not or cannot be vaccinated against COVID-19. Currently, there is a vaccine available to protect against COVID-19. However, new variants of the virus that may spread more easily or cause more severe illness remain present in the City and remain a risk for those who are not vaccinated against COVID-19. Due to the fact that unvaccinated persons are remain more likely to get infected and spread COVID-19 via the air and concentrates indoors, other measures are necessary until the majority of the population is vaccinated to prevent the spread of COVID-19. . As of **November 4, 2021**, there have been at least **65,397** cases of COVID-19 and **1,046 deaths** reported in the City of Long Beach. Making the risk of community transmission worse, some individuals who contract COVID-19 have no symptoms or have only mild symptoms, and so are unaware that they carry the virus and transmitting to others. Since even people without symptoms can transmit the virus, and

because new evidence shows the COVID-19 is now more easily spread, universal indoor masking is a risk reduction measure that is proven to reduce the risk of transmitting the virus.

19. Epidemiologic evidence demonstrates that the rate of community transmission, hospitalizations and testing positivity rates have all drastically increased since June 15, 2021. Although more than 364,000 vaccine doses have been administered and more than 246,870 residents ages 12 and older are fully vaccinated against COVID-19 in Long Beach, COVID-19 infection remains a significant health hazard to all residents. In line with the State Public Health Officer, the Health Officer will continue to monitor scientific evidence and epidemiological data within the City.
20. Continued Monitoring of Epidemiological Data. The Health Officer will continue monitoring epidemiological data to assess the impact of lifting restrictions and fully re-opening sectors. Those indicators include, but are not limited to:
  - a. The number of new cases, hospitalizations, and deaths among residents in areas in the lowest Healthy Places Index (HPI) quartile and by race/ethnicity.
  - b. The percentage of COVID-19 tests reported that are positive.
  - c. The COVID-19 case rate.
  - d. The availability of COVID-19 vaccines and the percentage of eligible City residents vaccinated against COVID-19.
  - e. The number of fully vaccinated people who get sick, hospitalized, or die from COVID-19.
21. Incorporation of State and Local Emergency Proclamations. This Order is issued in accordance with, and incorporates by this reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the and the March 4, 2020 Proclamation of Local Emergency by the City Manager, and the Declaration of Local Health Emergency by the Health Officer, ratified by the City Council on March 10, 2020, respectively, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.
22. Obligation to Follow Stricter Requirements of Orders. This Order is consistent with the provisions in the Governor's Executive Order N-60-20 and the State Public Health Officer's August 28, 2020 Order that local health jurisdictions may implement or continue more restrictive public health measures if the jurisdiction's Local Health Officer determines that health conditions in that jurisdiction warrant such measures. Where a conflict exists between this Order and any state public health order related to the COVID- 19 pandemic, the most restrictive provision (i.e., the more protective of public health) controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue 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 the City. Also, to the extent any federal guidelines allow activities that are not allowed by this Order, this Order controls.
23. Requirement to Operate Pursuant to Local Licenses and Permits. All businesses permitted to operate pursuant to this Order shall operate in accordance with all current local licenses or permits, including business licenses, health permits, and the like.
24. Authority of the City Manager to Facilitate Business Activities Outdoors. The City Manager or

appropriate designee to develop written protocols to facilitate various business activities outdoors in accordance with City and State health guidelines and Health Orders and in compliance with all other applicable State and Federal laws such as the Americans with Disabilities Act, with emphasis on developing protocols that protect the health, safety and welfare of the community. Any issuance of a permit to operate in an outdoor space is temporary due to the COVID-19 pandemic and does not create a vested property right in any parklet, public right-of-way, or any other property used to facilitate outdoor business operations due to the COVID-19 pandemic.

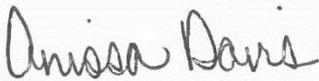
25. Copies of the Order. The City shall promptly provide copies of this Order by: (a) posting it on the Long Beach's Department of Health and Human Services website (<http://www.longbeach.gov/health/>), (b) posting it at the Civic Center located at 411 W. Ocean Blvd., Long Beach, CA 90802, (c) providing it to any member of the public requesting a copy, (d) issuing a press release to publicize the Order throughout the City, and (e) by serving via email on large facilities known to the Health Officer that are likely to be subject to this Order (but service via email is not required for compliance). The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.
- a. The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.
  - b. Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Long Beach Department of Health and Human Services' website (<http://www.longbeach.gov/health/>) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.
26. Severability. If any section, subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
27. Enforcement.
- a. In consultation with the City Attorney and in accordance with Chapter 8.120 of the Long Beach Municipal Code, the City is permitted to discontinue municipal utility service to any business operating in violation of this Order, as appropriate.
  - b. The entities subject to this Order that are not required to close may otherwise remain open for business and perform operations during the duration of this Order under the condition that entities adhere to this Order any state public health order related to the COVID-19 pandemic. Entities permitted to remain open for businesses that do not adhere to this Order may be subject to mandatory closure for the duration of this Order, including any amendment or extension hereto. This Section shall not apply to the Long Beach Airport, or any business identified as federal critical infrastructure therein.
  - c. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both. To protect the public's health, the Health Officer of the City of Long Beach may take additional action(s) for failure to comply with this Order. Violation of this Order is a misdemeanor punishable by imprisonment, fine or both under California Health

and Safety Code Section 120275 et seq and Chapter 1.32 and 8.120 of the Long Beach Municipal Code.

- d. Pursuant to Long Beach City Charter Section 109, Sections 8634 and 41601 of the California Government Code; Sections 101040, 101475, and 120175 of the California Health and Safety Code; and Chapters 8.08, 8.26, and 8.120 of the Long Beach Municipal Code, these Orders and Directives as issued by the Health Officer shall be enforceable by the Chief of Police of the City of Long Beach to ensure compliance with and enforcement of this Order and the Directives set forth herein.
- e. Further, and in addition to the criminal penalties set forth herein, these Orders and Directives as issued by the Health Officer shall be enforceable by the City Manager of the City of Long Beach. For the duration of the declared health emergency, the City Manager is permitted to designate and authorize appropriate employees of the City to issue Administrative Citations and levy civil fines and penalties to those individuals, businesses, and others who are in violation of the Orders and Directives contained herein in accordance with the provisions of Chapter 9.65 of the Long Beach Municipal Code.

28. Effective Date. This Order shall become effective at 11:59 p.m. on November 4, 2021 and will continue to be until it is extended, rescinded, superseded, or amended in writing by the Health Officer.

IT IS SO ORDERED:



Anissa Davis, MD, DrPH,  
Health Officer, City of Long Beach

Date: November 4, 2021

#### PROMULGATION OF EMERGENCY REGULATIONS

As Director of Civil Defense for the City of Long Beach pursuant to Long Beach Municipal Code ("LBMC") section 2.69.060.A, and in accordance with the provisions of LBMC Chapter 8.120, I am authorized to promulgate regulations for the protection of life and property as affected by the COVID-19 emergency pursuant to Government Code section 8634, and LBMC sections 2.69.070.A and 8.120.020. The following shall be in effect for the duration of the Long Beach Health Order, HEALTH ORDER FOR CONTROL OF COVID-19, issued above, which is incorporated in its entirety by reference:

The Long Beach Health Officer Order HEALTH ORDER FOR CONTROL OF COVID-19, shall be promulgated as a regulation for the protection of life and property.

Any person who, after notice, knowingly and willfully violates or refuses or neglects to conform to the above referenced lawfully issued Health Order shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), by imprisonment for a period not exceeding six (6)

months, or by both such fine and imprisonment. (Long Beach Municipal Code sections 8.120.030.A and 8.120.030.E.3.)

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read 'T.B. Modica', with a long horizontal stroke extending to the left.

Thomas B. Modica  
City Manager, City of Long Beach  
Date: November 4, 2021