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## COUNTY HEALTH OFFICER

### AMENDED ORDERS AND STRONG RECOMMENDATIONS OF THE COUNTY OF ORANGE HEALTH OFFICER

REVISED July 14, 2020

In light of the recent increased COVID-19 transmission and hospitalization rate in Orange County, the placement of Orange County on the California Department of Public Health (CDPH) County Monitoring List, and further CDPH directives applicable to the County of Orange, these **AMENDED ORDERS AND STRONG RECOMMENDATIONS** revise the prior AMENDED ORDERS AND STRONG RECOMMENDATIONS, issued by the Orange County Acting Health Officer on July 3, 2020. The July 3, 2020 Amended Orders and Strong Recommendations are no longer in effect as of the effective date and time of these AMENDED ORDERS AND STRONG RECOMMENDATIONS.

Pursuant to California Health and Safety Code sections 101030, 101040, 101470, 120175, and 120130, the County of Orange Acting Health Officer **ORDERS AND STRONGLY RECOMMENDS** as follows:

#### **ORDERS**

Effective immediately, and continuing until further notice, the following shall be in effect in unincorporated and incorporated territories of Orange County, California:

1. **Closure of Bars, Pubs, Breweries, and Brewpubs.** All bar, pub, brewery, and brewpub establishments that do not offer sit-down, dine-in meals shall close until further notice by County Health Officer based on his assessment and evaluation of local epidemiological indicators.

Bars, pubs, breweries, and brewpubs that offer sit-down, dine-in meals shall close their indoor operation but may continue their outdoor operation. Alcohol can only be sold in the same transaction as a meal. They shall also follow the State outdoor dine-in guidance (found at <https://files.covid19.ca.gov/pdf/guidance-outdoor-restaurants.pdf>) and shall continue to encourage takeout and delivery service whenever possible.

Bars, pubs, breweries, and brewpubs that do not offer sit-down, dine-in meals themselves, but contract with another vendor to provide that service, shall close their indoor operation but may continue their outdoor operation if the dine-in vendor follows the outdoor dine-in guidance (found at <https://files.covid19.ca.gov/pdf/guidance-outdoor-restaurants.pdf>) and the bar, pub, brewery, and brewpub establishment sells alcohol only in the same transaction as a meal.

If the outdoor operation is conducted under a canopy or tent, the canopy or tent may be closed only on one side.

Venues that are currently authorized to provide sale of beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals shall follow the guidance for retail operations (found at <https://files.covid19.ca.gov/pdf/guidance-retail.pdf>) and offer curbside sales only, until the CDPH and/or County Health Officer allow additional retail activity.

Producers of beer, wine, and spirits shall follow the guidance for manufacturing operations (found at <https://files.covid19.ca.gov/pdf/guidance-manufacturing.pdf>).

This Order #1 does not authorize the reopening of concert, performance, or entertainment venues. Those types of establishments shall remain closed until they are allowed to resume modified or full operation through a specific reopening order or guidance by CDPH and/or County Health Officer.

2. **Closure of Specific Sectors and Activities.** The indoor operations for the following sectors shall close until further notice by the County Health Officer based on his assessment and evaluation of local epidemiological indicators:

- Dine-in restaurants
- Wineries and tasting rooms
- Movie theaters
- Family entertainment centers (for example: bowling alleys, miniature golf, batting cages and arcades)
- Zoos and museums
- Cardrooms
- Fitness centers
- Worship services
- Indoor protests
- Offices for non-essential sectors (essential sectors are listed at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>)
- Personal care services, like nail salons, body waxing and tattoo parlors
- Hair salons and barbershops
- Malls

This Order #2 does not apply to outdoor or pick-up operations of the above-listed sectors. If the outdoor operation is conducted under a canopy or tent, the canopy or tent may be closed only on one side. The outdoor establishment/business operation shall be in accordance with its respective industry or sector guidance including appropriate physical distancing and face coverings practices. For specific industry or sector guidance, see the following link: <https://covid19.ca.gov/industry-guidance/#top>.

3. **Self-isolation of Persons with COVID-19.** All Orange County residents and visitors who have been diagnosed with or are likely to have COVID-19, as defined below, shall immediately isolate themselves in their home or another residence under the following criteria, as applicable:
- a) Individuals with COVID-19 symptoms shall isolate themselves until: (i) at least 3 days (72 hours) after they have recovered, meaning their fever has resolved without use of fever-reducing medications and their respiratory symptoms (e.g., cough, shortness of breath) have improved; AND (ii) at least 10 days has elapsed from when their symptoms first appeared.
  - b) Individuals who have a positive COVID-19 PCR laboratory test result and are without COVID-19 symptoms shall isolate themselves for 10 days from the date when the specimen for the positive COVID-19 PRC laboratory test result was obtained.

Unless one of the criteria, above, applies, i.e. 1.a) or 1.b), the individual may not leave his or her place of isolation except to receive necessary medical care.

A person is considered to be diagnosed with or likely to have COVID-19, if the person has:

- a) Received a positive COVID-19 PCR laboratory test result; and/or
- b) Been informed by a physician that he or she is likely to have COVID-19 and/or;
- c) Signs and symptoms that are consistent with COVID-19 (i.e., new onset of fever, cough, shortness of breath or trouble breathing).

If a more specific isolation order is issued by the County of Orange Health Officer for any county resident, that order shall be followed instead of this order.

This self-isolation order DOES NOT in any way restrict access by first responders to an isolation site during an emergency.

4. **Self-Quarantine of Persons Exposed to COVID-19.** All Orange County residents and visitors who know that they have been in close contact, as defined below, with a person diagnosed with or likely to have COVID-19 shall take the following actions:
- a) Quarantine themselves in their home or another residence until 14 days from the last date that they were in close contact with a person that has been diagnosed with or likely to have COVID-19.

Exposed persons shall self-quarantine themselves for the entire 14-day COVID-19 incubation period, the typical time between exposure and when symptoms and signs of the disease may develop. They may not leave their place of quarantine except to receive necessary medical care or to obtain such other goods or services necessary for their basic subsistence.

Close contact refers to any person who has been within 6 feet of an infectious COVID-19 person for 15 minutes or more. A person who is diagnosed with or likely to have COVID-19 is considered infectious from 48 hours before his or her symptoms first appeared until the person is no longer required to be isolated.

If a more specific quarantine order is issued by the County of Orange Health Officer for any county resident, that order shall be followed instead of this order.

This self-quarantine order DOES NOT in any way restrict access by first responders to a quarantine site during an emergency.

This self-quarantine SHALL NOT APPLY to health care providers and emergency responders, as defined by the U.S. Department of Labor (see Question 56 and 57, respectively, available at <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>).

5. **Checklist and Attestation Posting Requirements for Businesses, Industries, and Entities Allowed to Reopen in Orange County.** All businesses, industries, and entities listed on the State's <https://covid19.ca.gov/industry-guidance/#top> that reopen in Orange County as part of the various Stages of the State's Resilience Roadmap shall post their corresponding industry-specific checklist at a location visible to the public at the public entrance of each property.

In addition to the foregoing industry-specific checklist, all businesses, industries, and entities shall post a separate document at a location visible to the public at the public entrance of each property that specifically includes an attestation by the business, industry, or entity owner and/or operator that it has:

- a) Performed a detailed risk assessment and implemented a site-specific protection plan;
- b) Trained employees on how to limit the spread of COVID-19, including how to screen themselves for symptoms and stay home if they have them;
- c) Implemented individual control measures and screenings;
- d) Implemented disinfecting protocols; and
- e) Implemented physical distancing guidelines.

Pursuant to CDPH guidance for variance counties, certain sectors of the economy may re-open only with the approval of the County Health Officer following a review of local epidemiological data by the County Health Officer. Please refer to <https://covid19.ca.gov/industry-guidance/#top>. For these sectors, please do not submit to the County Health Officer any documents for review and approval. Instead, please refer to <https://www.ochealthinfo.com/about/admin/pubs/press> for current information as to which sectors have been authorized by the County Health Officer to re-open.

As specified above, certain sectors shall not re-open their indoor operations until further notice by the County Health Officer based on his assessment and evaluation of local epidemiological indicators. See Order # 1 and 2, above. Furthermore, bars, breweries, pubs, and brewpubs shall operate only in accordance with Order # 1, above.

6. **Wear a Cloth Face-Covering.** To help prevent the spread of droplets containing COVID-19, all County residents and visitors shall wear face coverings in certain high-risk situations, as required by the *Guidance for the Use of Face Coverings* issued by California Department of Public Health on June 18, 2020. The Guidance is attached as Exhibit A and also available at [https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/C/COVID-19/Guidance-for-Face-Coverings\\_06-18-2020.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/C/COVID-19/Guidance-for-Face-Coverings_06-18-2020.pdf). Please refer to Exhibit A for a list of high-risk situations wherein County residents and visitors shall wear a face covering, and for a list of individuals who are exempt from wearing a face covering.

### **STRONG RECOMMENDATIONS**

Effective immediately, and continuing until further notice, the following shall be in effect in unincorporated and incorporated territories in Orange County, California:

1. **Maintain Six Feet of Physical Distancing.** All Orange County residents and visitors should maintain at least 6 feet of physical distance from another person who is not a family/household member or live in the same living unit, when (i) in a public place; (ii) visiting a retail, commercial or other place of business; or (iii) at work.
2. **For Vulnerable Population.** All Orange County residents who are 65 years old or older; have serious underlying medical conditions (for example, chronic lung disease, moderate to severe asthma, serious heart conditions, severe obesity, diabetes, chronic kidney disease undergoing dialysis, liver disease); or have a compromised immune system should remain at home consistent with guidance provided by the California Department of Public Health (CDPH) available at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID->

[19/PublicHealthGuidanceSelfIsolationforOlderAdultsandThoseWhoHaveElevatedRisk.aspx](#).

3. **Other Recommendations.** All Orange County residents should avoid contact with people who are sick; not gather in groups; stay out of crowded places; avoid mass gatherings; wash hands frequently; wash face coverings frequently; cover coughs and sneezes; and clean and disinfect frequently touched surfaces daily, including tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks.

### **GENERAL PROVISIONS**

1. These Amended Orders and Strong Recommendations shall not supersede any conflicting or more restrictive orders issued by the State of California or federal government. If any portion of these Amended Orders and Strong Recommendations or the application thereof to any person or circumstance is held to be invalid, the remainder of the Amended Orders and Strong Recommendations, 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 these Amended Orders and Strong Recommendations are severable.
2. The orders contained in these Amended Orders and Strong Recommendations may be enforced by the Orange County Sheriff or Chiefs of Police pursuant to California Health and Safety Code section 101029, and California Government Code sections 26602 and 41601. A violation of a health order is subject to fine, imprisonment, or both (California Health and Safety Code section 120295).

### **REASONS FOR THE ORDERS AND STRONG RECOMMENDATIONS**

1. On February 26, 2020, the County of Orange Health Officer declared a Local Health Emergency based on an imminent and proximate threat to public health from the introduction of a novel coronavirus disease (COVID-19) in Orange County.
2. On February 26, 2020, the Chairwoman of the Board of Supervisors, acting as the Chair of Emergency Management Council, proclaimed a Local Emergency in that the imminent and proximate threat to public health from the introduction of COVID-19 created conditions of extreme peril to the safety of persons and property within the territorial limits of Orange County.
3. On March 2, 2020, the Orange County Board of Supervisors adopted Resolutions No. 20-011 and No. 20-012 ratifying the Local Health Emergency and Local Emergency, referenced above.
4. On March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19.

5. There is currently no vaccine to prevent COVID-19. According to the Centers for Disease Control and Prevention (CDC), the best way to prevent COVID-19 is to avoid being exposed to the novel corona virus. According to the CDC, the novel corona virus is thought to spread mainly from person-to-person due to the following: (1) between people who are in close contact with one another (within about 6 feet); (2) through respiratory droplets produced when an infected person coughs, sneezes or talks; (3) these droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs; (4) some recent studies have suggested that COVID-19 may be spread by people who are not showing symptoms. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.
6. According to the CDC everyone should (1) wash their hands often with soap and water for at least 20 seconds (or use hand sanitizer that contains at least 60% alcohol when soap and water is not readily available) especially after having been in contact in a public place, or after blowing their nose, coughing, or sneezing; (2) avoid contact with people who are sick, stay at least 6 feet from other people, not gather in groups, stay out of crowded places, and avoid mass gatherings; (3) cover their mouth and nose with a cloth face cover when around others when they are out in public; (4) cover coughs and sneezes; and (5) clean and disinfect frequently touched surfaces daily, including tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.
7. The CDC recommends that everyone wear cloth face coverings when leaving their homes, regardless of whether they have fever or symptoms of COVID-19. This is because of evidence that people with COVID-19 can spread the disease, even when they don't have any symptoms. Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance. See <https://www.cdc.gov/coronavirus/2019-ncov/downloads/cloth-face-coverings-information.pdf>.
8. The CDPH also issued a Guidance for the Use of Face Coverings on June 18, 2020, available at [https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings\\_06-18-2020.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings_06-18-2020.pdf). The Guidance requires people in California to wear face coverings in certain enumerated high-risk situations, and provides a number of exemptions, as well as providing a description of what is a face covering.
9. According to the CDC, COVID-19 is a new disease and there is limited information regarding risk factors for severe disease. Based on currently available information and clinical expertise, older adults (65 years older and older), people who live in a nursing home or long-term care facility, and people of any age who have serious underlying medical conditions might be at higher risk for severe illness from COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>. According to the CDC, this at higher risk population should stay

home (if possible) and practice social distancing of at least 6 feet both in and outside the home. See <https://www.cdc.gov/coronavirus/2019-ncov/downloads/COVID19-What-You-Can-Do-High-Risk.pdf>. See also <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/PublicHealthGuidanceSelfIsolationforOlderAdultsandThoseWhoHaveElevatedRisk.aspx>.

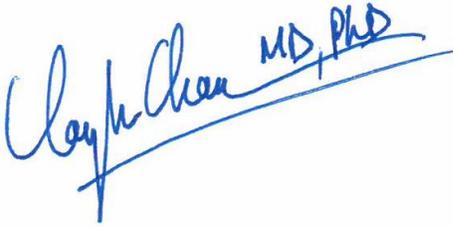
10. The orders and the strong recommendations contained herein are based on the fact that there is currently no vaccine to protect against COVID-19, and no proven therapeutic treatment for it; scientific evidence regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the older adults (65 years older and older), people who live in a nursing home or long-term care facility, and people of any age who have serious underlying medical conditions from avoidable risk of serious illness or death resulting from exposure to COVID-19.
11. As of July 13, 2020, there are 25,255 reported COVID-19 cases and 424 COVID-19 related deaths in Orange County (see <https://occovid19.ochealthinfo.com/coronavirus-in-oc>); as of July 13, 2020, there are 329,162 reported COVID-19 cases and 7,040 COVID-19 related deaths in State of California (see <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx#COVID-19%20by%20the%20Numbers>); there remains a strong likelihood of a significant and increasing number of cases of community transmission; some individuals who contract the novel coronavirus have no symptoms or have only mild symptoms, and so are unaware that they carry virus and are transmitting it to others; evidence shows that the novel coronavirus can survive for hours or even days on surfaces and can be indirectly transmitted between individuals.
12. The age, condition, and health of a significant portion of Orange County population place them at risk for serious health complications, including hospitalization and death, from COVID-19. Younger and otherwise healthy people are also at risk for serious negative health outcomes and for transmitting the novel coronavirus to others.
13. Orange County was placed on the County Monitoring List on June 29, 2020. See <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/CountyMonitoringDataStep2.aspx>.
14. In accordance with the CDPH *Guidance on Closure of Sectors in Response to COVID-19* (available at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-on-Closure-of-Sectors-in-Response-to-COVID-19.aspx>), community spread of COVID-19 infection is of increasing concern across the State, and in particular for those counties on the County Monitoring List. Beyond the impact on the general population, community spread increases the likelihood of expanded transmission of

COVID-19 in congregate settings such as nursing homes, homeless shelters, jails and prisons. Infection of vulnerable populations in these settings can be catastrophic, both in terms of high rates of morbidity and mortality of individual residents, as well as through the high demand such infections would place on the hospital delivery system. Higher levels of community spread also increase the likelihood of infection among individuals at high risk of serious outcomes from COVID-19, including the elderly and those with underlying health conditions who might live or otherwise interact with an infected individual. California's Pandemic Resiliency Roadmap for reopening is a risk-based framework that guides state and local governments on a path to re-opening industries under strict workplace modifications. Those sector operations listed under Orders #1 and #2, above, are all high risk of transmission due to a number of features of the businesses and the behaviors that occur within them. These sectors, foundationally, are settings where groups convene and may mix with others for prolonged periods without appropriate protective equipment, such as a face covering. For example, it is difficult to consistently wear a face covering in a restaurant. Additionally, physical movement within the establishment, duration of time spent in the establishment, and the degree of social mixing among individuals and groups outside one's household are all significant in these sectors, which substantially elevates the risk of transmission even where face coverings can be worn. The risk is particularly high in indoor settings. Reinstating indoor closures among these sectors is not only important because of data from counties on the monitoring list, but because the science of disease transmission and from recent studies have shown that the transmissions is greater in indoor settings due to the release of infectious particles into the air when someone speaks, coughs, sneezes, or sings, which is exacerbated in indoor spaces particularly when lacking appropriate ventilation. Furthermore, in some of these sectors centered on eating and drinking, compliance with face coverings is not possible for the full duration of time someone spends in these establishments. Additionally, the workforce of these sectors face higher exposure to diseases transmission because of the environment in which they work. A recent study published by the Centers for Disease Control and Prevention, for example, demonstrates clearly the effect of a single asymptomatic carrier in a restaurant environment. The study shows that approximately 50 percent of the people at the infected person's table become sick over seven (7) days, 75 percent of the people on the adjacent table that is downwind in the interior ventilation system become infected, and even two of seven people on the upwind table become infected. (See Lu, J., Gu, J., Li, K., Xu, C., Su, W., Lai, Z.... Yang, Z. (2020). COVID-19 Outbreak Associated with Air Conditioning in Restaurant, Guangzhou, China, 2020. *Emerging Infectious Diseases*, 26(7), 1628-1631. <https://dx.doi.org/10.3201/eid2607.200764>). Physical distancing also protects an individual with brief exposures or outdoor exposures. When distanced, there is not enough time to achieve the infectious viral load when standing six (6) feet apart or where wind and the infinite outdoor space for viral dilution reduces viral load. (See Nishiura et al. (2020). Closed environments facilitate secondary transmission of coronavirus disease 2019 (COVID-19). <https://www.medrxiv.org/content/10.1101/2020.02.28.20029272v2>). A study, which still needs to be peer-reviewed, suggests that the odds an infected person transmitting

the virus in a closed environment was 18.7 times greater compared to an open-air environment. Alcohol consumption slows brain activity, reduces inhibition, and impairs judgment, factors which contribute to reduced compliance with recommended core personal protective measures, such as the mandatory use of face coverings and maintaining six feet of distance from people outside of one's own household, making outdoor operations for brewpubs, breweries, bars, and pubs challenging, further creating opportunities for virus transmission and thus need for closure. Additionally, there is a growing body of evidence tracing large COVID-19 outbreaks in both urban and rural states, to indoor and outdoor operations of bars. In the setting of an increasing body of evidence demonstrating that transmission is decreased when activities are conducted outside, and risk for exposure is increased when mixing beyond those with whom one lives, in an effort to mitigate to potential spread of COVID 19, the state is requiring that settings where patrons gather to be served or participate in the businesses' primary activity be moved outdoors.

15. The orders and strong recommendations contained herein are necessary preventive measures to control and reduce the spread of COVID-19 in Orange County, help preserve critical and limited healthcare capacity in Orange County, and thereby save the lives of Orange County residents.
16. The California Health and Safety Code section 120175 requires the County of Orange Health Officer knowing or having reason to believe that any case of a communicable disease exists or has recently existed within the County to take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.
17. The California Health and Safety Code sections 101030 and 101470 require the county health officer to enforce and observe in the unincorporated territory of the county and within the city boundaries located with a county all of the following: (a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters; (b) Orders, including quarantine and other regulations, prescribed by the department; and (c) Statutes relating to public health.
18. The California Health and Safety Code section 101040 authorizes the County of Orange Health Officer to take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by Section 8558 of the Government Code, within his or her jurisdiction. "Preventive measure" means abatement, correction, removal or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health.
19. The California Health and Safety Code section 120130 (d) authorizes the County Health Officer to require strict or modified isolation, or quarantine, for any case of contagious, infectious, or communicable disease, when such action is necessary for the protection of the public health.

**IT IS SO ORDERED:**

A handwritten signature in blue ink that reads "Clayton Chau MD, PhD". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Clayton Chau MD, PhD  
Acting County Health Officer  
County of Orange