



Health, Housing & Community Services Department  
Public Health Officer

**ORDER OF THE HEALTH OFFICER  
OF THE CITY OF BERKELEY  
REQUIRING MEMBERS OF THE PUBLIC AND WORKERS TO WEAR  
FACE COVERINGS**

DATE OF ORDER: June 5, 2020

**Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*)**

Summary: Since March 2020, the City of Berkeley (the “City”), its citizens, and the Bay Area have collectively worked together to reduce the spread of SARS-CoV-2, the virus that causes coronavirus disease 2019 (“COVID-19”) and that is the cause of the global pandemic. These efforts have shown enough success that the City’s Health Officer continues to allow the careful, gradual return of more business, social, and other activities. As the City adds these additional components, more and more people will be interacting with each other in person, creating a risk that viral transmission will increase. One of the strongest protections we, as a society, can implement as we continue to interact in person more is to increase our use of Face Coverings. Substantial scientific evidence shows that when combined with social distancing and other practices like handwashing and regular disinfection of surfaces, wearing Face Coverings permits additional activities to be resumed in the safest possible way.

As we collectively go out into the community more, we need to have a corresponding increase in the steps we take to protect those around us. By doing so, we not only protect our fellow citizens, but ultimately ourselves and our loved ones, especially those who are vulnerable due to age or health conditions. And in wearing a Face Covering around others, we show that we care for those around us. By ensuring that people generally wear Face Coverings when in public, the City is better able to continue to open businesses and resume activities in a safer manner to the benefit of all.

For these reasons, the City’s Health Officer is revising the Face Covering order to more generally require wearing Face Coverings when people are outside their homes. The order also provides simpler guidance for when to wear a Face Covering as activities increase, such as when working or engaging in face-to-face transactions. The goal is to provide simple rules that we must all follow in the months to come.

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In sum, going forward and for as long as this Order remains in effect as needed to address the pandemic, people must, unless an exception applies, wear a Face Covering when outside and when anyone else is within 30 feet (10 yards). They must wear a Face Covering when in the workplace except when in a private space or area not generally used by others. They must wear a Face Covering when preparing food or other items for sale or distribution to people who are not members of their household. They may remove the Face Covering when eating or drinking if they are alone or with only members of their household or “Social Bubble” meaning a group of not more than 12 individuals who may attend social or other events with persons outside their household or living unit. (as defined in the Health Officer’s Shelter in Place Order issued June 5, 2020), and nobody else is within six feet. And a person who is alone or with only members of their household or Social Bubble, is stationary in an outdoor area such as a park or patio, and is maintaining at least six feet of distance between them and the nearest people who do not live with them does not need to wear a Face Covering so as long as they have one readily accessible.

This Order includes certain exceptions. For instance, this Order does not require that any child aged twelve years or younger wear a Face Covering and requires that any child aged two years or younger not wear a face covering because of the risk of suffocation. This Order also does not apply to people who are in their own cars alone or with members of their own household except if they operate the vehicle for transportation of others. And anyone who cannot wear a Face Covering as exempted by a healthcare provider based on a disability, medical condition or other condition that prevents them from wearing a Face Covering does not need to wear one.

This Order is issued in support of the Shelter in Place Order issued on June 5, 2020 (the “Shelter in Place Order”) and any amendments to that order, as well as guidance issued by the United States Centers for Disease Control and Prevention (“CDC”), the California Department of Public Health (“CDPH”), and the Berkeley Health, Housing & Community Services Department, Public Health Division (“BPHD”) regarding COVID-19, including as such guidance is amended.

The Order replaces the prior Face Covering Order issued on April 17, 2020. Beginning at 11:59 p.m. on June 7, 2020, all people in the City must comply with this new Order. This Order is in effect, without a specific expiration date, until it is extended, rescinded, superseded, or amended in writing by the Health Officer. The Health Officer will continue to carefully monitor the evolving situation and will periodically revise this Order as conditions warrant in order to protect the public and limit the spread of the virus.

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This summary is for convenience only and may not be used to interpret this Order; in the event of any inconsistency between the summary and the text of this Order below, the text will control.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE  
SECTIONS 101475 AND 120175, THE HEALTH OFFICER OF THE CITY OF  
BERKELEY (“HEALTH OFFICER”) ORDERS:**

- 1. This Order will take effect at 11:59 p.m. on June 7, 2020, and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. Effective as of 11:59 p.m. on June 7, 2020, this Order revises and replaces the Face Covering Order issued April 17, 2020. Any capitalized terms in this Order that are defined in the Shelter in Place Order incorporate the definitions from that order and are automatically updated to incorporate revisions to that order without a need to update this Order.**
- 2. As used in this Order, a “Face Covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer’s eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a scarf; a homemade covering made from a t-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical-grade. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe through the nose and does not have to adjust it frequently, so as to avoid touching the face. For Face Coverings that are not disposed of after each use, people should clean them frequently and have extra ones available so that they have a clean one available for use. A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found at the Centers for Disease Control and Prevention website at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/div-cloth-face-coverings.html>**

**Any mask that incorporates a one-way valve (typically containing a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not allowed as these masks allow droplets to be released from the mask, thereby putting others nearby at risk. As a result, these masks are not Face Coverings under this Order and must not be used to comply with this Order’s requirements.**

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- 3. For as long as medical grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks for use as Face Coverings under this Order; those medical grade masks should be reserved for health care providers and first responders.**
- 4. Each person in the City must wear a Face Covering when outside the person's home or other place they reside (when "Outside the Residence") at all times except in the following situations:**
  - a. When specifically exempted by this Order from having to wear a Face Covering.**
  - b. When they are permitted by another Health Officer order or directive not to wear a Face Covering. In such instances they must comply with the requirements of the order or directive that describes the limited situations when a Face Covering is not required.**
  - c. When they are outdoors alone and have a Face Covering visible and immediately ready to use (such as hanging around their neck) and no one is within 30 feet (10 yards) of them. Even if others are not nearby, it is recommended that people wear a Face Covering when outside, any time others may appear without much notice. For reference, 30 feet (10 yards) is around the length of three small cars end-to-end. This 30-foot rule applies whether people are on the sidewalk, in a park, on a path or trail, or in any other outdoor area, and whether they are walking, running, biking, otherwise exercising, standing, or engaging in transportation such as using a motorcycle, skateboard, moped, or scooter. But the requirement to put on a Face Covering within 30 feet of others does not apply to people excepted from wearing a Face Covering under this Order due to age or medical condition or because they are eating or drinking or are stationary outside in a way that meets the requirements of Sections 4.f or 4.g below.**

**The 30 feet (10 yard) distance is used here to give people adequate time to put on a Face Covering before the distance to the other person closes and the people are within six feet of each other, which puts them at risk for transmission of the virus. As more activities are permitted, more people will be nearby each other without much advance warning, making wearing a Face Covering essential when people are within 30 feet (10 yards).**
  - d. When they are wearing personal protective equipment ("PPE") such as a medical-grade N95 respirator or a similar mask that is more protective than a Face Covering, as required by (i) any workplace policy or (ii) any local, state, or federal**

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**law, regulation, or other mandatory guidance. When a person is not required to wear such PPE, they must wear a Face Covering unless otherwise exempted from this Order.**

- e. When they are alone or only with others from their household in any building or enclosed space, such as when at work, and there is nobody else within six feet and others, whether coworkers, customers, building staff, or members of the public, are not likely to be in the same space for more than a few minutes in the following few days. A Face Covering must be worn if the person is working or engaged in activities where others regularly are present, even if they are alone at the time, due to the risk of contaminating surfaces that others will soon touch. By way of example and without limitation, a Face Covering should be worn if a person shares a desk or individual office with co-workers on an alternating schedule or in a space where equipment such as tools, supplies, copiers or computers are shared. A Face Covering must also be worn by plumbers, teachers, care assistants, housecleaners and others who visit a person's house or living space to perform work, and anyone in the house or living space should also wear a Face Covering when near the visiting worker.**
- f. A Face Covering does not need to be worn by someone who is eating or drinking under the exception listed in Section 4.f below. A Face Covering is not needed when alone in a private office that is not shared and not likely to be visited by others without prior warning. However, if another person enters the area and is likely to remain nearby, both people should put on a Face Covering for the duration of the interaction. And anyone who is preparing food or other items for distribution to others under Section 10 below is required to wear a Face Covering at all times when preparing food or other items for distribution to others, even if they are alone while doing so.**
- g. When they are alone or only with members of their household or Social Bubble (as defined in the Health Officer's Shelter in Place Order issued June 5, 2020), they are eating or drinking, whether indoors or outdoors, and nobody else is within six feet. In the context of foodservice such as a restaurant, guidelines issued by the state or in a separate Health Officer order or directive must be followed.**
- h. When they are outdoors alone or with members of their household or Social Bubble, are stationary, and are maintaining at least six feet between the edge of the area they are in and the edge of next closest person's area. By way of example, this means that when someone is sitting entirely within a distancing circle that is painted on the grass in a public park or is on a picnic blanket that is at least six feet from the**

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next closest picnic blanket, a Face Covering is not required. But the individuals must have a Face Covering readily available, and anyone walking to or from the location must wear a Face Covering when within six feet of anyone else.

5. **By way of example and without limitation, this Order requires a Face Covering when Outside the Residence in all of the following circumstances unless an exception applies:**
  - a. **When working at, inside of, in line to enter, or seeking goods or services from any Essential Business, Outdoor Business, or Additional Business;**
  - b. **When inside or at any location or facility engaging in Minimum Basic Operations or when seeking, receiving, or providing Essential Government Functions;**
  - c. **When engaged in Essential Infrastructure work;**
  - d. **When engaged in any Outdoor Activity or Additional Activity;**
  - e. **When providing or obtaining services at Healthcare Operations unless permitted by this Order or a directive not to wear a Face Covering for a limited amount of time;**
  - f. **When at or near a transit stop, station or terminal and waiting for or riding on public transportation (including without limitation any bus, BART or train) or paratransit or are in a taxi, private car service, or ride-sharing vehicle; and**
  - g. **When in or walking through common areas such as hallways, stairways, elevators, and parking facilities.**
6. **Each driver or operator of any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle must wear a Face Covering while driving or operating, standing, or sitting in such vehicle, regardless of whether anyone else is in the vehicle, due to the need to reduce the spread of respiratory droplets in the vehicle at all times. But drivers or operators of public transportation vehicles are permitted to remove a Face Covering when seated in the operator compartment of the vehicle at terminals, the vehicle is stopped, and there are no passengers onboard due to the physical separation of the operator compartment and cleaning protocols between drivers.**
7. **All Essential Businesses, Outdoor Businesses, Additional Businesses, as well as entities and organizations with workers engaged in Essential Infrastructure work, Minimum Basic Operations, Essential Government Functions, Outdoor Activities, Additional Activities, or Healthcare Operations, must:**

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- a. **Require their employees, contractors, owners, volunteers, and other personnel to wear a Face Covering at the workplace and when performing work off-site at all times as required by this Order and with allowance for exceptions included in the order.**
- b. **Take reasonable measures, such as posting signs, to remind customers, clients, visitors, and others of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Essential Businesses, Outdoor Businesses, Additional Businesses, and entities or organizations that are engaged in Essential Infrastructure work or Minimum Basic Operations must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from waiting in line or entering, must not serve that person if those efforts are unsuccessful, and seek to remove that person.**

**A sample sign to be used for notifying customers is attached as Exhibit A and can be found at: <https://www.cityofberkeley.info/covid19-business-guidance/> .**

8. **Children twelve years or younger are not required by this Order to wear a Face Covering, and any child two years old or younger must not wear a Face Covering because of the risk of suffocation. Parents and caregivers must supervise use of Face Coverings by children to avoid misuse.**
9. **People in the City are encouraged to consider whether wearing a Face Covering when in their home would protect someone in that household or living unit who is vulnerable to COVID-19. Vulnerable people include people 60 years old and older, people with serious heart conditions, severe obesity, diabetes, chronic lung disease, chronic kidney disease being treated by dialysis, and moderate-to-severe asthma, and those who are immunosuppressed. A full list of people who are vulnerable to COVID-19 and who should accordingly take extra precautions is published by the CDC and can be found online at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.**
10. **A Face Covering is required in any space where food is prepared or packaged for sale or distribution to others or where other goods are handled or packaged for distribution to others. This requirement does not apply when preparing items for members of a person's own household.**
11. **This Order does not require any person to wear a Face Covering while in a motor vehicle either (i) alone except as noted in the next sentence or (ii) exclusively with other members of the same family or household. But a Face Covering is required when alone**

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in the vehicle if the vehicle is used as a taxi or for any private car service or ride-sharing vehicle as outlined in Section 6 above.

- 12. A Face Covering is also not required by this Order to be worn by any individual for whom: (1) a medical professional has provided an exemption based on the individual's medical condition, other health concern, or disability; or (2) wearing a Face Covering would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. A Face Covering should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance.**
- 13. The intent of this Order is to ensure that all people when Outside the Residence in the City as permitted by the Shelter in Place Order wear a Face Covering to reduce the likelihood that they may transmit or contract the virus that causes COVID-19. In so doing, this Order will help reduce the spread of the virus and mitigate its impact on members of the public and on the delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent.**
- 14. This Order is issued based on evidence of ongoing occurrence of COVID-19 and transmission of the SARS-CoV-2 virus within the City, the Bay Area, and the United States of America, and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. Due to the outbreak of the virus in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the City. People can be infected with the virus and be contagious and not have any symptoms, meaning they are asymptomatic. People can also be infected and contagious 48 hours before developing symptoms, the time when they are pre-symptomatic. Many people with the SARS-CoV-2 virus also have only mild symptoms and do not recognize they are infected and contagious. Asymptomatic and pre-symptomatic people and those with only mild symptoms can unintentionally infect others. Evidence shows that wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, significantly reduces the risk of transmitting coronavirus when in public and engaged in activities. And because it is not always possible to maintain at least 6 feet of distance, all people must wear a Face Covering while engaged in work and other activities when others are nearby. For clarity, although wearing a Face Covering is one tool for reducing the spread of the virus, doing so is not a substitute for sheltering in place, physical distancing of at least 6 feet, and frequent hand washing.**
- 15. This Order is also issued in light of the existence, as of June 4, 2020, of 99 confirmed cases of infection by the virus that causes COVID-19, primarily by way of community**

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transmission, and 1 death in the City. This Order is necessary to slow the rate of spread, and the Health Officer will continue to assess the quickly evolving situation and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.

16. This Order is also issued in accordance with, and incorporates by reference, the Shelter in Place Order, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Newsom, the March 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency, the March 10, 2020 and April 21, 2020 Resolutions of the City Council Ratifying the Proclamation of Local Emergency, all other orders and directives issued by the Health Officer, and guidance issued by CDPH and CDC, as each of them have been and may be amended or supplemented.
17. Failure to comply with any of the provisions of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
18. Copies of this Order shall promptly be: (1) posted at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704; (2) posted on the City's website at [www.cityofberkeley.info](http://www.cityofberkeley.info); and (3) provided to any member of the public requesting a copy.
19. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other people or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**IT IS SO ORDERED:**

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Lisa B. Hernandez, MD, MPH  
Health Officer of the City of Berkeley

June 5, 2020

Attachments:  
Exhibit A – Sample sign for businesses

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