



## HEALTH OFFICER ORDER NO. 21-04

### ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA AMENDING ORDER 21-03 TO ALLOW GROUPS OF FULLY VACCINATED PEOPLE TO REMOVE THEIR FACE COVERINGS UNDER SPECIFIED CIRCUMSTANCES

*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 §§ 120175, 120295; Cal. Penal Code §§ 69, 148(a)(1))*

**EFFECTIVE DATE: 12:01 a.m., November 1, 2021**

**Summary of Order:** This Order amends Health Officer Order 21-03, which mandates indoor masking for all individuals in the County of Alameda in most circumstances, to allow stable groups of up to 100 fully-vaccinated individuals to remove their masks indoors under specified conditions.

**Background:** Since April 2021, the SARS-CoV-2 B.1.617.2 (Delta) variant has been circulating in the County. This variant is highly transmissible in indoor settings and requires multi-component prevention strategies to reduce spread. On August 3, 2021, the Health Officer issued Order Number 21-03, requiring all individuals within the County of Alameda to wear face coverings indoors – regardless of vaccination status – with limited, specified exceptions. At that time, the County continued to experience high levels of community transmission due to the Delta variant.

Recent trends show encouraging declines in rates of infections, hospitalizations, and deaths, even among the unvaccinated. Much of this is attributable to the County's high vaccination rates and uniform masking practices. Because of these positive trends, strict adherence to the indoor masking mandate will not be required in some circumstances, such as where stable groups of fully vaccinated people meet indoors in offices, gyms, employee commuter vehicles, religious gatherings, and other meeting places as specified in this Order.

The COVID-19 vaccines authorized in the United States are highly safe and effective against COVID-19 generally and the Delta variant. These vaccines provide protection to individuals and communities, particularly against severe COVID-19 disease, hospitalization, and death, and are recommended by the U.S. Centers for Disease Control and Prevention (CDC) for all populations authorized to receive them by the U.S. Food and Drug Administration. The Health Officer strongly recommends that all eligible persons in the County be vaccinated. Vaccines are available for all persons over 12 years of age. Information on obtaining a COVID-19 vaccine in the County of Alameda is available here: <https://covid-19.acgov.org/vaccines>.



The Health Officer will continue to assess the public health situation as it evolves and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.

Except as specified in this Order or subsequent Orders, the indoor masking requirement in Health Officer Order no. 21-03 continues to apply to all individuals within the County of Alameda. Individuals should also consult the California Department of Public Health's current [Guidance](#) on face coverings. Employers should consult the Cal/OSHA [Emergency Temporary Standards](#) for work-related activities.

## **ORDER**

### **UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA ("HEALTH OFFICER") ORDERS:**

1. This Order allows face coverings to be removed in indoor: offices, gyms and other fitness facilities, employee commuter vehicles, religious gatherings, and other organized gatherings of individuals who meet regularly where **all** of the following conditions exist:
  - a. There are no more than 100 individuals present;
  - b. The employer or host is able to control access to the space, and the space is not open to the general public;
  - c. The employer or host confirms that every individual entering the indoor space is fully vaccinated with a COVID-19 vaccine;
  - d. The employer or host prevents entry to the indoor space for any individual exhibiting or admitting to symptoms associated with COVID-19, such as a cough or fever, and posts signs promoting self-assessment for symptoms around the exterior of the space; and
  - e. The employer or host maintains a list identifying all individuals who enter the indoor space.
2. If an employer or host admits individuals who cannot be vaccinated – for instance because of age, pre-existing medical condition, or sincerely held religious beliefs – the provisions of Paragraph 1 will not apply, and all individuals present at an indoor gathering must continue to wear a face covering in compliance with Alameda County Health Officer Order No. 21-03. For the purposes of this Order, neither a history of prior COVID-19 infection nor a negative COVID-19 test may be used in place of documented vaccination.
3. For purposes of this Order, an individual is “fully vaccinated” if he or she has received one dose of a single-dose regimen (i.e., Janssen/Johnson & Johnson), or both doses of a two-dose vaccine regimen (i.e., BioNTech-Pfizer or Moderna), and two weeks have



passed since receiving the last dose of the regimen. Booster vaccinations are not required to be considered “fully vaccinated.”

4. Acceptable vaccines are those that have received full use- or emergency use-authority from the United States Food and Drug Administration or the World Health Organization. All COVID-19 vaccines that are currently authorized for emergency use can be found at the following links:
  - a. US Food and Drug Administration (FDA) COVID-19 Vaccines [webpage](#)
  - b. World Health Organization (WHO) COVID-19 [webpage](#)
5. An employer or host may only accept the following as proof of vaccination. Employers and hosts must also confirm each individual’s identity using government-issued photographic identification, such as a driver’s license or passport.
  - a. A Vaccination Card issued by the CDC or a foreign governmental jurisdiction which includes the name of the person vaccinated, the type of vaccine provided, and the date(s) the dose or doses were administered;
  - b. A photo or copy of a Vaccination Card either as a hardcopy or stored on a phone or electronic device; or
  - c. Documentation of vaccination from a healthcare provider; or
  - d. A personal digital COVID-19 vaccine record issued by the State of California and available by going to <https://myvaccinerecord.cdph.ca.gov/> or similar documentation issued by another state, local, or foreign governmental jurisdiction.
6. The Health Officer may suspend or revoke authorization for an employer or host to continue unmasked indoor activities at any time upon evidence of on-site transmission of COVID-19.
7. Except as expressly otherwise set forth herein, the August 3, 2021 Health Officer Order No. 21-03, as may be amended from time to time, continues to apply throughout the County of Alameda. That Order is available here: <https://covid-19.acgov.org/covid19-assets/docs/shelter-in-place/21-03-face-coverings-eng.pdf>.
8. The Health Officer will continue to monitor several key indicators to inform the decision whether to modify the conditions in this Order. The Health Officer will continually review whether modifications to the Order are warranted based on (1) progress in countering the spread of COVID-19 in the County; (2) developments in methods and strategies for preventing and treating COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.



9. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.
10. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer and subsequent orders and guidance issued by the Governor, the State Health Officer, and the California Department of Public Health and Department of Industrial Relations, including without limitation the CDPH June 28, 2021 Guidance for the Use of Face Coverings. The Health Officer may adopt more stringent restrictions and requirements addressing the particular facts and circumstances in this County, necessary to control the public health emergency as it is evolving within the County and the region. Where a County Health Officer Order and any state public health order related to the COVID-19 pandemic conflict, the most restrictive provision will apply.
11. 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.
12. This Order shall become effective at 12:01 a.m. on November 1, 2021 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
13. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (<https://covid-19.acgov.org/index.page>); and (3) provided to any member of the public requesting a copy of this Order.
14. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.



**IT IS SO ORDERED:**

A handwritten signature in black ink, appearing to read 'N. J. Moss', is written over a light gray rectangular background.

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Nicholas J. Moss, MD, MPH  
Health Officer of the County of Alameda

October 28, 2021

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Date