



# DEPARTMENT NOTICE

20-071  
4/22/20

## Enforcement of Face Covering Health Order

Effective April 22, 2020, the City's Health Officer Health Order No. [C19-12](#) (Health Order) issued on April 17, 2020, generally requires that members of the public, when they need to interact with others outside the home and especially in settings where many people are present such as waiting in lines and shopping, to wear a "Face Covering" that covers the mouth and nose to prevent inadvertently spreading the virus that causes Coronavirus Disease 2019 ("COVID-19") with some exceptions. This DN should be read in conjunction with [DN 20-064](#).

The City's Health Officer believes that wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public and engaged in essential activities by reducing the spread of respiratory droplets.

The Health Order requires that people wear a Face Covering, which may be a simple do-it-yourself 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 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.

Face Covering are generally required in three main settings:

1. Members of the public must wear Face Coverings when:

- Inside of or waiting in line to enter Essential Businesses, including grocery stores, convenience stores, supermarkets, laundromats, restaurants and other businesses;
- Inside or at any location or facility engaging in Minimum Basic Operations or seeking or receiving Essential Government Functions;
- Engaged in Essential Infrastructure work;
- Seeking healthcare, including hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, other healthcare facilities, mental health providers, or facilities providing veterinary care and similar healthcare services for animals—unless directed otherwise by an employee or worker at the Healthcare Operation; or
- Waiting for or riding on public transportation (including without limitation any bus, BART, Muni light rail, street car, cable car, or CalTrain) or paratransit or are in a taxi, private car service, or ride-sharing vehicle.

2. The Health Order also requires employees, contractors, owners, and volunteers of all Essential Businesses or those operating public transportation and other types of shared transportation to wear a Face Covering when at work.

- 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 such vehicle, regardless of whether a member of the public is in the vehicle.

3. All Essential Businesses, as well as entities and organizations with workers engaged in Essential Infrastructure work, Minimum Basic Operations, or Essential Government Functions (except for Healthcare Operations, which are subject to their own regulation regarding specified face coverings), must:

- Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is:
  - i. interacting in person with any member of the public;
  - ii. working in any space visited by members of the public, such as by way of example and without limitation, reception areas, grocery store or pharmacy aisles, service counters, public restrooms, cashier and checkout areas, waiting rooms, service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time;
  - iii. working in any space where food is prepared or packaged for sale or distribution to others;
  - iv. working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or
  - v. in any room or enclosed area when other people (except for members of the person's own household or residence) are present.
- Requires essential businesses and entities take reasonable measures, such as posting signs, to remind their customers and the public of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location.
- Requires essential businesses and entities or organizations that engaged in Essential Infrastructure work or Minimum Basic Operations take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering and must not serve that person if those efforts are unsuccessful and seek to remove that person.

**Face Covering is not required:**

- When a person is in a personal office (a single room) when others outside of that person's household are not present as long as the public does not regularly visit the room. By way of example and without limitation, a construction worker, plumber, bank manager, accountant, or bike repair person is not required to wear a Face Covering if that individual is alone and in a space not regularly visited by the public, but that individual must put on a Face Covering when coworkers are nearby, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present.
- For any child aged twelve years or younger and recommended that any child aged two years or younger should not wear one because of the risk of suffocation.
- For people who are in their own cars alone or with members of their own household.
- For people engaging in outdoor recreation such as walking, hiking, bicycling, or running, but must have readily accessible (on their person or bag) that they have a Face Covering with them and still requires them to practice social distancing and other measures to protect against transmission of the virus.
- For anyone who can show either: (1) a medical professional has advised that wearing a Face Covering may pose a risk to the person wearing the mask for health-related reasons; 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.

## Approach to Enforcement

Members may directly enforce health orders under state law, and the SIP Order is such an order. Cal. Health & Safety Code § 101029; Cal. Govt. Code § 41601; Penal Code § 409.5. Members are directed to review the SIP Order. Members may educate, admonish, seek voluntarily compliance, and use enforcement for violations of the SIP Order (“progressive enforcement”). Members issuing citations for violating the SIP Order should cite **SF Admin Code 7.17(b) (misdemeanor for violating a lawful emergency order) and Cal Penal Code § 148 (misdemeanor for willful resisting, delaying, or obstructing the SIP Order), if appropriate.** Members shall comply with [Department General Order 5.04, Private Person Arrest, 10.11., Body Worn Cameras](#) and [DN 20-064](#).

## Incident Reports

Incident reports shall use the following codes:

- 27400 Public Health Order Violation, Notification
- 27401 Public Health Order Violation, After Notification

A notification to the SFPD/DOC shall be made on any enforcement and a copy of the incident report and any supporting documents shall be scanned and electronically sent to the City Attorney’s Office at [Peter.Keith@sfcityatty.org](mailto:Peter.Keith@sfcityatty.org).

**Violation of or failure to comply with the SIP Order is punishable by fine, imprisonment or both under various criminal statutes:**

- S.F. Administrative Code section 7.17(b) makes it a misdemeanor to violate a lawful rule or regulation issued during a local emergency, if such act is likely to imperil the lives or property of City residents or to prevent, hinder or delay the defense or protection thereof.
- Cal. Penal Code section 148 makes it a misdemeanor to resist, delay, or obstruct a public officer, in the discharge of their duty. Members are authorized to enforce health orders in the discharge of their duty.
- Cal. Penal Code section 69 may be charged as a felony for the attempt, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed by law, or to knowingly resist, by the use of force or violence, the officer, in the performance of the officer’s duty. Members are authorized to enforce health orders in the performance of their duty.
- Cal. Penal Code section 409.5 allows the health officer and SFPD to close an area where a calamity has created an immediate menace to public health.
- California Health and Safety Code sections 120275 and 120295 makes it a misdemeanor to violate certain sections of the Health and Safety Code, including those requiring individuals to comply with health orders to facilitate isolation.

  
WILLIAM SCOTT  
Chief of Police

*Per DB 19-156, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Notice in HRMS. Any questions regarding this policy should be made to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional guidance about the directive.*