

**No. 20-56357**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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HARVEST ROCK CHURCH, INC.; HARVEST INTERNATIONAL  
MINISTRY, INC., itself and on behalf of its member Churches in California,

Plaintiffs–Appellants

v.

GAVIN NEWSOM,  
in his official capacity as Governor of the State of California,

Defendant–Appellee

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On Appeal from the United States District Court  
for the Central District of California (Los Angeles)  
In Case No. 2:20-cv-06414-JCB-KK before the Honorable Jesus G. Bernal

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**PLAINTIFFS–APPELLANTS’  
EMERGENCY MOTION FOR INJUNCTION PENDING APPEAL**

**EMERGENY MOTION UNDER CIRCUIT RULE 27-3  
RELIEF NEEDED BY THURSDAY DECEMBER 24, 2020**

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**CIRCUIT RULE 27-3 CERTIFICATE**

I, Daniel J. Schmid, hereby certify the following:

1. **Identification of Plaintiffs–Appellants’ Counsel:** Plaintiffs–Appellants are Harvest Rock Church, Inc. and Harvest International Ministry, Inc, itself and on behalf of its member Churches in California. Appellants are represented by Mathew D. Staver (court@LC.org), Horatio G. Mihet (hmihet@LC.org), Roger K. Gannam (rgannam@LC.org), and Daniel J. Schmid (dschmid@LC.org) of Liberty Counsel. Liberty Counsel’s address is P.O. Box 540774, Orlando, FL 32854, and its telephone number is (407) 875-1776. Appellants are also represented by Nicolai Cocis (nic@cocislaw.com) of the Law Office of Nicolai Cocis. His address is 25026 Las Brisas Road, Murietta, CA 92562, and his telephone number is (951) 695-1400.

2. **Identification of Defendant–Appellee’s Counsel:** Defendant–Appellee is Gavin Newsom, in his official capacity as the Governor of the State of California. Appellee is represented by Todd Grabarsky (todd.grabarsky@doj.ca.gov) and Seth Goldstein (seth.goldstein@doj.ca.gov) of the Office of the Attorney General for California. Counsel’s address is 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244, and their telephone number is (916) 210-6063.

3. **Emergency Relief Requested in Motion:** The relief requested in the emergency motion that accompanies this certificate is an injunction pending appeal (“IPA”) restraining and enjoining Governor Newsom, during the pendency of the above-captioned appeal, from enforcing or applying his Covid-19 Executive Orders and directives against Appellants such that:

(a) Governor Newsom, all State officers, agents, employees, attorneys, and all other persons in active concert or participation with them, are restrained and enjoined from enforcing, attempting to enforce, threatening to enforce, or otherwise requiring compliance with the Governor’s Orders or any other future order to the extent any such order prohibits Appellants’ religious worship services and imposes prohibitions on singing, chanting, and other forms of worship in which such religious services may be conducted, or imposing any other restrictions on in-person worship services at Appellants’ churches if Appellants meet the social distancing, enhanced sanitization, and personal hygiene guidelines otherwise acceptable at so-called Critical Infrastructure Sectors or Essential Workforce businesses;

(b) Governor Newsom, all State officers, agents, employees, attorneys, and all other persons in active concert or participation with them, are restrained and enjoined from enforcing, attempting to

enforce, threatening to enforce, or otherwise requiring compliance with the Governor's Orders in any manner that discriminates against religious worship services as compared to other large gatherings, such as protests and demonstrations in California cities and streets; and

(c) Governor Newsom, all State officers, agents, employees, attorneys, and all other persons in active concert or participation with them, are restrained and enjoined from enforcing, attempting to enforce, threatening to enforce, or otherwise requiring compliance with the Governor's Orders to the extent they impose unconstitutional restrictions on Appellants' constitutional rights of free exercise of religion and free speech.

4. **Facts Justifying Emergency Relief:** Appellants filed a renewed motion for TRO and preliminary injunction following the Supreme Court's order that vacated all previous denials **in this case** and after the Supreme Court instructed this Court and the lower court to reconsider its previous denials of injunctive relief in light of *Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. \_\_\_, 2020 WL 6948354 (U.S. Nov. 25, 2020) [hereinafter *Catholic Diocese*]. See *Harvest Rock Church v. Newsom*, No. 20A94, 2020 WL 7061630 (U.S. Dec. 3, 2020). Indeed, the Supreme Court granted Plaintiffs' petition for a writ of certiorari, vacated all of the orders from both this Court and the lower court in the instant matter, and instructed this

Court and the lower to reconsider Plaintiffs' requests for a TRO and preliminary injunction. Specifically, it stated:

The application for injunctive relief, presented to Justice Kagan and by her referred to the Court, is treated as a petition for a writ of certiorari before judgment, and the petition is granted. The September 2 order of the United States District Court for the Central District of California is vacated, and the case is remanded to the United States Court of Appeals for the Ninth Circuit with instructions to remand to the District Court for further consideration in light of *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. — (2020).

*Id.*

5. On December 3, the same day the Supreme Court issued its order, this Court vacated its prior orders denying Appellants the requested injunctive relief and remanded to the district court. *Harvest Rock Church, Inc. v. Newsom*, No. 20-55907, 2020 WL 7075072, \*1 (9th Cir. Dec. 3, 2020).

6. On December 4, 2020, Plaintiffs-Appellants filed a renewed Motion for Temporary Restraining Order and Preliminary Injunction in the district court below (dkt. 58), requesting emergency relief from the Governor's discriminatory prohibitions and restrictions on Plaintiffs' religious worship services. Also, on December 4, 2020, Plaintiffs-Appellants filed a notice arguing that no hearing or further briefing was necessary because of the Supreme Court's clear holding in *Catholic Diocese*. (Dkt. 59.)

7. Despite Plaintiffs-Appellants' Motion and notice that no hearing was necessary, the district court held a ten-minute hearing on Plaintiffs-Appellants'

Motion for TRO and Preliminary Injunction, refused to hear arguments on the merits despite the irreparable harm, ordered further briefing, and scheduled a hearing on the merits of Plaintiffs-Appellants' renewed motion for injunctive relief on December 18, 2020.

8. After full briefing and a hearing on the merits of Plaintiffs-Appellants' Motion for TRO and Preliminary Injunction, the district court – yet again – denied Plaintiffs-Appellants' requests for emergency relief in total contradiction to the binding precedent of this Court and *Catholic Diocese*. In its Order (dkt. 77), the district court found – astoundingly – that the binding decision of the Supreme Court in *Catholic Diocese* and this Court's two binding decisions in *Calvary Chapel Dayton Valley v. Sisolak*, No. 20-16169, 2020 WL 7350247, \*3 (9th Cir. Dec. 15, 2020) and *Calvary Chapel Lone Mountain v. Sisolak*, No. 20-16274, 2020 WL 7364797 (9th Cir. Dec. 15, 2020), all of which mandate the application of strict scrutiny to restrictions on religious worship services when compared to similar nonreligious indoor activities as is the case with Governor Newsom's orders.

9. In fact, the regime at issue in the instant litigation is far worse than that enjoined in *Catholic Diocese*. There, the restrictions enjoined restricted religious worship services to 10 or 25 individuals depending on the zone. 2020 WL 694835, at \*1. A majority of the Court unequivocally held that “the Governor's severe restrictions on applicants' religious services must be enjoined.” *Id.* at \*4. And,

what’s more, even the Chief Justice believed that such restrictions violate the First Amendment. Chief Justice Roberts opined that “[n]umerical capacity limits of 10 and 25 people, depending on the applicable zone, do seem unduly restrictive. And it may well be that such restrictions violate the Free Exercise Clause.” *Id.* at \*9 (Roberts, C.J., dissenting) (emphasis added). Indeed, the Chief Justice noted that such restrictions – which are less restrictive than the Governor’s total prohibition on religious worship services in Tier 1 here – “raise serious concerns under the Constitution.” *Id.* (emphasis added). The only reason the Chief Justice did not join the majority was because “the Governor revised the designations” and “[n]one of the houses of worship identified in the applications is now subject to any fixed numerical restrictions.” *Id.* That mootness issue was the sole reason the Chief Justice declined to join the majority for the injunction, and even he noted that the churches could immediately return to the Court if the Governor reimposed the restrictions at issue. *Id.* (“If the Governor does reinstate the numerical restrictions the applicants can return to this Court, and we could act quickly on their renewed applications.”).

10. Thus, six of the Justices found serious constitutional infirmity in restrictions of 10 and 25 people. This Court, too, found that discriminatorily restricting religious worship services to 50 people violated the First Amendment. *Calvary Chapel Dayton Valley*, 2020 WL 7350247, \*3; *Calvary Chapel Lone Mountain*, 2020 WL 7364797, \*1. And, here, the restrictions are far worse. Indeed,

the restrictions in Tier 1 here **totally prohibit** indoor religious worship services of any kind and any number. If restricting indoor religious worship services to 10 and 25 individuals “strike at the very heart of the First Amendment,” *id.* at \*3, and violate strict scrutiny, *id.*, then there is no world in which a total prohibition on religious worship services survives First Amendment condemnation. The Governor’s orders are plainly unconstitutional, and a IPA should issue immediately

11. With each day that passes, **which has now been ongoing for 156 days**, Appellants are suffering immediate and irreparable injury to their cherished First Amendment liberties, which is unquestionably irreparable harm. *See Elrod v. Burns*, 427 U.S. 347 (1976). **Appellants have been subject to complete prohibitions and severe restrictions for ten months, have been forced to choose between jail and attending Church of the Holy Day of Easter, the Day of Pentecost, and are now threatened with missing another Holy Season of Christmas due to the district court’s refusal to follow the clear dictates of binding precedent.** Appellants are currently prohibited from hosting any in-person worship services, including in-home Bible studies and fellowship with anyone who does not live at the home, regardless of social distancing, enhanced sanitizing, or other precautionary measures that the Governor permits other entities to operate under without restriction. Additionally, as discussed more fully in the Emergency Motion below, **Appellant Harvest Rock Church has received several letters from government officials threatening**

**criminal sanctions for the exercise of its constitutionally protected right of free exercise of religion. The Planning and Community Development Department, Code Enforcement Division, of the City of Pasadena has threatened to impose criminal fines and even imprison Harvest Rock Church's pastor for holding religious services. The Criminal Division of the City Attorney/City Prosecutor for the City of Pasadena has likewise threatened Harvest Rock Church with criminal sanctions, stating that each time Harvest Rock Church meets constitutes a separate violation subject to exorbitant monetary penalties and jail time.** Yet, at the same time, the Governor and other government officials in California have encouraged, supported, and advocated for the gathering of hundreds of thousands of protesters throughout California with no threat of criminal penalty. As discussed more fully in the Emergency Motion, such disparate treatment is a gross violation of the First Amendment and requires immediate injunctive relief from this Court.

12. **Timeliness**: Appellants could not have filed this motion sooner because IPA relief must first be sought in the district court, Fed. R. App. P. 8(a)(1), and the district court denied Plaintiffs' IPA on December 22. (dkt. 85, Order denying IPA, attached hereto as Exhibit 1.) Under the exigent circumstances of this case, the district court's delayed disposition of the IPA motion is tantamount to denying it,

and further imposes irreparable harm from which Plaintiffs–Appellants now seek relief from this Court.

13. Appellants’ diligence in prosecuting this action below, and the district court’s delay, justify Appellants’ seeking emergency IPA relief from this Court now: Appellants commenced this action and sought a temporary restraining order (TRO) and preliminary injunction (PI) from the district court on July 17, 2020, to protect Appellants’ upcoming Sunday worship services on July 19. (Dkts. 1, 4.) The Supreme Court issued its decision in *Catholic Diocese* nearly a month ago and the two binding Ninth Circuit decisions in *Calvary Chapel Lone Mountain* and *Calvary Chapel Dayton Valley* were issued over a week ago. The district court delayed resolution of Plaintiffs’ renewed emergency motion for temporary restraining order and preliminary injunction for **two weeks** after it was filed and almost a month after *Catholic Diocese* mandated an injunction for Appellants since Appellants commenced this action.

14. **Conference with Opposing Counsel:** Prior to filing this motion, counsel for Appellants informed counsel for Appellee of the motion, and that upon filing Appellants would serve a true and correct copy on Appellee by electronic mail (in addition to the electronic service effectuated by the Court’s ECF system). Counsel for Appellee advised that Appellee opposes the motion.

15. **Notification of Court:** Immediately upon the filing of the Emergency Motion, counsel for Plaintiffs-Appellants notified the Clerk's emergency contact email informing the Court of the filing of the instant motion.

Dated: December 22, 2020

/s/ Daniel J. Schmid

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**DISCLOSURE STATEMENT**

Pursuant to Fed. R. App. P. 26.1(a), Plaintiffs–Appellants, Harvest Rock Church, Inc. and Harvest International Ministry, Inc., state they are domestic nonprofit corporations incorporated under the laws of the State of California, neither has a parent corporation, and neither issues stock.

Dated: December 22, 2020

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***“The Supreme Court’s recent decision in [Catholic Diocese] arguably represents a seismic shift in Free Exercise law, and compels the result in this case.”<sup>1</sup>***

### **RELIEF SOUGHT**

Plaintiffs–Appellants, HARVEST ROCK CHURCH, INC. and HARVEST INTERNATIONAL MINISTRY, INC., itself and on behalf of its member Churches in California, hereby move the Court for an injunction pending appeal (IPA) from the district court’s December 21, 2020 Order Denying Plaintiffs’ Motion for TRO and Preliminary Injunction (the “Order,” attached as Exhibit 2), which is the subject of Appellant’s Notice of Appeal (attached as Exhibit 3), enjoining Governor Newsom, during the pendency of this appeal, from enforcing or applying his Blueprint against Appellants in such a way that infringes upon Appellants’ First Amendment liberties by, *inter alia*, (1) banning all in-person worship, including in-home Bible studies with anyone who does not live in the home, in Tier 1 counties (covering over **99.9%** of the state); (2) imposing strict numerical caps while permitting other nonreligious gatherings to operate without numerical limitation or percentage caps or imposing more favorable capacity restrictions without the discriminatorily imposed numerical caps on religious gatherings in Tiers 2-4.

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<sup>1</sup> *Calvary Chapel Dayton Valley v. Sisolak*, No. 20-16169, 2020 WL 7350247, \*3 (9th Cir. Dec. 15, 2020) [*Calvary Chapel Dayton Valley*] (emphasis added).

## JURISDICTION AND TIMING

As detailed in the Rule 27-3 Certificate, *supra*, the district court denied Plaintiffs' motion for TRO and PI on December 21, 2020. (Ex. 2, dkt. 77, Order.) Though the district court styled its Order as merely a denial of Plaintiffs' Motion for TRO (Ex. 2, dkt. 77, Order at 14), it is immediately appealable under this Court's precedent because itl "is tantamount to the denial of a preliminary injunction," *Givens v. Newsom*, No. 20-15949, 2020 WL 7090826, \*1 (9th Cir. Dec. 4, 2020), "followed a 'full adversary hearing'" on the merits of Plaintiffs' Motion, *id.* (quoting *Religious Tech. Ctr., Church of Scientology Int'l, Inc. v. Scott*, 869 F.2d 1306, 1308 (9th Cir. 1989)), "effectively decided the merits of the case," *Graham v. Teledyne-Continental Motors*, 805 F.2d 1386, 1388 (9th Cir. 1986), and "effectively forecloses" Plaintiffs from "pursuing further interlocutory relief" because the Order appealed from "makes clear that any request for injunctive relief would be rejected." *Givens*, 2020 WL 7090826, at \*1

In compliance with Fed. R. App. P. 8(a)(1)(C), Appellants first filed for an IPA in the district court on December 21, requesting expedited consideration and decision. On December 22, the district court denied Plaintiffs' motion for an IPA. (Exhibit 1.) Thus, this Court has jurisdiction to grant the IPA because the district court has "denied the motion [and] failed to afford the relief requested." Fed. R. App. P. 8(a)(2)(A)(ii).

## INTRODUCTION

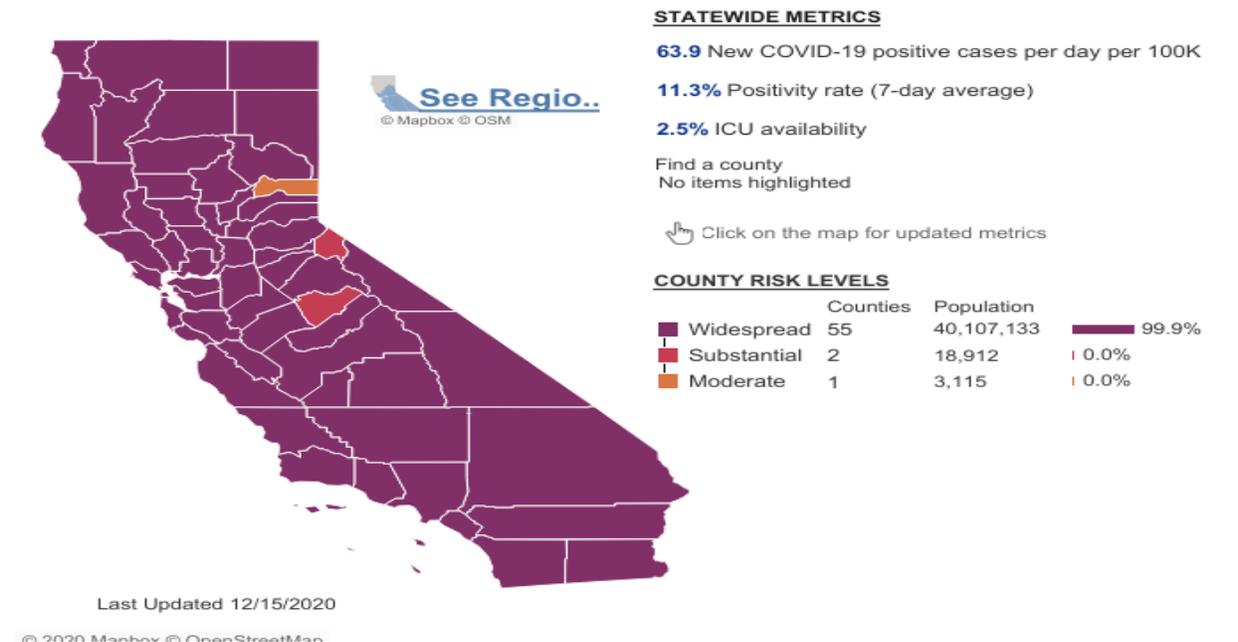
Good cause exists for the IPA, as supported in Appellants' Verified Complaint ("V. Compl.," attached as Exhibit 4), the first Declaration of Che Ahn Supplementing the Record ("First Ahn Decl.," attached as Exhibit 5), the second Declaration of Che Ahn Supplementing the Record ("Second Ahn Decl.," hereto as Exhibit 6), the third Declaration of Che Ahn Supplementing the Record ("Third Ahn Decl.," attached as Exhibit 7), the parties Joint Statement on Appeal (attached as Exhibit 8), and the Addendum chart outlining the discriminatory restrictions in each Blueprint Tier ("Chart," attached as Addendum 1).

As of December 15, 55 Counties in California – representing **99.9% of the population** – are in Tier 1 under the Governor's Blueprint. The below image –from California's official Blueprint website – demonstrates how widespread the Governor's most severe restrictions are in California.<sup>2</sup>

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<sup>2</sup> Blueprint for a Safer Economy, *Current tier assignments as of December 15, 2020*, <https://covid19.ca.gov/safer-economy/> (last visited Dec. 22, 2020)

## Image 1 – Blueprint Map



The consequence of the sea of purple in the above “color-coded executive edict” is that **indoor worship services are completely prohibited for 99.1% of Californians, including the vast majority of Plaintiffs’ Churches and congregants.** (Joint Statement, at 1.) Yet, food packing and processing, laundromats, and warehouses have no capacity limits, liquor and grocery stores have a 50% capacity, and big box centers, shopping malls, laundromats, and destination centers have a 25% capacity. (Addendum at 1.) For the 0.1% (2 Counties) of Californians in Tier 2 Counties, the Governor permits limited indoor worship at 25% capacity or 100 individuals, whichever is less. (Joint Statement at 1.) Yet, other similar congregate gatherings have no numerical limit, including museums, gyms, and fitness centers. (Addendum at 2.) And, for the lone County designated Tier 3

(0.01% of the population), religious worship is only permitted at 50% capacity or 200 people, whichever is less. (Joint Statement at 2.) Yet again, in addition to a long list of other similar congregate gatherings, museums, gyms, fitness centers, family entertainment centers, cardrooms, and satellite wagering have no numerical cap. (Addendum at 3.)

For Appellants, this means that the Governor's color-coded regime of religious discrimination **completely prohibits indoor religious worship services, even if it involves 1 person.** And, in Tiers 2 and 3, where religious services have a numerical cap while similar nonreligious gatherings do not, the Governor prohibits religious singing or chanting. (Joint Statement at 4.) No similar restriction is placed on singing "Happy Birthday" in a restaurant or Christmas carols in a mall. Thus, the Governor's has literally banned even "preaching to the choir." *McCullen v. Coakley*, 573 U.S. 464, 476 (2014).

Yet, in these same Counties where indoor religious worship services are completely prohibited or significantly restricted numerically, there are myriad exemptions for similar nonreligious gatherings. (*See* Addendum at 1-3.) Moreover, the Churches can conduct nonreligious meetings in the same buildings where worship is banned, including feeding, sheltering, and other social services and "necessities of life" such as counseling. Irreparable harm is being imposed on Plaintiffs by virtue of the unconstitutional regime of the Governor's edicts, and

injunctive relief is warranted now. Indeed, Harvest Rock Church, the pastors, staff, and parishioners labor every day under the threat of criminal charges, fines, and closure. This immediate threat cannot wait another day to be addressed.

### **LEGAL ARGUMENT**

“The standard for evaluating an injunction pending appeal is similar to that employed by district courts in deciding whether to grant a preliminary injunction.” *Feldman v. Az. Sec’y of State’s Office*, 843 F.3d 366, 367 (9th Cir. 2016). Thus, to obtain an IPA, Appellants need to demonstrate a likelihood of success on the merits, irreparable injury absent an IPA, that the balance of the equities warrants an IPA, and that the public interest is served by the IPA. *Se. Alaska Cons. Council v. U.S. Army Corps of Eng’rs*, 472 F.3d 1097, 1100 (9th Cir. 2006). Under the binding precedent of *Catholic Diocese* and this Court’s two binding injunctions in *Calvary Chapel Dayton Valley* and *Calvary Chapel Lone Mountain*, Appellants easily satisfy these requirements.

#### **I. CATHOLIC DIOCESE AND THIS COURT’S TWO BINDING DECISIONS IN CALVARY CHAPEL LONE MOUNTAIN AND CALVARY CHAPEL DAYTON VALLEY MANDATE THE APPLICATION OF STRICT SCRUTINY TO THE GOVERNOR’S COLOR-CODED TIER RESTRICTIONS.**

As the Supreme Court made plain in *Catholic Diocese* – “regulations that single out houses of worship for especially harsh treatment” plainly violates the First Amendment and makes “a strong showing that the challenged restrictions violate

‘the minimum requirement of neutrality’ to religion.” *Catholic Diocese*, 2020 WL 6948354, at \*1 (quoting *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 533 (1993)). The Governor’s color-coded regime of discriminatory treatment towards religion is far more restrictive than that the Supreme Court enjoined in *Catholic Diocese* and violates the Free Exercise Clause “beyond all question.” *On Fire Christian Ctr., Inc. v. Fischer*, 453 F. Supp. 3d 901, 910 (W.D. Ky. 2020)

**A. The Governor’s Complete Prohibition On Indoor Worship Services In Tier 1 Are Far More Severe Than Those At Issue In *Catholic Diocese* And Violate The First Amendment.**

The Blueprint completely prohibits indoor religious worship services in 55 Counties representing **99.9%** of the California population. (*See supra* Image 1). In *Catholic Diocese*, this Court held that New York’s capacity limitations of more than 10 or 25 people were “far more restrictive than any COVID-related regulations that have previously come before the Court.” 2020 WL 6948354, at \*2. Yet, the Governor’s regulations here – which completely prohibit all indoor religious worship services for 99.9% of Californians – **are far more restrictive than those in *Catholic Diocese***. There can be no more restrictive regulations than a total ban on indoor religious gatherings. In Tier 1, Plaintiffs are prohibited from gathering for any religious service with any number of people. Astoundingly, the same prohibition applies to any religious gathering in the private homes of Plaintiffs’ congregants, regardless of the size of that small Bible study.

As the Supreme Court has held: “**Neither a state nor the Federal Government can set up a church . . . Neither can force nor influence a person to go to or remain away from church against his will.**” *Everson v. Bd. of Educ. of Ewing Tp.*, 330 U.S. 1, 15 (1947) (emphasis added). The Blueprint does what *Everson* said no state is permitted to do. The First Amendment plainly prohibits banning all religious worship services, regardless of the justification. In fact, the Chief Justice’s dissent in *Catholic Diocese* suggests that imposing a total prohibition on religious worship services is unconstitutional. *Catholic Diocese*, 2020 WL 6948354, at \*9 (Roberts, C.J., dissenting) (“Numerical capacity limits of 10 and 25 people, depending on the applicable zone, do seem unduly restrictive. **And it may well be that such restrictions violate the Free Exercise Clause.**” (emphasis added)); *id.* (“the challenged restrictions raise serious concerns under the Constitution.”).

If restrictions on 10 and 25 people “raise serious concerns under the Constitution,” *id.*, then – as Justice Gorsuch plainly stated – “**there is no world in which the Constitution tolerates color-coded executive edicts that reopen liquor stores and bike shops but shutter churches, synagogues, and mosques.**” *Id.* at \*7 (emphasis added). The Governor’s total prohibition on Plaintiffs’ religious worship services of any number of people is simply unconstitutional and must be enjoined.

**B. The Governor’s Complete Prohibition On Indoor Worship Services In Tier 1 Are Far More Severe Than Those At Issue In This Court’s Two Nevada Injunctions And Violate The First Amendment.**

In *Calvary Chapel Dayton Valley*, this Court held that Nevada’s COVID-19 restrictions on religious worship services could not survive *Catholic Diocese* and must be enjoined as violative of the First Amendment. 2020 WL 7350247, at \*4 (“**The Supreme Court’s decision in *Roman Catholic Diocese* compels us to reverse the district court.**” (emphasis added)). Indeed,

Just like the New York restrictions, the Directive treats numerous secular activities and entities significantly better than religious worship services. **Casinos, bowling alleys, retail businesses, restaurants, arcades, and other similar secular entities are limited to 50% of fire-code capacity, yet houses of worship are limited to fifty people regardless of their fire-code capacities.** As a result, the restrictions in the Directive, although not identical to New York’s, require attendance limitations that create the same “disparate treatment” of religion. Because “disparate treatment” of religion triggers strict scrutiny review—as it did in *Roman Catholic Diocese*—we will review the restrictions in the Directive under strict scrutiny.

*Id.* (emphasis added) (citation omitted) (quoting *Catholic Diocese*, 2020 WL 6948354, at \*2).

Notably, and fatally for the Governor here, the restriction on religious worship services in *Calvary Chapel* was **less restrictive** than the total prohibition here in Tier 1. *Compare id.* at \*4 (noting that the Nevada restriction imposed a 50-person cap), *with* Addendum Chart at 1 (recognizing the Governor’s current restriction as a complete prohibition in Tier 1.) Yet, this Court still held that “although less

restrictive in some respects than the New York regulation reviewed in *Roman Catholic Diocese*—**is not narrowly tailored.**” *Calvary Chapel*, 2020 WL 7350247, at \*4 (emphasis added). Because the Nevada restrictions failed strict scrutiny, the Ninth Circuit reversed the district court’s denial of injunctive relief and issued the requested preliminary injunction. *Id.* See also *Calvary Chapel Lone Mountain*, 2020 WL 7364797, at \*1 (same).

**C. *Catholic Diocese Prohibits The Governor’s Discriminatory Treatment Between Religious Worship Services And Similarly Situated Nonreligious Gatherings.***

In *Catholic Diocese*, the Supreme Court held that the applicant churches “clearly established their entitlement to relief” because they “made a strong showing that the challenged restrictions violate ‘the minimum requirement of neutrality’ to religion.” 2020 WL 6948354, at \*1 (quoting *Lukumi*, 508 U.S. at 533). Indeed, **“the regulations cannot be viewed as neutral because they single out houses of worship for especially harsh treatment.”** *Id.* (emphasis added). In *Catholic Diocese*, in the “red zone” a church could host no more than 10 people, and “orange zone” churches were limited to 25 people. *Id.* at \*2. But, in “red zones,” “businesses categorized as ‘essential’ may admit as many people as they wish,” and those “essential businesses” included “acupuncture facilities, campgrounds, garages . . . plants manufacturing chemicals and microelectronics and all transportation facilities.” *Id.* In the “orange zone,” the Court noted that “[t]he disparate treatment

is even more striking” because “[w]hile attendance at a house of worship is limited to 25 persons, even non-essential businesses may decide for themselves how many persons to admit.” *Id.*

As the Court held in *Catholic Diocese*, “[b]ecause the challenged restrictions are not ‘neutral’ and ‘of general applicability,’ they must satisfy strict scrutiny.” 2020 WL 6948354, at \*2 (citing *Lukumi*, 508 U.S. at 546). The same is true of the Governor’s color-coded Blueprint and its discriminatory treatment of Plaintiffs’ religious worship services.

**1. The Governor’s Discrimination Between Plaintiffs’ Churches And Nonreligious Gatherings In Tier 1 Cannot Withstand Strict Scrutiny.**

In *Catholic Diocese*, the Supreme Court noted that the treatment afforded to other nonreligious gatherings or so-called “essential” businesses mandated the application of strict scrutiny. The Court explicitly mentioned numerous disparate treatments that are equally present here:

In a red zone, while a synagogue or church may not admit more than 10 persons, businesses categorized as “essential” may admit as many people as they wish. And the list of “essential” businesses includes things such as acupuncture facilities, camp grounds, garages, as well as many whose services are not limited to those that can be regarded as essential, such as all **plants manufacturing chemicals and microelectronics and all transportation facilities.**

2020 WL 6948354, at \*2 (emphasis added). Moreover, “[t]he disparate treatment is even more striking in an orange zone. While attendance at houses of worship is

limited to 25 persons, even non-essential businesses may decide for themselves how many persons to admit.” *Id.* In fact, much like here, “a large store in Brooklyn . . . could literally have hundreds of people shopping there on any given day. Yet a nearby church or synagogue would be prohibited from allowing more than 10 or 25 people inside for a worship service.” *Id.* (cleaned up).

Justice Gorsuch elaborated further, explaining that while churches were limited to 10 or 25 people,

the Governor has chosen to impose *no* capacity restrictions on certain businesses he considers “essential.” And it turns out the businesses the Governor considers essential include **hardware stores, acupuncturists, and liquor stores. Bicycle repair shops, certain signage companies, accountants, lawyers, and insurance agents are all essential too.** So, at least according to the Governor, it may be unsafe to go to church, but it is always fine to pick up another bottle of wine, shop for a new bike, or spend the afternoon exploring your distal points and meridians.

*Id.* at \*4 (emphasis added) (Gorsuch, J., concurring). Indeed, under New York’s COVID-19 restrictions, “People may gather inside for extended periods in bus stations and airports, in laundromats and banks, in hardware stores and liquor shops.” *Id.*

Justice Kavanaugh similarly noted New York’s disparate treatment, which is equally true here:

New York's restrictions on houses of worship not only are severe, but also are discriminatory. In red and orange zones, houses of worship must adhere to numerical caps of 10 and 25 people, respectively, but those caps do not apply to some secular buildings in the same

neighborhoods. **In a red zone, for example, a church or synagogue must adhere to a 10-person attendance cap, while a grocery store, pet store, or big-box store down the street does not face the same restriction. In an orange zone, the discrimination against religion is even starker: Essential businesses and many non-essential businesses are subject to no attendance caps at all.**

*Id.* at \*7 (emphasis added) (Kavanaugh, J., concurring).

The Ninth Circuit, too, was faced with many of the identical discriminatory restrictions at issue here, and found them to mandate strict scrutiny. “Casinos, bowling alleys, retail businesses, restaurants, arcades, and other similar secular entities are limited to 50% of fire-code capacity, yet houses of worship are limited to fifty people regardless of their fire-code capacities.” *Calvary Chapel Dayton Valley*, 2020 WL 7350247, at \*4. *See also Calvary Chapel Lone Mountain*, 2020 WL 7364797, at \*1 (same).

If the restrictions at issue in *Catholic Diocese* fail strict scrutiny by limiting religious worship services to 10 or 25 people, then a total prohibition of religious worship services – by definition – cannot be the least restrictive means. Appellants’ requested IPA should issue because the Governor’s Blueprint and discrimination against religious worship services fails strict scrutiny.

Here, the Blueprint imposes discriminatory prohibitions on Plaintiffs’ churches that are not imposed on similar nonreligious businesses, and **many of the exempted businesses are precisely those discussed in *Catholic Diocese* and *Calvary Chapel Dayton Valley***. As in *Catholic Diocese*, while Plaintiffs’ Churches

in Tier 1 are totally prohibited from gathering in any number for indoor religious worship, food packaging and processing plants, laundromats, and warehouses are permitted to operate **with no numerical or capacity restrictions**. *Compare* (Addendum at 1), *with Catholic Diocese*, 2020 WL 6948354, at \*4 (Gorsuch, J., concurring). Further, as was equally true in *Catholic Diocese*, Grocery Stores and liquor stores are allowed to operate at 50% capacity with no numerical cap, other “essential retail” at 25% capacity with no numerical cap, “Malls, Destination Centers, and Swap Meets” at 25% capacity with no numerical cap, and laundromats with no percentage or numerical cap, **yet Plaintiffs’ churches are still prohibited from gathering with any number of individuals**. *Compare* Mem. 9 *with Catholic Diocese*, 2020 WL 6948354, at \*4 (Gorsuch, J., concurring), and *id.* at \*7 (Kavanaugh, J., concurring).

As Justice Gorsuch noted, “[i]n recent months, certain other Governors have issued similar edicts. At the flick of a pen, they have asserted the right to privilege restaurants, marijuana dispensaries, and casinos over churches, mosques, and temples.” *Id.* at \*4 (Gorsuch, J., concurring). Justice Kavanaugh opined that caps on places of worship “do not apply to some secular buildings in the same neighborhoods.” *Id.* at \*7 (Kavanaugh, J., concurring). These include grocery stores, pet stores, or big box stores down the street. *Id.*

The Supreme Court thus endorsed Judge O’Scannlain’s observation:

[I]ndoor worship services are completely prohibited. [But] in these same counties, the State still allows people to go indoors to: spend a day shopping in the mall, have their hair styled, get a manicure or pedicure, attend college classes, produce a television show or movie, participate in professional sports, wash their clothes at a laundromat, and even work in a meatpacking plant.

*Harvest Rock Church, Inc. v. Newsom*, 977 F.3d 728, 731 (9th Cir. 2020) (O’Scannlain, J., dissenting).

In Tier 1, just as in *Catholic Diocese*, food packaging and processing, laundromats, warehouses, grocery stores, liquor stores, big-box retail stores, malls, destination centers, transportation facilities, and many other so-called “essential” or “critical infrastructure” sectors are exempt from any numerical restriction or capacity limitation whatsoever, and others are subject to more favorable treatment than Plaintiffs’ constitutionally protected religious services. (See Addendum at 1.) The district court’s contention (Ex. 2, dkt. 77, Order at 6) that the Governor’s Blueprint is not subject to strict scrutiny under *Catholic Diocese* is plainly absurd. In his efforts to evade the binding precedent of *Catholic Diocese* and this Court’s two binding injunctions in *Calvary Chapel Lone Mountain* and *Calvary Chapel Dayton Valley*, the district court opines that religious worship services are treated “like or more favorably than similar secular institutions.” (Ex. 2, dkt. 77, Order at 7). In fact, New York presented the district court’s same contention to the Supreme Court in *Catholic Diocese*, **and it was squarely rejected:**

The State argues that it has not impermissibly discriminated against religion because some secular businesses such as movie theatres must remain closed and are thus treated less favorably than houses of worship. **But, under this Court’s precedents, it does not suffice for a State to point out that, as compared to houses of worship, some secular businesses are subject to similarly severe or even more severe restrictions. . . . Rather, once the state creates a favored class of businesses, as New York has done in this case, the State must justify why houses of worship are excluded from that favored class.**

*Catholic Diocese*, 2020 WL 6948354, at \*8 (Kavanaugh, J., concurring) (emphasis added). This Court should follow the binding precedent of *Catholic Diocese*, not the district court’s fundamental misunderstanding of binding precedent, and immediately issue the IPA.

This is all the more true given that the Blueprint *internally* discriminates between Churches’ nonreligious and religious activities – allowing the former and banning the latter in the Blueprint Tier 1, and discriminate between nonreligious and religious activities in Tiers 2-4 “Indeed, even non-worship activities conducted by or within a place of worship are not subject to the attendance parameters” otherwise applicable to places of worship. *Harvest Rock Church, Inc. v. Newsom*, 977 F.3d 728, 734 (9th Cir. 2020) (O’Scannlain, J., dissenting).

## **2. The Governor’s Discrimination Between Plaintiffs’ Churches And Nonreligious Gatherings In Tier 2 Cannot Withstand Strict Scrutiny.**

Similarly, in Tier 2, the discrimination present in *Catholic Diocese* is equally present here—**only worse**. Plaintiffs’ churches may operate at 25% capacity or 100

individuals, whichever is fewer, but other gatherings are not subject to such restrictions or specific numerical limitation. (Addendum at 2.) Food packaging and processing, laundromats, and warehouses may continue to operate without capacity limitations or numerical caps. (*Id.*) Grocery Stores, “Essential Retail” (*e.g.*, Walmart, Lowe’s, Home Depot, and other “big box” stores), liquors stores, Shopping Malls, Destination Centers, and Swap Meets may operate at 50% capacity but with no explicit numerical cap. (*Id.*) Museums may operate at 25% capacity but without an express numerical limit, and gyms may operate at 10% capacity with no numerical cap. (*Id.*) Ten percent of the capacity of Harvest Rock Church’s 1,250-seat Pasadena campus is 125, and 25% is 312. (V. Compl. ¶ 120.)

Such discriminatory treatment warranted strict scrutiny and an injunction in *Catholic Diocese*, yet the Governor asserts it is inapplicable here. Such is not the law. *Compare* (Addendum at 2), *with Catholic Diocese*, 2020 WL 6948354, at \*2 (majority opinion); *id.* at \*7 (Kavanaugh, J., concurring) (noting the discrimination between religious services and “grocery store[s], pet store[s], or big-box store[s] down the street”). *See also Calvary Chapel*, 2020 WL 7350247, at \*3–4.

The district court contended that houses of worship in Tier 2 are treated identically to museums, movie theatres, and restaurants because all such gatherings are subject to “25% capacity or 100 persons.” (Ex. 2, dkt. 77, Order at 7.) But, **this is simply false**. Houses of worship, such as Plaintiffs’ churches can operate at 25%

capacity or 100 people, **whichever is fewer**. (Addendum at 2.) However, the strict numerical cap is only imposed on Plaintiffs' religious worship services and does not apply other sectors. Food packaging, laundromats, and warehouses have no capacity or numerical limitation in Tier 2, grocery stores, big-box retail stores, shopping malls, destination centers, and swap meets can operate at 50% capacity with no strict numerical cap, and museums can operate at 25% capacity with no strict numerical cap. (*Id.*) So, despite the district court's erroneous understanding, **Plaintiffs' churches are the only category in Tier 2 that has a numerical cap**. *Catholic Diocese* firmly holds that such disparate treatment requires the Governor to satisfy strict scrutiny, which he cannot. *Catholic Diocese*, 2020 WL 6948354, at \*2. *See also Calvary Chapel Dayton Valley*, 2020 WL 7350247, at \*3–4 (same).

**3. The Governor's Discrimination Between Plaintiffs' Churches And Nonreligious Gatherings In Tier 3 Cannot Withstand Strict Scrutiny.**

Tier 3 is no different, and its especially harsh treatment of religious worship services must be equally subject to strict scrutiny and immediately enjoined. In Tier 3, Plaintiffs may operate at 50% capacity or 200 people, whichever is fewer. (Addendum.) Food packaging and processing, laundromats, warehouses, grocery stores, "big box" stores, malls, destination centers, and swap meets may all operate with any capacity or numerical restriction of any kind. (Addendum at 3.) Museums are permitted 50% capacity but with no numerical limitation. (*Id.*) Gyms, fitness

centers, family entertainment centers, and cardrooms and satellite wagering centers may all operate at 25% capacity but with no numerical limitation. (*Id.*)

Yet again, such discriminatory treatment warranted strict scrutiny and an injunction in *Catholic Diocese*, as it does here. *Compare* (Addendum at 3), with *Catholic Diocese*, 2020 WL 6948354, \*2 (majority opinion); *id.* at \*7 (Kavanaugh, J., concurring) (noting the discrimination between religious services and “grocery store[s], pet store[s], or big-box store[s] down the street”). The district court’s contention that his Blueprint does not impose especially harsh treatment on Plaintiffs’ churches is simply wrong. And, this Court’s binding decisions in *Calvary Chapel Dayton Valley* and *Calvary Chapel Lone Mountain*, not to mention *Catholic Diocese*, mandates the application of strict scrutiny and the issuance of an IPA against the Governor’s similarly discriminatory restrictions in Tier 3. *See Calvary Chapel Dayton Valley*, 2020 WL 7350247, at \*3–4.

**D. The Binding Precedent Of The Supreme Court And This Court Demand A Finding That Discriminatory Restrictions On Religious Worship Not Imposed On Favored Businesses Are Not The Least Restrictive Means.**

*Catholic Diocese* unequivocally held that restrictions on religious worship services of 10 or 25 people are not narrowly tailored or the least restrictive means. *See* 2020 WL 6948354, at \*2 (“it is hard to see how the challenged regulations can be regarded as ‘narrowly tailored’” (emphasis added)). In fact, it held that restrictions on religious worship services of 10 or 25 people “are **far more**

**restrictive** than any COVID–related regulations that have previously come before the Court, **much tighter** than those adopted by many other jurisdictions hard-hit by the pandemic, and **far more severe** than has been shown to be required to prevent the spread of the virus at the applicants’ services.” *Id.* (emphasis added).

Here, the Tier 1 restrictions—which impose a total prohibition on all religious worship services for 99.1% of the California population and the vast majority of all of Plaintiffs’ churches—are even more restrictive, much tighter, and more severe than those found not narrowly tailored in *Catholic Diocese*. If restrictions of 10 and 25 people are not narrowly tailored, then an absolute prohibition on any religious gatherings plainly fails the test. The same is true of Tier 2 where only houses of worship are subject to a strict numerical cap of the fewer of 25% or 100 while food packaging, laundromats, and warehouses have no capacity or numerical limit, grocery stores, liquor stores, big-box retail stores, shopping malls, and others are subject only to a 50% capacity limit with no numerical limit, and museums have a 25% capacity limit but no numerical limit. (Addendum at 2.) The same is true of Tier 3 where only houses of worship are subject to a strict numerical cap of the fewer of 50% or 200 while food packaging, laundromats, warehouses grocery stores, liquor stores, big-box retail stores, shopping malls, lawyers, accountants, destination centers, swap meets and others have no numerical and capacity limitations no numerical limit, museums have a 50% capacity limit but no numerical limit, and

gyms, fitness centers, family entertainment centers, and cardrooms all have a 25% capacity restriction but numerical cap. (Addendum at 3). As this Court held in *Calvary Chapel Dayton Valley*, 2020 WL 7350247, at \*4 and *Calvary Chapel Lone Mountain*, 2020 WL 7364797 at \*1, when the government imposes strict numerical caps on religious worship services that are not imposed on secular businesses, the restrictions cannot be considered narrowly tailored.

## II. APPELLANTS ARE SUFFERING IRREPARABLE HARM.

*Catholic Diocese* and the two binding injunctions from this Court in *Calvary Chapel Lone Mountain* and *Calvary Chapel Dayton Valley* compel a finding that the Governor's discriminatory prohibitions and numerical caps on Plaintiffs' religious worship services impose irreparable harm. Astonishingly, the district court held that there was no irreparable harm because Plaintiffs could simply go outside to worship. (Ex. 2, dkt. 77, Order at 13.) The First Amendment demands more, and so, too, does *Catholic Diocese*. "There can be no question that the challenged restrictions, if enforced, will cause irreparable harm." *Catholic Diocese*, 2020 WL 6948354, at \*3. Indeed, "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Id.* (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). See also *Calvary Chapel Dayton Valley*, 2020 WL 7350247, at \*4 (same); *Calvary Chapel Lone Mountain*, 2020 WL 7364797 at \*1 (same). These binding decisions require a finding of irreparable harm.

If only 10 people are admitted to each service, the great majority of those who wish to attend Mass on Sunday or services in a synagogue on Shabbat will be barred. And while those who are shut out may in some instances be able to watch services on television, such remote viewing is not the same as personal attendance. Catholics who watch a Mass at home cannot receive communion, and there are important religious traditions in the Orthodox Jewish faith that require personal attendance.

*Catholic Diocese*, 2020 WL 6948354, at \*3.

Yet, here, the irreparable harm is even more pronounced for multiple reasons: (1) all of Plaintiffs' Churches in Tier 1 are completely prohibited from hosting any religious worship services, regardless of the number in attendance, and (2) Plaintiffs' Churches, pastors, staff, and parishioners face threats of *daily criminal charges* (each up to one year in prison), *finances, and closure*. (See Ex. 6 at 7 ("Any violations in the future will subject your Church, owners, administrators, operators, staff, and parishioners to the above-mentioned criminal penalties as well as the closure of your Church."))

No pastor, church, or parishioner in America should have to choose between worship and prison. As Justice Kavanaugh recognized,

**There is also no good reason to delay issuance of the injunctions . . .**  
. . . issuing the injunctions now rather than a few days from now will not only ensure that the applicants' constitutional rights are protected, but also will provide some needed clarity for the State and religious organizations.

*Id.* at \*9 (Kavanaugh, J., concurring) (emphasis added)

*Catholic Diocese* found irreparable harm inherent where “[t]hirteen days have gone by since the Diocese filed its application, and Agudath Israel's application was filed over a week ago.” 2020 WL 6948354, at \*3. “It has taken weeks for the plaintiffs to work their way through the judicial system and bring their case to us. During all this time, they were subject to unconstitutional restrictions.” *Id.* at \*6 (Gorsuch, J., concurring). That delay—**which for Plaintiffs’ churches has been since July 18**—was found to be itself irreparable injury. If 13 days and 7 days of delay while unconstitutional restrictions are placed on religious worship is enough for irreparable harm, then there is no question that it is present here where Plaintiffs have been fighting for months to get relief.

### **III. CATHOLIC DIOCESE AND THIS COURT’S TWO BINDING DECISIONS MANDATE A FINDING THAT THE PUBLIC INTEREST FAVORS INJUNCTIVE RELIEF.**

In *Catholic Diocese*, the Court unequivocally held that “it has not been shown that granting the applications will harm the public.” *Catholic Diocese*, 2020 WL 6948354, at \*3. The reason for that was two-fold: (1) “the State has not claimed that attendance at the applicants’ services has resulted in the spread of the disease,” *id.*, and (2) “the State has not shown that public health would be imperiled if less restrictive measures were imposed.” *Id.* Both scenarios are equally true of Plaintiffs’ Churches. Plaintiffs Churches have not been the source of any alleged outbreaks,

and the uncontroverted record below demonstrates that Plaintiffs' Churches comply with social distancing and enhance hygiene protocols.

*Catholic Diocese* found it relevant that the diocese “had been constantly ahead of the curve, enforcing stricter safety protocols than the State required,” and that the synagogue “rigorously implemented and adhered to all health protocols.” 2020 WL 6948354, at \*2. The uncontroverted sworn testimony below establishes that Plaintiffs' Churches are likewise adhering to social distancing, engaging in enhanced sanitization, and implementing other mechanisms to protect their congregants. Indeed, Harvest Rock Church, at all of its campuses, “has been allowing for worship services only the number of people that allows for effective social distancing,” “requires everyone to wear a mask into the building,” “takes the temperature of everyone entering the building,” and “spaces its attendees to achieve proper social distancing.” (V. Compl. ¶¶ 120–123; Third Ahn Decl. ¶ 5.) Moreover, Harvest Rock Church, at all of its campuses, “has its building and restrooms professionally sanitized after hosting each worship service.” (V. Compl. ¶¶ 120–123; Third Ahn Decl. ¶ 5.) Plaintiff Harvest International Ministry's member churches in California take the same precautions. (V. Compl. ¶ 124; Third Ahn Decl. ¶ 6.) And, Plaintiffs Churches have not been the source of any outbreak or spread of the virus, just as in *Catholic Diocese*. (Third Ahn Decl. ¶8.)

The binding precedent from this Court also holds that issuing an injunction preventing discriminatory restrictions on religious worship services serves the public interest. *Calvary Chapel Dayton Valley*, 2020 WL 7350247, at \*4; *Calvary Chapel Lone Mountain*, 2020 WL 7364797 at \*1.

**CONCLUSION**

For the foregoing reasons, this Court should issue the IPA.

Respectfully submitted,

Dated: December 22, 2020

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1. This document complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) and 9th Cir. Rule 27-1(d). This document is proportionally spaced and, not counting the items excluded from the length by Fed. R. App. P. 32(f), contains 5,574 words which when divided by 280 does not exceed the 20-page limit of 9th Cir. R. 27-1(d) as calculated under 9th Cir. R. 32-3.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6). This document has been prepared using Microsoft Word in 14-point Times New Roman font.

/s/ Daniel J. Schmid  
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*Attorney for Plaintiffs–Appellants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed via the Court's ECF filing system and therefore service will be effectuated by the Court's electronic notification system upon all counsel or parties of record. In addition, and in accordance with Counsel's Rule 27 Certification, counsel for Defendant–Appellee has also been served with a true and correct copy of the foregoing via electronic mail.

*/s/ Daniel J. Schmid* \_\_\_\_\_  
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**TABLE OF BLUEPRINT TIERS AND SELECTED SECTOR RESTRICTIONS**

<b>TIER 1</b>	<b>SECTOR/ACTIVITY</b>	<b>RESTRICTIONS</b>
<b>Widespread</b>	<b>Places of Worship: religious services in building</b>	<b>No indoor gathering; outdoor only</b>
	<b>Places of Worship: nonreligious social services in building</b>	<b>No building capacity or numerical limitation</b>
	Food packing and processing (Critical Infrastructure)	No building capacity or numerical limitation
	Laundromats (Limited Services)	No building capacity or numerical limitation
	Warehouses (Logistics and Warehousing Facilities)	No building capacity or numerical limitation
	Grocery Stores (Retail)	50% capacity with no maximum
	Other Essential Retail ('big box' stores)	25% capacity with no maximum
	Shopping Centers (Malls, Destination Centers, Swap Meets)	25% capacity with no maximum
	Museums	Outdoor only
	Gyms and Fitness Centers	Outdoor only
	Family Entertainment Centers	Outdoor only
	Cardrooms, Satellite Wagering	Outdoor only

<b>TIER 2</b>	<b>SECTOR/ACTIVITY</b>	<b>RESTRICTIONS</b>
<b>Substantial</b>	<b>Places of Worship: religious services in building</b>	<b>25% capacity or 100 people, whichever is fewer</b>
	<b>Places of Worship: nonreligious social services in building</b>	<b>No building capacity or numerical limitation</b>
	Food packing and processing (Critical Infrastructure)	No building capacity or numerical limitation
	Laundromats (Limited Services)	No building capacity or numerical limitation
	Warehouses (Logistics and Warehousing Facilities)	No building capacity or numerical limitation
	Grocery Stores (Retail)	50% capacity with no maximum
	Other Essential Retail ('big box' stores)	50% capacity with no maximum
	Shopping Centers (Malls, Destination Centers, Swap Meets)	50% capacity with no maximum
	Museums	25% capacity with no maximum
	Gyms and Fitness Centers	10% capacity with no maximum
	Family Entertainment Centers	Outdoor only
	Cardrooms, Satellite Wagering	Outdoor only

<b>TIER 3</b>	<b>SECTOR/ACTIVITY</b>	<b>RESTRICTIONS</b>
<b>Moderate</b>	<b>Places of Worship: religious services in building</b>	<b>50% capacity or 200 people, whichever is fewer</b>
	<b>Places of Worship: nonreligious social services in building</b>	<b>No building capacity or numerical limitation</b>
	Food packing and processing (Critical Infrastructure)	No building capacity or numerical limitation
	Laundromats (Limited Services)	No building capacity or numerical limitation
	Warehouses (Logistics and Warehousing Facilities)	No building capacity or numerical limitation
	Grocery Stores (Retail)	No building capacity or numerical limitation
	Other Essential Retail ('big box' stores)	No building capacity or numerical limitation
	Shopping Centers (Malls, Destination Centers, Swap Meets)	No building capacity or numerical limitation
	Museums	50% capacity with no maximum
	Gyms and Fitness Centers	25% capacity with no maximum
	Family Entertainment Centers	25% capacity with no maximum
	Cardrooms, Satellite Wagering	25% capacity with no maximum

<b>TIER 4</b>	<b>SECTOR/ACTIVITY</b>	<b>RESTRICTIONS</b>
<b>Minimal</b>	<b>Places of Worship: religious services in building</b>	<b>50% capacity with no maximum</b>
	<b>Places of Worship: nonreligious social services in building</b>	<b>No building capacity or numerical limitation</b>
	Food packing and processing (Critical Infrastructure)	No building capacity or numerical limitation
	Laundromats (Limited Services)	No building capacity or numerical limitation
	Warehouses (Logistics and Warehousing Facilities)	No building capacity or numerical limitation
	Grocery Stores (Retail)	No building capacity or numerical limitation
	Other Essential Retail ('big box' stores)	No building capacity or numerical limitation
	Shopping Centers (Malls, Destination Centers, Swap Meets)	No building capacity or numerical limitation
	Museums	No building capacity or numerical limitation
	Gyms and Fitness Centers	50% capacity with no maximum
	Family Entertainment Centers	50% capacity with no maximum
	Cardrooms, Satellite Wagering	50% capacity with no maximum

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **EDCV 20-6414 JGB (KKx)** Date December 22, 2020

Title ***Harvest Rock Church, Inc., et al. v. Gavin Newsom***

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

**MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order (1) DENYING Plaintiffs’ Motion for Injunction Pending Appeal (Dkt. No. 78) (IN CHAMBERS)**

For the reasons set forth in the Court’s December 21, 2020 Order, (see Dkt. No. 77,) Plaintiffs’ Motion for Injunction Pending Appeal (Dkt. No. 78) is DENIED.

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **EDCV 20-6414 JGB (KKx)** Date December 21, 2020

Title ***Harvest Rock Church, Inc. et al. v. Gavin Newsom***

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

**MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: (IN CHAMBERS) Order (1) DENYING Plaintiffs’ Emergency Motion for Temporary Restraining Order (Dkt. No. 58); (2) GRANTING South Bay United Pentecostal Church’s Motion to File Amicus Brief (Dkt. No. 63); and (3) GRANTING Plaintiffs’ Motion to Exceed Page Limitation (Dkt. No. 69).**

Before the Court are: Plaintiffs’ Emergency Motion for a Temporary Restraining Order (“Motion,” Dkt. No. 58); a request to file an amicus brief (Dkt. No. 63); and a Motion to Exceed Page Limitations (Dkt. No. 69). The Court held a telephonic hearing on the Motion on December 18, 2020. After considering the telephonic hearing along with the papers filed in support of and in opposition to the matter, the Court DENIES Plaintiffs’ Motion.

**I. BACKGROUND**

On July 17, 2020, Plaintiffs Harvest Rock Church, Inc., and Harvest Rock International Ministry, Inc. filed a complaint against Defendant California Governor Gavin Newsom. (“Complaint,” Dkt. No. 1.) The Complaint alleges six causes of action arising out of Governor Newsom’s Covid-19 policy: (1) Violation of Free Exercise Clause of First Amendment to U.S. Constitution; (2) Violation of First Amendment Freedom of Assembly Clause; (3) Violation of Free Speech Clause of First Amendment to U.S. Constitution; (4) Violation of Establishment Clause of First Amendment to U.S. Constitution; (5) Violation of Equal Protection Clause of Fourteenth Amendment to U.S. Constitution; and (6) Violation of the Guarantee Clause of the U.S. Constitution. (Complaint.)

On July 18, 2020, Plaintiffs filed a Motion for Temporary Restraining Order and Preliminary Injunction. (Dkt. No. 4.) On August 12, 2020, the Court held a telephonic hearing on the Motion for Preliminary Injunction. (Dkt. No. 42.) The Court orally denied the Motion at the hearing and issued a separate written order to the same effect on September 2, 2020. (Dkt. No. 53.)

On August 21, 2020, Plaintiffs filed for an injunction pending appeal. (Dkt. No. 44.) The Court denied the injunction pending appeal on September 16, 2020. (Dkt. No. 54.)

On October 1, 2020, the Ninth Circuit held that Plaintiffs had not shown a likelihood of success on its argument that the Court abused its discretion by declining to grant its requested injunction. Harvest Rock Church, Inc. v. Newsom, 977 F.3d 728, 730 (9th Cir. 2020) (vacated).

On November 25, 2020, the Supreme Court granted emergency injunctive relief to petitioners in Roman Catholic Diocese of Brooklyn v. Cuomo, No. 20A87, 592 U.S. \_\_\_\_ (Nov. 25, 2020), a case concerning the constitutionality of New York State's Stay-at-Home orders.

On December 3, 2020, in light of its Catholic Diocese opinion, the Supreme Court vacated this Court's September 2, 2020 Order. Harvest Rock Church v. Newsom, No. 20A94, 592 U.S. \_\_\_\_ (Dec. 3, 2020). On instruction from the Supreme Court, the Ninth Circuit vacated its October 1, 2020 order and remanded the case to this Court for further consideration in light of Catholic Diocese. (Dkt. No. 57.)

The following day, Friday, December 4, 2020, Plaintiffs filed the instant Motion, once again requesting emergency injunctive relief. (Dkt. No. 58.) The Motion requested "immediate relief by this Sunday, December 6, 2020." (Id.) The Court scheduled hearing for Tuesday, December 8, 2020. (Dkt. No. 60.)

On December 5, 2020, Defendant filed a Notice of Intention to Oppose Plaintiffs' Motion and requested additional time to prepare an opposition and record. (Dkt. No. 61.) At the Tuesday, December 8, 2020 telephonic hearing, the Court granted Defendant's request for more time and set an expedited briefing schedule.

Also on December 8, 2020, South Bay United Pentecostal Church and Bishop Arthur Hodges III filed a motion to file an amicus brief in support of Plaintiffs. (Dkt. No. 63.) The Court GRANTS this request and considers the proposed amicus curiae brief properly submitted. (Dkt. No. 63-1.)

On December 14, 2020, Defendant opposed Plaintiffs' Motion. ("Opposition," Dkt. No. 66.) Accompanying the Opposition are the following:

- Declaration of Dr. James Watt ("Watt Declaration," Dkt. No. 66-1);
- Declaration of Dr. George Rutherford ("Rutherford Declaration," Dkt. No. 66-2);
- Declaration of Dr. Michael Stoto ("Stoto Declaration," Dkt. No. 66-3);

- Declaration of Todd Grabarsky (“Grabarsky Declaration,” Dkt. No. 67).

On December 16, 2020, Plaintiffs replied. (“Reply,” Dkt. No. 68). Accompanying the Reply are the following:

- Preliminary Injunction Opinion in Burfitt v. Newsom (Dkt. No. 68-1);
- Third Supplemental Declaration of Che Ahn (Dkt. No 68-2);
- Declaration of Daniel J. Schmidt (Dkt. No 68-3).

Also accompanying the Reply is a Motion to Exceed Page Limitations, (Dkt. No. 69,) which the Court GRANTS.

On December 18, 2020 Defendant filed objections to Plaintiff’s Reply. (Dkt. No. 71.) The following day, Plaintiffs filed two Notices of Decision: Calvary Chapel Lone Mountain v. Sisolak, No.20-16274, 2020 WL 7364797 (9th Cir. Dec. 15, 2020) and Midway Venture, LLC v. Cnty. of San Diego, No. 37-2020-38194-CU-CR-CT1 (2020). (Dkt. No. 72.)

On December 18, 2020, the Court held a telephonic hearing with argument from both Plaintiffs and Defendant.

## II. CURRENT RESTRICTIONS

The set of policies governing Covid-19 closures in California exist under the umbrella designation “Blueprint for a Safer Economy,” (the “Blueprint,”) enacted August 28, 2020. (Dkt. No. 58-4.) The Blueprint is a framework of risk tiers and sector-specific restrictions, applied and periodically adjusted county-by-county through the State. (Id.) Counties are assigned tiers ranging from “Tier 1-Widespread” to “Tier 4-Minimal” based on testing positivity and “case rate,” defined as rate of new Covid-19 infection per capita, excluding prison cases, on a seven-day average. (Id.) The Blueprint has changed since its inception, but its overall framework remains essentially the same. Also specifically governing religious activity in California is the State’s July 29 Worship Guidance, which prohibits indoor singing and chanting for places of worship and requires the use of face coverings.<sup>1</sup>

Tier 1-Widespread restrictions are the most severe.<sup>2</sup> In counties designated Tier 1, social gatherings (predominately but not exclusively secular) are only permitted outdoors and may only consist of up to three households. (Id.) Shopping centers may operate at a maximum of 25% capacity but must close common areas and food courts. (Id.) Museums, zoos, movie theaters, gyms, restaurants, wineries, cardrooms, and family entertainment centers (which include batting

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<sup>1</sup> Covid-19 Industry Guidance: Places of Worship and Providers of Religious Services and Cultural Ceremonies, <https://files.covid19.ca.gov/pdf/guidance-places-of-worship.pdf> (last accessed December 6, 2020.)

<sup>2</sup> Grabarsky Declaration Exh. 7 (Blueprint for a Safer Economy: Activity and Business Tiers, “Blueprint”).

cages and mini golf) are permissible outdoors only. (Id.) So too are places of worship. (Id.) Amusement parks and bars are closed. (Id.) Offices are designated “remote.” (Id.) As of November 21, 2020, counties in Tier 1-Widespread are also subject to a curfew which directs people to stop “non-essential” activities between 10 p.m. and 5 a.m. (Grabarsky Declaration Exh. 11.)

In Tier 2-Substantial, social gatherings are “strongly discouraged” but permitted indoors and may consist of up to three households. (See Blueprint.) Shopping centers are open and may operate at a maximum of 50% capacity but must close common areas and reduce the capacity of food courts. (Id.) Museums, zoos, and aquariums may open at a maximum of 25% capacity. (Id.) Gyms and fitness centers may open at a maximum of 10% capacity. (Id.) Restaurants, movie theaters, and places of worship may operate indoors at a maximum of 25% capacity or 100 people, whichever is fewer. (Id.) Wineries, cardrooms, and family entertainment centers are still outdoor-only. (Id.) Amusement parks and bars are still closed. (Id.) Offices are still designated “remote.” (Id.)

In Tier 3-Moderate, social gatherings are “strongly discouraged” but permitted indoors and may consist of up to three households. (Id.) Shopping centers may open with modifications but must close common areas and reduce the capacity of food courts. (Id.) Museums, zoos, and aquariums may open at a maximum of 50% capacity. (Id.) Gyms, cardrooms, and wineries may open at a maximum of 25% capacity. (Id.) Restaurants, movie theaters, and places of worship may operate indoors at a maximum of 50% capacity or 200 people, whichever is fewer. (Id.) Bars may open outdoors only. (Id.) Smaller amusement parks may open at 25% capacity or 500 people, whichever is fewer, for outdoor attractions and with in-county visitors only. (Id.) Offices may open indoors with modifications but should “encourage telework.” (Id.)

Regardless of tier, California permits “Critical Infrastructure” sectors to remain open with industry-specific modifications.<sup>3</sup> Critical Infrastructure sectors include healthcare, emergency services, the food and agriculture supply chain, the energy sector, water and wastewater management, transportation, communications and information technology, critical manufacturing, financial services, chemical and hazardous materials, defense, and “industrial, commercial, residential, and sheltering facilities and services,” which includes construction, plumbing, hardware, property management, laundromats, and homeless shelters. (Id.)

As of December 3, 2020, layered on top of the Blueprint is a “Regional Stay Home Order,” which goes into effect automatically the day after a region has been announced to have less than 15% availability in its Hospital Intensive Care Units (ICUs). (Grabarsky Declaration Exh. 12.) The Regional Stay Home Order prohibits all social gatherings with members of other households, including outdoor gatherings. (Id.) However, the Regional Stay Home Order permits outdoor worship consistent with Tier 1. (Id.) As of December 18, 2020, the Regional

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<sup>3</sup> Essential Critical Infrastructure Workers, <https://covid19.ca.gov/essential-workforce/> (last accessed December 6, 2020.)

Stay Home Order is in effect in all regions but Northern California.<sup>4</sup> In Southern California, where Plaintiffs are based, ICU availability is at 0.0%. (*Id.*)

### III. LEGAL STANDARD

The Court has previously articulated relevant standards for Temporary Restraining Orders. (See Dkt. Nos. 5, 42, 53.) To repeat:

“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). “A preliminary injunction is an extraordinary and drastic remedy; it is never awarded as of right.” *Munaf v. Geren*, 553 U.S. 674, 690 (2008) (citations omitted). The elements of a TRO and of a preliminary injunction are the same. See *Rodriguez v. Wolf*, 2020 WL 1652541, \*2 (C.D. Cal. Feb. 10, 2020.)

### IV. DISCUSSION

*Roman Catholic Diocese of Brooklyn v. Cuomo*<sup>5</sup> is a Free Exercise opinion. Accordingly, Plaintiffs’ Motion mostly requests injunctive relief on Free Exercise grounds. (Motion 6.) However, Plaintiffs also argue that the Blueprint violates the Establishment Clause. (*Id.* at 17.)

After this case was remanded, the Ninth Circuit found Nevada’s Covid-19 religious restrictions unconstitutional in light of *Catholic Diocese*.<sup>6</sup> In their Reply, Plaintiffs quote *Dayton Valley*: “The Supreme Court’s recent decision in [*Catholic Diocese*] arguably represents a seismic shift in Free Exercise law, and compels the result in this case.” (Reply 1 (quoting 2020 WL 7350247 at \*1).)

#### A. Plaintiffs Remain Unlikely to Succeed on the Merits

##### 1. Free Exercise Clause

The Free Exercise Clause of the First Amendment, incorporated through the Fourteenth Amendment, prohibits laws “prohibiting the free exercise” of religion. U.S. Const., amend. I. Claims brought under the Free Exercise Clause first face the threshold inquiry of whether a law that substantially burdens a plaintiff’s religious exercise is “neutral or generally applicable.”

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<sup>4</sup> Regional Stay Home Order, <https://covid19.ca.gov/stay-home-except-for-essential-needs/#regional-stay-home-order> (last accessed December 18, 2020).

<sup>5</sup> Hereafter cited as No. 20A87, 2020 WL 6948354, at \*1 (U.S. Nov. 25, 2020).

<sup>6</sup> *Calvary Chapel Dayton Valley v. Sisolak*, No. 20-16169, \_\_\_ F.3d. \_\_\_ (9th Cir. Dec. 15, 2020) (Hereafter cited as *Dayton Valley v. Sisolak*, 2020 WL 7350247 (9th Cir. Dec. 15, 2020)); see also *Calvary Chapel Lone Mountain v. Sisolak*, 2020 WL 7364797 (9th Cir. Dec. 15, 2020).

Employment Div., Dep't of Human Res. of Oregon v. Smith, 494 U.S. 872, 881 (1990). If a law is neutral and of general applicability, that law “need not be justified by a compelling governmental interest even if the law has the incidental effect of burdening a particular religious practice.” Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520, 531 (1993). Absent neutrality or general applicability, that law faces strict scrutiny, which requires the government to demonstrate a compelling interest and that its means are narrowly tailored to meet that interest. 508 U.S. at 531-32.

Catholic Diocese did not overrule Smith; it applied it. In Catholic Diocese, the Supreme Court established that New York State’s Order was: (1) not neutral or generally applicable; (2) unlikely to survive the merits of a strict scrutiny inquiry. 2020 WL 6948354, at \*1. Though the Ninth Circuit has labeled this a seismic shift, (see 2020 WL 7350247 at \*1,) the standard this Court is bound to apply remains the framework from Smith and Lukumi Babalu. Indeed, though the Ninth Circuit found that Nevada’s Covid-19 restrictions on houses of worship warranted strict scrutiny and directed the district court to review its analysis of the directive accordingly, it did not recognize or articulate a standard for Free Exercise claims distinct from the Smith framework.

#### **a. California’s Restrictions Do Not Warrant Strict Scrutiny**

The law remains that courts must first assess whether a law is “neutral or generally applicable.” Smith, 494 U.S. at 881. The Court finds that California’s Blueprint is. The Blueprint offers something the New York and Nevada Orders did not: the ability to legally congregate in unlimited numbers for worship—so long as that worship occurs outside. In so doing, the Blueprint treats religious activity better than comparable secular activity and even better than essential services. This is distinct from both the New York and Nevada restrictions and compels the conclusion that the Blueprint is neutral.

As the Supreme Court described, the New York Order imposed “very severe restrictions” on religious services in areas classified as “red” or “orange” zones. 2020 WL 6948354, at \*1. In red zones, no more than 10 people were permitted to attend a religious service, and in orange zones, attendance was capped at 25. Id. The New York Orders made no exceptions for outdoor religious worship. In holding that the New York Orders were entitled to strict scrutiny, the Supreme Court noted that New York’s regulations “cannot be viewed as neutral because they single out houses of worship for especially harsh treatment.” Id. This harsh treatment occurred in both red and orange zones. In red zones, businesses like “acupuncture facilities, camp grounds, garages, . . . all plants manufacturing chemicals and microelectronics and all transportation facilities” could admit as many people as they wished while religious organizations were numerically capped at 10. Id. at \*2. In orange zones, while religious institutions were strictly capped, even non-essential businesses were empowered to decide for themselves how many persons to admit. Id. The Court noted that “the maximum

attendance at a religious service could be tied to the size of the church or synagogue,” and that almost all of the Diocese churches affected by the Orders could seat over 500 people. *Id.*<sup>7</sup>

In Nevada, Governor Sisolak’s Directive prohibited “gatherings in groups of more than fifty people in any indoor or outdoor areas.” *Calvary Chapel Dayton Valley v. Sisolak*, 2020 WL 4260438, at \*1 (D. Nev. June 11, 2020), rev’d and remanded sub nom. *Dayton Valley v. Sisolak*, 2020 WL 7350247 (9th Cir. Dec. 15, 2020). The Nevada Directive limited movie theaters and churches to a maximum of 50 people but allowed casinos to reopen at 50% of their capacity. *Id.* As the average capacity of a casino far surpasses 100 people, Nevada’s Directive created an environment where individuals could gather in large groups to gamble but not to attend a religious service, regardless of whether that service was inside or outside.

In applying *Catholic Diocese* to *Dayton Valley*, the Ninth Circuit noted that “instead of a fifty-person cap, the Directive could have, for example, imposed a limitation of 50% of fire-code capacity on houses of worship, like the limitation it imposed on retail stores and restaurants, and like the limitation the Nevada Gaming Control Board imposed on casinos.” *Dayton Valley*, 2020 WL 7350247, at \*4. Nevada denied churches the ability to be treated like casinos, which is not neutral, generally applicable regulation.

By contrast to both New York and Nevada, California treats houses of worship like or more favorably than similar secular institutions—so the Blueprint is not subject to strict scrutiny. There are no numerical limits on worship in California. Plaintiffs and other religious institutions located in Tier 1 may gather as many worshippers in person as they please for outdoor services. The same rules apply to theaters and restaurants. All are limited to outdoor-only service in Tier 1. (Blueprint.) Likewise, in Tier 2, churches, theatres, and restaurants are allowed unlimited outdoor services and indoor services at a maximum of 25% capacity or 100 people, whichever is fewer. (*Id.*) In Tier 3, those entities are allowed unlimited outdoor services and indoor services at a maximum of 50% capacity or 200 people, whichever is fewer. (*Id.*) Large amusement parks, for example Disneyland, are not allowed to open until Tier 4 because of the risk associated with gathering crowds from many households together. (*Id.*) Smaller amusement parks may not open until Tier 3. (*Id.*) This is the case even though amusement parks are by nature, outdoors.

California also restricts activities and businesses mentioned in *Catholic Diocese*. Overnight stays at campgrounds are prohibited in regions with limited Intensive Care Unit (ICU) capacity. (Grabarsky Declaration Exh. 12.) In such areas, including Southern California, which has no ICU beds left, all retailers are capped at 20% capacity and must follow strict guidance—unlike the unlimited gathering permissible in New York stores described by the Supreme Court.

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<sup>7</sup> The challengers in *Catholic Diocese* were also entitled to strict scrutiny because of the strong showing that New York’s restrictions impermissibly discriminated against religious communities. The Court first noted that statements made in connection with the rules “can be viewed as targeting the ultra-Orthodox [Jewish] community.” 2020 WL 6948354, at \*1 (internal quotations omitted.) There are no statements indicating religious animus here.

(Id.) No hotel or lodging entity is permitted to accept out-of-state reservations for non-essential travel unless the reservation is for an entire quarantine period. (Id.)

The Blueprint and Regional Stay Home Order regulate social gatherings—including outdoor gatherings—more stringently than they regulate both indoor and outdoor religious activity. (Id., Blueprint.) Outdoor social gatherings are barred entirely under the Regional Stay Home Order, and under regular Tier 1, outdoor gatherings of more than three households are prohibited. (Id.) In other words, in Tier 1 counties, four families may not gather together outdoors for a picnic, but they may gather together outdoors to attend a religious service. In Pasadena, two people from separate households cannot gather together outside unless they are engaged in worship or political expression. (Grabarsky Declaration Exh. 12.) This is not the especially harsh treatment of New York State,<sup>8</sup> or the casino favoritism of Nevada.

### **b. Even Applying Strict Scrutiny, California’s Restrictions Survive**

The Court finds the Blueprint is likely to prevail. Strict scrutiny requires governmental action to be narrowly tailored to serve a compelling state interest. See Catholic Diocese, 2020 WL 6948354 at \*2.

The State has a compelling interest in curbing the spread of what is now the “world’s deadliest infectious disease.” (See Grabarsky Declaration Exh. 2-3.) This has been acknowledged by both the Supreme Court and the Ninth Circuit. See Dayton Valley v. Sisolak, 2020 WL 7350247, at \*3; Catholic Diocese, 2020 WL 6948354, at \*2. Indeed, Covid-19 can cause severe disease and death in individuals of any age. (Watt Declaration ¶ 22.) Even those who are asymptomatic or suffer only mild illness may face serious long-term effects. (Id. ¶ 23.) There is no cure. (Id. ¶ 24.) The virus has killed almost 300,000 Americans, including more than 20,000 Californians, and despite the miraculous development of a vaccine, this number will continue to climb in the foreseeable future. (See Grabarsky Declaration Exh. 2-3.) Mass death will likely be accelerated by public need for healthcare beyond what the hospital system can bear—Intensive Care Unit (ICU) capacity is currently at less than 3% in Southern California. (See Watt Declaration ¶ 93; Rutherford Declaration ¶¶ 69-70.) As a consequence, all patients in need of ICU services, including those who do not have Covid-19, are at risk of not being able to receive intensive treatments necessary to save their lives. (See Watt Declaration ¶¶ 96-97.) A compelling interest in averting mass death is clear. Waiting out the pandemic in search of herd immunity results in substantial preventable death. (See Rutherford Declaration ¶ 89.)

California’s Blueprint is also painstakingly tailored to address the risks of Covid-19 transmission specifically. Again, Covid-19 is spread through airborne transmission from person to person—infectious droplets are expelled into the air when people with the virus cough, sneeze,

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<sup>8</sup> Catholic Diocese specifically references South Bay United Pentecostal Church v. Newsom, 590 U.S. \_\_\_\_ (2020), a case concerning California’s Blueprint, in relevant reasoning. See, e.g., 2020 WL 6948354, at \*7 (Kavanaugh, J., concurring) (explaining New York restrictions were “much more severe” than California’s).

speaking, singing, or making other noises. (Watt Declaration ¶¶ 27-29.) These droplets can land in the mouths, noses, or eyes of people who are nearby or be inhaled into those people's lungs. (*Id.*) Droplets may also fall onto objects which others then touch, but this is presently not believed to be a common source of Covid-19 spread. (*Id.*) There is broad consensus that people who are not experiencing symptoms can still spread the Covid-19 virus. (*Id.* ¶ 30.) This means that even those who are feeling well may infect others. This scientific knowledge—that the virus spreads by being carried from an infected person to others through the air, even when the infected person may not feel ill—is the foundation of all public health guidance about Covid-19. This is why it is safer for individuals to be farther apart as opposed to closer together. This is why outdoor gatherings are safer than indoor gatherings in well-ventilated spaces, which are in turn safer than indoor gatherings in poorly-ventilated spaces. This is the science behind masks, which block respiratory droplets from being expelled when they are worn properly. This is why singing and shouting, which expel more viral droplets, are riskier activities than sitting silently.

Viral load also matters. Viral load is the number of viable viral particles per milliliter of oral or nasal secretions. (Rutherford Declaration ¶ 36.) People with higher viral loads are more infectious than those with lower viral loads. (*Id.*) Those with higher viral loads are more likely to die than those with lower viral loads. (*Id.* ¶ 35.) To simplify greatly, more of the virus is worse for people than less of the virus. Illness is not a binary between “Covid present” and “Covid absent.”

Scientific knowledge about the spread of Covid-19 has led to “broad consensus among public health professionals” that all of the following measures reduce the spread of coronavirus: “stay at home orders, physical distancing requirements, physical barriers where distancing is not possible, prohibiting/limiting high-risk gatherings and other high-risk activities (including singing and other activities involving increased exhalation force), and universal wearing of face coverings by all in public places.” (Rutherford Declaration ¶ 51.)

California has tailored its Blueprint restrictions to the specific mechanism of Covid-19 transmission: viral droplets which travel through the air from person to person. Imagining other possible methods of viral transmission underscores the specificity of California's response. For example, if Covid-19 were a sexually transmitted viral disease like HIV/AIDS, State mandates requiring people to cover their faces would do no good. There would be no sense in attendance limits on churches or grocery stores. As such, the Blueprint would fail a strict scrutiny analysis if it were enacted to prevent the spread of HIV. Similarly, if Covid-19 were a bacterial disease spread through contaminated water like cholera, there would be no reason to prevent people from singing and chanting. The Blueprint would fail a strict scrutiny analysis if it were enacted to prevent the spread of cholera.

But the restrictions on houses of worship at the core of this case are narrowly tailored to prevent the spread of Covid-19. They are precisely focused on the method by which the virus is transmitted: viral droplets expelled into the air. Of course, California cannot merely prohibit expelling viral droplets. It must address scenarios likely to make people ill by their transmission.

California permits unlimited attendance at religious services so long as those services occur outdoors. Neither New York nor Nevada did so. As outdoor activity is safer than indoor activity, (see Watt Declaration ¶ 44,) this framework enables people to practice their faith in large groups in the context in which it may be safe to do so. The increased danger of transmission posed by on singing and chanting are similarly restricted. There is widespread scientific consensus that louder and more forceful vocal vocalization, such as singing and chanting, produces more airborne droplets than normal speech. (Id. ¶ 45.) The more people singing and chanting, the greater the likelihood that some of those people are infected with Covid-19 and can infect others. (Id.)

Comparing restrictions on houses of worship to similar secular activities proves their tailoring. Indoor professional sporting events and concerts can draw crowds many times larger than the capacity of single movie theater. Under the Blueprint, these events cannot open to live audiences in any tier, even though they fit in the same “substantive categorization” as theaters. (Rutherford Declaration ¶ 61.) Restaurants, which also gather people from different households and thus pose risk, are regulated like indoor worship. (Blueprint.) Tier 1 closes indoor dining and religious observance alike. Id.

Finally, comparing restrictions on houses of worship to so-called “essential services” effectively proves tailoring. Plaintiffs place much weight on essential services, noting that even in Tier 1, “food packaging and processing plants, laundromats, and warehouses are permitted to operate with no numerical or capacity restrictions.” (Motion 9.) Plaintiffs also cite Judge O’Scannlain’s observation that in counties where individuals are restricted from indoor worship, they may still “spend a day shopping in the mall, have their hair styled, get a manicure or pedicure, attend college classes, produce a television show or movie, participate in professional sports, wash their clothes at a laundromat, and even work in a meatpacking plant.” (Reply 8 (quoting Harvest Rock Church, Inc. v. Newsom, 977 F.3d 728, 731 (9th Cir. 2020) (O’Scannlain, J., dissenting))).

First, many of these activities, for both safety and architectural reasons, must occur inside, making the outdoor access accorded to Plaintiffs and other houses of worship impossible. It would be incredibly odd for the government to demand all meat-packing warehouses bring their operations into the Pasadena sunshine to comply with Covid-19 best practices.

More critically, the activities that Plaintiffs identify as receiving more favorable treatment than indoor worship are safer than indoor worship. Dr. Rutherford, Dr. Watt, and Dr. Stoto each explain why. (Stoto Declaration ¶¶ 32-34; Rutherford Declaration ¶¶ 91-133; Watt Declaration ¶ 46.)

To summarize, indoor worship services “are an especially risky type of public gathering.” (Watt Declaration ¶ 46.) Indoor services typically involve large groups of people coming together for the purpose of being together. (Rutherford Declaration ¶ 102.) Religious services commonly bring together individuals from different households who may know each other, making them more likely to interact. (Id.) Attendees at indoor worship services typically

assemble close together in one space, seated in a series of many rows (or pews) that are physically close together, making close proximity of many individuals highly likely. (*Id.*) Worship services typically last a minimum of one hour with congregants gathered in close proximity. (*Id.* ¶ 103.) Many services involve “substantial group singing and other group vocalization by those leading the services and those in the congregation” which “carry with them a potential for increased risk of transmission of the novel coronavirus.” (*Id.* ¶ 104.) In many cases, buildings housing indoor worship services “are older and are not equipped with adequate methods of ventilation or air conditioning.” (*Id.* ¶ 105.) Risk in such settings is “reduced but not eliminated where all of the participants wear face coverings.” (*Id.* ¶ 106.) Because of these characteristics, there have been many documented super-spreading incidents involving indoor religious activity. (*Id.* ¶ 108; Watt Declaration ¶ 46.)

In contrast, shopping at a grocery or big box store “involves less risk” of Covid-19 transmission than attending an indoor worship service. (Rutherford Declaration ¶ 113.) Grocery shoppers generally do not get or stay in close proximity to one another, generally intend to “get in and get out as soon as possible,” and it is unlikely that two shoppers are ever within six feet of each other for more than 15 minutes, making it less likely that shoppers “receive a sufficient viral load of droplets or aerosolized particles sufficient to overcome their defenses and cause a COVID 19 infection.” (*Id.*) Grocery stores are also generally larger in size, of more recent construction, and better ventilated than houses of worship, and they are “almost always equipped with high-functioning air-conditioning systems, as is required due to the necessity to preserve perishable products sold in these stores and the applicable building and health and safety codes.” (*Id.* ¶ 114.) Grocery stores do not commonly invite singing. (*Id.* ¶ 116.)

Likewise, retail shopping centers, hotels, laundromats, and liquor stores pose a lower risk of transmission than indoor religious gatherings. “Staying at a hotel, doing laundry at a laundromat and retail shopping may bring people into relative closeness, but none of these activities would require them to remain in proximity for longer than a brief interlude.” (*Id.* ¶ 117.) Because viral load matters, standing next to someone infected with Covid-19 for fifteen minutes is much less dangerous than standing next to someone infected with Covid-19 for one hour.

Personal care services are distinct for different reasons. Hair and nail salons and other personal services ordinarily involve much smaller groups of people than worship services. (*Id.* ¶ 120.) And under the Blueprint, workers at such businesses are “subject to numerous specific hygiene requirements, including requiring the use of face coverings by both workers and customers/clients, frequent handwashing, frequent cleaning and disinfection and the use of disposable gloves. Workers that are consistently within six feet of customers or co-workers are required to wear a secondary barrier (e.g., a face shield or safety goggles) in addition to a face covering.” (*Id.*)

Congregate workplace settings such as warehouses, factories, and film production companies are also distinct. (*Id.* ¶ 121.) These workspaces are closed systems in which employers can determine who is allowed “in the bubble.” Warehouses and factories do not

involve people in close proximity to others for extended periods of time; and they do not typically involve extended vocalizations. As for film production companies, employment in the entertainment industry is currently contingent on a negative Covid-19 test result, with subsequent testing up to three times a week depending on an employee's position. See COVID-19 Return to Work Agreement with DGA, IATSE, SAG-AFTRA and Teamsters/Basic Crafts (Sept. 21, 2020), at pp. 4–12 (describing testing requirements), available at [https://www.sagaftra.org/files/sa\\_documents/ReturnToWorkAgreement\\_wAMPTP.pdf](https://www.sagaftra.org/files/sa_documents/ReturnToWorkAgreement_wAMPTP.pdf) (last visited December 17, 2020).

If “narrowly tailored” does not mean based on the specific mechanism of Covid-19 infection with sliding levels of restriction based on scientific likelihood of viral spread in any given scenario, it means nothing. California's Blueprint regulations track levels of risk that infectious airborne droplets will enter the eyes, noses, and mouths of previously uninfected individuals, just as public health experts have advised.

Both the Supreme Court and the Court of Appeals have counseled that judges “are not public health experts, and we should respect the judgment of those with special expertise and responsibility in this area.” Dayton Valley, 2020 WL 7350247, at \*3 (quoting Catholic Diocese, 2020 WL 6948354, at \*3.) This Court agrees. And respecting the judgment of experts means understanding which activities pose greater or lesser risks and allowing the State to regulate accordingly. (See, e.g., Stoto Declaration ¶ 34, “Rather than comparing the risks associated with attending church services and participating in protests, a more appropriate comparison would be between places of worship and movie theaters, which are treated identically in the Blueprint. Indeed, because movie viewers sit in one place during the entire performance, do not remove masks to receive communion, and do not sing or chant, the risk of transmitting the virus to others is probably lower than in church services.”) The California Blueprint survives strict scrutiny.

## 2. Establishment Clause

Plaintiffs remain unlikely to succeed on the merits of their Establishment Clause claim. (Motion 17.) Neither Catholic Diocese nor Dayton Valley addressed the Establishment Clause; there is no basis to believe the Clause has changed to become salient here.

The Establishment Clause of the First Amendment prohibits laws “respecting an establishment of religion.” U.S. Const., amend. I. At least for now, in assessing Establishment Clause claims, courts must examine the purposes and effects of a challenged government action, as well as any entanglement with religion that it might entail. See Lemon v. Kurtzman, 403 U. S. 602, 612–613 (1971). This analysis has involved challenges ranging from prayer in public schools to Sunday closing laws to religious monuments on public lands. See Am. Legion v. Am. Humanist Ass'n, 139 S. Ct. 2067, 2080 (2019) (collecting cases).

However, the “real object” of the Establishment Clause is “to prevent any national ecclesiastical establishment, which should give to an hierarchy the exclusive patronage of the national government.” Lynch v. Donnelly, 465 U.S. 668, 678 (1984) (quoting 3 Story,

Commentaries on the Constitution of the United States 728 (1833)). Restrictions on religious activity which are the same as restrictions on secular activity do not constitute government establishment—or disavowal—of religion. Even the broadest possible understanding of this clause does not render the State of California’s Blueprint unconstitutional.

## B. Irreparable Harm

Plaintiffs’ harm is distinct from harm faced by challengers in Catholic Diocese. While the “loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury,” see Elrod v. Burns, 427 U. S. 347, 373 (1976) (plurality opinion), Plaintiffs here have the ability to gather and worship in person and in unlimited numbers.

If there is unique irreparable harm arising from being made to gather for worship outside as opposed to inside, (a possibility the Court will not foreclose,) Plaintiffs have not briefed it. Plaintiffs engage with the Blueprint as they imagine it to be, claiming “**every single attendee is prohibited from attending a worship service**,” (Motion 19, (emphasis in original)), as opposed to engaging with the actual contours of the policy at hand. Even assuming such harm exists, “the right of free exercise does not relieve an individual of the obligation to comply with a valid and neutral law of general applicability on the ground that the law proscribes (or prescribes) conduct that his religion prescribes (or proscribes).” 494 U.S. at 879 (internal quotations omitted).

## C. Balance of Equities and the Public Interest

Where the government is the opposing party, balancing of the harm and the public interest merge. See Nken v. Holder, 556 U.S. 418, 435 (2009). Thus, the Court asks whether any significant “public consequences” would result from issuing the preliminary injunction. Winter, 555 U.S. at 24.

Plaintiffs argue “the State is in no way harmed by the issuance of an injunction” preventing enforcement of Blueprint restrictions. (Motion 21 (internal quotations omitted.)) Not so. There is compelling evidence that entering Plaintiffs’ requested injunction would harm the public interest. Scientific consensus is clear that Covid-19 is transmitted from person to person through respiratory droplets produced when a person or group of people talk, sing, cough, or breathe near each other. (Watt Declaration ¶¶ 27-29.) Indoor gatherings are riskier than outdoor gatherings; big gatherings are riskier than small gatherings; and gatherings which last for long periods of time are riskier than gatherings which last for short periods of time. (Id.)

If Plaintiffs were to immediately resume numerically uncapped indoor worship, it is likely that this indoor worship—like any indoor activity involving members of multiple households—would contribute to the spread of Covid-19, straining already-stressed public health infrastructure and filling already-packed ICUs.

## V. CONCLUSION

Plaintiffs paint a stark picture. They claim that Tier 1 “totally prohibit[s] religious worship services of any kind and any number.” (Motion 3.) This is not true. The First Amendment has not taken a sabbatical. Californians may still worship, attend services, pray, and otherwise exercise their religious freedoms. They just may not do so in ways that significantly increase the likelihood of transmission of a virus which has claimed more than three hundred thousand American lives in less than one year. The Constitution is not a suicide pact.<sup>9</sup> The First Amendment may not be used to make it one.

Plaintiffs’ Emergency Motion for Temporary Restraining Order (Dkt. No. 58) is DENIED.

**IT IS SO ORDERED.**

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<sup>9</sup> See Terminiello v. Chicago, 337 U.S. 1, 37 (1949) (dissenting opinion).

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21 UNITED STATES DISTRICT COURT  
 22 CENTRAL DISTRICT OF CALIFORNIA  
 23 LOS ANGELES DIVISION

24 HARVEST ROCK CHURCH, INC., and  
 25 HARVEST INTERNATIONAL  
 26 MINISTRY, INC., itself and on behalf  
 27 of its member churches in California,

28 *Plaintiffs,*

v.

29 GAVIN NEWSOM,  
 30 *in his official capacity as*  
 31 Governor of the State of California,

*Defendant.*

**Case No. 2:20-cv-06414-JGB-KK**

**NOTICE OF APPEAL**

**PRELIMINARY INJUNCTION  
 APPEAL**

**The Honorable Jesus G. Bernal**

**NOTICE OF PRELIMINARY INJUNCTION APPEAL**

Pursuant to Fed. R. App. P. 3 and 28 U.S.C. §1291(a)(1), Plaintiffs, Harvest Rock Church, Inc. and Harvest International Ministry, Inc. (“Plaintiffs”) hereby notice their appeal to the United States Court of Appeals for the Ninth Circuit from this Court’s Order (dkt. 77) denying Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction issued December 21, 2020.

Though the Court styled its Order as merely a denial of Plaintiffs’ Motion for Temporary Restraining Order (dkt. 77, Order at 14), it is immediately appealable under binding Ninth Circuit precedent because the denial “is tantamount to the denial of a preliminary injunction,” *Givens v. Newsom*, No. 20-15949, 2020 WL 7090826, \*1 (9th Cir. Dec. 4, 2020), “followed a ‘full adversary hearing’” on the merits of Plaintiffs’ Motion, *id.* (quoting *Religious Tech. Ctr., Church of Scientology Int’l, Inc. v. Scott*, 869 F.2d 1306, 1308 (9th Cir. 1989)), “effectively decided the merits of the case,” *Graham v. Teledyne-Continental Motors*, 805 F.2d 1386, 1388 (9th Cir. 1986), and “effectively forecloses” Plaintiffs from “pursuing further interlocutory relief” because the Order appealed from “makes clear that any request for injunctive relief would be rejected.” *Givens*, 2020 WL 7090826, at \*1.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

Case Name: *Harvest Rock Church, Inc.. v. Newsom*, Case No. 2:20-cv-6414JCG(KKx)

I hereby certify that on this 21st day of December, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**PLAINTIFFS’ NOTICE OF APPEAL**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of this State of California and the United States of America that the foregoing is true and correct and that this declaration was executed on December 21, 2020, at Lynchburg, Virginia.

Daniel J. Schmid  
Declarant

/s/ Daniel J. Schmid  
Signature

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION

HARVEST ROCK CHURCH, INC., and  
HARVEST INTERNATIONAL  
MINISTRY, INC., itself and on behalf  
of its member churches in California,

*Plaintiffs,*

Case No. \_\_\_\_\_

v.

GAVIN NEWSOM, *in his*  
*official capacity as* Governor of the  
State of California,

**VERIFIED COMPLAINT**

*Defendant.*

1                   “Neither a state nor the Federal Government  
2                   can set up a church. . . . Neither can force nor influence  
3                   a person to go to or to remain away from church against his will.”  
4                   *Everson v. Bd. of Educ. of Ewing Twp.*, 330 U.S. 1, 15 (1947).

5                   **VERIFIED COMPLAINT FOR TEMPORARY RESTRAINING ORDER,**  
6                   **PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF,**  
7                   **DECLARATORY RELIEF, AND DAMAGES**

8                   For their Verified Complaint against Defendant, GAVIN NEWSOM, in his official  
9                   capacity as Governor of the State of California, Plaintiffs, HARVEST ROCK CHURCH,  
10                  INC., and HARVEST INTERNATIONAL MINISTRY, INC., itself and on behalf of its  
11                  member churches in California, allege and aver as follows:

12                  **URGENCIES JUSTIFYING TEMPORARY RESTRAINING ORDER**

13                  1.       In their Prayer for Relief, *infra*, and in the contemporaneously filed Motion  
14                  for Temporary Restraining Order (TRO), Plaintiffs seek a TRO and preliminary  
15                  injunction restraining enforcement against Plaintiffs of the various COVID-19 orders  
16                  issued by Governor Newsom and other State officials—

17                  —**Prohibiting gathering for any indoor worship services in over 30 counties in**  
18                  **California** (including those where many of Plaintiffs’ churches are located) and, in the  
19                  counties where indoor worship is not totally prohibited, prohibiting gathering for indoor  
20                  worship with 101 or more individuals, or at over 25% capacity (whichever is lower);

21                  —**Prohibiting singing or chanting during religious worship** in counties where  
22                  indoor worship remains permissible;

23                  —**Prohibiting gatherings inside private homes for small-group Bible studies**  
24                  and worship services; and

1           —Imposing discriminatory and disparate prohibitions on the types of activities that  
2 Plaintiffs may engage in at their own church buildings, as the orders allow Plaintiffs to  
3 feed the hungry, clothe the naked, house the homeless, and provide other material social  
4 services to an unlimited number of individuals with unlimited volunteers in a single  
5 church building, but **the Orders prohibit Plaintiffs from engaging in a religious**  
6 **worship service with the same individuals in the same church building, on pain of**  
7 **criminal penalties.** A TRO and preliminary injunction are necessary to protect these  
8 vitally important and constitutionally protected liberties, even in the midst of disease.

9           2.       Additionally, while the Governor has unilaterally and significantly restricted  
10 the number of individuals permitted to “gather” in Plaintiffs’ churches, he has imposed  
11 no similar restrictions on the untold thousands of protesters who have gathered all  
12 throughout California cities with no threat of criminal sanction, and no social distancing  
13 or restrictions whatsoever. And, **the Governor explicitly encouraged such large**  
14 **gatherings of protesters while condemning churches for signing hymns in their**  
15 **churches.**

16           3.       At around the same time that Governor Newsom’s Executive Orders and the  
17 State’s Public Health Orders regarding COVID-19 were being used to threaten criminal  
18 sanctions on Plaintiffs’ pastors, officials in other jurisdictions had similarly threatened  
19 to impose criminal sanctions on other religious gatherings. Twice in two weeks the Sixth  
20 Circuit Court of Appeals enjoined enforcement of executive orders like the Governor’s  
21 orders, determining that restrictions on drive-in **and in-person** worship services violate  
22 the First Amendment. *See Roberts v. Neace*, 958 F.3d 409 (6th Cir. 2020) (**in-person**  
23 **worship services**); *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610 (6th Cir.  
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1 2020) (holding plaintiffs likely to succeed on merits of First Amendment and Kentucky  
 2 RFRA claims for both drive-in and **in-person** services). Also, in *First Pentecostal*  
 3 *Church v. City of Holly Springs, Miss.*, 959 F.3d 669 (5th Cir. 2020), the Fifth Circuit  
 4 Court of Appeals granted an IPA to a Mississippi church, enjoining enforcement of the  
 5 Mississippi Governor’s order restricting worship.

6 4. In *Roberts*, the Sixth Circuit granted an IPA enjoining the Kentucky  
 7 Governor from enforcing executive orders prohibiting a church’s in-person worship  
 8 services when “serial exemptions for secular activities pose comparable public health  
 9 risks.” 958 F.3d at 414. In determining the plaintiffs’ likely success on the merits of their  
 10 free exercise claims, the court recognized, “On one side of the line, a generally applicable  
 11 law that incidentally burdens religious practice usually will be upheld.” *Id.* at 413 (citing  
 12 *Emp’t Div. v. Smith*, 494 U.S. 872, 879–79 (1990)). But, the court concluded the  
 13 Kentucky orders “likely fall on the prohibited side of the line,” where “a law that  
 14 discriminates against religious practices usually will be invalidated because it is the rare  
 15 law that can be ‘justified by a compelling interest and is narrowly tailored to advance  
 16 that interest.’” *Id.* (quoting *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*,  
 17 508 U.S. 520, 553 (1993)).

18 5. Expanding on the problems with Kentucky’s orders, the court explained,

19 **Do the four pages of exceptions in the orders, and the kinds**  
 20 **of group activities allowed, remove them from the safe**  
 21 **harbor for generally applicable laws? We think so.** As a rule  
 22 of thumb, the more exceptions to a prohibition, the less likely it  
 23 will count as a generally applicable, non-discriminatory law. At  
 24 some point, **an exception-ridden policy takes on the**  
**appearance and reality of a system of individualized**  
**exemptions, the antithesis of a neutral and generally**  
**applicable policy and just the kind of state action that must**  
**run the gauntlet of strict scrutiny.**

1 *Id.* at 413–14 (cleaned up) (emphasis added).

2         6. Continuing, the court reasoned, “Assuming all of the same precautions are  
3 taken, why can someone safely walk down a grocery store aisle but not a pew? And why  
4 can someone safely interact with a brave deliverywoman but not with a stoic minister?  
5 The Commonwealth has no good answers.” *Id.* at 414. Thus, the court rejected the  
6 Governor’s suggestion “that the explanation for these groups of people to be in the same  
7 area—intentional worship—creates greater risks of contagion than groups of people, say,  
8 in an office setting or an airport,” *id.* at 416, further explaining,

9                 the reason a group of people go to one place has nothing to do  
10                 with it. Risks of contagion turn on social interaction in close  
11                 quarters; the virus does not care why they are there. So long as  
12                 that is the case, why do the orders permit people who practice  
13                 social distancing and good hygiene in one place but not another  
14                 for similar lengths of time? It’s not as if law firm office meetings  
15                 and gatherings at airport terminals always take less time than  
16                 worship services.

14 *Id.*

15         7. The *Roberts* court also rejected the notion that the Governor’s orders were  
16 justified because congregants could simply worship online via Facebook, reasoning,

17                 Who is to say that every member of the congregation has access  
18                 to the necessary technology to make that work? Or to say that  
19                 every member of the congregation must see it as an adequate  
20                 substitute for what it means when “two or three gather in my  
21                 Name,” Matthew 18:20, or what it means when “not forsaking  
22                 the assembling of ourselves together,” Hebrews 10:25.

21                 [T]he Free Exercise Clause does not protect sympathetic  
22                 religious practices alone. And that’s exactly what the federal  
23                 courts are not to judge—how individuals comply with their own  
24                 faith as they see it.

23 *Id.* at 415 (citation omitted).

1 8. In awarding the injunction, the *Roberts* court brought into sharp relief the  
2 Kentucky Governor’s disparate treatment of churchgoers under his orders:

3 Keep in mind that the Church and its congregants just want to be  
4 treated equally. . . . They are willing to practice social distancing.  
5 They are willing to follow any hygiene requirements. . . . **The  
6 Governor has offered no good reason for refusing to trust the  
7 congregants who promise to use care in worship in just the  
8 same way it trusts accountants, lawyers, and laundromat  
9 workers to do the same.**

7 Come to think of it, aren’t the two groups of people often the  
8 *same people*—going to work on one day and going to worship  
9 on another? **How can the same person be trusted to comply  
10 with social-distancing and other health guidelines in secular  
11 settings but not be trusted to do the same in religious  
12 settings? The distinction defies explanation, or at least the  
13 Governor has not provided one.**

11 *Id.* at 414 (emphasis added).

12 9. A week after the Sixth Circuit’s *Roberts* decision, the Eastern District of  
13 North Carolina issued a TRO enjoining the North Carolina Governor from enforcing a  
14 10-person limit on religious worship because it violated the Free Exercise Clause. *See*  
15 *Berean Baptist Church v. Cooper*, No. 4:20-cv-81-D, 2020 WL 2514313 (E.D.N.C. May  
16 16, 2020) [hereinafter *Berean Baptist*]. In granting the TRO, the court noted upfront,  
17 **“There is no pandemic exception to the Constitution of the United States or the Free  
18 Exercise Clause of the First Amendment.”** 2020 WL 2514313, at \*1 (emphasis added).

19 10. The North Carolina “stay-at-home” orders challenged in *Berean Baptist*  
20 provided exemptions from their 10-person gathering limits for numerous “Essential  
21 Business and Operations.” *Id.* at \*3. But, the North Carolina orders subjected worship  
22 services to a 10-person limit that was not imposed on any of the myriad “Essential”  
23 businesses and activities. 2020 WL 2514313, at \*4. The *Berean Baptist* court observed  
24

1 that the uniquely restrictive 10-person limit for worship gatherings “represent[s]  
2 precisely the sort of ‘subtle departures from neutrality’ that the Free Exercise Clause is  
3 designed to prevent.” *Id.* at \*6 (quoting *Gillette v. United States*, 401 U.S. 437, 452  
4 (1971)).

5 11. The court observed further,

6 Eleven men and women can stand side by side working indoors  
7 Monday through Friday at a hospital, at a plant, or at a package  
8 distribution center and be trusted to follow social distancing and  
9 hygiene guidance, but those same eleven men and women cannot  
be trusted to do the same when they worship inside together on  
Saturday or Sunday. “The distinction defies explanation . . . .”

10 *Id.* at \*8 (quoting *Roberts*, 958 F.3d at 414).

11 12. Thus, the court concluded, “These **glaring inconsistencies** between the  
12 treatment of religious entities and individuals and non-religious entities and individuals  
13 take [the orders] outside the ‘safe harbor for generally applicable laws.’” *Id.* (quoting  
14 *Roberts*, 958 F.3d at 413).

15 13. Ultimately, in concluding the North Carolina orders could not pass strict  
16 scrutiny, the *Berean Baptist* court recognized that the plaintiffs “simply want the  
17 Governor to afford them the same treatment as they and their fellow non-religious  
18 citizens receive when they work at a plant, clean an office, ride a bus, shop at a store, or  
19 mourn someone they love at a funeral.” *Id.* at \*9 (citing *Lukumi*, 508 U.S. at 546 (“The  
20 proffered objectives are not pursued with respect to analogous non-religious conduct,  
21 and those interests could be achieved by narrower ordinances that burdened religion to a  
22 far lesser degree.”)).

1           14. In Louisville, Kentucky, the government threatened to use police to impose  
 2 criminal sanctions on those individuals found in violation of similar COVID-19 orders  
 3 and threatened to impose various sanctions on individuals found in violation of such  
 4 orders. The United States District Court for the Western District of Kentucky found that  
 5 the mere threat of such criminal sanction warranted a TRO. See *On Fire Christian*  
 6 *Center, Inc. v. Fischer*, No. 3:20-cv-264-JRW, 2020 WL 1820249 (W.D. Ky. Apr. 11,  
 7 2020) [hereinafter *On Fire*]. The *On Fire* TRO enjoined the Mayor of Louisville from  
 8 “enforcing, attempting to enforce, threatening to enforce, or otherwise requiring  
 9 compliance with any prohibition on drive-in church services at On Fire.” *Id.* at \*1  
 10 (emphasis added).

11           15. Additionally, the Governor of Kansas had imposed a similar restriction on  
 12 religious gatherings in Kansas, stating that “gatherings” of more than 10 individuals are  
 13 prohibited, including religious gatherings. On April 18, 2020, the United States District  
 14 for the District of Kansas issued a TRO enjoining Kansas officials from enforcing its  
 15 discriminatory prohibition on religious gatherings and required the government to treat  
 16 “religious” worship services the same as other similar gatherings that are permitted. See  
 17 *First Baptist Church. v. Kelly*, No. 20-1102-JWB, 2020 WL 1910021, \*6–7 (D. Kan.  
 18 Apr. 18, 2020) [hereinafter *First Baptist*]. The *First Baptist* TRO specifically stated that  
 19 the government’s disparate treatment of religious gatherings was a violation of the Free  
 20 Exercise Clause because it showed that “**religious activities were specifically targeted**  
 21 **for more onerous restrictions than comparable secular activities,**” and that the  
 22 churches had shown irreparable harm because they would “be prevented from gathering  
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1 for worship at their churches” during the pendency of the executive order. *Id.* at \*7–8  
2 (emphasis added).

3 16. In discussing the Kansas orders, which imposed a 10-person limit on in-  
4 person gatherings, the court said that specifically singling out religious gatherings for  
5 disparate treatment while permitting other non-religious activities “show[s] that these  
6 executive orders expressly target religious gatherings on a broad scale and are, therefore,  
7 not facially neutral,” *First Baptist*, 2020 WL 1910021, at \*7, and—much like here—  
8 **“churches and religious activities appear to have been singled out among essential**  
9 **functions for stricter treatment.** It appears to be the only essential function whose core  
10 purpose—association for the purpose of worship—had been basically eliminated.” *Id.*  
11 (emphasis added). Thus, the court found that a TRO was necessary and that Kansas  
12 should be enjoined from enforcing its orders’ disparate terms against churches. Indeed,  
13 “it goes without saying that the government could not lawfully expressly prohibit  
14 individuals from meeting together for religious services.” *Id.* at \*6 (emphasis added).

15 17. Also, several courts have found that the government’s open encouragement  
16 of protesters flouting the various COVID-19 gathering restrictions across the country and  
17 the concomitant refusal by government officials to impose similar threats of criminal  
18 sanctions upon such massive gatherings while simultaneously threatening religious  
19 worship services that exceed the arbitrary numerical limitations represents a gross  
20 violation of the First Amendment.

21 18. The constitutional incongruity of Governor Newsom’s encouragement of  
22 protesters while restricting worshippers was highlighted by Judge Ho of the Fifth Circuit  
23 in his concurrence in *Spell v. Edwards*, 962 F.3d 175 (5th Cir. 2020), where the court  
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1 dismissed as moot an appeal arising from a church’s challenge to Louisiana’s stay-at-  
2 home orders restricting worship services to 10 people. 962 F.3d at 177. Judge Ho first  
3 recounted,

4           At the outset of the pandemic, public officials declared that  
5 the *only* way to prevent the spread of the virus was for everyone  
6 to stay home and away from each other. They ordered citizens to  
cease all public activities to the maximum possible extent—even  
the right to assemble to worship or to protest

7 *Id.* at 180-81 (Ho., J., concurring).

8           19. Then, he observed, “But circumstances have changed. In recent weeks,  
9 officials have not only tolerated protests—they have encouraged them . . . .” *Id.* at 181.

10 And he posed a question:

11           For people of faith demoralized by coercive shutdown policies,  
12 that raises a question: If officials are now exempting protesters,  
13 how can they justify continuing to restrict worshippers? **The**  
14 **answer is that they can’t.** Government does not have *carte*  
*blanche*, even in a pandemic, to pick and choose which First  
Amendment rights are “open” and which remain “closed.”

15 *Id.* (emphasis added).

16           20. Judge Ho noted that, “To survive First Amendment scrutiny, however, those  
17 orders must be applied consistently, not selectively. And it is hard to see how that rule is  
18 met here [in light] of the recent protests.” *Id.* at 182.

19           21. He continued, “It is common knowledge, and easily proved, that protesters  
20 do not comply with social distancing requirements. But instead of enforcing the  
21 Governor’s orders, officials are **encouraging the protests**—out of an admirable, if  
22 belated, respect for First Amendment rights.” *Id.*

1 22. As the Constitution demands, Justice Ho explained that: “If protests are  
2 exempt from social distancing requirements, then worship must be too.” *Id.* (emphasis  
3 added).

4 23. Of particular relevance to Plaintiffs’ claims herein, Judge Ho cited a brief  
5 filed by the United States in another case against Governor Newsom in observing that  
6 “California’s political leaders have expressed support for such peaceful protests and,  
7 from all appearances, have not required them to adhere to the now-operative 100-person  
8 limit . . . . **It could raise First Amendment concerns if California were to hold other**  
9 **protests to a different standard.”** *Id.* (emphasis added). Indeed, the same principle  
10 Governor Newsom applies to protesters “**should apply to people of faith.**” *Id.* (emphasis  
11 added).

12 24. Much like the Governor here, “support for the protests reflects a  
13 commendable commitment to equality. But public officials cannot devalue people of  
14 faith while elevating certain protesters. That would offend the First Amendment—not to  
15 mention the principle of equality for which the protests stand.” *Id.* at 183 (emphasis  
16 added).

17 25. As Judge Ho stated, “The point here is that state and local officials gave  
18 [protesters] the choice,” to ignore the prohibitions on gathering. *Id.* “Those officials took  
19 no action when protesters chose to ignore health experts and violate social distancing  
20 rules. **And that forbearance has consequences.**” *Id.* (emphasis added).

21 26. The consequences Judge Ho referred to are that,  
22 The First Amendment does not allow our leaders to decide which  
23 rights to honor and which to ignore. In law, as in life, what’s good  
24 for the goose is good for the gander. **In these troubled times,**  
**nothing should unify the American people more than the**

**principle that freedom for me, but not for thee, has no place under our Constitution.**

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*Id.* (emphasis added).

27. Similarly, as recounted in *Soos v. Cuomo*, No. 1:20-cv-651 (GLS/DJS), 2020 WL 3488742 (N.D.N.Y. June 26, 2020), the Governor of New York and the New York City Mayor openly encouraged protesters gathering in large numbers in New York, 2020 WL 3488742, \*4–5, while continuing to prohibit in-person religious gatherings. *Id.* at \*5-6.

28. The Northern District of New York issued a preliminary injunction enjoining the enforcement of the “ever changing maximum number of people” for religious worship because the disparate treatment for protesters as compared to religious congregants in worship services violated the First Amendment. *Id.* at \*8 (“[I]t is plain to this court that the broad limits of that executive latitude have been exceeded.”).

29. The court found that a restriction of 25% capacity for indoor worship services that is not applied equally to non-religious businesses and certainly not applied to protesters removes the law from general applicability and thus mandates strict scrutiny. *Id.* at \*11.

30. With respect to openly supporting protesters, rioters, and looters while imposing draconian restrictions on indoor religious worship services, the court noted that “Mayor de Blasio’s simultaneous pro-protest/anti-religious gatherings message . . . clearly undermines the legitimacy of the proffered reason for what seems to be a clear exemption, no matter the reason.” *Id.*, at \*12.

31. Indeed,  
  
Governor Cuomo and Mayor de Blasio could have just as easily discouraged protests, short of condemning their message, in the

name of public health and exercised discretion to suspend enforcement for public safety reasons instead of encouraging what they knew was a flagrant disregard of the outdoor limits and social distancing rules. They could have also been silent. **But, by acting as they did, Governor Cuomo and Mayor de Blasio sent a clear message that mass protests are deserving of special treatment.**

*Id.* at \*12 (emphasis added).

32. Because the government in New York treated protesters differently and more favorably than religious gatherings, the court held that such disparate treatment violated the Free Exercise Clause and issued a preliminary injunction. *Id.* at \*13.

33. The same result should obtain here. The Governor’s orders impose disparately onerous prohibitions and numerical restrictions on religious gatherings in churches, and even on in-home Bible studies, worship meetings, and life groups. Moreover, the orders purport to dictate the manner in which Plaintiffs may engage in acceptable religious worship by prohibiting singing and chanting where indoor worship is allowed, and by allowing provision and receipt of approved social services by unlimited numbers in the same church buildings where religious worship services are limited numerically or prohibited altogether. And the Governor has imposed these draconian restrictions on Plaintiffs while openly celebrating and encouraging mass gatherings for protests. The Constitution demands more and so should this Court.

**INTRODUCTION**

34. Due to the unprecedented nature of COVID-19 and the health tragedy the disease has wrought on our great Republic and those victims suffering under its yoke, there are those who may find it “tempting to hold that First Amendment rights should acquiesce to national security in this instance.” *Tobey v. Jones*, 706 F.3d 379, 393 (4th

1 Cir. 2013). One could be forgiven for hastily reaching such a conclusion in such uncertain  
2 times, but “our Forefather Benjamin Franklin warned against such a temptation by  
3 opining that those who can give up essential liberty to obtain a little temporary safety,  
4 deserve neither liberty nor safety.” *Id.*

5 35. When the great American experiment was first implemented, our revered  
6 Founders took pains to note that the Constitution—and all of the rights it recognized and  
7 enshrined—was instituted “in order to form a more perfect Union, establish Justice,  
8 insure domestic Tranquility, provide for the common defense, promote the general  
9 Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.” U.S. Const.  
10 Pmbl. (emphasis added). To this very day, “we continue to strive toward ‘[that] more  
11 perfect union.’” *Smith v. City of New Smyrna Beach*, No. 6:110cv01110-Orl-37KRS,  
12 2013 WL 5230659, \*1 (M.D. Fla. Sept. 16, 2013). That work is not easy, and  
13 governments can and sometimes do miss the mark. This is such a case.

14 36. Recognizing that times of crisis would arise, that such times might lead  
15 governments to seek to repress precious freedoms, and that the Republic’s survival  
16 depended upon defeating such repressive instincts, the genius of our founding document  
17 is that it placed explicit protections into the text of the Bill of Rights. And, importantly,  
18 “[o]ur Bill of Rights placed our survival on firmer ground—that of freedom, not  
19 repression.” *Konigsberg v. State Bar of California*, 366 U.S. 36, 79 (1961) (Black, J.,  
20 dissenting).

21 37. During times of national crisis, such as the current uncertainty arising from  
22 COVID-19, “the fog of public excitement obscures the ancient landmarks set up in our  
23 Bill of Rights.” *American Communist Ass’n, C.I.O. v. Douds*, 339 U.S. 382, 453 (1950)

1 (Black, J., dissenting). But, where the fog of public excitement is at its apex, “the more  
 2 imperative is the need to preserve inviolate the constitutional rights of free speech, free  
 3 press and free assembly.” *De Jonge v. Oregon*, 299 U.S. 353, 365 (1937). Without doubt,  
 4 “[t]herein lies the security of the Republic, the very foundation of constitutional  
 5 government.” *Id.*

6 38. It is beyond cavil that our commitment to our founding principles is most  
 7 tested and best calculated during times of crisis and uncertainty. Indeed, “[t]imes of crisis  
 8 take the truest measure of our commitment to constitutional values. **Constitutional**  
 9 **values are only as strong as our willingness to reaffirm them when they seem most**  
 10 **costly to bear.**” *Hartness v. Bush*, 919 F.2d 170, 181 (D.C. Cir. 1990) (Edwards, J.,  
 11 dissenting) (emphasis added). Our willingness to reaffirm our staunch commitment to  
 12 our fundamental freedoms is imperative to the very survival of the American experiment.  
 13 For, “[h]istory reveals that the initial steps in the erosion of individual rights are usually  
 14 excused on the basis of an ‘emergency’ or threat to the public. **But the ultimate strength**  
 15 **of our constitutional guarantees lies in the unhesitating application in times of crisis**  
 16 **and tranquility alike.**” *United States v. Bell*, 464 F.2d 667, 676 (2d Cir. 1972)  
 17 (Mansfield, J., concurring) (emphasis added).

18 39. Plaintiffs bring this case to restrain the troubling transgression of their  
 19 fundamental and cherished liberties wrought by the imposition of Governor Newsom’s  
 20 orders contrived from COVID-19. Plaintiffs seek not to discredit or discard the  
 21 government’s unquestionable interest in doing that task for which it was instituted—  
 22 protecting the citizenry. But, as is often true in times of crisis, Plaintiffs respectfully  
 23 submit that the Governor has transgressed a line the Constitution does not permit.  
 24

1 Because of that, Plaintiffs bring this action to ensure that this Court safeguards the  
 2 cherished liberties for which so many have fought and died. For, “[i]f the provisions of  
 3 the Constitution be not upheld when they pinch as well as when they comfort, they may  
 4 as well be discarded.” *Home Bldg. & Loan Ass’n v. Blaisdell*, 290 U.S. 398, 483 (1934)  
 5 (Sutherland, J., dissenting) (emphasis added). Plaintiffs pray unto the Court that it not  
 6 permit the cherished and fundamental liberties enshrined in the Constitution to be another  
 7 tragic casualty of COVID-19.

8 **PARTIES**

9 40. Plaintiff HARVEST ROCK CHURCH, INC. (“Harvest Rock”) is a domestic  
 10 nonprofit corporation incorporated under the laws of the State of California with its  
 11 principal place of business Pasadena, California, and with campuses in several other  
 12 localities in California.

13 41. Plaintiff HARVEST INTERNATIONAL MINISTRY, INC. (“Harvest  
 14 International”) is a domestic nonprofit corporation incorporated under the laws of the  
 15 State of California with its principal place of business in Pasadena, California, and with  
 16 162 member churches in the State of California. Harvest International brings this action  
 17 for itself and on behalf of its member churches in California.

18 42. Defendant, GAVIN NEWSOM, is the Governor of California, with authority  
 19 to sue and be sued, and is responsible for enacting and enforcing the COVID-19  
 20 executive orders and directives at issue in this litigation. The enforcement of the COVID-  
 21 19 orders and directives is under the Governor’s authority and under the direct  
 22 supervision of the Governor’s Office of Emergency Services. Governor Newsom is sued  
 23 in his official capacity.

**JURISDICTION AND VENUE**

43. This action arises under the First and Fourteenth Amendments to the United States Constitution and is brought pursuant to 42 U.S.C. § 1983.

44. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343.

45. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred in this district, and pursuant to 28 U.S.C. § 1391(b)(3) because the Governor is subject to personal jurisdiction in this Court.

46. This Court is authorized to grant declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02, implemented through Rule 57 of the Federal Rules of Civil Procedure, and is authorized to grant TRO and injunctive relief pursuant to Rule 65 of the Federal Rules of Civil Procedure.

47. This Court is authorized to grant Plaintiffs’ prayer for relief regarding costs, including a reasonable attorney’s fee, pursuant to 42 U.S.C. § 1988.

**GENERAL ALLEGATIONS**

**A. PLAINTIFFS’ CHURCHES AND THEIR RELIGIOUS MINISTRIES.**

48. Harvest Rock has numerous church campuses, including in Pasadena, Irvine, and Corona. Harvest Rock has and exercises sincere religious beliefs that it is to minister the Gospel of Jesus Christ to its members and attendees at its facilities, that it cannot fulfill its vital ministry and sincere religious beliefs without gathering together in person, and cannot effectively engage in its constitutionally protected free exercise of religion on the Internet.

1           49. Harvest Rock has and exercises sincere religious beliefs that a Church is  
 2 fundamentally a communal and associational body of Believers in Jesus Christ that must  
 3 gather together in order to fulfill the vital requirements of scriptural commands. Put  
 4 simply, Harvest Rock has and exercises sincere religious beliefs that failure to gather  
 5 together in person for religious worship services in which its members and congregants  
 6 may worship the Lord, receive biblical teaching, and minister to one another's needs is  
 7 disobedience to the Lord for which they will be held divinely accountable.

8           50. In fact, Harvest Rock has and exercises a sincere religious belief that failure  
 9 to abide by Scripture's command that it gather its congregants together to worship the  
 10 Lord is disobedience to the Lord for which its pastors will be held divinely accountable.  
 11 Harvest Rock has and exercises sincere religious beliefs that it must adhere to all  
 12 scriptural commands, and that failure to do so will result in the strictest of divine  
 13 judgment for its pastors and leaders. *See Hebrews 3:17; James 3:1.*

14           51. As part of its religious mission, Harvest Rock has a ministry at its church  
 15 called the Hope Center, which is staffed by church leaders and volunteers. The Hope  
 16 Center provides support for those with financial, familial, emotional, and spiritual needs  
 17 in its communities. Harvest Rock has and exercises sincere religious beliefs that  
 18 Scripture commands it to feed the hungry, give water to the thirsty, clothe the naked,  
 19 house the homeless, and counsel the afflicted. All of these ministries have been impacted  
 20 by the Governor's COVID-19 Orders.

21           52. As part of the exercise of its sincerely held religious beliefs, Harvest Rock's  
 22 Church campuses also have numerous Life Groups, which meet in the homes of members  
 23  
 24

1 of the Church to worship together, engage in Bible study, fellowship with one another,  
2 and minister to the needs of each other.

3 53. Harvest Rock has and exercises sincere religious beliefs that it is to raise up  
4 disciples and launch reformers through families, for the purpose of advancing the  
5 Kingdom of God. Harvest Rock has and exercises a sincere religious belief that Life  
6 Groups are an essential way for the church to fulfill its mission and to foster a healthy,  
7 vibrant, and growing Church community such that its members can gather together to  
8 grow in the Lord, mature in their faith, and understand the Scriptures better.

9 54. Harvest International has 162 member churches in California, and each of  
10 these churches has and exercises the sincere religious beliefs that the church is to minister  
11 the Gospel of Jesus Christ to its members and attendees at its facilities, that it cannot  
12 fulfill its vital ministry and sincere religious beliefs without gathering together in person,  
13 and that it cannot effectively engage in its constitutionally protected free exercise of  
14 religion on the Internet.

15 55. Many of Harvest International's member churches in California have  
16 programs that provide food support for the hungry, financial and ministry support for  
17 those in need, and also biblical and social-service-type counseling for members of their  
18 communities throughout California. These churches also have and exercise sincere  
19 religious beliefs that Scripture commands them to feed the hungry, give water to the  
20 thirsty, clothe the naked, house the homeless, and counsel the afflicted. All of these  
21 ministries have been impacted by the Governor's COVID-19 orders.

1           56. Many of Harvest International’s member churches in California also have  
 2 smaller groups that meet in the homes of their members to worship together, engage in  
 3 Bible study, fellowship with one another, and minister to the needs of the group.

4           57. Harvest International’s member churches in California have and exercise  
 5 sincere religious beliefs that a Church is fundamentally a communal and associational  
 6 body of Believers in Jesus Christ that must gather together in order to fulfill the vital  
 7 requirements of scriptural commands. Put simply, Harvest International’s member  
 8 churches in California have and exercise sincere religious beliefs that failure to gather  
 9 together in person for religious worship services in which their members and congregants  
 10 may worship the Lord, receive biblical teaching, and minister to one another’s needs is  
 11 disobedience to the Lord for which they will be held divinely accountable.

12           58. In fact, Harvest International’s member churches in California have and  
 13 exercise a sincere religious belief that failure to abide by Scripture’s command that they  
 14 gather together to worship the Lord, is a sin for which their Pastors will be held divinely  
 15 accountable. Harvest International’s member churches in California have and exercise  
 16 sincere religious beliefs that they must adhere to all scriptural commands, and that failure  
 17 to do so will result in the strictest of divine judgment for their pastors and leaders. *See*  
 18 *Hebrews 3:17; James 3:1.*

19           59. Plaintiffs and their churches all have and exercise sincere religious beliefs  
 20 that they are to “sing to the LORD” and “[d]eclare his glory among the nations.” *Psalms*  
 21 *96:1–2 (ESV).*

1           60. Plaintiffs and their churches all have and exercise sincere religious beliefs  
2 that they are to “make a joyful noise” to the Lord, *Psalms* 95:1 (ESV), through singing  
3 and chanting His praises.

4           61. Plaintiffs and their churches all have and exercise sincere religious beliefs  
5 that they are to “sing to the LORD as long as I live.” *Psalms* 104:33 (ESV).

6           62. Plaintiffs and their churches all have and exercise sincere religious beliefs  
7 that not only are they to sing to the Lord, also to “declare [His] name unto my brethren,”  
8 and that “**in the midst of the church** will [they] sing praise” to the Lord. *Hebrews* 2:12  
9 (KJV) (emphasis added).

10           63. Plaintiffs and their churches all have and exercise sincere religious beliefs  
11 that, in the current times of trouble and distress, they are to sing to the Lord even more  
12 and to sing aloud to Him. *See Psalms* 59:16 (ESV) (“I will sing aloud of your steadfast  
13 love in the morning. For you have been to me a fortress and a refuge in the day of my  
14 distress.”).

15           64. Plaintiffs and their churches all have and exercise sincere religious beliefs  
16 that they are to chant and shout to the Lord as well. *See Psalms* 33:3 (ESV) (“Sing to him  
17 a new song; play skillfully on the strings, **with loud shouts**.” (emphasis added)).

18           65. Plaintiffs and their churches all have and exercise sincere religious beliefs,  
19 rooted in Scripture’s commands (*e.g.*, *Hebrews* 10:25), that followers of Jesus Christ are  
20 not to forsake the assembling of themselves together, and that they are to do so even  
21 more in times of peril and crisis. Indeed, the entire purpose of the Church (in Greek  
22 “ekklesia,” meaning “assembly”) is to assemble together Christians to worship Almighty  
23 God.

24

1           **B.     GOVERNOR NEWSOM’S EXECUTIVE ORDERS AND**  
2           **CALIFORNIA PUBLIC HEALTH ORDERS.**

3           66.     On March 4, 2020 the Governor issued a Proclamation proclaiming a State  
4 of Emergency existed in California due to the COVID-19 disease. A true and correct  
5 copy of that Proclamation is attached hereto as **EXHIBIT A** and incorporated herein.

6           67.     On March 12, 2020 the Governor issued Executive Order N. 25-20, stating  
7 that all residents of California “are to heed any orders and guidance of state and local  
8 public health officials, including but not limited to the imposition of social distancing  
9 measures.” A true and correct copy of Executive Order N. 25-20 is attached hereto as  
10 **EXHIBIT B** and incorporated herein.

11          68.     One week later, on March 19, 2020 the Director of the California Department  
12 of Public Health, at the direction of the Governor, issued an Order of the State Public  
13 Health Officer “order[ing] all individuals living in the State of California to stay home  
14 or at their residence except as needed to maintain continuity of operations of the federal  
15 critical infrastructure sectors.” A true and correct copy of the March 19, 2020 Public  
16 Health Order (the “Stay-at-Home Order”) is attached hereto as **EXHIBIT C** and  
17 incorporated herein.

18          69.     The Stay-at-Home Order became effective immediately and remains “in  
19 effect until further notice,” and **is still in effect.**

20          70.     The “federal critical infrastructure sectors” adopted and incorporated into the  
21 Stay-at-Home Order as exempt from its stay-at-home requirements, allowing  
22 “Californians working in these 16 critical infrastructure sectors [to] continue their work,”  
23 are the 16 critical infrastructure sectors identified by the U.S. Department of Homeland  
24

1 Security Cybersecurity and Infrastructure Security Agency (CISA). A true and correct  
 2 copy of CISA’s current Guidance on the Essential Critical Infrastructure Workforce,  
 3 Version 3.1 (the “CISA Guidance”) is attached hereto as **EXHIBIT D** and incorporated  
 4 herein.

5 71. The businesses and operations included within the 16 expansive  
 6 infrastructure categories exempted by the Stay-at-Home Order include (a) businesses  
 7 providing food and groceries (such as Ralphs and Trader Joe’s grocery stores, and  
 8 Walmart and Costco “big-box” stores), (b) food manufacturing and warehousing, (c)  
 9 organizations providing “food, shelter, and social services, and other necessities of life  
 10 for economically disadvantaged or otherwise needy individuals,” (d) businesses  
 11 providing construction materials and equipment (such as Home Depot and Lowe’s  
 12 warehouse stores), (e) e-commerce distribution facilities (such as Amazon.com  
 13 facilities), (f) bank and financial processing and service centers (such as Wells Fargo and  
 14 Chase centers), and (g) “radio, television, and media service” organizations (of any size),  
 15 and a host of other exempted businesses and operations (of any size) where large numbers  
 16 of individuals are permitted to gather for extended periods of time with unavoidable close  
 17 contact.

18 72. The Stay-at-Home Order imposes no numerical limitations on the persons  
 19 working in or patronizing the exempted businesses and non-religious activities, and  
 20 advises only “that they should at all times practice social distancing.”

21 73. The Stay-at-Home Order, however, does not permit people to leave their  
 22 homes to conduct or attend religious worship services. Thus, upon its issuances, **the**  
 23 **Stay-at-Home Order imposed a total prohibition on religious worship services,**  
 24

1 **including in-home worship services, regardless of the number attending and**  
2 **whether social distancing or other hygiene practices were followed.**

3 74. Also on March 19, the Governor issued Executive Order N. 33-20  
4 incorporating and putting the full power of the Governor's Office behind the Stay-at-  
5 Home Order, directing the Governor's Office of Emergency Services "to take necessary  
6 steps to ensure compliance" with the order, and giving notice to the public that the order  
7 is enforceable pursuant to California Government Code § 8665, which provides that  
8 violating the Governor's orders is a misdemeanor criminal offense punishable by up to a  
9 \$1,000 fine, six months in jail, or both. A true and correct copy of Executive Order N.  
10 33-20 is attached hereto **EXHIBIT E** and incorporated herein.

11 75. On April 14, 2020 the Governor issued his Roadmap to Modify the Stay-at-  
12 Home Order, providing "California's 6 indicators" for beginning the process of  
13 reopening businesses and other entities in California. A true and correct copy of the  
14 Roadmap to Modify the Stay-at-Home Order (the "Roadmap") is attached hereto as  
15 **EXHIBIT F** and incorporated herein.

16 76. The Roadmap's 6 indicators are (1) "The ability to monitor and protect our  
17 communities through testing, contact tracing, isolating, and supporting those who are  
18 positive or exposed;" (2) "The ability to prevent infection in people who are at risk for  
19 more severe COVID-19;" (3) "The ability of the hospital and health systems to handle  
20 surges;" (4) "The ability to develop therapeutics to meet the demand;" (5) "The ability  
21 for businesses, schools, and child care facilities to support physical distancing;" and (6)  
22 "The ability to determine when to reinstitute certain measures, such as the stay-at-home  
23 orders, if necessary."  
24

1           77. On April 28, 2020, pursuant to the Governor’s Executive Order N. 33-20  
 2 ratifying the Stay-at-Home Order, the Governor released California’s own “Essential  
 3 Workforce” guidance document listing businesses and operations exempt from the Stay-  
 4 at-Home Order as so-called “Essential Critical Infrastructure Workers” to help state,  
 5 local, tribal, and industry partners as they work to protect communities, while ensuring  
 6 continuity of functions critical to public health and safety, as well as economic and  
 7 national security.” A true and correct copy of the Governor’s “Essential Workforce  
 8 Guidance” is attached hereto as **EXHIBIT G** and incorporated herein.

9           78. The Governor’s Essential Workforce Guidance, like the previously adopted  
 10 CISA Guidance, identifies expansive categories of businesses and non-religious  
 11 activities exempted from the Stay-at-Home Order and allowed to remain open and  
 12 operational. The Essential Workforce Guidance includes exempt categories similar to the  
 13 CISA Guidance, such as (a) businesses providing food and groceries (such as Ralphs and  
 14 Trader Joe’s grocery stores, and Walmart and Costco “big-box” stores), (b) food  
 15 manufacturing and warehousing, (c) organizations providing “food, shelter, and social  
 16 services, and other necessities of life for economically disadvantaged or otherwise needy  
 17 individuals,” (d) businesses providing construction materials and equipment (such as  
 18 Home Depot and Lowe’s warehouse stores), (e) e-commerce distribution facilities (such  
 19 as Amazon.com facilities), (f) bank and financial processing and service centers (such as  
 20 Wells Fargo and Chase centers), and (g) “radio, television, and media service”  
 21 organizations (of any size), and also includes new categories not covered in the March  
 22 19 CISA Guidance, such as (h) “laundromats, laundry services, and dry cleaners,” (i) law  
 23 and accounting firms, real estate offices, and other professional services (of any size),  
 24

1 (j) businesses that produce, store, transport and distribute cannabis, and (k) workers  
2 supporting California’s entertainment industry, studios, and other related entertainment  
3 establishments, and a host of other exempted businesses and non-religious activities (of  
4 any size) where large numbers of individuals are permitted to gather for extended periods  
5 of time with unavoidable close contact.

6 79. The Governor’s April 28 Essential Workforce Guidance also exempted, for  
7 the first time, “Clergy for essential support and faith-based services,” but **imposed a**  
8 **unique qualifier on religious worship not applicable to other “Essential” services,**  
9 limiting “faith-based services” to those “that are **provided through streaming or other**  
10 **technologies** that support physical distancing and state public health guidelines.”

11 80. On May 7, 2020 the Public Health Director issued a new Public Health Order  
12 identifying four stages of reopening and authorizing the gradual movement from Stage 1  
13 to Stage 2. A true and correct copy of the May 7 Public Health Order (the “Stage 2  
14 Order”) is attached hereto as **EXHIBIT H** and incorporated herein.

15 81. The Stage 2 Order identified the following stages: (Stage 1) safety and  
16 preparation; (Stage 2) reopening of lower-risk workplaces and other spaces; (Stage 3)  
17 reopening of higher-risk workplaces and other spaces; and (Stage 4) easing of final  
18 restrictions leading to the end of the Stay-at-Home Order.

19 82. The Stage 2 Order advised that “sectors, businesses, establishments, or  
20 activities that are permitted to open will be designated” on the California COVID-19  
21 “Roadmap” website, on an ongoing basis. The Stage 2 re-openings designated on the  
22 Roadmap website include “retail, related logistics and manufacturing, office workplaces,  
23 limited personal services, outdoor museums, child care, and essential businesses . . . with  
24

1 modifications.” A true and correct copy of the Roadmap designations is attached hereto  
2 as **EXHIBIT I** and incorporated herein.

3 83. The Stage 2 Order authorizes Californians to “leave their homes to work at,  
4 patronize, or otherwise engage with [the designated] businesses, establishments, or  
5 activities, subject only to “physical distancing, minimize[ing] their time outside of the  
6 home, and wash[ing] their hands frequently.” The May 7 Stage 2 Order otherwise left in  
7 effect the Stay-at-Home Order prohibiting Californians from leaving their homes to  
8 attend religious worship services.

9 84. On May 25, 2020 the Governor issued his Guidance for Places of Worship  
10 and Providers of Religious Services and Cultural Ceremonies. A true and correct copy  
11 of the “May 25 Worship Guidance” is attached hereto as **EXHIBIT J** and incorporated  
12 herein.

13 85. For all places of worship, including Plaintiffs and their churches, the May 25  
14 Worship Guidance authorizes resuming in-person religious worship services on the  
15 condition that attendance is limited to “25% of building capacity or a maximum of 100  
16 attendees, whichever is lower” after “a county public health department’s approval of  
17 religious services . . . within their jurisdictions.”

18 86. The May 25 Worship Guidance also imposed significant restrictions (some  
19 obligatory, some suggested) on places of worship, including temperature screenings  
20 upon entering a church, eye-protection and gloves for workers, face coverings for  
21 employees, volunteers, and attendees, posting signage throughout the facility to inform  
22 attendees of the face covering and glove requirements, discouraging use of shared items  
23 such as Scriptures and Hymnals, discontinuing use of offering plates, discouraging  
24

1 handshakes or hugging of any kind, discontinuing singing, group recitation, and similar  
2 practices, and many other restrictions not imposed on “Essential” businesses and non-  
3 religious activities.

4 87. On July 1, 2020 the Governor issued a revised Guidance for Places of  
5 Worship. A true and correct copy of the “July 1 Worship Guidance” is attached hereto  
6 as **EXHIBIT K** and incorporated herein.

7 88. The July 1 Worship Guidance largely mirrored the May 25 Worship  
8 Guidance, but imposed **mandatory** requirements on places of worship that were merely  
9 suggested in the prior version.

10 89. For example, the July 1 Worship Guidance states unequivocally: “**Places of**  
11 **worship must therefore discontinue singing and chanting activities and limit indoor**  
12 **attendance to 25% of building capacity or a maximum of 100 attendees**, whichever  
13 is lower.” (Bold emphasis added). The July 1 Worship Guidance also restricts outdoor  
14 worship services by requiring, “[a]t a minimum, . . . strict physical distancing measures  
15 of a minimum of six feet between attendees from different households.”

16 90. Thus, the July 1 Worship Guidance imposes numerical and size restrictions  
17 on both indoor and outdoor worship which are not imposed on other “Essential”  
18 businesses and non-religious activities.

19 91. On July 6, 2020 the Governor issued yet another revised Guidance for Places  
20 of Worship. A true and correct copy of the “July 6 Worship Guidance” is attached hereto  
21 as **EXHIBIT L** and incorporated herein.

1           92. The July 6 Worship Guidance retained the mandatory numerical restrictions  
2 for indoor and outdoor worship, but changed the singing and chanting prohibition to  
3 apply only indoors.

4           93. Each of the evolving Worship Guidance documents equated the COVID-19  
5 risks at places of worship with the COVID-19 risks at “Essential” businesses and non-  
6 religious operations such as “food production, warehouses, meat processing plants, and  
7 grocery stores,” all of which “Essential” entities are exempt from the unique numerical  
8 restrictions and other prohibitions imposed on the core activities of places of religious  
9 worship.

10           94. On July 13, 2020, after permitting Plaintiffs and other houses of worship to  
11 reopen subject to the restrictions of the evolving Worship Guidance documents, **and**  
12 **subject to obtaining the approval of local officials who could tell them whether**  
13 **worship services were permissible at all**, the Governor announced that 30 counties in  
14 the State were being returned to Stage 1 and that in-person worship services would no  
15 longer be permitted in any of those counties.

16           95. Also, on July 13, 2020, pursuant to the Governor’s public announcement, the  
17 Public Health Officer issued a Public Health Order closing indoor operations throughout  
18 the state for businesses such as bars, pubs, breweries, and restaurants, and ordering the  
19 additional closure, in counties on the California Department of Public Health (CDPH)  
20 County Monitoring List, of “Gyms and Fitness Centers[,] **Places of Worship**[,]  
21 Protests[,] Offices for Non-Critical Infrastructure Sectors[,] Personal Care Services[,]  
22 Hair salons and barbershops[, and] Malls” (emphasis added). A true and correct copy of  
23  
24

1 the July 13 Public Health Order is attached hereto as **EXHIBIT M** and incorporated  
2 herein.

3 96. The July 13 Public Health Order “shall remain in effect until [the Public  
4 Health Officer] determine[s] it is appropriate to modify the order,” and it remains in  
5 effect.

6 97. The now 32 California counties on the County Monitoring List currently  
7 subject to the enhanced closures of the July 13 Public Health Order, which closures  
8 include places of worship, are: Alameda, Colusa, Contra Costa, Fresno, Glenn, Imperial,  
9 Kings, Los Angeles, Madera, Marin, Merced, Monterey, Napa, Orange, Placer,  
10 Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis  
11 Obispo, Santa Barbara, Santa Clara, Solano, Sonoma, Stanislaus, Sutter, Tulare, Ventura,  
12 Yolo, and Yuba.

13 **C. THE GOVERNOR’S ORDERS DISCRIMINATE BETWEEN**  
14 ***PERMISSIBLE* RELIGIOUS ACTIVITIES AND *IMPERMISSIBLE***  
**RELIGIOUS WORSHIP IN THE SAME BUILDING.**

15 98. As alleged *supra*, the March 19 Stay-at-Home Order created expansive  
16 categories of businesses and activities wholly exempt from the Order’s stay-at-home  
17 mandate, subject only to social distancing.

18 99. These exempt activities include the provision of “food, shelter, and social  
19 services, and other necessities of life for economically disadvantaged or otherwise needy  
20 individuals” from the CISA Guidance (EXHIBIT D, at 20), and the identically described  
21 provision of “food, shelter, and social services, and other necessities of life for  
22 economically disadvantaged or otherwise needy individuals” from the Governor’s  
23 additional Essential Workforce Guidance (EXHIBIT G, at 23).

1           100. Thus, under the Governor’s orders, Plaintiffs and their churches may provide  
 2 food for the hungry, shelter for the homeless, counseling on unemployment benefits or  
 3 other government assistance programs, family counseling, drug-addiction counseling,  
 4 and any other social services for “necessities of life,” and **may do so in their Church**  
 5 **buildings, without numerical restrictions on volunteers or recipients, subject only**  
 6 **to social distancing.**

7           101. But, in counties where Plaintiffs’ campus and member churches are still  
 8 permitted to gather at all, if they are feeding, clothing, housing, or counseling 101  
 9 individuals (or over 25% of their building capacity), and at any point transition from  
 10 providing material “necessities of life” through government-approved social services, to  
 11 providing spiritual necessities of life—according to sincerely held religious beliefs—  
 12 through government-prohibited religious worship services, **for the same people, in the**  
 13 **same building,** the Governor’s orders automatically apply, and Plaintiffs are subject to  
 14 criminal penalties.

15           102. For each of Plaintiffs’ campus and member churches in California counties  
 16 subject to total closure for worship under the July 13 Public Health Order, they are still  
 17 exempt for feeding, counseling, and even housing overnight an unlimited number of  
 18 materially needy people in the same room, but if a pastor preaches a sermon for the  
 19 spiritually needy among them and invites them to participate by singing a hymn, the  
 20 exempt service becomes a prohibited religious worship service subject to criminal  
 21 penalties—no matter how many or how few participate in worship.

22           103. The Governor’s orders and their classifications of exempt businesses,  
 23 activities, and services has established a system informing Plaintiffs and their churches  
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1 that certain activities in their buildings are perfectly permissible and not subject to any  
2 numerical limitation, but that any transition to other religious activities (*i.e.*, religious  
3 worship services) are prohibited and subject Plaintiffs and their member churches to  
4 criminal penalties.

5 **D. THE GOVERNOR PUBLICLY AND UNEQUIVOCALLY**  
6 **SUPPORTED MASS PROTEST GATHERINGS THAT VIOLATED**  
7 **HIS ORDERS WHILE SIMULTANEOUSLY CONDEMNING AND**  
8 **PROHIBITING RELIGIOUS WORSHIP SERVICES.**

9 104. On June 1, 2020, Governor Newsom held a news conference in which he  
10 expressed appreciation and gratitude for the thousands of protesters gathering in the  
11 streets in California in violation of his own orders. KTLA 5, *'You are right to feel*  
12 *wronged': Newsom responds to weekend violence*, YouTube (June 1, 2020),  
13 <https://www.youtube.com/watch?v=va7rl5seIXQ>). In that press conference, the  
14 Governor thanked the protesters, invoked God's blessing on them, and explicitly  
15 encouraged the protesters to continue to flout his orders: "Those that want to express  
16 themselves and have, **Thank You! God bless You. Keep doing it.**" *Id.* (emphasis  
17 added).

18 105. When asked about the dichotomous and disparate treatment of family,  
19 religious, or social gatherings and the often-violent protests in California, Governor  
20 Newsom has issued public statements stating that "people understand we have a  
21 Constitution, we have a right to free speech and we are all dealing with a moment in our  
22 Nation's history that is profound and pronounced," and issued further expressions of  
23 praise for the protesters flouting his orders. *See Eric Ting, Gavin Newsom asked to*  
24 *reconcile support for protests with new warnings on gatherings*, SFGate (July 2, 2020,

1 1:58 PM), [https://www.sfgate.com/politics/article/Gavin-Newsom-protests-coronavirus-](https://www.sfgate.com/politics/article/Gavin-Newsom-protests-coronavirus-July-Fourth-ask-15383112.php)  
2 [July-Fourth-ask-15383112.php](https://www.sfgate.com/politics/article/Gavin-Newsom-protests-coronavirus-July-Fourth-ask-15383112.php).

3 106. On May 30, 2020, Governor Newsom released an official statement praising  
4 and encouraging the protesters in California to continue to gather in large numbers  
5 despite their flagrant violations of his own Orders. *See Governor Newsom Statement on*  
6 *Demonstrations Across California and the Passing of Federal Officer*, Office of  
7 Governor Gavin Newsom (May 30, 2020), [https://www.gov.ca.gov/2020/05/30/](https://www.gov.ca.gov/2020/05/30/governor-newsom-statement-on-demonstrations-across-california-and-the-passing-of-federal-officer/)  
8 [governor-newsom-statement-on-demonstrations-across-california-and-the-passing-of-](https://www.gov.ca.gov/2020/05/30/governor-newsom-statement-on-demonstrations-across-california-and-the-passing-of-federal-officer/)  
9 [federal-officer/](https://www.gov.ca.gov/2020/05/30/governor-newsom-statement-on-demonstrations-across-california-and-the-passing-of-federal-officer/).

10 107. Specifically, the Governor said, “we have seen **millions of people** lift up  
11 their voices in anger, rightfully outraged . . . . Every person who has raised their voice  
12 should be heard.” He continued, “I want to thank all those . . . who exercised their right  
13 to protest peacefully.”

14 108. In discussing the protesters’ gathering by the thousands in the streets of  
15 California, Governor Newsom “expressed sympathy and showed support for the  
16 protesters,” noting that he encouraged the protesters to engage in their constitutionally  
17 protected speech to advocate for their point because “people have lost patience” and need  
18 to protest. *See* Dave McNary, *California Gov. Gavin Newsom Shows Support for George*  
19 *Floyd Protesters*, Variety (June 1, 2020, 4:03 PM), [https://variety.com/2020/tv/news/](https://variety.com/2020/tv/news/gov-newsom-sympathy-george-floyd-protests-1234622479/)  
20 [gov-newsom-sympathy-george-floyd-protests-1234622479/](https://variety.com/2020/tv/news/gov-newsom-sympathy-george-floyd-protests-1234622479/).

21 109. On June 1, 2020, Governor Newsom explicitly stated that he wants to have  
22 the thousands of protesters continuing to gather in the streets of California, despite his  
23 orders, stating, ““your rage is real. **Express it so that we can hear it.**”” Maggie Angst,  
24

1 *On fourth day of protests, Newsom tells demonstrators: “Your rage is real. Express it.”*,  
 2 *The Mercury News* (June 2, 2020, 3:53 AM), [https://www.mercurynews.com/2020/06/](https://www.mercurynews.com/2020/06/01/trump-tells-governors-to-dominate-protesters-newsom-tells-them-you-matter-i-care/)  
 3 [01/trump-tells-governors-to-dominate-protesters-newsom-tells-them-you-matter-i-care/](https://www.mercurynews.com/2020/06/01/trump-tells-governors-to-dominate-protesters-newsom-tells-them-you-matter-i-care/)  
 4 (emphasis added).

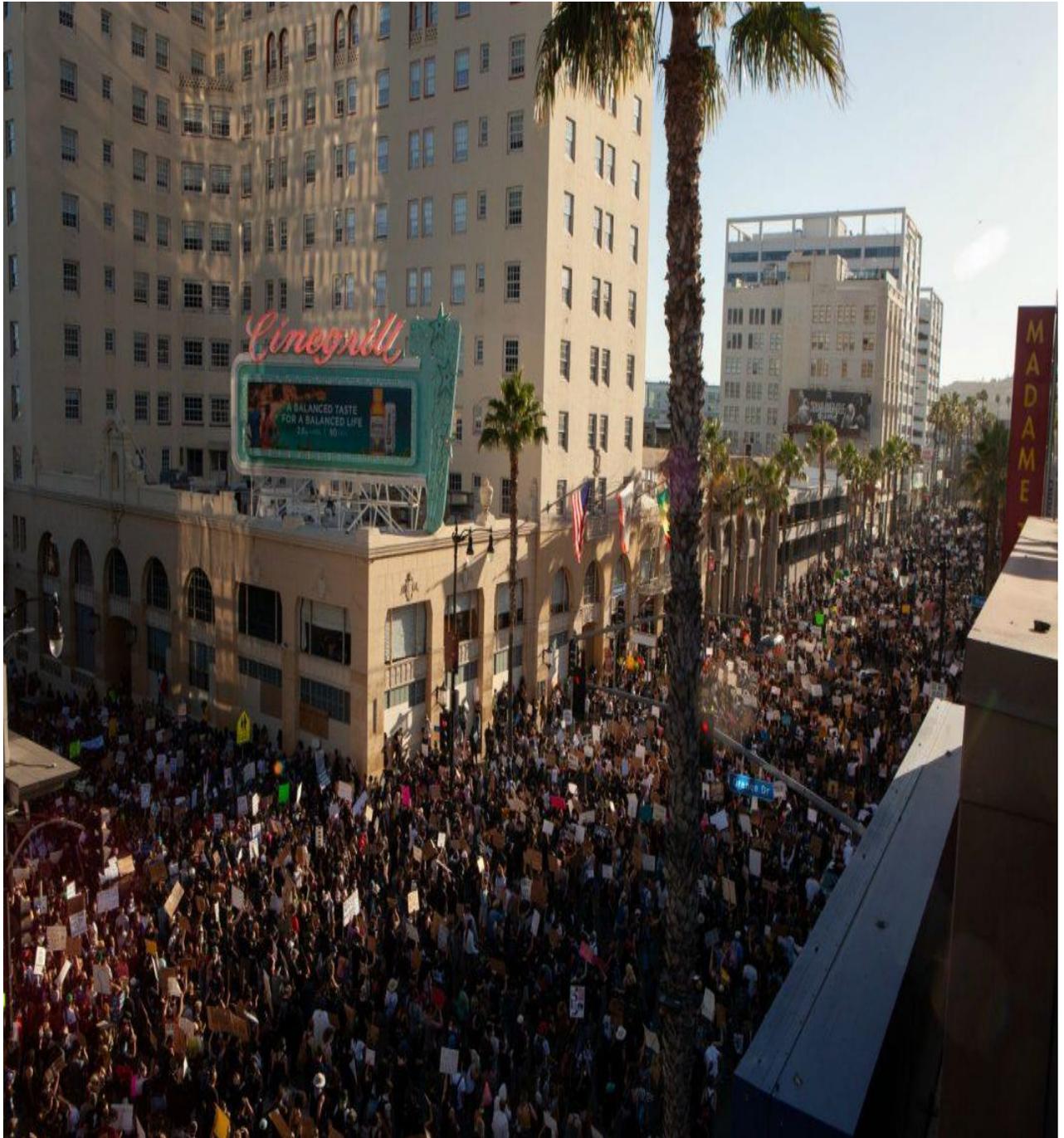
5 110. On June 5, 2020, the Governor not only continued his support for mass  
 6 protests that continually disregard his orders, but said new standards should be applied  
 7 for such protests. He continued his encouragement of willful violations of his orders by  
 8 stating: “Protesters have the right not to be harassed . . . . Protesters have the right to  
 9 protest peacefully. Protesters have the right to do so without being arrested . . . .” Alexei  
 10 Koseff, *Newsom calls for new protest policing standards in California, ban on carotid*  
 11 *holds*, *San Francisco Chronicle* (June 5, 2020, 6:37 PM), [https://www.sfchronicle.com/](https://www.sfchronicle.com/politics/article/Gavin-Newsom-calls-for-new-protest-policing-15320403.php)  
 12 [politics/article/Gavin-Newsom-calls-for-new-protest-policing-15320403.php](https://www.sfchronicle.com/politics/article/Gavin-Newsom-calls-for-new-protest-policing-15320403.php).

13 111. The Governor’s calls for First Amendment activity to be permitted without  
 14 threat of arrest did not apply to religious gatherings, such as Plaintiffs’ worship services.

15 **E. THE GOVERNOR’S UNEQUAL TREATMENT OF NON-**  
 16 **RELIGIOUS GATHERINGS.**

17 112. On Sunday June 7, 2020 an estimated 100,000 protesters were permitted to  
 18 gather in close proximity without any threat of criminal sanction for violating the  
 19 Governor’s orders.

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1 See Samuel Braslow, *Black Lives Matter Estimates that as Many as 100,000 Protesters*  
2 *Gathered in Hollywood on Sunday*, Los Angeles Magazine (June 8, 2020),  
3 <https://www.lamag.com/citythinkblog/hollywood-protest-sunday/>.

4 113. On July 12, 2020, just one day prior to the July 13 Public Health Order  
5 prohibiting Plaintiffs from holding any religious worship services in over 30 counties  
6 (including in small groups in their own homes), thousands of additional protesters  
7 gathered in Martinez, California without mention or threat of criminal sanction for  
8 blatantly violating the Governor’s orders.



22 Bay City News, *Thousands March for Black Lives in Martinez Sunday*, Patch (July 12,  
23 2020, 6:41 PM), [https://patch.com/california/martinez/thousands-march-black-lives-](https://patch.com/california/martinez/thousands-march-black-lives-martinez-sunday)  
24 [martinez-sunday](https://patch.com/california/martinez/thousands-march-black-lives-martinez-sunday).

1           114. On July 1, 2020, after the Governor had instructed people not to gather on  
2 July 4th, thousands of people again protested in Los Angeles and were not threatened  
3 with criminal sanctions for violation of the Governor’s orders.



16 Zachary Evans, *L.A. Protests Draw Thousands Hours after Gov. Newsom Prohibited*  
17 *Fourth of July Gatherings*, National Review (July 2, 2020, 1:22 PM),  
18 [https://www.nationalreview.com/news/1-a-protest-draws-thousands-hours-after-gov-](https://www.nationalreview.com/news/1-a-protest-draws-thousands-hours-after-gov-newsom-1-a-protests-draw-thousands-hours-after-gov-newsom-prohibited-fourth-of-july-gatherings/)  
19 [newsom-1-a-protests-draw-thousands-hours-after-gov-newsom-prohibited-fourth-of-](https://www.nationalreview.com/news/1-a-protest-draws-thousands-hours-after-gov-newsom-1-a-protests-draw-thousands-hours-after-gov-newsom-prohibited-fourth-of-july-gatherings/)  
20 [july-gatherings/](https://www.nationalreview.com/news/1-a-protest-draws-thousands-hours-after-gov-newsom-1-a-protests-draw-thousands-hours-after-gov-newsom-prohibited-fourth-of-july-gatherings/).

21           115. On June 1, 2020, nearly 15,000 people gathered to protest in Oakland,  
22 California, and the Governor neither threatened nor imposed criminal sanctions on such  
23 gatherings despite the flagrant violations of his orders.

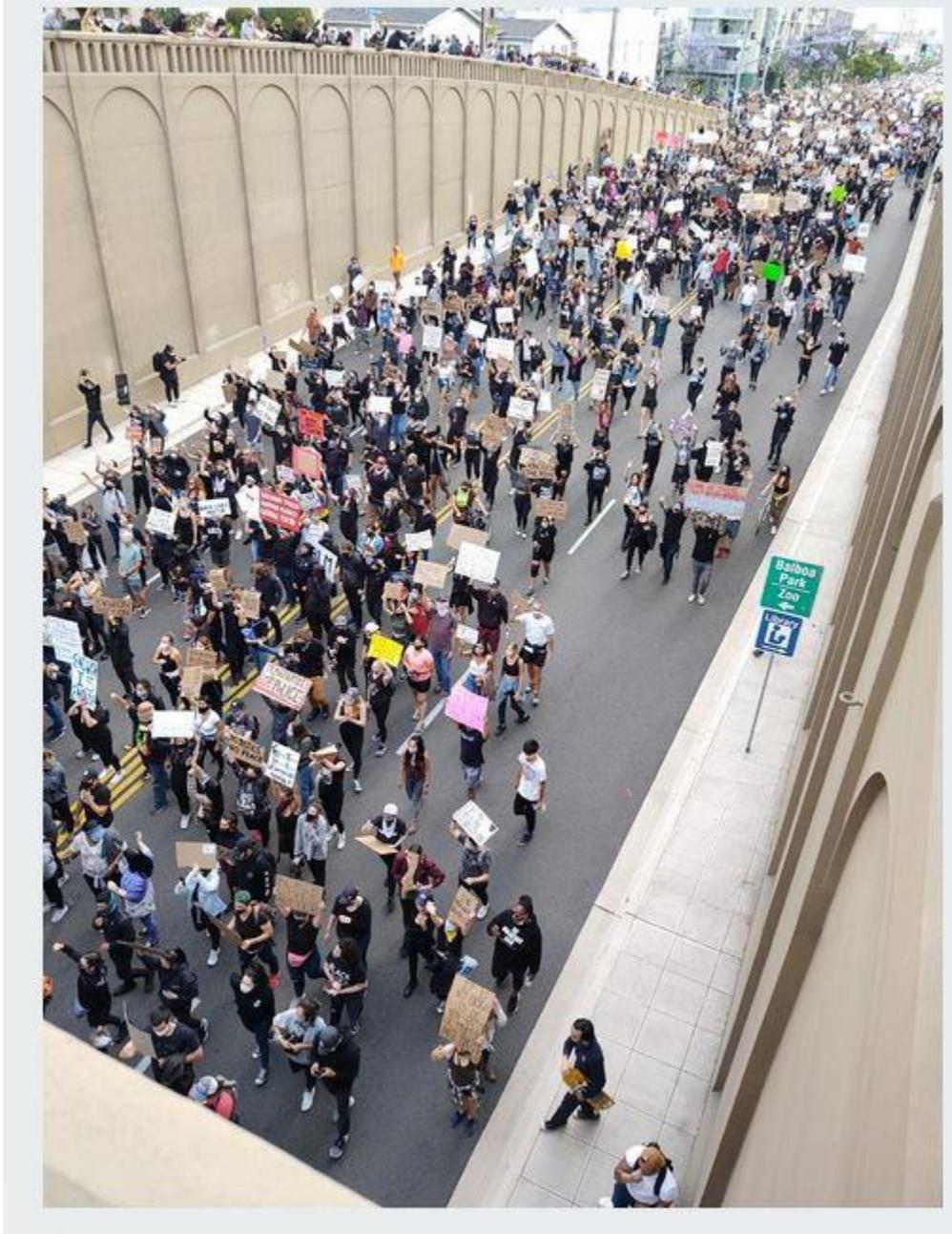


11 Darwin BondGraham, *How 2 Oakland students got 15,000 people to march against*  
12 *police violence on Monday*, Berkeleyside (June 2, 2020, 12:18 PM),  
13 [https://www.berkeleyside.com/2020/06/02/how-oakland-students-got-15000-people-to-](https://www.berkeleyside.com/2020/06/02/how-oakland-students-got-15000-people-to-march-against-police-violence-on-monday)  
14 [march-against-police-violence-on-monday](https://www.berkeleyside.com/2020/06/02/how-oakland-students-got-15000-people-to-march-against-police-violence-on-monday).

15 116. On June 4, 2020, thousands of additional protesters assembled in the streets  
16 of San Diego, and again no criminal sanctions were threatened or imposed despite the  
17 violation of the Governor’s orders.

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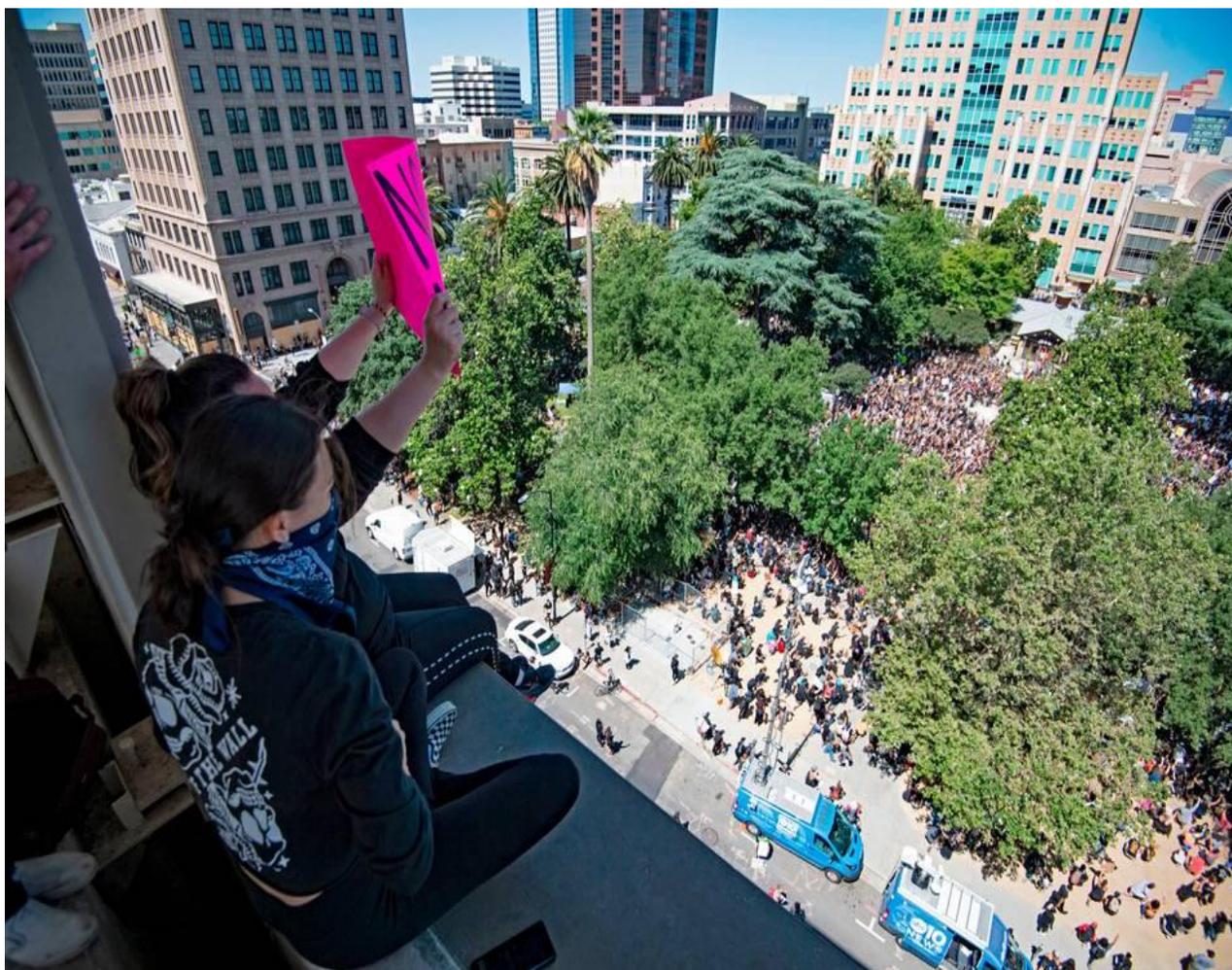




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Staff, *Thousands March From Downtown to North Park in Latest George Floyd Protest*,  
OB Rag (June 4, 2020), <https://obrag.org/2020/06/thousands-march-from-downtown-to-north-park-in-latest-george-floyd-protest/>.

1           117. On June 6, 2020, thousands of other protesters assembled in Sacramento,  
2 right outside the Governor’s office, in blatant violation of the Governor’s orders, and no  
3 criminal citations or threats were issued against them.



18 Sam Stanton, et al., *Sacramento unites for Black Lives Matters as thousands take to*  
19 *downtown streets*, Sacramento Bee (June 6, 2020, 6:28 PM),  
20 <https://www.sacbee.com/news/local/article243339831.html>.

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1 118. On June 6, 2020, thousands of protesters gathered again in the streets of San  
2 Diego in violation of the Governor’s orders, and no criminal sanctions were threatened  
3 or imposed.



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16 Cody Delaney & Zoë Meyers, *Photos: San Diego demonstrators raise their voices to*  
17 *protest police violence*, inewssource (June 8, 2020), [https://inewssource.org/2020/06/08/](https://inewssource.org/2020/06/08/photos-san-diego-protest-police-violence/)  
18 [photos-san-diego-protest-police-violence/](https://inewssource.org/2020/06/08/photos-san-diego-protest-police-violence/).

19 **F. PLAINTIFFS’ CHURCHES HAVE COMPLIED AND WILL**  
20 **CONTINUE TO COMPLY WITH SOCIAL DISTANCING AND**  
21 **PERSONAL HYGIENE PROTOCOLS.**

22 119. Despite the countless instances of protesters’ gathering by the thousands,  
23 engaging in shouting and loud singing and chanting, without social distancing, and  
24 without threat of criminal sanction, Plaintiffs’ churches still face criminal penalties

1 despite their complying with social distancing and personal hygiene protocols wholly  
2 absent from the mass protests Governor Newsom encouraged, applauded, and blessed.

3 120. Harvest Rock’s Pasadena campus seats 1,250 people, and it has been  
4 allowing for worship services only the number of people that allows for effective social  
5 distancing. Harvest Rock requires everyone to wear a mask into the building, takes the  
6 temperature of everyone entering the building, and spaces its attendees to achieve proper  
7 social distancing. Harvest Rock also has its building and restrooms professionally  
8 sanitized after hosting each worship service.

9 121. Harvest Rock’s Orange County campus seats 350 people, and it has been  
10 allowing for worship services only the number of people that allows for effective social  
11 distancing. Harvest Rock requires everyone to wear a mask into the building, takes the  
12 temperature of everyone entering the building, and spaces its attendees to achieve proper  
13 social distancing. Harvest Rock also has its building and restrooms professionally  
14 sanitized after hosting each worship service.

15 122. Harvest Rock’s Los Angeles campus seats 80 people, and it has been  
16 allowing for worship services only the number of people that allows for effective social  
17 distancing. Harvest Rock requires everyone to wear a mask into the building, takes the  
18 temperature of everyone entering the building, and spaces its attendees to achieve proper  
19 social distancing. Harvest Rock also has its building and restrooms professionally  
20 sanitized after hosting each worship service.

21 123. Harvest Rock’s Corona campus seats 50 people, and it has been allowing for  
22 worship services only the number of people that allows for effective social distancing.  
23 Harvest Rock requires everyone to wear a mask into the building, takes the temperature  
24

1 of everyone entering the building, and spaces its attendees to achieve proper social  
2 distancing. Harvest Rock also has its building and restrooms professionally sanitized  
3 after hosting each worship service.

4 124. Harvest International’s 162 member churches in California have also taken  
5 steps to engage in social distancing, limit the number of attendees, and perform enhanced  
6 sanitation and hygiene protocols for its worship services.

7 125. Plaintiffs and their churches are committed to protecting their members and  
8 attendees, and surrounding communities, while engaging in their constitutionally  
9 protected rights to exercise their sincerely held religious not to forsake the assembling of  
10 themselves together, and Plaintiffs are committed to engaging in appropriate social  
11 distancing and enhanced sanitation for all of their worship services.

12 **G. LESS RESTRICTIVE ALTERNATIVES ARE AVAILABLE TO THE**  
13 **GOVERNOR.**

14 126. Despite Governor Newsom’s insistence that in-person religious gatherings  
15 of any number of people indoors cannot continue in most of California, or at the requisite  
16 capacity limitations in the counties where worship is still allowed provided no singing or  
17 chanting takes place, the Governor has failed to consider other, substantially less  
18 restrictive alternatives to the absolute prohibition and severe restrictions on religious  
19 gatherings.

20 127. Like California, the State of Indiana has issued stay-at-home executive  
21 orders and required the closure of all so-called “non-essential” businesses without  
22 unnecessarily discriminating against religious gatherings. Governor Eric. J. Holcomb’s  
23 Executive Order 20-08 declared that “[r]eligious facilities, entities and groups, and  
24

1 religious gatherings” are essential and may continue to operate provided they follow  
2 appropriate social distancing and personal hygiene practices. A true and correct copy of  
3 Indiana’s Executive Order 20-08 is attached hereto as **EXHIBIT N** and incorporated  
4 herein.

5 128. The State of Alabama, in its final Order of the State Health Officer  
6 Suspending Certain Public Gatherings Due to Risk of Infection by COVID-19, issued  
7 April 3, 2020, exempts individuals attending religious worship services in person subject  
8 to certain requirements and permits “drive-in” worship services without limitation. A  
9 true and correct copy of the Alabama Order is attached hereto as **EXHIBIT O** and  
10 incorporated herein.

11 129. The State of Arkansas has likewise exempted “places of worship” from its  
12 Executive Order 20-13 imposing restrictions to prevent the spread of COVID-19,  
13 provided that they engage in adequate social distancing and personal hygiene practices.  
14 A true and correct copy of the Arkansas Executive Order is attached hereto as **EXHIBIT**  
15 **P** and incorporated herein.

16 130. The State of Connecticut has similarly shown that other, less restrictive  
17 alternatives are available. In Executive Order No. 7N, Governor Ned Lamont permitted  
18 religious services to continue to meet, but limited their in-person gatherings to 50 people,  
19 as opposed to the six-person limit applicable to other gatherings. A true and correct copy  
20 of the Connecticut Executive Order No. 7N is attached hereto as **EXHIBIT Q** and  
21 incorporated herein.

22 131. The State of Ohio has likewise issued certain COVID-19 orders, including  
23 the Ohio Department of Health’s Stay Safe Ohio Order. A true and correct copy of the  
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1 Ohio order is attached hereto as **EXHIBIT R** and incorporated herein. Ohio’s order  
2 likewise states that the stay at home mandate “does not apply to religious facilities,  
3 entities and groups and religious gatherings.”

4 132. The State of Illinois, though initially one of the strictest states on religious  
5 gatherings, completely eliminated all restrictions on religious gatherings due to various  
6 lawsuits and challenges to its draconian measures. A true and correct copy of the Illinois  
7 Order removing all restrictions on religious worship is attached hereto as **EXHIBIT S**  
8 and incorporated herein.

9 133. The State of Florida has issued stay-at-home executive orders and required  
10 the closure of all so-called “non-essential” businesses without unnecessarily  
11 discriminating against religious gatherings. On April 1, 2020, Florida Governor Ron  
12 DeSantis issued Executive Order 20-91, which included “religious services conducted in  
13 churches, synagogues, and houses of worship” as essential activities permitted to  
14 continue subject to social distancing and personal hygiene guidelines. A true and correct  
15 copy of Florida Executive Order 20-91 is attached hereto as **EXHIBIT T** and  
16 incorporated herein.

17 134. The State of Arizona, in Executive Order 2020-18, classified “[e]ngaging in  
18 constitutionally protected activities such as speech and religion” as essential activities,  
19 subject to a flexible requirement that such engagement be “conducted in a manner that  
20 provides appropriate physical distancing to the extent feasible.” The Arizona Attorney  
21 General, in Opinion I20-008, interpreted such essential activities clearly to include  
22 assembling for religious worship. True and correct copies of Arizona Executive Order  
23  
24

1 2020-18 and Arizona Attorney General Opinion I20 008 are attached hereto as  
2 **EXHIBIT U** and **EXHIBIT V**, respectively, and incorporated herein.

3 135. The State of Texas has likewise issued certain COVID-19 orders, but has  
4 provided explicit protections to religious gatherings and issued directives outlining the  
5 protection for religious freedom, even in these times of uncertainty. A true and correct  
6 copy of the Texas Guidance for Houses of Worship is attached hereto as **EXHIBIT W**  
7 and incorporated herein. In that Guidance, Texas notes that religious assemblies and  
8 houses of worship are “essential services” and that in-person gatherings are permissible  
9 if social distancing and personal hygiene practices are followed.

10 136. Numerous other states have similarly permitted religious gatherings to be  
11 treated equally with non-religious gatherings, and have exempted them altogether from  
12 the restrictions being placed on their constitutionally protected exercise of religion.

13 137. As these other states have demonstrated, Governor Newsom can continue to  
14 pursue the State’s objective of preventing the spread of COVID-19 without unnecessarily  
15 treating religious gatherings in a discriminatory manner, and the State has numerous  
16 other, less restrictive alternatives available to it to do so.

17 138. Governor Newsom has neither tried without success nor considered and ruled  
18 out for good reason these less restrictive alternatives.

19 139. Governor Newsom has constitutionally permissible alternatives available,  
20 but has failed to attempt to achieve the State’s purported goals without unnecessarily  
21 interfering with constitutionally protected activities.

**H. IRREPRABLE INJURY TO PLAINTIFFS FROM THE GOVERNOR’S ORDERS AND SELECTIVE ENFORCEMENT.**

140. Despite being willing and capable of following all social distancing and personal hygiene protocols recommended by the CDC and specified in the Governor’s orders, Plaintiffs have been explicitly targeted, singled out, and threatened with criminal sanction for participating in in-person religious gatherings when exempted “Essential” businesses and non-religious activities, and ostensibly prohibited mass protests with no social distancing whatsoever, may accommodate gatherings, crowds, and masses of people without numeric limitation, and without scrutiny or punishment by the government.

141. As a result of the Governor’s orders, and blatantly selective enforcement of his orders, Plaintiffs have suffered and are suffering irreparable injury from the weight and threat of criminal enforcement of the Governor’s orders against their churches, pastors, and worship attendees for merely engaging in responsibly distanced and sanitized religious worship services in the counties where indoor religious worship services are completely prohibited.

142. As a result of the Governor’s orders, and blatantly selective enforcement of his orders, Plaintiffs have suffered and are suffering irreparable injury from the weight and threat of criminal enforcement of the Governor’s orders against their churches, pastors, and worship attendees for merely engaging in responsibly distanced and sanitized religious worship services involving more than 100 people or 25% of each church’s building capacity in the counties where indoor religious worship services are

1 permitted but numerically restricted, regardless of whether their church buildings can  
2 accommodate such higher numbers while maintaining distancing.

3 143. As a result of the Governor’s orders, and blatantly selective enforcement of  
4 his orders, Plaintiffs have suffered and are suffering irreparable injury from the weight  
5 and threat of criminal enforcement of the Governor’s orders against their churches,  
6 pastors, and worship attendees for merely engaging in responsibly distanced and  
7 sanitized religious worship services involving singing or chanting in the counties where  
8 indoor religious worship services are permitted but singing and chanting are prohibited.

9 144. As a result of the Governor’s order, Plaintiffs have suffered and are suffering  
10 irreparable injury from being prohibited from engaging in their constitutionally protected  
11 rights of free exercise, assembly, and speech.

12 145. As a result of the Governor’s orders, Plaintiffs have suffered and are  
13 suffering irreparable injury from the infringement of their constitutionally protected right  
14 to be free from government hostility toward religion.

15 146. As a result of the Governor’s orders, Plaintiffs have suffered and are  
16 suffering irreparable injury from the infringement of their constitutionally protected  
17 rights to be free from excessive government entanglement with how Plaintiffs are  
18 permitted to engage in their religious exercise, what religious services Plaintiffs may  
19 offer to their members and the community, and what religious practices Plaintiffs may  
20 engage in during the worship services the Governor has permitted in certain counties in  
21 California.

22 147. As a result of the Governor’s orders, Plaintiffs have suffered and are  
23 suffering irreparable injury by the continuing threat of criminal sanctions against their  
24

1 churches, pastors, and congregants for merely exercising their constitutionally protected  
2 freedoms.

3 148. Due to the explicit threats of the Governor’s orders, Plaintiffs have been  
4 forced to self-censor, cease their religious worship services, cease certain vital practices  
5 in their religious services, and violate their sincerely held religious beliefs.

6 149. As a result of the Governor’s orders, Plaintiffs have been forced to conduct  
7 their religious worship services (in counties where it is even permissible to have a  
8 worship service) in a manner prescribed by the government, which has told them how  
9 they may worship and prohibited them from singing and chanting which are a critical  
10 parts of Plaintiffs’ religious exercise.

11 150. As a result of the Governor’s orders, Plaintiffs have been prohibited from  
12 engaging in the critical ministries of home group Bible studies and programs because the  
13 Governor’s orders prohibit them from leaving their homes for such gatherings.

14 **I. PLAINTIFFS’ ATTEMPTS TO SECURE RELIEF WITHOUT**  
15 **JUDICIAL INTERVENTION WERE IGNORED AND FURTHER**  
16 **ATTEMPTS TO OBTAIN SUCH RELIEF WOULD BE FUTILE.**

17 151. On July 16, 2020, prior to the commencement of the instant action, Plaintiffs’  
18 counsel sent by e-mail a demand letter to Governor Newsom in which Plaintiffs’ counsel  
19 demanded, by 12:00 P.M. on July 17, written confirmation that the Governor has  
20 withdrawn the prohibitions and restrictions on religious gatherings embodied in the  
21 Governor’s orders, will allow individuals to attend religious worship services at  
22 Plaintiffs’ churches on equal terms as Californians are allowed to work at and patronize  
23 “Essential” businesses and non-religious operations provided certain social distancing  
24 and personal hygiene practices are followed, will cease demanding Plaintiffs’ churches

1 conform their worship services to only those activities the Governor has approved, and  
2 will cease enforcement of any church gathering ban against members or attendees of  
3 Plaintiffs’ worship services. A true and correct copy of the demand letter is attached  
4 hereto as **EXHIBIT X**.

5 152. The Governor responded to Plaintiffs’ demand letter, through the Office of  
6 the California Attorney General, by letter dated July 17, 2020, in which the Governor  
7 refused to withdraw any of his current prohibitions or restrictions on indoor worship. A  
8 true and correct copy of the Governor’s response is attached hereto as **EXHIBIT Y**.

9 153. Governor Newsom’s refusal to withdraw his discriminatory religious  
10 worship prohibitions and restrictions shows that Plaintiffs’ irreparable injury to their  
11 constitutionally protected freedoms is ongoing.

12 154. Governor Newsom’s flat refusal to withdraw his discriminatory religious  
13 worship prohibitions and restrictions also shows that notice and an opportunity to  
14 respond to this lawsuit would be futile prior to **this Sunday’s worship services** at  
15 Plaintiffs’ churches, which must proceed, if at all, under the weight and threat of criminal  
16 enforcement of the Governor’s orders against Plaintiffs’ churches, pastors, and attendees  
17 absent a TRO from this Court.

18 **CONSTITUTIONAL CLAIMS**  
19 **COUNT 1 – THE GOVERNOR’S ORDERS VIOLATE**  
20 **PLAINTIFFS’ RIGHTS TO FREE EXERCISE OF RELIGION**  
21 **UNDER THE FIRST AMENDMENT**

22 155. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs  
23 1–154 above.  
24

1           156. The Free Exercise Clause of the First Amendment to the United States  
2 Constitution, as applied to the states by the Fourteenth Amendment, prohibits the State  
3 from abridging Plaintiffs’ rights to free exercise of religion.

4           157. Plaintiffs have and exercise sincere religious beliefs that Scripture is the  
5 infallible, inerrant word of the Lord Jesus Christ, and that they are to follow its teachings.

6           158. Plaintiffs have and exercise sincere religious beliefs, rooted in Scripture’s  
7 commands (*e.g.*, *Hebrews* 10:25), that followers of Jesus Christ are not to forsake the  
8 assembling of themselves together, and that they are to do so even more in times of peril  
9 and crisis. Indeed, the entire purpose of the Church (in Greek “ekklesia,” meaning  
10 “assembly”) is to assemble together Christians to worship Almighty God.

11           159. Plaintiffs and their churches all have and exercise sincere religious beliefs  
12 that they are to “sing to the LORD” and “[d]eclare his glory among the nations.” *Psalms*  
13 96:1–2 (ESV).

14           160. Plaintiffs and their churches all have and exercise sincere religious beliefs  
15 that they are to “make a joyful noise” to the Lord, *Psalms* 95:1 (ESV), through singing  
16 and chanting His praises.

17           161. Plaintiffs and their churches all have and exercise sincere religious beliefs  
18 that they are to “sing to the LORD as long as I live.” *Psalms* 104:33 (ESV).

19           162. Plaintiffs and their churches all have and exercise sincere religious beliefs  
20 that not only are they to sing to the Lord, also to “declare [His] name unto my brethren,”  
21 and that “**in the midst of the church** will [they] sing praise” to the Lord. *Hebrews* 2:12  
22 (KJV) (emphasis added).  
23  
24

1           163. Plaintiffs and their churches all have and exercise sincere religious beliefs  
2 that, in the current times of trouble and distress, they are to sing to the Lord even more  
3 and to sing aloud to Him. *See Psalm 59:16* (ESV) (“I will sing aloud of your steadfast  
4 love in the morning. For you have been to me a fortress and a refuge in the day of my  
5 distress.”).

6           164. Plaintiffs and their churches all have and exercise sincere religious beliefs  
7 that they are to chant and shout to the Lord as well. *See Psalm 33:3* (ESV) (“Sing to him  
8 a new song; play skillfully on the strings, **with loud shouts.**” (emphasis added)).

9           165. The Governor’s orders, on their face and as applied, target Plaintiffs’  
10 sincerely held religious beliefs by prohibiting or numerically restricting religious  
11 gatherings, by prohibiting singing and chanting in counties where religious worship  
12 services are permitted, and by imposing government-mandated restrictions on the types  
13 of religious activity Plaintiffs may exercise in their own buildings.

14           166. The Governor’s orders, on their face and as applied, impermissibly burden  
15 Plaintiffs’ sincerely held religious beliefs, compel Plaintiffs to either change those beliefs  
16 or to act in contradiction to them, and force Plaintiffs to choose between the teachings  
17 and requirements of their sincerely held religious beliefs in the commands of Scripture  
18 and the State’s imposed value system.

19           167. The Governor’s orders, on their face and as applied, place Plaintiffs in an  
20 irresolvable conflict between compliance with the Governor’s orders and their sincerely  
21 held religious beliefs.

1           168. The Governor’s orders, on their face and as applied, put substantial pressure  
2 on Plaintiffs to violate their sincerely held religious beliefs by ignoring the fundamental  
3 teachings and tenets of Scripture concerning the assembling of believers.

4           169. The Governor’s orders, on their face and as applied, are neither neutral nor  
5 generally applicable, but rather specifically and discriminatorily target the religious  
6 beliefs, speech, assembly, and viewpoint of Plaintiffs.

7           170. By treating mass gatherings of thousands of protesters differently from  
8 religious gatherings of substantially smaller numbers, the Governor has demonstrated his  
9 orders are not neutral.

10           171. By treating mass gatherings of thousands of protesters differently from  
11 religious gatherings of substantially smaller numbers, the Governor has demonstrated his  
12 orders are not generally applicable.

13           172. By treating mass gatherings of thousands of protesters differently from  
14 religious gatherings of substantially smaller numbers, the Governor has demonstrated his  
15 orders create a system of individualized exemptions based upon the value the Governor  
16 places on religious and other activities being engaged in by residents of California.

17           173. By treating mass gatherings of thousands of protesters differently from  
18 religious gatherings of substantially smaller numbers, the Governor has demonstrated his  
19 orders create a religious gerrymander of based upon the value judgments of the Governor.

20           174. By treating mass gatherings of thousands of protesters differently from  
21 religious gatherings of substantially smaller numbers, the Governor has demonstrated his  
22 orders are not being generally applied within California.

23  
24

1           175. By permitting mass gatherings of thousands of protesters on more favorable  
2 terms than small religious gatherings comprising Plaintiffs’ life groups and in-home  
3 Bible studies, the Governor has demonstrated that his orders impose substantially more  
4 burdensome restrictions on religious gatherings than on his approved non-religious  
5 gatherings.

6           176. The Governor’s orders, on their face and as applied, constitute a substantial  
7 burden on Plaintiffs’ sincerely held religious beliefs.

8           177. By prohibiting Plaintiffs’ Churches from gathering at all (in some counties),  
9 from gathering without adherence to certain numerical limitations (in other counties),  
10 and from engaging in certain religious activities that are not approved by the Governor,  
11 the Governor has imposed an unconscionable and unconstitutional burden on Plaintiffs’  
12 religious exercise according to their sincerely held beliefs.

13           178. The State lacks a compelling, legitimate, or rational interest in the  
14 Governor’s orders’ application of different standards for churches and religious  
15 gatherings than those applicable to exempted businesses, non-religious entities, and  
16 protesters.

17           179. The State lacks even a rational basis to impose disparate treatment on  
18 Plaintiffs’ permissible services (such as feeding, clothing, housing, and providing other  
19 necessities of life without numerical limitation) and its impermissible religious worship  
20 services (such as singing, chanting, and gathering together indoors for worship services)  
21 that all occur in the same building.

22           180. The Governor cannot claim a compelling, legitimate, or even rational interest  
23 in his orders when he has permitted and encouraged mass gatherings of thousands of  
24

1 protesters to engage in the very activity he claims poses a massive danger to California  
2 if it takes place in Plaintiffs' churches, as that leaves an appreciable amount of purported  
3 damaged unrestricted.

4 181. Even if the Governor's orders were supported by a compelling, legitimate,  
5 or even rational interest, they are not the least restrictive means or otherwise narrowly  
6 tailored to accomplish the government's purported interest.

7 182. The Governor's orders, on their face and as applied, fail to accommodate  
8 Plaintiffs' religious exercise according to their sincerely held beliefs.

9 183. The Governor's orders, on their face and as applied, specifically target  
10 Plaintiffs' religious exercise according to their sincerely held beliefs and set up a system  
11 of individualized exemptions that permits certain other similarly situated businesses or  
12 non-religious entities to continue operations under certain guidelines while prohibiting  
13 religious gatherings, such as Plaintiffs' church and worship services, from operating with  
14 similar guidelines.

15 184. The Governor's orders also set up a system of individualized exemptions by  
16 specifically permitting protesters to gather in massive numbers (sometimes thousands)  
17 without threat of criminal sanction or penalty while imposing draconian prohibitions on  
18 religious gatherings in Plaintiffs' churches.

19 185. The Governor's orders, on their face and as applied, constitute an express  
20 and overt religious gerrymander.

21 186. The Governor's orders, on their face and as applied, have caused, are  
22 causing, and will continue to cause Plaintiffs immediate and irreparable harm, and actual  
23 and undue hardship.

24

1 187. Plaintiffs have no adequate remedy at law to correct the continuing  
2 deprivation of their most cherished liberties.

3 WHEREFORE, Plaintiffs respectfully pray for relief against the State as hereinafter  
4 set forth in their prayer for relief.

5 **COUNT II – THE GOVERNOR’S ORDERS VIOLATE**  
6 **PLAINTIFFS’ RIGHTS TO PEACEABLE ASSEMBLY**  
7 **UNDER THE FIRST AMENDMENT**

8 188. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs  
9 1–154 above.

10 189. The First Amendment to the United States Constitution, as applied to the  
11 states by the Fourteenth Amendment, prohibits the State from abridging the right of the  
12 people peaceably to assemble.

13 190. The Governor’s orders, on their face and as applied, are an unconstitutional  
14 prior restraint on Plaintiffs’ right to assemble.

15 191. The Governor’s orders, on their face and as applied, unconstitutionally  
16 discriminate against Plaintiffs’ assembly on the basis of viewpoint.

17 192. The Governor’s orders, on their face and as applied, unconstitutionally  
18 discriminate against Plaintiffs’ assembly on the basis of content.

19 193. By specifically permitting and encouraging protesters expressing particular  
20 content of a particular viewpoint while prohibiting the religious content of Plaintiffs’  
21 worship services, the Governor has discriminated against Plaintiffs’ assembly on the  
22 basis of content and viewpoint.

23 194. The State lacks a compelling, legitimate, or rational interest in the  
24 Governor’s orders’ application of differential standards for churches and religious

1 gatherings than those applicable to exempted businesses, non-religious entities, and  
2 protesters.

3 195. The Governor's orders, on their face and as applied, are not the least  
4 restrictive means to accomplish any permissible government purpose sought to be served  
5 by the orders.

6 196. The Governor's orders, on their face and as applied, are not narrowly tailored  
7 to serve the government's purported interest in the orders.

8 197. The Governor's orders, on their face and as applied, do not leave open ample  
9 alternative channels of communication for Plaintiffs.

10 198. The Governor's orders, on their face and as applied, are irrational and  
11 unreasonable and impose unjustifiable and unreasonable restrictions on Plaintiffs'  
12 constitutionally protected right to assemble.

13 199. The Governor's orders, on their face and as applied, impermissibly vest  
14 unbridled discretion in the hands of government officials, including Governor Newsom  
15 and his designees, to apply or not apply the Governor's orders in a manner to restrict free  
16 assembly.

17 200. The Governor's favorably disparate treatment of protesters who engaged in  
18 assemblies of thousands without criminal sanction and at the express encouragement of  
19 the Governor demonstrates that he has unbridled discretion to apply or not apply his  
20 orders as he sees fit.

21 201. The Governor's orders, on their face and as applied, are underinclusive by  
22 limiting the gathering prohibitions and restrictions to only religious activities and other  
23 activities deemed not "Essential."  
24

1           202. The Governor’s orders, on their face and as applied, are unconstitutionally  
2 vague and overbroad as they chill and abridge the free assembly rights of Plaintiffs.

3           203. On their face and as applied, the Governor’s orders violate Plaintiffs’ rights  
4 to free assembly and have caused, are causing, and will continue to cause Plaintiffs to  
5 suffer immediate and irreparable injury and undue and actual hardship.

6           204. Plaintiffs have no adequate remedy at law to correct the continuing  
7 deprivation of their most cherished liberties.

8           WHEREFORE, Plaintiffs respectfully pray for the relief against the State as  
9 hereinafter set forth in their prayer for relief.

10                           **COUNT III – THE GOVERNOR’S ORDERS VIOLATE**  
11                           **PLAINTIFFS’ RIGHTS TO FREEDOM OF SPEECH**  
12                           **UNDER THE FIRST AMENDMENT**

13           205. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs  
14 1–154 above.

15           206. The Free Speech Clause of the First Amendment to the United States  
16 Constitution, as applied to the states by the Fourteenth Amendment, prohibits the State  
17 from abridging Plaintiffs’ freedom of speech.

18           207. The Governor’s orders, on their face and as applied, are an unconstitutional  
19 prior restraint on Plaintiffs’ right to free speech.

20           208. The Governor’s orders, on their face and as applied, unconstitutionally  
21 discriminate against Plaintiffs’ speech on the basis of viewpoint.

22           209. The Governor’s orders, on their face and as applied, unconstitutionally  
23 discriminate against Plaintiffs’ speech on the basis of content.  
24

1           210. By specifically permitting and encouraging protesters expressing particular  
2 content of a particular viewpoint while prohibiting the religious content of Plaintiffs’  
3 worship services, the Governor has unquestionably discriminated against Plaintiffs’  
4 speech on the basis of content and viewpoint.

5           211. The State lacks a compelling, legitimate, or rational interest in the  
6 Governor’s orders’ application of differential standards for churches and religious  
7 gatherings than those applicable to exempted businesses, non-religious entities, and  
8 protesters.

9           212. The Governor’s orders, on their face and as applied, are not the least  
10 restrictive means to accomplish any permissible government purpose sought to be served  
11 by the orders.

12           213. The Governor’s orders, on their face and as applied, are not narrowly tailored  
13 to serve the government’s purported interest.

14           214. The Governor’s orders, on their face and as applied, do not leave open ample  
15 alternative channels of communication for Plaintiffs.

16           215. The Governor’s orders, on their face and as applied, are irrational and  
17 unreasonable and impose unjustifiable and unreasonable restrictions on Plaintiffs’  
18 constitutionally protected right to free speech.

19           216. The Governor’s orders, on their face and as applied, impermissibly vest  
20 unbridled discretion in the hands of government officials, including Governor Newsom  
21 and his designees, to apply or not apply the Governor’s orders in a manner to restrict free  
22 speech.

1           217. The Governor’s favorably disparate treatment of protesters who engaged in  
2 assemblies of thousands without criminal sanction and at the express encouragement of  
3 the Governor demonstrates that he has unbridled discretion to apply or not apply his  
4 orders as he sees fit.

5           218. The Governor’s orders, on their face and as applied, are underinclusive by  
6 limiting the gathering prohibitions and restrictions to only religious activities and other  
7 activities deemed not “Essential.”

8           219. The Governor’s orders, on their face and as applied, are unconstitutionally  
9 vague and overbroad as they chill and abridge the free speech rights of Plaintiffs.

10           220. On their face and as applied, the Governor’s orders violate Plaintiffs’ right  
11 to free speech and have caused, are causing, and will continue to cause Plaintiffs to suffer  
12 immediate and irreparable injury and undue and actual hardship.

13           221. Plaintiffs have no adequate remedy at law to correct the continuing  
14 deprivation of their most cherished liberties.

15           WHEREFORE, Plaintiffs respectfully pray for the relief against the State as  
16 hereinafter set forth in their prayer for relief.

17                           **COUNT IV – THE GOVERNOR’S ORDERS VIOLATE**  
18                           **PLAINTIFFS’ RIGHTS UNDER THE ESTABLISHMENT CLAUSE**  
19                           **OF THE FIRST AMENDMENT**

20           222. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs  
21 1–154 above.

22           223. The Establishment Clause of the First Amendment to the United States  
23 Constitution, as applied to the states by the Fourteenth Amendment, prohibits the  
24 government from establishing a religion.

1           224. The Establishment Clause also prohibits excessive government entanglement  
2 with religion.

3           225. The Establishment Clause also prohibits the government from showing  
4 hostility towards religion and prohibits showing favoritism towards one religious sect  
5 over another or between non-religion and religion.

6           226. The government-mandated prohibitions and restrictions on religious  
7 gatherings in the Governor's orders violates the Establishment Clause because the State  
8 of California thereby dictates the manner in which Christians and churches must worship  
9 or whether they may worship at all.

10           227. The Establishment Clause does not permit the State of California to dictate  
11 under penalty of criminal sanctions the manner, style, form, practices, or sacraments of  
12 religious worship and thereby impose its own version of religious worship on every  
13 church and citizen of the State.

14           228. The State, through Governor Newsom's Orders, is purporting to prescribe  
15 what shall be orthodox in matters of religious worship, and is thus running roughshod  
16 over the Establishment Clause. *See W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624,  
17 642 (1943) ("If there is any fixed star in our constitutional constellation, it is that no  
18 official, high or petty, can prescribe what shall be orthodox in politics, nationalism,  
19 **religion**, or other matters of opinion or force citizens to confess by word or act their faith  
20 therein." (emphasis added)).

21           229. The Governor's prohibition on singing and chanting during a religious  
22 worship service is an impermissible prescription for what shall be orthodox in matters of  
23 worship and religious belief.  
24

1           230. The Governor’s prohibition on in-home Bible studies, in-home life groups,  
2 and in-home worship services is an impermissible prescription for what shall be orthodox  
3 in matters of worship and religious belief. The Governor may not dictate how individuals  
4 gather together to worship the Lord, express their faith, minister to one another, and  
5 exercise their religious faith.

6           231. The Governor’s orders, on their face and as applied, display and permit  
7 government officials to display impermissible hostility towards religious gatherings.

8           232. The Governor’s orders, on their face and as applied, have permitted singing  
9 and chanting by mass gatherings of protesters while imposing a total ban on singing or  
10 chanting during religious worship services.

11           233. The Governor’s orders, on their face and as applied, impermissibly show  
12 favoritism towards certain non-religious gatherings, such as protests, over religious  
13 gatherings.

14           234. The Governor’s express statements of support and encouragement of  
15 protesters while imposing draconian prohibitions and restrictions on Plaintiffs’ worship  
16 services demonstrates the unquestionable government hostility toward Plaintiffs’  
17 religious gatherings and worship services.

18           235. The Governor’s orders, on their face and as applied, violate the  
19 Establishment Clause because they excessively entangle the government with religion.

20           236. By setting up a system of permissible religious activities in Plaintiffs’ church  
21 buildings (providing food, shelter, clothing, or other necessities of life without numerical  
22 restriction) and impermissible religious activities in a worship service (gathering in any  
23 number or above a certain number for a service, singing, and chanting), the Governor  
24

1 has excessively entangled California with religious beliefs, teachings, and doctrine on  
2 proper expressions of faith in worship.

3 237. By setting up a system whereby thousands of individuals may gather to sing  
4 and chant in protest without threat of criminal sanction while smaller groups of religious  
5 adherents cannot gather to sing and chant as religious worship, whether in church or in  
6 in-home worship services, Bible studies, or life groups, the Governor has excessively  
7 entangled California with religious beliefs, teachings, and doctrine on proper expressions  
8 of faith.

9 238. The Governor's orders, on their face and as applied, purport to inform  
10 religious adherents and believers how they may choose to worship, assemble together,  
11 or exercise their religious freedoms.

12 239. The Governor's orders, on their face and as applied, purport to establish an  
13 acceptable method of religious practice and worship, place a numerical limitation on the  
14 scope of how such religious practice and worship may occur, and provide a government  
15 imprimatur for only certain forms of "permissible" worship.

16 240. The Governor's orders, on their face and as applied, demonstrate overt  
17 hostility to religious practice and worship that does not conform to government  
18 sanctioned religious exercises.

19 241. By explicitly and publicly stating his belief that it was impossible for  
20 protesters to stay home instead of marching together by the thousands while continuing  
21 to call religious gatherings non-essential and impermissible, the Governor has  
22 demonstrated hostility towards those religious adherents that believe it is impossible and  
23 sinful for them to forsake the assembling of themselves together for worship.

24

1           242. The Governor’s orders, on their face and as applied, have caused, are  
2 causing, and will continue to cause Plaintiffs immediate and irreparable harm, and actual  
3 and undue hardship.

4           243. Plaintiffs have no adequate remedy at law to correct the continuing  
5 deprivation of their most cherished constitutional liberties.

6           WHEREFORE, Plaintiffs respectfully pray for the relief against the State as  
7 hereinafter set forth in their prayer for relief.

8                           **COUNT V – THE GOVERNOR’S ORDERS VIOLATE**  
9                           **PLAINTIFFS’ RIGHTS TO EQUAL PROTECTION**  
10                          **UNDER THE FOURTEENTH AMENDMENT**

11           244. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs  
12 1–154 above.

13           245. The Fourteenth Amendment to the United States Constitution guarantees  
14 Plaintiffs the right to equal protection under the law.

15           246. The Governor’s orders, on their face and as applied, are an unconstitutional  
16 abridgement of Plaintiffs’ right to equal protection under the law, are not neutral, and  
17 specifically target Plaintiffs’ and other religious gatherings for unequal treatment.

18           247. The Governor’s orders, on their face and as applied, are an unconstitutional  
19 abridgment of Plaintiffs’ right to equal protection because they permit the State to treat  
20 Plaintiffs differently from other similarly situated businesses, non-religious entities, and  
21 protesters on the basis of the religious content and viewpoint of Plaintiffs’ gatherings.

22           248. The Governor’s orders create a system of exempt categories that permit  
23 “Essential” businesses and activities, and protesters, to gather without restriction or threat  
24

1 of criminal penalty while imposing disparate treatment on Plaintiffs' religious worship  
2 services.

3 249. By explicitly and publicly declaring support for mass gatherings of protesters  
4 in flagrant violation of his own orders and asking that they continue, while at the same  
5 time imposing draconian prohibitions on Plaintiffs' religious worship services, the  
6 Governor has created a class of prohibited gatherings without any rational, legitimate,  
7 significant, or compelling interest.

8 250. The Governor's system of categories represents disparate treatment based  
9 upon classifications in violation of equal protection.

10 251. The Governor's orders, on their face and as applied, impermissibly  
11 discriminate between certain non-religious gatherings and religious gatherings.

12 252. The State lacks a compelling, significant, legitimate, or rational interest in  
13 the Governor's orders' application of different standards for churches and religious  
14 gatherings from those applicable to exempted businesses, non-religious activities, and  
15 protesters.

16 253. The Governor's orders, on their face and as applied, are not the least  
17 restrictive means to accomplish any permissible government purpose sought to be  
18 served.

19 254. The Governor's orders, on their face and as applied, do not have a rational  
20 basis.

21 255. The Governor's orders, on their face and as applied, are irrational and  
22 unjustifiable and impose irrational and unjustifiable restrictions on Plaintiffs' religious  
23 gatherings.

24

1           256. The Governor’s orders, on their face and as applied, have caused, are  
2 causing, and will continue to cause Plaintiffs immediate and irreparable harm, and actual  
3 and undue hardship.

4           257. Plaintiffs have no adequate remedy at law to correct the continuing  
5 deprivation of their most cherished liberties.

6           WHEREFORE, Plaintiffs respectfully pray for relief against the State as hereinafter  
7 set forth in their prayer for relief.

8                           **COUNT VI – THE GOVERNOR’S ORDERS VIOLATE**  
9                           **THE GUARANTEE CLAUSE OF ARTICLE IV, SECTION 4**  
10                           **OF THE UNITED STATES CONSTITUTION**

11           258. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs  
12 1–154 above.

13           259. Article IV, § 4 of the United States Constitution requires the United States to  
14 guarantee to every citizen in the nation a republican form of government.

15           260. The Guarantee Clause’s distinguishing feature is that the republican form of  
16 government it guarantees is the right of the people to choose their own governmental  
17 administration and pass their own laws.

18           261. As interpreted by the federal judiciary and prominent scholars, the Guarantee  
19 Clause mandates that the federal government guarantee a form of government for all  
20 citizens in which supreme power resides in a body of citizens entitled to vote and  
21 exercised by elected officers responsible to such citizens.

22           262. The Governor’s orders’ express, unilateral, and unequivocal exercises of  
23 purported executive authority over the constitutional rights of Plaintiffs deprive Plaintiffs  
24 of the right to select their own government administration, pass their own laws, and

1 maintain a government administration directly responsible to the people, including by  
2 laws that are enacted by the legislature in constitutional recognition of the separation of  
3 powers.

4 263. The impermissible exercise of exclusive and unaccountable executive  
5 authority—in perpetuity—violates the Guarantee Clause of the United States  
6 Constitution.

7 264. The Governor’s orders, on their face and as applied, have caused, are  
8 causing, and will continue to cause Plaintiffs immediate and irreparable harm, and actual  
9 and undue hardship.

10 265. Plaintiffs have no adequate remedy at law to correct the continuing  
11 deprivation of their most cherished liberties.

12 WHEREFORE, Plaintiffs respectfully pray for the relief against the State as  
13 hereinafter set forth in their prayer for relief.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiffs pray for relief as follows:

16 A. That the Court issue a temporary restraining order, restraining and enjoining  
17 Governor Newsom, all State officers, agents, employees, attorneys, and all other persons  
18 in active concert or participation with them, from enforcing, attempting to enforce,  
19 threatening to enforce, or otherwise requiring compliance with the Governor’s orders or  
20 any other future order to the extent any such order prohibits Plaintiffs’ religious worship  
21 services and imposes prohibitions on singing, chanting, and other forms of worship in  
22 which such religious services may be conducted, or imposing any other restrictions on  
23 in-person worship services at Plaintiffs’ churches if Plaintiffs meet the social distancing,  
24

1 enhanced sanitization, and personal hygiene guidelines otherwise acceptable at so-called  
 2 “Essential” businesses and operations. To be clear, Plaintiffs do not seek a complete  
 3 exemption from social distancing or personal hygiene protocols which the Governor has  
 4 effectively granted to mass gatherings of protesters, even though the Constitution  
 5 demands equal treatment; rather, **Plaintiffs merely seek a TRO preventing Plaintiffs,**  
 6 **their pastors, and their congregants from being subject to criminal sanctions for**  
 7 **participating in indoor worship services this Sunday, or singing or chanting therein,**  
 8 **during which Plaintiffs will implement social distancing and hygiene protections on**  
 9 **an equal basis with permitted non-religious gatherings.**

10 B. That the Court issue a preliminary injunction pending trial, and a permanent  
 11 injunction upon judgment, restraining and enjoining Governor Newsom, all State  
 12 officers, agents, employees, attorneys, and all other persons in active concert or  
 13 participation with them, from enforcing the Governor’s orders so that:

14 i. The State will not apply the Governor’s orders in any manner as to  
 15 infringe Plaintiffs constitutional rights by discriminating against their right to  
 16 assembly, speech, free exercise of religion, equal protection, and all other  
 17 constitutional rights outlined herein;

18 ii. The State will apply the Governor’s orders in a manner that treats  
 19 Plaintiffs’ religious gatherings on equal terms as gatherings for or in so-called  
 20 “Essential” businesses or non-religious activities that are not subject to the  
 21 prohibitions in the Governor’s orders;

22 iii. The State will permit religious gatherings so long as they comply with  
 23 the same social distancing and personal hygiene recommendations pursuant to  
 24

1 which the State allows so-called “ Essential” businesses and non-religious activities  
2 to accommodate gatherings of persons without numerical limit under the  
3 Governor’s orders;

4 iv. The State will permit Plaintiffs the opportunity to comport their  
5 behavior to any further limitations or restrictions that the State may impose in any  
6 future modification, revision, or amendment of the Governor’s orders or similar  
7 legal directive;

8 v. The State will cease threatening criminal violations against Plaintiffs’  
9 churches, pastors, and congregants; and

10 vii. The State will not bring any criminal, public health, or other  
11 enforcement actions against Plaintiffs as threatened in the Governor’s orders and  
12 public statements.

13 C. That the Court enter a declaratory judgment declaring that the Governor’s  
14 orders, both on their face and as applied, are unconstitutional under the United States  
15 Constitution, and further declaring that:

16 i. The State has violated Plaintiffs rights to freedom of assembly by  
17 impermissibly prohibiting and restricting religious gatherings;

18 ii. The State has violated Plaintiffs rights to freedom of speech by  
19 impermissibly prohibiting and restricting religious gatherings;

20 iii. The State has violated Plaintiffs rights to free exercise of religion by  
21 impermissibly prohibiting and restricting religious gatherings, by substantially  
22 burdening their religious exercise according to their sincerely held beliefs, by  
23 applying gathering criteria that are neither neutral nor generally applicable as to  
24

1 religious and non-religious gatherings, by establishing a religious gerrymander  
2 against religious worship gatherings, by establishing a system of individualized  
3 exemptions that exclude similarly situated non-religious gatherings from the  
4 prohibitions and restrictions applicable to Plaintiffs' religious worship gatherings,  
5 and by imposing government directives on the manner in which Plaintiffs may  
6 conduct religious worship services, such as prohibiting singing and chanting;

7 iv. The State has violated Plaintiffs' rights to equal protection of the laws  
8 by impermissibly prohibiting religious gatherings, and by applying criteria that  
9 treats religious gatherings in a discriminatory and dissimilar manner as that applied  
10 to various non-religious gatherings and protesters, rioters, and looters;

11 v. The State has violated the Establishment Clause by impermissibly  
12 demonstrating hostility towards religious gatherings and by impermissibly showing  
13 favoritism to certain non-religious gatherings, including mass protests; and

14 vi. The Governor has violated the Guarantee Clause by impermissibly  
15 exercising executive authority in an unconstitutional manner.

16 D. That the Court award Plaintiffs nominal damages for the violation of  
17 Plaintiffs' constitutional rights.

18 E. That the Court adjudge, decree, and declare the rights and other legal  
19 relations within the subject matter here in controversy so that such declaration shall have  
20 the full force and effect of final judgment.

21 F. That the Court retain jurisdiction over the matter for the purposes of  
22 enforcing the Court's order.

1 G. That the Court declare Plaintiffs are prevailing parties and award Plaintiffs  
2 the reasonable costs and expenses of this action, including a reasonable attorney’s fee, in  
3 accordance with 42 U.S.C. § 1988.

4 H. That the Court grant such other and further relief as the Court deems  
5 equitable and just under the circumstances.

6 Respectfully submitted,

7  
8 /s/ Nicolai Cocis  
9 Nicolai Cocis, CA Bar No. 204703  
10 nic@cocislaw.com  
11 Law Office of Nicolai Cocis  
12 25026 Las Brisas Road  
13 Murrieta, CA 92562  
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21 Facsimile: (407) 875-0770

22 \*Pro Hac Vice Admission Pending

23 *Attorneys for Plaintiffs*  
24

**VERIFICATION**

I, Che Ahn, am over the age of eighteen years and am the Pastor of Harvest Rock Church and President of Harvest International Ministries. The statements and allegations that pertain to me and/or Plaintiffs Harvest Rock Church or Harvest International Ministry or which I make in this VERIFIED COMPLAINT are true and correct, and based upon my personal knowledge (unless otherwise indicated). If called upon to testify to their truthfulness, I would and could do so competently. I declare under penalty of perjury, under the laws of the United States and the State of California, that the foregoing statements are true and correct to the best of my knowledge.

Dated: July 16, 2020

/s/ Che Ahn  
Che Ahn

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EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

**WHEREAS** in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

**WHEREAS** the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

**WHEREAS** on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

**WHEREAS** on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

**WHEREAS** the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

**WHEREAS** as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

**WHEREAS** as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

**WHEREAS** for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

**WHEREAS** California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

**WHEREAS** experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

**WHEREAS** it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

**WHEREAS** if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

**WHEREAS** personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

**WHEREAS** state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

**WHEREAS** I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

**WHEREAS** I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

**WHEREAS** under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

**NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, HEREBY PROCLAIM A STATE OF EMERGENCY to exist in California.**

**IT IS HEREBY ORDERED THAT:**

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

- notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
  8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
  9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
  10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
  11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
  12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2020

  
\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-25-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

**WHEREAS** state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

**WHEREAS** the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at <http://cdph.ca.gov/covid19>; and

**WHEREAS** the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

**WHEREAS** there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

**WHEREAS**, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

**WHEREAS** individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

**WHEREAS** in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.
2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.
3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.
4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.
5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.
6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social

distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.
10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary

to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

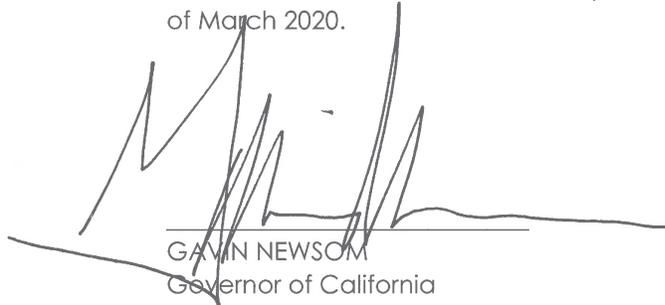
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 12th day of March 2020.



GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State



ORDER OF THE STATE PUBLIC HEALTH OFFICER  
March 19, 2020

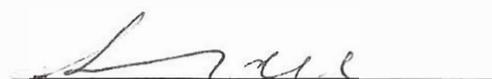
To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

  
SONIA Y. ANGELL, MD, MPH

3/19/2020  
DATE

U.S. Department of Homeland Security  
 Cybersecurity & Infrastructure Security Agency  
 Office of the Director  
 Washington, DC 20528



**CISA**  
 CYBER+INFRASTRUCTURE

March 19, 2020

## MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE

FROM: Christopher C. Krebs  
 Director  
 Cybersecurity and Infrastructure Security Agency (CISA)

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As the Nation comes together to slow the spread of COVID-19, on March 16<sup>th</sup>, the President issued updated Coronavirus Guidance for America. This guidance states that:

*“If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule.”*

The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security’s responsibilities as assigned under the Homeland Security Act of 2002 to provide strategic guidance, promote a national unity of effort, and coordinate the overall federal effort to ensure the security and resilience of the Nation’s critical infrastructure. CISA uses trusted partnerships with both the public and private sectors to deliver infrastructure resilience assistance and guidance to a broad range of partners.

In accordance with this mandate, and in collaboration with other federal agencies and the private sector, CISA developed an initial list of “Essential Critical Infrastructure Workers” to help State and local officials as they work to protect their communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. The list can also inform critical infrastructure community decision-making to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations, appropriately modified to account for Centers for Disease Control (CDC) workforce and customer protection guidance.

The attached list identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing management functions, among others. The industries they support represent, but are not necessarily limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement, and public works.

We recognize that State, local, tribal, and territorial governments are ultimately in charge of implementing and executing response activities in communities under their jurisdiction, while the Federal Government is in a supporting role. As State and local communities consider COVID-19-related restrictions, CISA is offering this list to assist prioritizing activities related to continuity of operations and incident response, including the appropriate movement of critical infrastructure workers within and between jurisdictions.

**Accordingly, this list is advisory in nature. It is not, nor should it be considered to be, a federal directive or standard in and of itself.**

In addition, these identified sectors and workers are not intended to be the authoritative or exhaustive list of critical infrastructure sectors and functions that should continue during the COVID-19 response. Instead, State and local officials should use their own judgment in using their authorities and issuing implementation directives and guidance. Similarly, critical infrastructure industry partners will use their own judgment, informed by this list, to ensure continued operations of critical infrastructure services and functions. All decisions should appropriately balance public safety while ensuring the continued delivery of critical infrastructure services and functions.

CISA will continue to work with you and our partners in the critical infrastructure community to update this list as the Nation's response to COVID-19 evolves. We also encourage you to submit how you might use this list so that we can develop a repository of use cases for broad sharing across the country.

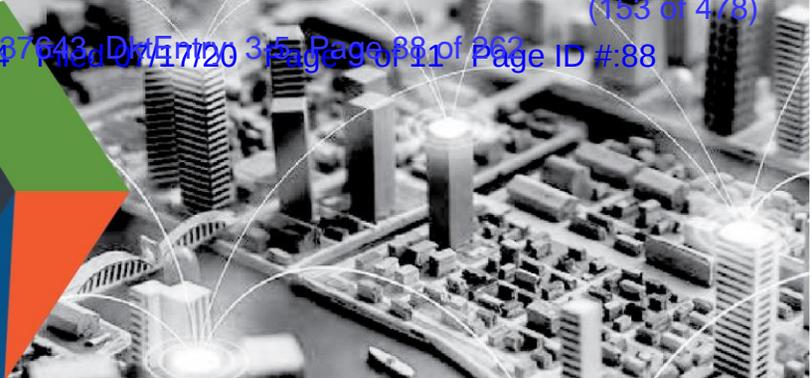
Should you have questions about this list, please contact CISA at [CISA.CAT@cisa.dhs.gov](mailto:CISA.CAT@cisa.dhs.gov).

**Attachment:** "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response"



**CISA**  
CYBER+INFRASTRUCTURE

DEFEND TODAY, SECURE TOMORROW



# Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response

Version 1.0 (March 19, 2020)

## THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This guidance and accompanying list are intended to support State, Local, and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives guidance to State, local, tribal, and territorial jurisdictions and the private sector on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions.

## CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, State managed, and federally supported
2. Everyone should follow guidance from the CDC, as well as State and local government officials, regarding strategies to limit disease spread.
3. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
4. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not necessarily limited to, separating staff by off-setting shift hours or days and/or social distancing. These steps can preserve the workforce and allow operations to continue.

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# Essential Critical Infrastructure Workforce

5. All organizations should implement their business continuity and pandemic plans, or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the health and safety of the employees.
6. In the modern economy, reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions.
7. Government employees, such as emergency managers, and the business community need to establish and maintain lines of communication.
8. When government and businesses engage in discussions about critical infrastructure workers, they need to consider the implications of business operations beyond the jurisdiction where the asset or facility is located. Businesses can have sizeable economic and societal impacts as well as supply chain dependencies that are geographically distributed.
9. Whenever possible, jurisdictions should align access and movement control policies related to critical infrastructure workers to lower the burden of workers crossing jurisdictional boundaries.

## IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of sectors and identified essential critical infrastructure workers are an initial recommended set and are intended to be overly inclusive reflecting the diversity of industries across the United States. CISA will continually solicit and accept feedback on the list (both sectors/sub sectors and identified essential workers) and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. We ask that you share your feedback, both positive and negative on this list so we can provide the most useful guidance to our critical infrastructure partners. **Feedback can be sent to [CISA.CAT@CISA.DHS.GOV](mailto:CISA.CAT@CISA.DHS.GOV).**



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## HEALTHCARE / PUBLIC HEALTH

- Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response
- Caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists)
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.)
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers)
- Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products
- Public health / community health workers, including those who compile, model, analyze and communicate public health information
- Blood and plasma donors and the employees of the organizations that operate and manage related activities
- Workers that manage health plans, billing, and health information, who cannot practically work remotely
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely
- Workers conducting research critical to COVID-19 response
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters
- Pharmacy employees necessary for filling prescriptions
- Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident

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## LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

- Personnel in emergency management, law enforcement, Emergency Management Systems, fire, and corrections, including front line and management
- Emergency Medical Technicians
- 911 call center employees
- Fusion Center employees
- Hazardous material responders from government and the private sector.
- Workers – including contracted vendors – who maintain digital systems infrastructure supporting law enforcement and emergency service operations.

## FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies and other retail that sells food and beverage products
- Restaurant carry-out and quick serve food operations - Carry-out and delivery food employees
- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor-managed inventory controllers and blockchain managers
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees
- Workers in food testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids
- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

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## ENERGY

### Electricity industry:

- Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission, and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for EMS (Energy Management Systems) and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

### Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers
- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

### Natural and propane gas workers:

- Natural gas transmission and distribution pipelines, including compressor stations
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers

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## Essential Critical Infrastructure Workforce

- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

### WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing
- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical disinfectant suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

### TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Mass transit workers
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive repair and maintenance facilities
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

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## PUBLIC WORKS

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences
- Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste

## COMMUNICATIONS AND INFORMATION TECHNOLOGY

### Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

### Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as

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## Essential Critical Infrastructure Workforce

manufacturers and supply chain vendors that provide hardware and software, and information technology equipment (to include microelectronics and semiconductors) for critical infrastructure

- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

### OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions
- Security staff to maintain building access control and physical security measures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers
- Customs workers who are critical to facilitating trade in support of the national emergency response supply chain
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, if operating under rules for social distancing
- Hotel Workers where hotels are used for COVID-19 mitigation and containment measures

### CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.

### HAZARDOUS MATERIALS

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

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## Essential Critical Infrastructure Workforce

### FINANCIAL SERVICES

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

### CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

### DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

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EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-33-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

**WHEREAS** for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER  
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

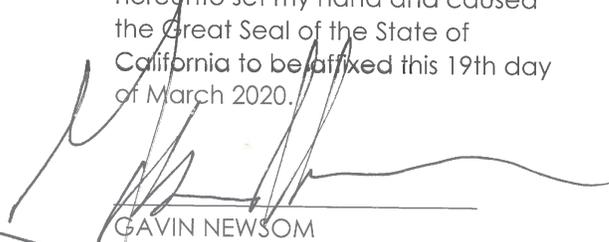
The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

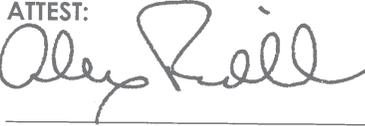
This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of March 2020.



GAVIN NEWSOM  
Governor of California



**ATTEST:**  


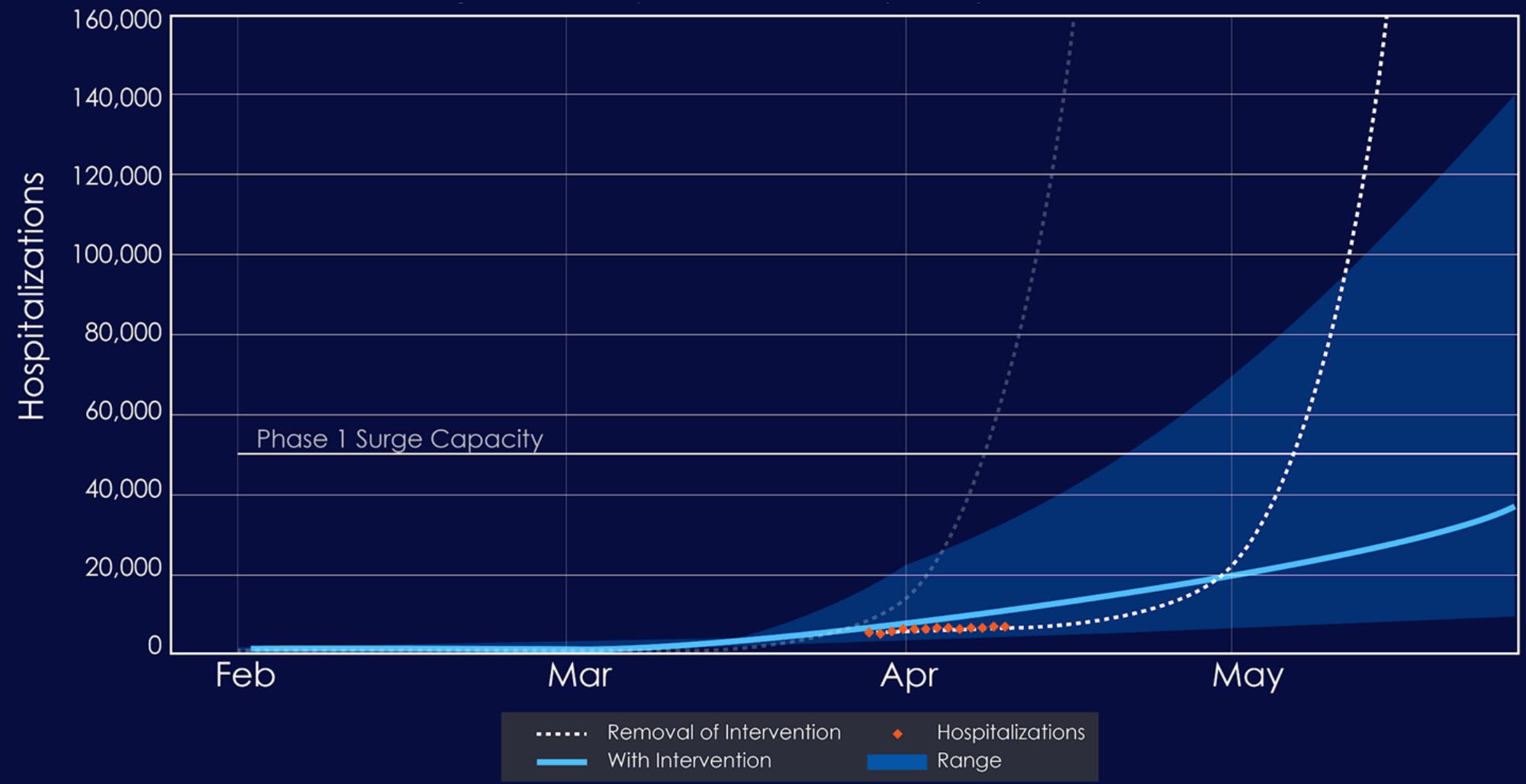
ALEX PADILLA  
Secretary of State



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# California's Roadmap to Modify the Stay-at-Home Order

# Efforts to flatten the curve



# Until we build immunity, our actions will be aligned to achieve the following



Ensure our ability to care for the sick within our hospitals



Build the capacity to protect the health and well-being of the public



Prevent infection in people who are at high risk for severe disease



Reduce social, emotional and economic disruptions

# Current efforts are hard to sustain



Impact on economy



Impact on poverty



Impact on healthcare

# California's 6 indicators for modifying the Stay-at-Home Order

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# 1

**The ability to monitor and protect our communities through testing, contact tracing, isolating, and supporting those who are positive or exposed**

## **Key Questions**

- How prepared is our state to test everyone who is symptomatic?
- Do we have the ability to identify contacts of those who are positive to reduce further transmission?

## 2

# The ability to prevent infection in people who are at risk for more severe COVID-19

## Key Questions

- Are older Californians and the medically vulnerable living in their own homes supported so they can continue appropriate physical distancing?
- Have we developed a plan to quickly identify and contain outbreaks in facilities housing older Californians, those living with disabilities, those currently incarcerated, and those with co-morbidities?

# 3

## The ability of the hospital and health systems to handle surges

### Key Questions:

- Do we have adequate bed capacity, staff and supplies such as ventilators and masks?
- Can our healthcare system adequately address COVID-19 and other critical healthcare needs?

# 4

## The ability to develop therapeutics to meet the demand

### Key Questions:

- Have we built a coalition of private, public, and academic partners to accelerate the development of therapeutics?
- Have we identified potential therapeutics that have shown promise?

# 5

## The ability for businesses, schools, and child care facilities to support physical distancing

### Key Questions

- Have we worked with businesses to support physical distancing practices and introduced guidelines to provide health checks when employees or the general public enter the premises?
- Do we have supplies and equipment to keep the workforce and customers safe?

# 6

## The ability to determine when to reinstitute certain measures, such as the stay-at-home orders, if necessary

### Key Questions

- Are we tracking the right data to provide us an early warning system?
- Do we have the ability to quickly communicate the need to reinstate these measures?

# Things will look different...



Restaurants will likely reopen with fewer tables



Face coverings will likely be common in public



New opportunities will likely arise to support mitigation



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[covid19.ca.gov](https://covid19.ca.gov)

April 28, 2020

## ESSENTIAL WORKFORCE

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Californians.

In accordance with this order, the State Public Health Officer has designated the following list of “Essential Critical Infrastructure Workers” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security.

### Sector Index:

1. [Health and Public Health Sector](#)
2. [Emergency Services Sector](#)
3. [Food and Agriculture Sector](#)
4. [Energy Sector](#)
5. [Water and Wastewater Sector](#)
6. [Transportation and Logistics Sector](#)
7. [Communications and Information Technology Sector](#)
8. [Government Operations and Other Community-Based Essential Functions](#)
9. [Critical Manufacturing Sector](#)
10. [Financial Services Sector](#)
11. [Chemical Sector](#)
12. [Defense Industrial Base Sector](#)
13. [Industrial, Commercial, Residential and Sheltering Facilities and Services](#)

### Relevant Guidance For All Sectors:

- [Face Coverings Guidance](#)
  - [Orientación Sobre el Uso de Mascarillas de Tela](#)
- [Self-Isolation for Older Adults and Those Who Have Elevated Risk](#)
  - [Aislamiento para Adultos Mayores y Personas que Tienen un Riesgo Elevado](#)
- [Employers, health care workers and workers in general industry](#)

April 28, 2020

## 1. HEALTHCARE / PUBLIC HEALTH

### Sector Profile

The Healthcare and Public Health (HPH) Sector is large, diverse, and open, spanning both the public and private sectors. It includes publicly accessible healthcare facilities, research centers, suppliers, manufacturers, and other physical assets and vast, complex public-private information technology systems required for care delivery and to support the rapid, secure transmission and storage of large amounts of HPH data.

### Essential Workforce, if remote working is not practical:

1. Health care providers and caregivers (including physicians, dentists, psychologists, mid-level practitioners, nurses, assistants, and aids; infection control and quality assurance personnel; pharmacists; physical, respiratory, speech and occupational therapists and assistants; social workers and providers serving individuals with disabilities including developmental disabilities; optometrists; speech pathologists; chiropractors; diagnostic and therapeutic technicians; and radiology technologists).
2. Workers required for effective clinical, command, infrastructure, support service, administrative, security and intelligence operations across the direct patient care and full healthcare and public health spectrum, including accounting, administrative, admitting and discharge, engineering, accrediting, certification, licensing, credentialing, epidemiological, source plasma and blood donation, food service, environmental services, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians; emergency medical services workers; prehospital workers including but not limited to urgent care workers; inpatient and hospital workers; outpatient care workers; home care workers; workers at long-term care facilities, residential and community-based providers; workplace safety workers).
3. Workers needed to support transportation to and from healthcare facilities and provider appointments.
4. Workers needed to provide laundry services, food services, reprocessing of medical equipment, and waste management.
5. Vendors and suppliers (including imaging, pharmacy, oxygen services, durable medical equipment)
6. Workers who perform critical clinical research, development, and testing needed for COVID-19 response.
7. Workers in other medical and life science facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric, Residential, Rural Health Clinics and Federally Qualified Health Centers, and retail facilities specializing in medical goods and supplies, including cannabis).
8. Workers for health manufacturing (including life science companies, and companies that have shifted production to medical supplies), materials and parts suppliers, technicians, logistics and warehouse operators, printers, packagers, and distributors of medical equipment (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical

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gases, pharmaceuticals (including materials used in radioactive drugs, and cannabis products), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, personal hygiene products, and tissue and paper towel products.

9. Public health / community health workers, including those who compile, model, analyze and communicate public health information.
10. Behavioral and mental health workers responsible for coordination, outreach, engagement, and treatment to individuals in need of mental health and/or behavioral services.
11. Donors of blood bone marrow, blood stem cell, or plasma and the workers of the organizations that operate and manage related activities.
12. Workers that manage health plans, billing, and health information.
13. Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information.
14. Workers performing IT and cybersecurity functions at healthcare and public health facilities.
15. Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions.
16. Pharmacy employees, including workers necessary to maintain uninterrupted prescription filling.
17. Workers in retail facilities specializing in medical goods and supplies.
18. Public health and environmental health workers, including workers specializing in environmental health that focus on implementing environmental controls, sanitary and infection control interventions, healthcare facility safety and emergency preparedness planning, engineered work practices, and developing guidance and protocols for appropriate PPE to prevent COVID-19 disease transmission; Public health/ community health workers (including call center workers) who conduct community- based public health functions, conducting epidemiologic surveillance and compiling, analyzing, and communicating public health information.
19. Mortuary services providers, including workers performing mortuary, funeral, cremation burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers and coffin makers.
20. Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to behavioral and mental health services to the family members, responders, and survivors of an incident.
21. Workers supporting veterinary hospitals and clinics.

#### Relevant Sector Guidance:

- [All Facility Letters for health care facilities, including long-term care facilities](#)
- [Health care facilities, Skilled Nursing Facilities](#)
- [Individuals with Access and Functional Needs](#)
- [Medical Waste Management - Interim Guidelines](#)
- [Outpatient Healthcare Facility Infection Control Recommendations for Suspect COVID-19 Patients](#)
- [Prioritization of Patients for Laboratory Testing for COVID-19](#)
- [Veterinary Professionals and Premises](#)
- Regional Centers:
  - [Visits to Licensed Residential Facilities](#)
  - [Risk Mitigation Strategies for ARFPSHN, ICF/DD-CN](#)
- [Adult and Senior Care Facilities](#)

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- [Cuidado a los Adultos Mayores](#)
- [Community care facilities, including assisted living facilities and child care](#)
- [Medi-Cal Managed Care Health Plans: COVID – 19 Screening and Testing](#)
- [Coverage Options Fact Sheet](#)
  - [Opciones De Cobertura](#)
- [Department of Managed Health Care All Plan Letter](#)
- [California Department of Insurance Bulletin](#)

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## 2. EMERGENCY SERVICES SECTOR

### Sector Profile

The Emergency Services Sector (ESS) is a community of highly-skilled, trained personnel, along with the physical and cyber resources, that provide a wide range of prevention, preparedness, response, and recovery services during both day-to-day operations and incident response. The ESS includes geographically distributed facilities and equipment in both paid and volunteer capacities organized primarily at the federal, state, local, tribal, and territorial levels of government, such as city police departments and fire stations, county sheriff's offices, Department of Defense police and fire departments, and town public works departments. The ESS also includes private sector resources, such as industrial fire departments, private security organizations, and private emergency medical services providers.

### Essential Workforce, if remote working is not practical:

1. Public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, corrections, rehabilitation and reentry, search and rescue, hazardous material response, and technicians supporting maritime and aviation emergency response.
2. Public Safety Answering Points and 911 call center employees; personnel involved in access to emergency services including the emergency alert system and wireless emergency alerts.
3. Fusion Center employees
4. Workers who support weather disaster / natural hazard monitoring, response, mitigation, and prevention, including personnel conducting, supporting, or facilitating wildfire mitigation activities
5. Workers – including contracted vendors -- who maintain, manufacture, or supply equipment and services supporting law enforcement, fire, EMS, and emergency service response operations (including safety equipment, electronic security, and uniforms)
6. Workers responding to abuse and neglect of children, elders and dependent adults.
7. Animal control officers and humane officers
8. Security staff to maintain building access control and physical security measures
9. Workers and contracted vendors who maintain and provide services and supplies to public safety facilities, including emergency communication center, public safety answering points, public safety communications centers, emergency operation centers, fire and emergency medical services stations, police and law enforcement stations and facilities.

### Relevant Sector Guidance:

- [Public Health Guidance about COVID-19 for California State Prisons](#)
- [First responders, including paramedics and EMTs](#)

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### 3. FOOD AND AGRICULTURE

#### Sector Profile

The Food and Agricultural (FA) Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. Beyond domestic food production, the FA Sector also imports many ingredients and finished products, leading to a complex web of growers, processors, suppliers, transporters, distributors, and consumers. This sector is critical to maintaining and securing our food supply.

#### Essential Workforce, if remote working is not practical:

1. Workers supporting groceries, pharmacies, convenience stores, and other retail that sells food or beverage products, and animal/pet food, retail customer support service, information technology support staff, for online orders, pickup/takeout or delivery.
2. Workers supporting restaurant carry-out and quick serve food operations, including food preparation, carry-out and delivery food employees.
3. Food manufacturer employees and their supplier employees to include those employed in food ingredient production and processing-facilities; aquaculture and seafood harvesting facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging, including recycling operations and processing.
4. Farmers, farm and ranch workers, and agribusiness support services to include those employed in auction and sales; grain and oilseed handling, storage, processing and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport.
5. Farmers, farm and ranch workers, support service workers and their supplier employees producing food supply domestically and for export to include those engaged in raising, cultivating, harvesting, packing, storing, or delivering to storage or to market or to a carrier for transportation to market any agricultural or horticultural commodity for human consumption; those engaged in producing and harvesting field crops; cannabis growers; agricultural and commodity inspection; fuel ethanol facilities; storage facilities; biodiesel and renewable diesel facilities; and other agricultural inputs
6. Employees and firms supporting food, feed, and beverage distribution and ingredients used in these products including warehouse workers, vendor-managed inventory controllers, and blockchain managers.
7. Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
8. Workers supporting the growth and distribution of plants and associated products for home gardens.
9. Workers in cafeterias used to feed workers, particularly worker populations sheltered against COVID-19
10. Workers in animal diagnostic and food testing laboratories
11. Workers essential for assistance programs and government payments
12. Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and government payments.

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13. Employees of companies engaged in the production, storage, transport, and distribution of chemicals; medicines, including cannabis; vaccines; and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
14. Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.
15. Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and material, animal vaccines, animal drugs, feed ingredients, feed, and bedding, live animals, animal medical materials; transportation of deceased animals for disposal; and associated regulatory and government workforce
16. Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products
17. Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution
18. Workers at animal care facilities that provide food, shelter, veterinary and/or routine care and other necessities of life for animals.

**Relevant Sector Guidance:**

- [Food, Beverage, Other Services](#)
  - [Alimentos, Bebidas y Otros Sitios de Servicios Relacionados](#)
- [Food Industry and Food Supply Chain](#)

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## 4. ENERGY

### Sector Profile

The Energy Sector consists of widely diverse and geographically dispersed critical assets and systems that are often interdependent of one another. This critical infrastructure is divided into three interrelated segments or subsectors—electricity, oil, and natural gas—to include the production, refining, storage, and distribution of oil, gas, and electric power. The Energy Sector supplies fuels to the transportation industry, electricity to households and businesses, and other sources of energy that are integral to growth and production across the Nation. In turn, it depends on the Nation's transportation, information technology, communications, finance, water, and government infrastructures.

### Essential Workforce, if remote working is not possible:

1. Workers supporting the energy sector, regardless of the energy source, segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, physical and cyber security of the energy system, including power generation, transmission and distribution.
2. Workers supporting the energy sector, regardless of the energy source, needed for construction, manufacturing, transportation and logistics, maintenance, and permitting.
3. IT and OT technology for essential energy sector operations including support workers, customer service operations, call centers, and emergency response and customer emergency operations; energy management systems, control systems, Supervisory Control and Data Acquisition SCADA systems, and energy sector entity data centers; cybersecurity engineers; and cybersecurity risk management.
4. Workers providing services related to energy sector fuels and supply chains, supporting the procurement, mining, drilling, processing, refining, manufacturing, refueling, construction, logistics, transportation (including marine transport, terminals, rail and vehicle transport), permitting operation and maintenance, security, waste disposal, storage, and monitoring of support for resources;
5. Workers supporting environmental remediation and monitoring.
6. Workers supporting manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities across all energy sectors, and regardless of the energy source.
7. Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and technicians to manage the network or operate facilities.
8. Workers at Reliability Coordinator, Balancing Authorities, and primary and backup Control Centers, including but not limited to independent system operators, regional transmission organizations, and balancing authorities; and workers involved in energy commodity trading and scheduling.
9. Mutual assistance personnel, which may include workers from outside of the state or local jurisdiction
10. Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.

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## 5. WATER AND WASTEWATER

### **Sector Profile**

The Water and Wastewater Sector is a complex sector composed of drinking water and wastewater infrastructure of varying sizes and ownership types. Multiple governing authorities pertaining to the Water and Wastewater Sector provide for public health, environmental protection, and security measures, among others.

### **Essential Workforce, if remote working is not practical:**

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

1. Operational staff at water authorities
2. Operational staff at community water systems
3. Operational staff at wastewater treatment facilities
4. Workers repairing water and wastewater conveyances and performing required sampling or monitoring
5. Operational staff for water distribution and testing
6. Operational staff at wastewater collection facilities
7. Operational staff and technical support for SCADA Control systems
8. Chemical disinfectant suppliers for water and wastewater and personnel protection
9. Workers that maintain digital systems infrastructure supporting water and wastewater operations

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## 6. TRANSPORTATION AND LOGISTICS

### Sector Profile

The Transportation Systems Sector consists of seven key subsectors, or modes:

- Aviation includes aircraft, air traffic control systems, and airports, heliports, and landing strips. Commercial aviation services at civil and joint-use military airports, heliports, and sea plane bases. In addition, the aviation mode includes commercial and recreational aircraft (manned and unmanned) and a wide variety of support services, such as aircraft repair stations, fueling facilities, navigation aids, and flight schools.
- Highway and Motor Carrier encompasses roadway, bridges, and tunnels. Vehicles include trucks, including those carrying hazardous materials; other commercial vehicles, including bicycles, commercial motor coaches and school buses; vehicle and driver licensing systems; taxis, transportation services including Transportation Network Companies, and delivery services including Delivery Network Companies; traffic management systems; AND cyber systems used for operational management.
- Maritime Transportation System consists of coastline, ports, waterways, and intermodal landside connections that allow the various modes of transportation to move people and goods to, from, and on the water.
- Mass Transit and Passenger Rail includes terminals, operational systems, and supporting infrastructure for passenger services by transit buses, trolleybuses, monorail, heavy rail—also known as subways or metros—light rail, passenger rail, and vanpool/rideshare.
- Pipeline Systems consist of pipelines carrying natural gas hazardous liquids, as well as various chemicals. Above-ground assets, such as compressor stations and pumping stations, are also included.
- Freight Rail consists of major carriers, smaller railroads, active railroad, freight cars, and locomotives.
- Postal and Shipping includes large integrated carriers, regional and local courier services, mail services, mail management firms, and chartered and delivery services.

### Essential Workforce, if remote working is not practical:

1. Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, towing and recovery services, roadside assistance workers, intermodal transportation personnel, and workers that maintain and inspect infrastructure
2. Working supporting or providing services that enable logistics operations for essential sectors, wholesale and retail sale, including warehousing, cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
3. Workers supporting maintenance and operation of essential highway infrastructure, including roads, bridges, and tunnels.

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4. Workers of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
5. Mass transit workers providing critical transit services and/or performing critical or routine maintenance to mass transit infrastructure or equipment.
6. Employees supporting personal and commercial transportation services, including taxis, bicycle services, Transportation Network Companies, and delivery services including Delivery Network Companies
7. Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
8. Maritime transportation and inland waterway workers – to include maintenance and repair – including port authority and commercial facility personnel, dredgers, port workers, mariners, ship crewmembers, ship pilots and tugboat operators, ship supply, Chandler, and equipment operators.
9. Workers who support the operation, inspection, and maintenance of essential dams, locks, and levees.
10. Workers who support the inspection and maintenance of aids to navigation and other government-provided services that ensure continued maritime commerce.
11. Workers supporting transportation of chemicals, hazardous, medical, waste and recyclable materials to support critical sectors and infrastructure.
12. Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities.
13. Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors
14. Manufacturers and distributors (to include service centers and related operations) of lighting and communication systems, specialized signage and structural systems, emergency response equipment and support materials, printers, printed materials, packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
15. Postal, parcel, courier, last-mile delivery, and shipping workers, to include private companies who accept, process, transport, and deliver information and goods.
16. Workers who supply equipment and materials for maintenance of transportation equipment.
17. Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
18. Workers who support air transportation for cargo and passengers, including operation distribution, maintenance, and sanitation. This includes air traffic controllers, flight dispatchers, maintenance personnel, ramp workers, fueling agents, flight crews, airport safety inspectors and engineers, airport operations personnel, aviation and aerospace safety workers, security, commercial space personnel, operations personnel, accident investigators, flight instructors, and other on- and off-airport facilities workers.
19. Workers critical to the manufacturing, distribution, sales, rental, leasing, repair, and maintenance of vehicles and other transportation equipment (including electric vehicle charging stations) and the supply chains that enable these operations, subject to adhering public health guidance issued by CDPH.
20. Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, construction material

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suppliers, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues

21. Workers who support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications.

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## 7. COMMUNICATIONS AND INFORMATION TECHNOLOGY

### Sector Profile

The Communications Sector provides products and services that support the efficient operation of today's global information-based society. Communication networks enable people around the world to contact one another, access information instantly, and communicate from remote areas. This involves creating a link between a sender (including voice signals) and one or more recipients using technology (e.g., a telephone system or the Internet) to transmit information from one location to another. Technologies are changing at a rapid pace, increasing the number of products, services, service providers, and communication options. The national communications architecture is a complex collection of networks that are owned and operated by individual service providers. Many of this sector's products and services are foundational or necessary for the operations and services provided by other critical infrastructure sectors. The nature of communication networks involves both physical infrastructure (buildings, switches, towers, antennas, etc.) and cyber infrastructure (routing and switching software, operational support systems, user applications, etc.), representing a holistic challenge to address the entire physical-cyber infrastructure.

The IT Sector provides products and services that support the efficient operation of today's global information-based society and are integral to the operations and services provided by other critical infrastructure Sectors. The IT Sector is comprised of small and medium businesses, as well as large multinational companies. Unlike many critical infrastructure Sectors composed of finite and easily identifiable physical assets, the IT Sector is a functions-based Sector that comprises not only physical assets but also virtual systems and networks that enable key capabilities and services in both the public and private sectors.

### Essential Workforce – Communications, if remote working is not practical:

1. Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
2. Workers performing functions related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots, and submarine cable ship facilities
3. Government and private sector employees supporting Department of Defense internet and communications facilities.
4. Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering, reporting, and publishing news.
5. Network Operations staff, engineers and/or technicians to include IT managers and staff, HVAC & electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities
6. Workers responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes construction of

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new facilities and deployment of new technology required to address congestion or customer usage on remote services.

7. Installation, maintenance and repair technicians that establish, support or repair service as needed.
8. Central office personnel to maintain and operate central office, data centers, and other network office facilities, and critical support personnel assisting front line employees
9. Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, logistics and troubleshooting
10. Workers providing electronic security, fire, monitoring, and life safety services, and who ensure physical security, cleanliness, and the safety of facilities and personnel, including those who provide temporary licensing waivers for security personnel to work in other States or Municipalities.
11. Dispatchers involved with service repair and restoration
12. Retail customer service personnel at critical service center locations for onboarding customers, distributing and repairing equipment and other supply chain personnel, to support individuals' remote emergency communications needs;
13. External Affairs personnel to assist in coordinating with local, state, and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.
14. Workers responsible for ensuring that persons with disabilities have access to and the benefits of various communications platforms, including those involved in the provision of telecommunication relay services, closed captioning of broadcast television for the deaf, video relay services for deaf citizens who prefer communication via American Sign Language over text, and audio-description for television programming.

**Essential Workforce - Information Technology, if remote working is not practical:**

15. Workers who support command centers, including, but not limited to Network Operations Command Centers, Broadcast Operations Control Center and Security Operations Command Centers
16. Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators
17. Workers who support client service centers, field engineers, and other workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, information technology equipment (to include microelectronics and semiconductors), and HVAC and electrical equipment for critical infrastructure and test labs and certification agencies that qualify such equipment for critical infrastructure.
18. Workers needed to pre-empt and respond to cyber incidents involving critical infrastructure,, and entities supporting the functioning of critical infrastructure sectors
19. Suppliers, designers, transporters and other workers supporting the manufacture, distribution, and construction of essential global, national and local infrastructure for computing services (including cloud computing services and teleworking capabilities), business infrastructure, financial transactions, web-based services, and critical manufacturing

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20. Workers supporting communications systems, information technology, and work from home solutions
21. Employees required to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

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## 8. GOVERNMENT OPERATIONS AND OTHER COMMUNITY-BASED ESSENTIAL FUNCTIONS

### **Essential Workforce, if remote working is not practical.**

1. Critical government workers, as defined by the employer and consistent with Continuity of Operations Plans and Continuity of Government plans.
2. County workers responsible for determining eligibility for safety net benefits
3. The Courts, consistent with guidance released by the California Chief Justice
4. Workers who support administration and delivery of unemployment insurance programs, income maintenance, employment service, disaster assistance, workers' compensation insurance and benefits programs, and pandemic assistance
5. Workers to ensure continuity of building functions, including but not limited to security and environmental controls, the manufacturing and distribution of the products required for these functions, and the permits and inspection for construction.
6. Elections personnel
7. Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
8. Trade Officials (FTA negotiators; international data flow administrators)
9. Weather forecasters
10. Workers that maintain digital systems infrastructure supporting other critical government operations
11. Workers who support necessary credentialing, vetting and licensing operations for critical sector workers and operations.
12. Workers who are critical to facilitating trade in support of the national, state, and local emergency response supply chain
13. Workers supporting public and private childcare establishments, pre-K establishments, K-12 schools, colleges, and universities for purposes of distance learning, provision of school meals, or care and supervision of minors to support essential workforce across all sectors
14. Staff at government offices who perform title search, notary, and recoding services in support of mortgage and real estate services and transactions;
15. Workers and instructors supporting academies and training facilities and courses for the purpose of graduating students and cadets that comprise the essential workforce for all identified critical sectors
16. Clergy for essential support and faith-based services that are provided through streaming or other technologies that support physical distancing and state public health guidelines.
17. Human services providers, especially for at risk populations, including home delivered meal providers for older adults, people with disabilities, and others with chronic health conditions; home-maker services for frail, homebound, older adults; personal assistance services providers to support activities of daily living for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services; home health providers who deliver health care services for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services.
18. Government entities, and contractors that work in support of local, state, and federal public health and medical mission sets, including but not limited to supporting access to healthcare and associated payment functions, conducting public health functions, providing medical care,

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supporting emergency management, or other services necessary for supporting the COVID-19 response.

**Relevant Sector Guidance:**

- Schools and institutions of higher education
  - [Guidance for schools \(PDF\)](#)
  - [Directrices para las escuelas sobre el nuevo coronavirus o COVID-19 \(PDF\)](#)
  - [Guidance for colleges and universities](#)
  - [Directrices para las instituciones de educación superior sobre el nuevo coronavirus o COVID-19](#)
- [Guidance for K-12 Schools: Distance Learning, School Meals, Child Care and Student Supervision](#)
- [Guidance for Using Disinfectants at Schools and Child Cares](#)
  - [Recordatorios para el uso de desinfectantes en las escuelas y guarderías](#)
- [Community care facilities, including assisted living facilities and child care](#)

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## 9. CRITICAL MANUFACTURING

### **Sector Profile**

The Critical Manufacturing Sector identifies several industries to serve as the core of the sector: Primary Metals Manufacturing, Machinery Manufacturing, Electrical Equipment, Appliance, and Component Manufacturing, Transportation Equipment Manufacturing Products made by these manufacturing industries are essential to many other critical infrastructure sectors.

### **Essential Workforce, if remote working is not practical**

1. Workers necessary for the manufacturing of metals, industrial minerals, semiconductors, materials and products needed for supply chains of the critical infrastructure sectors.
2. Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment
3. Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.
4. Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce, including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or data centers.
5. Workers manufacturing or providing parts and equipment that enable the maintenance and continued operation of essential businesses and facilities.

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## 10. FINANCIAL SERVICES

### **Sector Profile**

The Financial Services Sector includes thousands of depository institutions, providers of investment products, insurance companies, other credit and financing organizations, and the providers of the critical financial utilities and services that support these functions. Financial institutions vary widely in size and presence, ranging from some of the world's largest global companies with thousands of employees and many billions of dollars in assets, to community banks and credit unions with a small number of employees serving individual communities. Whether an individual savings account, financial derivatives, credit extended to a large organization, or investments made to a foreign country, these products allow customers to: Deposit funds and make payments to other parties; Provide credit and liquidity to customers; Invest funds for both long and short periods; Transfer financial risks between customers.

### **Essential Workforce, if remote working is not practical:**

1. Workers who are needed to process and maintain systems for processing financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities
2. Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
3. Workers who are needed to provide business, commercial, and consumer access to banking and non-bank financial and lending services, including ATMs, lending money transmission, and to move currency, checks, securities, and payments
4. Workers who support financial operations, such as those staffing call, data and security operations centers, managing physical security, or providing accounting services.
5. Workers supporting production and distribution of debit and credit cards.
6. Workers providing electronic point of sale support personnel for essential businesses and workers.

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## 11. CHEMICAL & HAZARDOUS MATERIALS

### Sector Profile

The Chemical Sector—composed of a complex, global supply chain—converts various raw materials into diverse products that are essential to modern life. Based on the product produced, the sector can be divided into five main segments, each of which has distinct characteristics, growth dynamics, markets, new developments, and issues: Basic chemicals; Specialty chemicals; Agricultural chemicals; Pharmaceuticals; Consumer products.

### Essential Workforce, if remote working is not practical:

1. Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, building materials, plumbing, electrical and paper products.
2. Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
3. Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, disinfectants, and packaging that prevents the contamination of food, water, medicine, among others essential products
4. Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/ or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
5. Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing
6. Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
7. Workers who support hazardous materials response and cleanup
8. Workers who maintain digital systems infrastructure supporting hazardous materials management operations
9. Workers who support the removal, storage, and disposal of residential and commercial solid waste and hazardous waste, including landfill and recycling operations.

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## 12. DEFENSE INDUSTRIAL BASE

### **Sector Profile**

The Defense Industrial Base Sector is the worldwide industrial complex that enables research and development, as well as design, production, delivery, and maintenance of military weapons systems, subsystems, and components or parts, to meet U.S. military requirements. The Defense Industrial Base partnership consists of Department of Defense components, Defense Industrial Base companies and their subcontractors who perform under contract to the Department of Defense, companies providing incidental materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities. Defense Industrial Base companies include domestic and foreign entities, with production assets located in many countries. The sector provides products and services that are essential to mobilize, deploy, and sustain military operations.

### **Essential Workforce, if remote working is not practical:**

1. Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military, including, but are not limited to, space and aerospace workers, nuclear matters workers, mechanical and software engineers (various disciplines), manufacturing and production workers, IT support, security staff, security personnel, intelligence support, aircraft and weapon system mechanics and maintainers, and sanitary workers who maintain the hygienic viability of necessary facilities.
2. Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense (DoD) and the Department of Energy (DoE) (on nuclear matters), as well as personnel at government-owned/contractor operated facilities, and who provide materials and services to the DoD and DoE (on nuclear matters), including support for weapon systems, software systems and cybersecurity, defense and intelligence communications, surveillance, sale of U.S. defense articles and services for export to foreign allies and partners (as authorized by the U.S. government), and space systems and other activities in support of our military, intelligence, and space forces.

April 28, 2020

### 13. INDUSTRIAL, COMMERCIAL, RESIDENTIAL, and SHELTERING FACILITIES AND SERVICES

#### Essential Workforce, if remote working is not practical:

1. Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing, commercial, and mixed-use construction); and workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions.
2. Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, construction material sources, and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, recycling and disposal of solid waste and hazardous waste)
3. Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses, and buildings such as hospitals and senior living facilities, including any facility supporting COVID-19 response.
4. Workers who support the supply chain of building materials from production through application and installation, including cabinetry, fixtures, doors, cement, hardware, plumbing (including parts and services), electrical, heating and cooling, refrigeration, appliances, paint and coatings, and workers who provide services that enable repair materials and equipment for essential functions.
5. Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant retailers, wholesalers and distributors that support essential workforce functions where sales and operations cannot be conducted online
6. Warehouse operators, including vendors and support personnel critical for business continuity (including heating, ventilation, and air conditioning (HVAC) and electrical engineers, security personnel, and janitorial staff), e-commerce or online commerce, and customer service for essential functions.
7. Workers supporting the operations of commercial buildings that are critical to safety, security, and the continuance of essential activities, such as on-site property managers, building engineers, security staff, fire safety directors, janitorial personnel, and service technicians (e.g., mechanical, HVAC, plumbers, electricians, and elevator).
8. Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions, that accept, store, and process goods, and that facilitate their transportation and delivery
9. Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.
10. Workers managing or servicing hotels or other commercial and residential buildings that are used for COVID-19 mitigation and containment measures, treatment measures, provide accommodation for essential workers, or providing housing solutions, including measures to protect homeless populations.

April 28, 2020

11. Workers responsible for the leasing of residential and commercial properties to provide individuals and families with ready access to available housing.
12. Residential and commercial real estate workers, limited to scheduled property viewings to a potential buying party. This does not extend to open-house viewings, nor viewings with more than one buying party at a time.
13. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities and critical sector services
14. Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
15. Workers supporting the entertainment industries, studios, and other related establishments, provided they follow covid-19 public health guidance around physical distancing.
16. Workers that provide or determine eligibility for food, shelter, in-home supportive services, child welfare, adult protective services and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including family members)
17. Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
18. Workers who provide support to vulnerable populations to ensure their health and well-being including family care providers.
19. Workers providing dependent care services, particularly those whose services ensure essential workers can continue to work.
20. Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters.
21. Workers in laundromats, laundry services, and dry cleaners.
22. Workers providing disinfection services, for all essential facilities in essential sectors
23. Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
24. Support required for continuity of services, including commercial disinfectant services, janitorial/cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line employees.

**Relevant Sector Guidance:**

- [Cleaning & Waste Management for Residences 2/2020](#)
- [Essential/Emergency Personnel Providing Critical In-Home Services](#)
- [Home cleaning with COVID-19 positive individuals](#)
- [Recommended Strategic Approaches for COVID-19 Response for Individuals Experiencing Homelessness](#)
- [Flow Chart: COVID-19 Recommended Protocol for People Experiencing Homelessness](#)
- [Homeless Assistance Providers](#)
- [Immigrant Communities](#)
  - [Las Comunidades de Inmigrantes](#)
- [Pets & People](#)



ORDER OF THE STATE PUBLIC HEALTH  
OFFICER  
May 7, 2020

On March 19, 2020, I issued an order directing all individuals living in the State of California to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure sectors. (See <https://covid19.ca.gov/stay-home-except-for-essential-needs/>.) I then set out California's path forward from this "Stay-at-Home" Order in California's Pandemic Roadmap <https://www.gov.ca.gov/wp-content/uploads/2020/05/5.4.20-Update-on-Californias-Pandemic-Roadmap.pdf>. That Roadmap identifies four stages of the pandemic: safety and preparation (Stage 1), reopening of lower-risk workplaces and other spaces (Stage 2), reopening of higher-risk workplaces and other spaces (Stage 3), and finally an easing of final restrictions leading to the end of the stay at home order (Stage 4).

Today, COVID-19 continues to present a significant risk to the health of individuals throughout California. There are confirmed cases of the virus in 54 of the 58 counties across the State, and each day over the past two weeks over one thousand new cases have been confirmed in California and dozens of people have lost their lives due to the virus. However, owing to Californians' mitigation efforts, statewide data currently demonstrates stable rates of new infections and hospitalizations, the maintenance of surge capacity, and an improved ability to test, contact trace, isolate, and provide support to individuals exposed to COVID-19. As State Public Health Officer, I have determined that the statewide data now supports the gradual movement of the entire state from Stage 1 to Stage 2 of California's Pandemic Resilience Roadmap.

Gradual movement into Stage 2 is intended to reintroduce activities and sectors in a phased manner and with necessary modifications, in order to protect public health and result in a lower risk for COVID-19 transmission and outbreak in a community. Such deliberate phasing is critical to allowing the State to protect the public, and to mitigate and manage the impact of the re-openings, such that our health care delivery system has the capacity to respond to potential increased demands. Differences across the state in the prevalence of COVID-19, as well as testing rates, containment capability, and hospital capacity, have resulted in differences among local health jurisdictions' ability to safely progress through the various stages. The low and stable data reported by some local health officers in their local health jurisdictions, combined with sufficient COVID-19 preparedness, justifies allowance for some variation in the speed with which some local health jurisdictions will be able to move through the phases of Stage 2.

NOW, THEREFORE, I as State Public Health Officer and Director of the California Department of Public Health, order:

1. All local health jurisdictions in the state may begin gradual movement into Stage 2, as set forth in this Order, effective on May 8, 2020; however, a local health jurisdiction may implement or continue more restrictive public health measures if the jurisdiction's Local Health Officer believes conditions in that jurisdiction warrant it.
2. I will progressively designate sectors, businesses, establishments, or activities that may reopen with certain modifications, based on public health and safety needs, and I will add additional sectors, businesses, establishments, or activities at a pace designed to protect public health and safety. Those sectors, businesses, establishments, or activities that are permitted to open will be designated, along with necessary modifications, at <https://covid19.ca.gov/roadmap/>, as I announce them.
3. To the extent that such sectors are re-opened, Californians may leave their homes to work at, patronize, or otherwise engage with those businesses, establishments, or activities and must, when they do so, continue at all times to practice physical distancing, minimize their time outside of the home, and wash their hands frequently. To prevent further spread of COVID-19 to and within other jurisdictions within the State, Californians should not travel significant distances and should stay close to home. My March 19, 2020, Order otherwise remains in full effect.

4. The California Department of Public Health has set forth criteria to help local health officers assess the capacity of their local health jurisdictions to move through Stage 2. Local health jurisdictions that meet the criteria and follow the process set forth

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-County-Variance-Attestation-Memo.aspx> will be permitted to move through Stage 2 more quickly than the State as a whole and reopen additional low-risk businesses before the rest of the state, if they choose to do so. A list of the sectors, businesses, establishments, or activities, and any necessary modifications, that such a qualifying jurisdiction may choose to reopen will be available at <https://covid19.ca.gov/roadmap-counties/>, and may be expanded if I deem it to be in the interest of public health and safety.

Pursuant to the authority under EO N-60-20, and Health and Safety Code sections 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this Order is to go into effect immediately and shall stay in effect until further notice.

This Order is being issued to protect the public health of Californians as we move as expeditiously to minimize risk to the extent possible throughout the Stages of the Pandemic Resilience Roadmap.



Sonia Y Angell, MD, MPH  
State Public Health Officer & Director  
California Department of Public Health

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## Menu



# Resilience Roadmap

Last updated June 18, 2020 at 2:10 PM

Californians have been staying home and saving lives since the start of our statewide stay-at-home order issued on March 19, 2020. These efforts have allowed the state to move forward on our [roadmap](#) for modifying the statewide order.

We are now in early **Stage 2**, where retail, related logistics and manufacturing, office workplaces, limited personal services, outdoor museums, child care, and [essential businesses](#) can open with modifications. The state is [issuing guidance](#) to help these workplaces reopen safely.



**STAGE 1:**  
**Safety and preparedness**



**STAGE 2:**  
**Lower-risk workplaces**



**STAGE 3:  
Higher-risk workplaces**



**STAGE 4:  
End of Stay Home Order**

## County variance

Stage 2 expansion will be phased in gradually. Some communities may move through Stage 2 faster if they are able to show greater progress. Counties that have met the readiness criteria and worked with the California Department of Public Health can open more workplaces as outlined on the [County Variance page](#).

## Industry guidance to reduce the risk

California moved into Stage 2 of modifying the state’s Stay-at-Home order on May 8, 2020. Our progress in achieving key [public health metrics](#) will allow a gradual re-opening of California’s economy.

We recognize the impact of economic hardship. We must get our economy roaring once again and put paychecks in people’s pockets. But the risk of COVID-19 infection is still real for all Californians and continues to be fatal.

The state is [issuing guidance](#) for businesses to follow, if they’re permitted to open per County Public Health rules.

[Find the Industry Guidance](#)

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## Customers and individuals

Customers and individuals are encouraged to stay home if they have a fever or other COVID-19 symptoms. Those with symptoms or elevated temperatures should not shop, get services in person, go to work, or gather with others. If you're not sure if this applies to you, check your symptoms with this [Symptom Screener](#).

Higher risk individuals (over 65 or with serious medical conditions) should continue to stay home until Stage 4. Minimize errands by getting groceries delivered or asking for help from friends or family.

**Shop safely!** Crowded settings increase your risk of exposure to COVID-19. Wear a face covering or cloth mask, stay 6 feet away from others, avoid touching your face, and wash your hands when you get home.



## Stage 1: Safety and preparedness

Continue to build out testing, [contact tracing](#), PPE, and hospital surge capacity.

Continue to make essential workplaces as safe as possible:

- Physical and work flow adaptation
- Essential workforce safety net
- Make PPE more widely available
- Individual behavior changes

Stay at home except for essential and permitted activities

Prepare sector-by-sector safety guidelines for expanded workforce.



## Stage 2: Lower-risk workplaces

Gradually opening some lower risk workplaces with adaptations at a pace designed to protect public health and safety, starting with:

- Retail
- Manufacturing
- Offices (when telework not possible)
- Outdoor Museums
- Limited Personal Services

Limit time outside the home and travel only for permissible activities, such as healthcare, food, outdoor exercise and recreation (individuals and households only). Stage 1 and 2 work, and local shopping or other activities related to open sectors.

Some counties may move more quickly through stage 2, following guidelines laid out on the county variance page.

Other counties may maintain more restrictive public health measures.

Monitor critical indicators and alter scope of reopening if necessary to protect public health and safety.



## **Stage 3: Higher-risk workplaces**

Phase in higher-risk workplaces at a pace designed to protect public health and safety, beginning with limited personal care and recreational venues (with workplace modifications).

Travel for permissible activities, such as healthcare, food, stages 1-3 work, and local or activities shopping related to open sectors.

Monitor critical indicators and alter scope of reopening if necessary to protect public health and safety.



## Stage 4: End of stay at home order

Gradually open larger gathering venues at a pace consistent with public health and safety, such as nightclubs, concert venues, and live audience sports.

Gradually resume remaining activities and travel.

Monitor critical indicators and alter scope of reopening if necessary to protect public health and safety.

Department of Public Health

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**COVID-19 hotline:** 1-833-422-4255 M-F 8AM-8PM, Sa-Su 8AM-5PM

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# COVID-19 INDUSTRY GUIDANCE:

## Places of Worship and Providers of Religious Services and Cultural Ceremonies

May 25, 2020

[covid19.ca.gov](https://covid19.ca.gov)



## OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include places of worship, long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by employees and volunteers (where respiratory protection is not required) and congregants/visitors,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training employees and volunteers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

## PURPOSE

This document provides guidance for places of worship and providers of religious services and cultural ceremonies (referred to collectively as “places of worship”) to support a safe, clean environment for employees, interns and trainees, volunteers, scholars, and all other types of workers (referred to collectively as “staff”) as well as congregants, worshippers, visitors, etc. (referred to collectively as “visitors” or “congregants”).

This guidance does not obligate places of worship to resume in-person activity. Further, it is strongly recommended that places of worship continue to facilitate remote services and other related activities for those who are vulnerable to COVID19 including older adults and those with co-morbidities.

Even with adherence to physical distancing, convening in a congregational setting of multiple different households to practice a personal faith carries a relatively higher risk for widespread transmission of the COVID-19 virus, and may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. In particular, activities such as singing and group recitation negate the risk-reduction achieved through six feet of physical distancing.

\*Places of worship must therefore limit attendance to 25% of building capacity or a maximum of 100 attendees, whichever is lower. This limitation will be in effect for the first 21-days of a county public health department's approval of religious services and cultural ceremonies activities at places of worship within their jurisdictions.

Upon 21-days, the California Department of Public Health, in consultation with county Departments of Public Health, will review and assess the impact of these imposed limits on public health and provide further direction as part of a phased-in restoration of activities in places of worship.

**NOTE:** This guidance is not intended for food preparation and service, delivery of items to those in need, childcare and daycare services, school and educational activities, in-home caregiving, counseling, office work, and other activities that places and organizations of worship may provide. Organizations that perform these activities must follow applicable guidance on the [COVID-19 Resilience Roadmap website](#).

The guidance is not intended to revoke or repeal any employee rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.<sup>1</sup> Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues. Cal/OSHA has more safety and health guidance on their Cal/OSHA Guidance on Requirements to Protect Workers from Coronavirus [webpage](#). The CDC has additional guidance [for community- and faith-based organizations](#).



## Workplace Specific Plan

- Establish a written, workplace-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas, and designate a person at each workplace to implement the plan.
- Identify contact information for the local health department where the workplace is located for communicating information about COVID-19 outbreaks among staff and congregants/visitors.
- Train and communicate with staff and employee representatives on the plan.
- Regularly evaluate workplaces for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Identify close contacts (within six feet for 15 minutes or more) of an infected staff member and take steps to isolate COVID-19 positive staff and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



## Topics for Employee and Volunteer Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- The importance of not coming to work or participating in activities if staff have symptoms of COVID-19 as [described by the CDC](#), such as a frequent cough, fever, difficulty breathing, chills, muscle pain, sore throat, recent loss of taste or smell, or if they or someone they live with have been diagnosed with COVID-19.

- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol or 70% isopropanol when staff cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
  - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - Face coverings must cover the nose and mouth.
  - Employees should wash or sanitize hands before and after using or adjusting face coverings.
  - Avoid touching the eyes, nose, and mouth.
  - Face coverings should be washed after each shift.
- Ensure all types of staff including temporary, contract, and volunteer workers are also properly trained in COVID-19 prevention policies and have necessary PPE. Discuss these responsibilities ahead of time with organizations supplying temporary, contract, and/or volunteer staff.
- Information on employer or government-sponsored leave benefits the employee may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and worker's compensation for COVID-19](#), including employee's sick leave rights under the [Families First Coronavirus Response Act](#) and employee's rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive Order N-62-20](#).



## Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all staff at the beginning of their shift. Make sure the temperature/symptom screener avoids close contact with staff to the extent possible. Both screeners and staff should wear face coverings for the screening.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker and/or volunteer leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Employee Training section above.
- Encourage staff and congregants/visitors who are sick or exhibiting symptoms of COVID-19, or who have family members who are ill, to stay home.
- Employers should provide and ensure workers and volunteers use all required protective equipment, including eye protection and gloves, where necessary.
- Places of worship should consider where disposable gloves use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for staff who are screening others for symptoms or handling commonly touched items. All workers and volunteers should wear gloves when handling items contaminated by body fluids.
- Face coverings are strongly recommended when staff are in the vicinity of others. Workers and volunteers should have face coverings available and wear them when at all facilities, in offices, when making home visits as part of providing services, or in a vehicle during work-related travel with others. Face coverings must not be shared. Places of worship are generally encouraged to provide face coverings but must provide them when required by employer rules or these guidelines.
- Staff, volunteers, etc. should not enter the home or visit someone who as tested positive for, exhibited symptoms of, or has been in contact with someone infected with COVID-19 for an appropriate waiting period as [described by CDC guidelines](#).
- Places of worship must take reasonable measures, including posting signage in strategic and highly-visible locations, to remind congregants/visitors that they should use face coverings and practice physical distancing whenever possible. Babies and children under age two should not wear face coverings, in accordance with [CDC guidelines](#).

- Use social media, website, texts, email, newsletters, etc., to communicate the steps being taken to protect congregants/visitors and staff so that they are familiar with the policies (including to stay home if experiencing symptoms or are at increased risk of becoming sick, face coverings, physical distancing, handwashing and/or sanitizing, and cough etiquette), before arriving at the facility. Staff and volunteers are strongly encouraged to remind congregants/visitors of these practices with announcements during services or on welcoming guests.
- Congregants/visitors should be screened for temperature and/or symptoms upon arrival to places of worship and asked to use hand sanitizer and to wear face coverings.



## Cleaning and Disinfecting Protocols

- Perform thorough cleaning of high traffic areas such as lobbies, halls, chapels, meeting rooms, offices, libraries, and study areas and areas of ingress and egress including stairways, stairwells, handrails, and elevator controls. Frequently disinfect commonly used surfaces including doorknobs, toilets, handwashing facilities, pulpits and podiums, donation boxes or plates, altars, and pews and seating areas.
- Establish frequent cleaning and disinfection of personal work areas such as desks and cubicles and supply the necessary cleaning products. Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the staff's job duties.
- Discourage sharing items used in worship and services (such as prayer books, cushions, prayer rugs, etc.) whenever possible and provide single-use or digital copies or ask congregants/visitors to bring personal items instead. Avoid sharing work equipment and supplies, such as phones, office equipment, computers, etc., wherever possible. Never share PPE.
- Where such items must be shared, disinfect between shifts or uses, whichever is more frequent, including the following: shared office equipment (copiers, fax machines, printers, telephones, keyboards, staplers, etc.) and items in shared worship items, etc., with a cleaner appropriate for the surface.
- Ensure that sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed. Consider more frequently cleaning and disinfecting handwashing facilities that are used more often. Use signage to reinforce handwashing.

- Disinfect microphones and stands, music stands, instruments and other items on pulpits and podiums between each use. Consult equipment manufacturers to determine appropriate disinfection steps, particularly for soft, porous surfaces such as foam mufflers.
- Consider using disposable seat covers for congregants/visitors, particularly on porous surfaces or where a facility has multiple daily services. Discard and replace seat covers between each use. Provide disposable or washable covers on pillows used as seating on floors and change/wash them after each use.
- Install hand sanitizer dispensers, touchless whenever possible, at entrances and contact areas such as meeting rooms, lobbies, and elevator landings.
- When choosing cleaning chemicals, establishments should use products approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved](#) list and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide staff training on manufacturer's directions and Cal/OSHA requirements for safe use. Workers and volunteers using cleaners or disinfectants should wear gloves or other protective equipment as required by the product instructions.
- Wash religious garments and linens after each service or event, at the highest water setting possible. Ask congregants/visitors to bring their own storage bags for personal garments and shoes. Staff, congregants, and visitors should wear gloves when handling others' dirty linens, shoes, etc.
- Discontinue passing offering plates and similar items that move between people. Use alternative giving options such as secure drop boxes that do not require opening/closing and can be cleaned and disinfected. Consider implementing digital systems that allow congregants/visitors to make touch-free offerings.
- Mark walking paths between spaces designated for congregants/visitors to sit/kneel so that people do not walk where someone may touch their head to the floor.
- During meetings and services, introduce fresh outside air, for example by opening doors/windows (weather permitting) and operating ventilation systems.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other

modifications to increase the quantity of outside air and ventilation in worship areas, offices, and other spaces.



## Physical Distancing Guidelines

- Places of worship should continue to provide services through alternative methods (such as via internet live and/or recorded streaming, telephone, drive-in, etc.) whenever possible.
- Consider holding in-person meetings and providing in-person services outside whenever possible.
- Implement measures to ensure physical distancing of at least six feet between workers, staff, congregants/visitors, etc. This can include use of physical partitions or visual cues (e.g., floor or pew markings or signs to indicate where people should sit and stand). Reconfigure seating and standing areas to maintain physical distancing of six feet or more between congregants/visitors from different households. Consider limiting seating to alternate rows. Members of the same household may be seated together but should maintain at least six feet of distance from other households.
- Consider dedicating staff to help people maintain distances during activities.
- Shorten services to limit the length of time congregants/visitors spend at facilities whenever possible. This could include limiting speeches, asking congregants/visitors to put on garments at home before arrival, etc.
- Close places of worship for visitation outside of scheduled services, meetings, etc., whenever possible.
- Consider implementing a reservation system to limit the number of congregants/visitors attending facilities at a time. This can include the use of digital platforms or other types of tools.
- Encourage congregants/visitors to meet with the same group, particularly when services meet frequently and/or require a certain number of people to be present. This can reduce the spread of transmission by minimizing the number of different individuals who come into close contact with each other.
- Consider offering additional meeting times (per day or per week) so that fewer guests attend meetings and services at one time. Clean meeting areas between each use as described in this guidance.

- Discontinue large gatherings that encourage congregants/visitors to travel and break physical distances during activities, such as concerts, large holiday and life event celebrations and remembrances.
- Children should remain in the care of those in their household unit and not interact with children of other parties at any time while visiting facilities. Close play areas and discontinue activities and services for children where physical distancing of at least six feet cannot be maintained.
- Encourage congregants/visitors to physically distance themselves from others outside their household, avoid touching surfaces, and to leave the facility if they do not feel well.
- Consider limiting touching for religious and/or cultural purposes, such as holding hands, to members of the same household.
- Dedicate staff to direct guests to meeting rooms upon entry to places of worship rather than congregating in lobbies or common areas. Consider using ushers to help people find places to sit and stand that are at least six feet apart from other guests/household groups. Ask congregants/visitors to arrive and leave in a single group to minimize crossflow of people. Welcome and dismiss congregants/visitors from altars, podiums, meeting rooms, etc. in an orderly way to maintain physical distancing and minimize crossflow of traffic, to the extent possible.
- Prop or hold doors open during peak periods when congregants/visitors are entering and exiting facilities, if possible and in accordance with security and safety protocols.
- Close or restrict common areas, such as break rooms, kitchenettes, foyers, etc. where people are likely to congregate and interact. Consider installing barriers or increase physical distance between tables/seating when there is continued use of these areas.
- Turn off public drinking water fountains and place signs informing congregants/visitors they are inoperable.
- Remove from service or find low-community touch alternatives for communal/religious water containers such as fonts, sinks, and vessels. Empty and change water between uses. Where there is a possibility of contaminant splash, staff, congregants, visitors, etc., are strongly encouraged to use equipment to protect the eyes, nose, and mouth using a combination of face coverings, protective glasses, and/or face shields. Reusable protective equipment such as shields and glasses should be properly disinfected between uses.
- When washing is a required activity, modify practices whenever possible to limit splashing and the need to clean and disinfect washing facilities.

Encourage necessary washing to be performed at home prior to entering a facility, if possible.

- Reconfigure podiums and speaker areas, office spaces, meeting rooms, conference rooms, etc., to allow for at least six feet between people. Face coverings are strongly recommended at all times for congregants/visitors and staff, especially when physical distance of at least six feet is not possible.
- Establish directional hallways and passageways for foot traffic, if possible, and designate separate routes for entry and exit into meeting rooms, offices, etc., to help maintain physical distancing and lessen the instances of people closely passing each other.
- Limit the number of individuals riding in an elevator and ensure the use of face coverings. Post signage regarding these policies.
- Utilize practices, when feasible and necessary, to limit the number of staff and congregants/visitors in office, meeting spaces, etc., at one time. This may include scheduling (e.g. staggering start/end times), establishing alternating days for onsite reporting, returning to places of worship in phases, or continued use of telework when feasible.
- Consider offering workers and volunteers who request modified duties options that minimize their contact with congregants/visitors and other staff (e.g., office duties rather than working as an usher or managing administrative needs through telework).
- Stagger staff breaks, in compliance with wage and hour regulations, to maintain physical distancing protocols.
- Discontinue nonessential travel and encourage distance meetings via phone and internet.
- Close self-service item selection such as pamphlet displays and bookshelves and provide these items to congregants/visitors individually as necessary. Consider delivering items and information electronically.
- Consider limiting the number of people that use the restroom at one time to allow for physical distancing.
- Discourage staff, congregants, visitors, etc., from engaging in handshakes, hugs, and similar greetings that break physical distance. Take reasonable measures to remind people to wave or use other greetings.
- Reconfigure parking lots to limit congregation points and ensure proper separation (e.g., closing every other space). If performing drive-in

services, ensure vehicle windows and doors are closed if six feet of distance is not possible between vehicles.

- Continue to support non-in person attendance of services and other related activities by those who are vulnerable to COVID19 including older adults and those with co-morbidities.



## Considerations for Places of Worship

- Discontinue offering self-service food and beverages. Do not hold potlucks or similar family-style eating and drinking events that increase the risk of cross contamination. If food and beverages must be served, provide items in single-serve, disposable containers whenever possible. Employees or volunteers serving food should wash hands frequently and wear disposable gloves and face coverings.
- Strongly consider discontinuing singing, group recitation, and other practices and performances where there is increased likelihood for transmission from contaminated exhaled droplets. Modify practices such as limiting the number people reciting or singing, ensuring physical distancing greater than six feet between people, or opt to celebrate these practices outside with physical distancing, etc., if these practices cannot be discontinued.
- Consider modifying practices that are specific to particular faith traditions that might encourage the spread of COVID-19. Examples are discontinuing kissing of ritual objects, allowing rites to be performed by fewer people, avoiding the use of a common cup, offering communion in the hand instead of on the tongue, providing pre-packed communion items on chairs prior to service, etc., in accordance with [CDC guidelines](#).



## Considerations for Funerals

- Consider reduced visitor capacity and stagger visitation times at funerals, wakes, etc., if possible. Follow all cleaning and disinfection measures as described in this guidance. Whenever possible, remind visitors to maintain physical distance from each other, from staff and volunteers, and from the deceased.
- Consider modifying religious or cultural practices when washing or shrouding bodies of those who have died from COVID-19, in accordance with guidance from [CDPH](#) and the [CDC](#). If washing the body or shrouding are important religious or cultural practices, work with funeral home staff and families to reduce exposure as much as possible. All people

participating in these activities must wear disposable gloves and if there will be splashing of fluids, people must use additional protective equipment including protection for the eyes, nose, and mouth, such as face shields.

- Consult and comply with local guidance regarding limits on gathering sizes, travel, holding funerals for those who died from COVID-19, etc.
- Consider other recommendations and modifications of services related to places of worship outlined above, as applicable for funeral services.

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<sup>1</sup>Additional requirements must be considered for vulnerable populations. Places of worship must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, places of worship must be prepared to alter their operations as those guidelines change.





# COVID-19 INDUSTRY GUIDANCE: Places of Worship and Providers of Religious Services and Cultural Ceremonies

July 1, 2020

[covid19.ca.gov](https://covid19.ca.gov)



## OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include places of worship, hospitals, long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by workers and volunteers (where respiratory protection is not required) and congregants/visitors,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training workers and volunteers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

## PURPOSE

This document provides guidance for places of worship and providers of religious services and cultural ceremonies (referred to collectively as “places of worship”) to support a safe, clean environment for workers, interns and trainees, volunteers, scholars, and all other types of workers as well as congregants, worshippers, visitors, etc. (referred to collectively as “visitors” or “congregants”). This guidance does not obligate places of worship to resume in-person activity. Further, it is strongly recommended that places of worship continue to facilitate remote

services and other related activities for those who are vulnerable to COVID-19 including older adults and those with co-morbidities.

Even with adherence to physical distancing, convening in a congregational setting of multiple different households to practice a personal faith carries a relatively higher risk for widespread transmission of the COVID-19 virus, and may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. In particular, activities such as singing and chanting negate the risk-reduction achieved through six feet of physical distancing.

\*Places of worship must therefore discontinue singing and chanting activities and limit *indoor* attendance to 25% of building capacity or a maximum of 100 attendees, whichever is lower. Local Health Officers are advised to consider appropriate limitations on *outdoor* attendance capacities, factoring their jurisdiction's key COVID-19 health indicators. At a minimum, outdoor attendance should be limited naturally through implementation of strict physical distancing measures of a minimum of six feet between attendees from different households, in addition to other relevant protocols within this document.

This revised limitation will be subject to regular review by the California Department of Public Health in consultation with local Departments of Public Health to assess the impact of these imposed limits on public health and provide further direction as part of a phased-in restoration of activities in places of worship.

**NOTE:** This guidance is not intended for food preparation and service, delivery of items to those in need, childcare and daycare services, school and educational activities, in-home caregiving, counseling, office work, and other activities that places and organizations of worship may provide. Organizations that perform these activities must follow applicable guidance on the [COVID-19 Resilience Roadmap website](#).

The guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.<sup>1</sup> Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues. Cal/OSHA has more safety and health guidance on their Cal/OSHA Guidance on Requirements to Protect Workers from Coronavirus [webpage](#). The CDC has additional guidance [for community- and faith-based organizations](#).

## Required Use of Face Coverings

On June 18, CDPH issued [Guidance on the Use of Face Coverings](#), which broadly requires the use of face coverings for both members of the public and workers in all public and workplace settings where there is a high risk of exposure.

People in California must wear face coverings when they are engaged in work,

whether at the workplace or performing work off-site, when:

- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance;
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.

Complete details, including all requirements and exemptions to these rules, can be found in the [guidance](#). Face coverings are strongly encouraged in other circumstances, and employers can implement additional face covering requirements in fulfilling their obligation to provide workers with a safe and healthful workplace. Employers should provide face coverings to workers or reimburse workers for the reasonable cost of obtaining them.

Employers should develop an accommodation policy for any worker who meets one of the exemptions from wearing a face covering. If a worker who would otherwise be required to wear a face covering because of frequent contact with others cannot wear one due to a medical condition, they should be provided with a non-restrictive alternative, such as a face shield with a drape attached to the bottom edge, if feasible, and if the medical condition permits it.

Businesses that are open to the public should be cognizant of the exemptions to wearing face coverings in the [CDPH Face Covering Guidance](#) and may not exclude any member of the public for not wearing a face covering if that person is complying with the [guidance](#). Businesses will need to develop policies for handling these exemptions among customers, clients, visitors, and workers.



## Workplace Specific Plan

- Establish a written, workplace-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas and all work tasks, and designate a person at each workplace to implement the plan.
- Incorporate the [CDPH Face Covering Guidance](#) into the Workplace Specific Plan and include a policy for handling exemptions.
- Identify contact information for the local health department where the workplace is located for communicating information about COVID-19 outbreaks among workers and congregants/visitors.
- Train and communicate with workers and worker representatives on the plan and make the plan available to workers and their representatives.
- Regularly evaluate workplaces for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#).
- Identify close contacts (within six feet for 15 minutes or more) of an infected worker and take steps to isolate COVID-19 positive workers and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



## Topics for Worker and Volunteer Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- The importance of not coming to work or participating in activities
  - If a worker has symptoms of COVID-19 as [described by the CDC](#),

such as a 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, vomiting, or diarrhea, OR

- If a worker was diagnosed with COVID-19 and has not yet been released from isolation, OR
- If within the past 14 days, a worker has had contact with someone who has been diagnosed with COVID-19 and is considered potentially infectious (i.e. still on isolation).
- To return to work after a worker receives a COVID-19 diagnosis only if 10 days have passed since symptoms first appeared, their symptoms have improved, and the worker has had no fevers (without the use of fever reducing medications) for the last 72 hours. A worker without symptoms who was diagnosed with COVID-19 can return to work only if 10 days have passed since the date of the first positive COVID-19 test.
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol or 70% isopropanol when workers cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
  - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - Face coverings must cover the nose and mouth.
  - Workers should wash or sanitize hands before and after using or adjusting face coverings.
  - Avoid touching the eyes, nose, and mouth.
  - Face coverings must not be shared and should be washed or discarded after each shift.
- Information contained in the [CDPH Guidance for the Use of Face](#)

[Coverings](#), which mandates the circumstances in which face coverings must be worn and the exemptions, as well as any policies, work rules, and practices the employer has adopted to ensure the use of face coverings. Training should also include the employer's policies on how people who are exempted from wearing a face covering will be handled.

- Ensure all types of workers including temporary, independent contractors, and volunteer workers are also properly trained in COVID-19 prevention policies and have necessary PPE. Discuss these responsibilities ahead of time with organizations supplying temporary, contract, and/or volunteer staff.
- Information on paid leave benefits the worker may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and worker's compensation for COVID- 19](#), including worker's sick leave rights under the [Families First Coronavirus Response Act](#) and worker's rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive Order N-62-20 while that Order is in effect](#).



## Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker and/or volunteer leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Worker Training section above.
- Encourage workers and congregants/visitors who are sick or exhibiting symptoms of COVID-19, or who have family members who are ill, to stay home.
- Employers must provide and ensure workers and volunteers use all required protective equipment, including eye protection and gloves, where necessary.
- Places of worship should consider where disposable gloves use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items. All workers and volunteers should wear gloves when handling items contaminated by body fluids.

- Workers, volunteers, etc., should not enter the home or visit someone who has tested positive for, exhibited symptoms of, or has been in contact with someone infected with COVID-19 for an appropriate waiting period as [described by CDC guidelines](#).
- Places of worship must take reasonable measures, including posting signage in strategic and highly-visible locations and in reservation confirmations, to remind congregants and visitors that they must use face coverings and practice physical distancing and should frequently wash their hands with soap for at least 20 seconds, use hand sanitizer, and not touch their face.
- Use social media, website, texts, email, newsletters, etc., to communicate the steps being taken to protect congregants/visitors and workers so that they are familiar with the policies (including to stay home if experiencing symptoms or are at increased risk of becoming sick, face coverings, physical distancing, handwashing and/or sanitizing, and cough etiquette), before arriving at the facility. Workers and volunteers are strongly encouraged to remind congregants/visitors of these practices with announcements during services or on welcoming guests.
- Remind congregants and visitors in advance to bring a face covering and make them available to anyone who arrives without one, if possible.
- Congregants/visitors should be screened for temperature and/or symptoms upon arrival to places of worship and asked to use hand sanitizer.



## Cleaning and Disinfecting Protocols

- Perform thorough cleaning of high traffic areas such as lobbies, halls, chapels, meeting rooms, offices, libraries, and study areas and areas of ingress and egress including stairways, stairwells, handrails, and elevator controls. Frequently disinfect commonly used surfaces including doorknobs, toilets, handwashing facilities, pulpits and podiums, donation boxes or plates, altars, and pews and seating areas.
- Establish frequent cleaning and disinfection of personal work areas such as desks and cubicles and supply the necessary cleaning products. Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the workers' job duties.
- Discourage sharing items used in worship and services (such as prayer books, cushions, prayer rugs, etc.) whenever possible and provide single-use or digital copies or ask congregants/visitors to bring personal items

instead. Avoid sharing work equipment and supplies, such as phones, office equipment, computers, etc., wherever possible. Never share PPE.

- Where such items must be shared, disinfect between shifts or uses, whichever is more frequent, including the following: shared office equipment (copiers, fax machines, printers, telephones, keyboards, staplers, etc.) and shared worship items, etc., with a cleaner appropriate for the surface.
- Ensure that sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed. Consider more frequently cleaning and disinfecting handwashing facilities that are used more often. Use signage to reinforce handwashing.
- Disinfect microphones and stands, music stands, instruments and other items on pulpits and podiums between each use. Consult equipment manufacturers to determine appropriate disinfection steps, particularly for soft, porous surfaces such as foam mufflers.
- Consider using disposable seat covers for congregants/visitors, particularly on porous surfaces or where a facility has multiple daily services. Discard and replace seat covers between each use. Provide disposable or washable covers on pillows used as seating on floors and change/wash them after each use.
- Install hand sanitizer dispensers, touchless whenever possible, at entrances and contact areas such as meeting rooms, lobbies, and elevator landings.
- When choosing disinfecting chemicals, establishments should use products approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved](#) list and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide workers training on the chemical hazards, manufacturer's directions, ventilation requirements, and Cal/OSHA requirements for safe use. Workers and volunteers using cleaners or disinfectants should wear gloves or other protective equipment as required by the product instructions. Follow the [asthma-safer cleaning methods recommended by the California Department of Public Health and ensure proper ventilation](#).
- Wash religious garments and linens after each service or event, at the highest water setting possible. Ask congregants/visitors to bring their own storage bags for personal garments and shoes. Workers, congregants, and visitors should wear gloves when handling others' dirty linens, shoes, etc.

- Discontinue passing offering plates and similar items that move between people. Use alternative giving options such as secure drop boxes that do not require opening/closing and can be cleaned and disinfected. Consider implementing digital systems that allow congregants/visitors to make touch-free offerings.
- Mark walking paths between spaces designated for congregants/visitors to sit/kneel so that people do not walk where someone may touch their head to the floor.
- During meetings and services, introduce fresh outside air, for example by opening doors/windows (weather permitting) and operating ventilation systems.
- Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air. Use a vacuum with a HEPA filter wherever possible.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in worship areas, offices, and other spaces.



## Physical Distancing Guidelines

- Places of worship should continue to provide services through alternative methods (such as via internet live and/or recorded streaming, telephone, drive-in, etc.) whenever possible.
- Consider holding in-person meetings and providing in-person services outside whenever possible.
- Implement measures to ensure physical distancing of at least six feet between workers and congregants/visitors, etc. This can include use of physical partitions or visual cues (e.g., floor or pew markings or signs to indicate where people should sit and stand). Reconfigure seating and standing areas to maintain physical distancing of six feet or more between congregants/visitors from different households. Consider limiting seating to alternate rows. Members of the same household may be seated together but should maintain at least six feet of distance from other households.
- Consider dedicating workers to help people maintain distances during activities.
- Shorten services to limit the length of time congregants/visitors spend at facilities whenever possible. This could include limiting speeches, asking congregants/visitors to put on garments at home before arrival, etc.

- Close places of worship for visitation outside of scheduled services, meetings, etc., whenever possible.
- Consider implementing a reservation system to limit the number of congregants/visitors attending facilities at a time. This can include the use of digital platforms or other types of tools.
- Encourage congregants/visitors to meet with the same group, particularly when services meet frequently and/or require a certain number of people to be present. This can reduce the spread of transmission by minimizing the number of different individuals who come into close contact with each other.
- Consider offering additional meeting times (per day or per week) so that fewer guests attend meetings and services at one time. Clean meeting areas between each use as described in this guidance.
- Discontinue large gatherings that encourage congregants/visitors to travel and break physical distances during activities, such as concerts, large holiday and life event celebrations and remembrances.
- Children should remain in the care of those in their household unit and not interact with children of other parties at any time while visiting facilities. Close play areas and discontinue activities and services for children where physical distancing of at least six feet cannot be maintained.
- Encourage congregants/visitors to physically distance themselves from others outside their household, avoid touching surfaces, and to leave the facility if they do not feel well.
- Consider limiting touching for religious and/or cultural purposes, such as holding hands, to members of the same household.
- Dedicate workers to direct guests to meeting rooms upon entry to places of worship rather than congregating in lobbies or common areas. Consider using ushers to help people find places to sit and stand that are at least six feet apart from other guests/household groups. Ask congregants/visitors to arrive and leave in a single group to minimize crossflow of people. Welcome and dismiss congregants/visitors from altars, podiums, meeting rooms, etc. in an orderly way to maintain physical distancing and minimize crossflow of traffic, to the extent possible.
- Prop or hold doors open during peak periods when congregants/visitors are entering and exiting facilities, if possible and in accordance with security and safety protocols.
- Close or restrict common areas, such as break rooms, kitchenettes, foyers,

etc. where people are likely to congregate and interact. Consider installing barriers or increase physical distance between tables/seating when there is continued use of these areas.

- Remove from service or find low-community touch alternatives for communal/religious water containers such as fonts, sinks, and vessels. Empty and change water between uses. Where there is a possibility of contaminant splash, workers, congregants, visitors, etc., are strongly encouraged to use equipment to protect the eyes, nose, and mouth using a combination of face coverings, protective glasses, and/or face shields. Reusable protective equipment such as shields and glasses should be properly disinfected between uses.
- When washing is a required activity, modify practices whenever possible to limit splashing and the need to clean and disinfect washing facilities. Encourage necessary washing to be performed at home prior to entering a facility, if possible.
- Reconfigure podiums and speaker areas, office spaces, meeting rooms, conference rooms, etc., to allow for at least six feet between people.
- Establish directional hallways and passageways for foot traffic, if possible, and designate separate routes for entry and exit into meeting rooms, offices, etc., to help maintain physical distancing and lessen the instances of people closely passing each other.
- Limit the number of individuals riding in an elevator at a time. Post signage regarding these policies.
- Utilize practices, when feasible and necessary, to limit the number of workers and congregants/visitors in office, meeting spaces, etc., at one time. This may include scheduling (e.g. staggering start/end times), establishing alternating days for onsite reporting, returning to places of worship in phases, or continued use of telework when feasible.
- Consider offering workers and volunteers who request modified duties options that minimize their contact with congregants/visitors and other workers (e.g., office duties rather than working as an usher or managing administrative needs through telework).
- Stagger worker breaks, in compliance with wage and hour regulations, to maintain physical distancing protocols.
- Discontinue nonessential travel and encourage distance meetings via phone and internet.
- Close self-service item selection such as pamphlet displays and bookshelves and provide these items to congregants/visitors individually as necessary. Consider delivering items and information electronically.

- Consider limiting the number of people that use the restroom at one time to allow for physical distancing.
- Discourage workers, congregants, visitors, etc., from engaging in handshakes, hugs, and similar greetings that break physical distance. Take reasonable measures to remind people to wave or use other greetings.
- Reconfigure parking lots to limit congregation points and ensure proper separation (e.g., closing every other space). If performing drive-in services, ensure vehicle windows and doors are closed if six feet of distance is not possible between vehicles.
- Continue to support non-in person attendance of services and other related activities by those who are vulnerable to COVID-19 including older adults and those with co-morbidities.



## Considerations for Places of Worship

- Discontinue offering self-service food and beverages. Do not hold potlucks or similar family-style eating and drinking events that increase the risk of cross contamination. If food and beverages must be served, provide items in single-serve, disposable containers whenever possible. Workers or volunteers serving food should wash hands frequently and wear disposable gloves.
- Discontinue singing (in rehearsals, services, etc.), chanting, and other practices and performances where there is increased likelihood for transmission from contaminated exhaled droplets. Consider practicing these activities through alternative methods (such as internet streaming) that ensure individual congregation members perform these activities separately in their own homes.
- Consider modifying practices that are specific to particular faith traditions that might encourage the spread of COVID-19. Examples are discontinuing kissing of ritual objects, allowing rites to be performed by fewer people, avoiding the use of a common cup, offering communion in the hand instead of on the tongue, providing pre-packed communion items on chairs prior to service, etc., in accordance with [CDC guidelines](#).



## Considerations for Funerals

- Consider reduced visitor capacity and stagger visitation times at funerals, wakes, etc., if possible. Follow all cleaning and disinfection measures as described in this guidance. Whenever possible, remind visitors to maintain physical distance from each other, from workers and volunteers, and from the deceased.
- Consider modifying religious or cultural practices when washing or shrouding bodies of those who have died from COVID-19, in accordance with guidance from [CDPH](#) and the [CDC](#). If washing the body or shrouding are important religious or cultural practices, work with funeral home staff and families to reduce exposure as much as possible. All people participating in these activities must wear disposable gloves and if there will be splashing of fluids, people must use additional protective equipment including protection for the eyes, nose, and mouth, such as face shields.
- Consult and comply with local guidance regarding limits on gathering sizes, travel, holding funerals for those who died from COVID-19, etc.
- Consider other recommendations and modifications of services related to places of worship outlined above, as applicable for funeral services.

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<sup>1</sup>Additional requirements must be considered for vulnerable populations. Places of worship must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, places of worship must be prepared to alter their operations as those guidelines change.





# COVID-19 INDUSTRY GUIDANCE:

## Places of Worship and Providers of Religious Services and Cultural Ceremonies

July 6, 2020

[covid19.ca.gov](https://covid19.ca.gov)



## OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include places of worship, hospitals, long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by workers and volunteers (where respiratory protection is not required) and congregants/visitors,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training workers and volunteers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

## PURPOSE

This document provides guidance for places of worship and providers of religious services and cultural ceremonies (referred to collectively as “places of worship”) to support a safe, clean environment for workers, interns and trainees, volunteers, scholars, and all other types of workers as well as congregants, worshippers, visitors, etc. (referred to collectively as “visitors” or “congregants”). This guidance does not obligate places of worship to resume in-person activity. Further, it is strongly recommended that places of worship continue to facilitate remote

services and other related activities for those who are vulnerable to COVID-19 including older adults and those with co-morbidities.

Even with adherence to physical distancing, convening in a congregational setting of multiple different households to practice a personal faith carries a relatively higher risk for widespread transmission of the COVID-19 virus, and may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. In particular, activities such as singing and chanting negate the risk-reduction achieved through six feet of physical distancing.

\*Places of worship must therefore discontinue indoor singing and chanting activities and limit *indoor* attendance to 25% of building capacity or a maximum of 100 attendees, whichever is lower. Local Health Officers are advised to consider appropriate limitations on *outdoor* attendance capacities, factoring their jurisdiction's key COVID-19 health indicators. At a minimum, outdoor attendance should be limited naturally through implementation of strict physical distancing measures of a minimum of six feet between attendees from different households, in addition to other relevant protocols within this document.

This revised limitation will be subject to regular review by the California Department of Public Health in consultation with local Departments of Public Health to assess the impact of these imposed limits on public health and provide further direction as part of a phased-in restoration of activities in places of worship.

**NOTE:** This guidance is not intended for food preparation and service, delivery of items to those in need, childcare and daycare services, school and educational activities, in-home caregiving, counseling, office work, and other activities that places and organizations of worship may provide. Organizations that perform these activities must follow applicable guidance on the [COVID-19 Resilience Roadmap website](#).

The guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.<sup>1</sup> Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues. Cal/OSHA has more safety and health guidance on their Cal/OSHA Guidance on Requirements to Protect Workers from Coronavirus [webpage](#). The CDC has additional guidance [for community- and faith-based organizations](#).

## Required Use of Face Coverings

On June 18, CDPH issued [Guidance on the Use of Face Coverings](#), which broadly requires the use of face coverings for both members of the public and workers in all public and workplace settings where there is a high risk of exposure.

People in California must wear face coverings when they are engaged in work,

whether at the workplace or performing work off-site, when:

- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance;
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.

Complete details, including all requirements and exemptions to these rules, can be found in the [guidance](#). Face coverings are strongly encouraged in other circumstances, and employers can implement additional face covering requirements in fulfilling their obligation to provide workers with a safe and healthful workplace. Employers should provide face coverings to workers or reimburse workers for the reasonable cost of obtaining them.

Employers should develop an accommodation policy for any worker who meets one of the exemptions from wearing a face covering. If a worker who would otherwise be required to wear a face covering because of frequent contact with others cannot wear one due to a medical condition, they should be provided with a non-restrictive alternative, such as a face shield with a drape attached to the bottom edge, if feasible, and if the medical condition permits it.

Businesses that are open to the public should be cognizant of the exemptions to wearing face coverings in the [CDPH Face Covering Guidance](#) and may not exclude any member of the public for not wearing a face covering if that person is complying with the [guidance](#). Businesses will need to develop policies for handling these exemptions among customers, clients, visitors, and workers.



## Workplace Specific Plan

- Establish a written, workplace-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas and all work tasks, and designate a person at each workplace to implement the plan.
- Incorporate the [CDPH Face Covering Guidance](#) into the Workplace Specific Plan and include a policy for handling exemptions.
- Identify contact information for the local health department where the workplace is located for communicating information about COVID-19 outbreaks among workers and congregants/visitors.
- Train and communicate with workers and worker representatives on the plan and make the plan available to workers and their representatives.
- Regularly evaluate workplaces for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#).
- Identify close contacts (within six feet for 15 minutes or more) of an infected worker and take steps to isolate COVID-19 positive workers and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



## Topics for Worker and Volunteer Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- The importance of not coming to work or participating in activities
  - If a worker has symptoms of COVID-19 as [described by the CDC](#),

such as a 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, vomiting, or diarrhea, OR

- If a worker was diagnosed with COVID-19 and has not yet been released from isolation, OR
- If within the past 14 days, a worker has had contact with someone who has been diagnosed with COVID-19 and is considered potentially infectious (i.e. still on isolation).
- To return to work after a worker receives a COVID-19 diagnosis only if 10 days have passed since symptoms first appeared, their symptoms have improved, and the worker has had no fevers (without the use of fever reducing medications) for the last 72 hours. A worker without symptoms who was diagnosed with COVID-19 can return to work only if 10 days have passed since the date of the first positive COVID-19 test.
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol or 70% isopropanol when workers cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
  - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - Face coverings must cover the nose and mouth.
  - Workers should wash or sanitize hands before and after using or adjusting face coverings.
  - Avoid touching the eyes, nose, and mouth.
  - Face coverings must not be shared and should be washed or discarded after each shift.
- Information contained in the [CDPH Guidance for the Use of Face](#)

[Coverings](#), which mandates the circumstances in which face coverings must be worn and the exemptions, as well as any policies, work rules, and practices the employer has adopted to ensure the use of face coverings. Training should also include the employer's policies on how people who are exempted from wearing a face covering will be handled.

- Ensure all types of workers including temporary, independent contractors, and volunteer workers are also properly trained in COVID-19 prevention policies and have necessary PPE. Discuss these responsibilities ahead of time with organizations supplying temporary, contract, and/or volunteer staff.
- Information on paid leave benefits the worker may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and worker's compensation for COVID- 19](#), including worker's sick leave rights under the [Families First Coronavirus Response Act](#) and worker's rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive Order N-62-20 while that Order is in effect](#).



## Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker and/or volunteer leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Worker Training section above.
- Encourage workers and congregants/visitors who are sick or exhibiting symptoms of COVID-19, or who have family members who are ill, to stay home.
- Employers must provide and ensure workers and volunteers use all required protective equipment, including eye protection and gloves, where necessary.
- Places of worship should consider where disposable gloves use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items. All workers and volunteers should wear gloves when handling items contaminated by body fluids.

- Workers, volunteers, etc., should not enter the home or visit someone who has tested positive for, exhibited symptoms of, or has been in contact with someone infected with COVID-19 for an appropriate waiting period as [described by CDC guidelines](#).
- Places of worship must take reasonable measures, including posting signage in strategic and highly-visible locations and in reservation confirmations, to remind congregants and visitors that they must use face coverings and practice physical distancing and should frequently wash their hands with soap for at least 20 seconds, use hand sanitizer, and not touch their face.
- Use social media, website, texts, email, newsletters, etc., to communicate the steps being taken to protect congregants/visitors and workers so that they are familiar with the policies (including to stay home if experiencing symptoms or are at increased risk of becoming sick, face coverings, physical distancing, handwashing and/or sanitizing, and cough etiquette), before arriving at the facility. Workers and volunteers are strongly encouraged to remind congregants/visitors of these practices with announcements during services or on welcoming guests.
- Remind congregants and visitors in advance to bring a face covering and make them available to anyone who arrives without one, if possible.
- Congregants/visitors should be screened for temperature and/or symptoms upon arrival to places of worship and asked to use hand sanitizer.



## Cleaning and Disinfecting Protocols

- Perform thorough cleaning of high traffic areas such as lobbies, halls, chapels, meeting rooms, offices, libraries, and study areas and areas of ingress and egress including stairways, stairwells, handrails, and elevator controls. Frequently disinfect commonly used surfaces including doorknobs, toilets, handwashing facilities, pulpits and podiums, donation boxes or plates, altars, and pews and seating areas.
- Establish frequent cleaning and disinfection of personal work areas such as desks and cubicles and supply the necessary cleaning products. Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the workers' job duties.
- Discourage sharing items used in worship and services (such as prayer books, cushions, prayer rugs, etc.) whenever possible and provide single-use or digital copies or ask congregants/visitors to bring personal items

instead. Avoid sharing work equipment and supplies, such as phones, office equipment, computers, etc., wherever possible. Never share PPE.

- Where such items must be shared, disinfect between shifts or uses, whichever is more frequent, including the following: shared office equipment (copiers, fax machines, printers, telephones, keyboards, staplers, etc.) and shared worship items, etc., with a cleaner appropriate for the surface.
- Ensure that sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed. Consider more frequently cleaning and disinfecting handwashing facilities that are used more often. Use signage to reinforce handwashing.
- Disinfect microphones and stands, music stands, instruments and other items on pulpits and podiums between each use. Consult equipment manufacturers to determine appropriate disinfection steps, particularly for soft, porous surfaces such as foam mufflers.
- Consider using disposable seat covers for congregants/visitors, particularly on porous surfaces or where a facility has multiple daily services. Discard and replace seat covers between each use. Provide disposable or washable covers on pillows used as seating on floors and change/wash them after each use.
- Install hand sanitizer dispensers, touchless whenever possible, at entrances and contact areas such as meeting rooms, lobbies, and elevator landings.
- When choosing disinfecting chemicals, establishments should use products approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved](#) list and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide workers training on the chemical hazards, manufacturer's directions, ventilation requirements, and Cal/OSHA requirements for safe use. Workers and volunteers using cleaners or disinfectants should wear gloves or other protective equipment as required by the product instructions. Follow the [asthma-safer cleaning methods recommended by the California Department of Public Health and ensure proper ventilation](#).
- Wash religious garments and linens after each service or event, at the highest water setting possible. Ask congregants/visitors to bring their own storage bags for personal garments and shoes. Workers, congregants, and visitors should wear gloves when handling others' dirty linens, shoes, etc.

- Discontinue passing offering plates and similar items that move between people. Use alternative giving options such as secure drop boxes that do not require opening/closing and can be cleaned and disinfected. Consider implementing digital systems that allow congregants/visitors to make touch-free offerings.
- Mark walking paths between spaces designated for congregants/visitors to sit/kneel so that people do not walk where someone may touch their head to the floor.
- During meetings and services, introduce fresh outside air, for example by opening doors/windows (weather permitting) and operating ventilation systems.
- Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air. Use a vacuum with a HEPA filter wherever possible.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in worship areas, offices, and other spaces.



## Physical Distancing Guidelines

- Places of worship should continue to provide services through alternative methods (such as via internet live and/or recorded streaming, telephone, drive-in, etc.) whenever possible.
- Consider holding in-person meetings and providing in-person services outside whenever possible.
- Implement measures to ensure physical distancing of at least six feet between workers and congregants/visitors, etc. This can include use of physical partitions or visual cues (e.g., floor or pew markings or signs to indicate where people should sit and stand). Reconfigure seating and standing areas to maintain physical distancing of six feet or more between congregants/visitors from different households. Consider limiting seating to alternate rows. Members of the same household may be seated together but should maintain at least six feet of distance from other households.
- Consider dedicating workers to help people maintain distances during activities.
- Shorten services to limit the length of time congregants/visitors spend at facilities whenever possible. This could include limiting speeches, asking congregants/visitors to put on garments at home before arrival, etc.

- Close places of worship for visitation outside of scheduled services, meetings, etc., whenever possible.
- Consider implementing a reservation system to limit the number of congregants/visitors attending facilities at a time. This can include the use of digital platforms or other types of tools.
- Encourage congregants/visitors to meet with the same group, particularly when services meet frequently and/or require a certain number of people to be present. This can reduce the spread of transmission by minimizing the number of different individuals who come into close contact with each other.
- Consider offering additional meeting times (per day or per week) so that fewer guests attend meetings and services at one time. Clean meeting areas between each use as described in this guidance.
- Discontinue large gatherings that encourage congregants/visitors to travel and break physical distances during activities, such as concerts, large holiday and life event celebrations and remembrances.
- Children should remain in the care of those in their household unit and not interact with children of other parties at any time while visiting facilities. Close play areas and discontinue activities and services for children where physical distancing of at least six feet cannot be maintained.
- Encourage congregants/visitors to physically distance themselves from others outside their household, avoid touching surfaces, and to leave the facility if they do not feel well.
- Consider limiting touching for religious and/or cultural purposes, such as holding hands, to members of the same household.
- Dedicate workers to direct guests to meeting rooms upon entry to places of worship rather than congregating in lobbies or common areas. Consider using ushers to help people find places to sit and stand that are at least six feet apart from other guests/household groups. Ask congregants/visitors to arrive and leave in a single group to minimize crossflow of people. Welcome and dismiss congregants/visitors from altars, podiums, meeting rooms, etc. in an orderly way to maintain physical distancing and minimize crossflow of traffic, to the extent possible.
- Prop or hold doors open during peak periods when congregants/visitors are entering and exiting facilities, if possible and in accordance with security and safety protocols.
- Close or restrict common areas, such as break rooms, kitchenettes, foyers,

etc. where people are likely to congregate and interact. Consider installing barriers or increase physical distance between tables/seating when there is continued use of these areas.

- Remove from service or find low-community touch alternatives for communal/religious water containers such as fonts, sinks, and vessels. Empty and change water between uses. Where there is a possibility of contaminant splash, workers, congregants, visitors, etc., are strongly encouraged to use equipment to protect the eyes, nose, and mouth using a combination of face coverings, protective glasses, and/or face shields. Reusable protective equipment such as shields and glasses should be properly disinfected between uses.
- When washing is a required activity, modify practices whenever possible to limit splashing and the need to clean and disinfect washing facilities. Encourage necessary washing to be performed at home prior to entering a facility, if possible.
- Reconfigure podiums and speaker areas, office spaces, meeting rooms, conference rooms, etc., to allow for at least six feet between people.
- Establish directional hallways and passageways for foot traffic, if possible, and designate separate routes for entry and exit into meeting rooms, offices, etc., to help maintain physical distancing and lessen the instances of people closely passing each other.
- Limit the number of individuals riding in an elevator at a time. Post signage regarding these policies.
- Utilize practices, when feasible and necessary, to limit the number of workers and congregants/visitors in office, meeting spaces, etc., at one time. This may include scheduling (e.g. staggering start/end times), establishing alternating days for onsite reporting, returning to places of worship in phases, or continued use of telework when feasible.
- Consider offering workers and volunteers who request modified duties options that minimize their contact with congregants/visitors and other workers (e.g., office duties rather than working as an usher or managing administrative needs through telework).
- Stagger worker breaks, in compliance with wage and hour regulations, to maintain physical distancing protocols.
- Discontinue nonessential travel and encourage distance meetings via phone and internet.
- Close self-service item selection such as pamphlet displays and bookshelves and provide these items to congregants/visitors individually as necessary. Consider delivering items and information electronically.

- Consider limiting the number of people that use the restroom at one time to allow for physical distancing.
- Discourage workers, congregants, visitors, etc., from engaging in handshakes, hugs, and similar greetings that break physical distance. Take reasonable measures to remind people to wave or use other greetings.
- Reconfigure parking lots to limit congregation points and ensure proper separation (e.g., closing every other space). If performing drive-in services, ensure vehicle windows and doors are closed if six feet of distance is not possible between vehicles.
- Continue to support non-in person attendance of services and other related activities by those who are vulnerable to COVID-19 including older adults and those with co-morbidities.



## Considerations for Places of Worship

- Discontinue offering self-service food and beverages. Do not hold potlucks or similar family-style eating and drinking events that increase the risk of cross contamination. If food and beverages must be served, provide items in single-serve, disposable containers whenever possible. Workers or volunteers serving food should wash hands frequently and wear disposable gloves.
- Discontinue singing (in rehearsals, services, etc.), chanting, and other practices and performances where there is increased likelihood for transmission from contaminated exhaled droplets. Consider practicing these activities through alternative methods (such as internet streaming) that ensure individual congregation members perform these activities separately in their own homes.
- Consider modifying practices that are specific to particular faith traditions that might encourage the spread of COVID-19. Examples are discontinuing kissing of ritual objects, allowing rites to be performed by fewer people, avoiding the use of a common cup, offering communion in the hand instead of on the tongue, providing pre-packed communion items on chairs prior to service, etc., in accordance with [CDC guidelines](#).



## Considerations for Funerals

- Consider reduced visitor capacity and stagger visitation times at funerals, wakes, etc., if possible. Follow all cleaning and disinfection measures as described in this guidance. Whenever possible, remind visitors to maintain physical distance from each other, from workers and volunteers, and from the deceased.
- Consider modifying religious or cultural practices when washing or shrouding bodies of those who have died from COVID-19, in accordance with guidance from [CDPH](#) and the [CDC](#). If washing the body or shrouding are important religious or cultural practices, work with funeral home staff and families to reduce exposure as much as possible. All people participating in these activities must wear disposable gloves and if there will be splashing of fluids, people must use additional protective equipment including protection for the eyes, nose, and mouth, such as face shields.
- Consult and comply with local guidance regarding limits on gathering sizes, travel, holding funerals for those who died from COVID-19, etc.
- Consider other recommendations and modifications of services related to places of worship outlined above, as applicable for funeral services.

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<sup>1</sup>Additional requirements must be considered for vulnerable populations. Places of worship must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, places of worship must be prepared to alter their operations as those guidelines change.





SONIA Y. ANGELL, MD, MPH  
State Public Health Officer & Director

State of California—Health and Human Services Agency  
**California Department of Public Health**



GAVIN NEWSOM  
Governor

**Statewide Public Health Officer Order,  
July 13, 2020**

On March 19, 2020, I issued an [order](#) directing all individuals living in the State of California to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure sectors. I then set out California's path forward from this "Stay-at-Home" Order in California's [Pandemic Resilience Roadmap](#). On May 7<sup>th</sup>, I [announced](#) that statewide data supported the gradual movement of the entire state into Stage 2 of the Pandemic Resilience Roadmap. On May 8<sup>th</sup>, the Governor outlined a process where counties that met specific criteria could move more quickly than other parts of the state through Stage 2 of modifying the Stay-at-Home order, including certain businesses deemed higher risk.

The statewide data has since demonstrated a significant increase in the spread of COVID-19, resulting in public health conditions that demand measures responsive to those conditions be put into place with haste. On June 28, 2020, the California Department of Public Health (CDPH) issued [guidance](#) setting forth the need to close bars and similar establishments in counties that – due to concerning levels of disease transmission, hospitalizations, or insufficient testing – had been on the County Monitoring List, which includes counties that show concerning levels of disease transmission, hospitalizations, insufficient testing, or other critical epidemiological markers, for 14 days. On July 1, 2020, CDPH issued [guidance](#) specific to counties on the County Monitoring List for three consecutive days, requiring closure of the indoor operations of various sectors, including restaurants, wineries, and certain entertainment venues, as well as all bars indoor and outdoor. Based on my judgment as the State Public Health Officer, it is now necessary to take these steps statewide, to take additional steps for counties on the County Monitoring List, and to continue to monitor and modify the process of reopening.

The current data reflect that community spread of infection is of increasing concern across the state. On July 1, 2020, there were 19 counties on the County Monitoring List. As of July 13, 2020, there are 32 counties on the list, and additional counties may soon be added as data warrants. In addition to 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 these vulnerable populations in these settings can be catastrophic. 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.

The Pandemic Resilience Roadmap classifies bars, pubs, breweries, brewpubs, dine-in restaurants, wineries and tasting rooms, family entertainment centers, zoos, museums, and cardrooms as Stage 2 or Stage 3 sectors with high risk of transmission due to a number of features of the businesses and the behaviors that occur within them. Public health studies have shown that the risk of transmission is exacerbated in indoor spaces, particularly when lacking appropriate ventilation. These sectors are settings where groups convene and may mix with others for a prolonged period of time, increasing the risk of escalating the transmission rate of COVID-19. While physical distancing is critical to mitigating exposure, it is more effective at protecting an individual with brief exposures or outdoor exposures. In contrast to indoor spaces, wind and the viral dilution in outdoor spaces can help reduce viral load.

Bars, both indoor and outdoor, have additional risk factors. A bar, foundationally, is a social setting where typically not only small groups convene, but also where groups mix with other groups. Bars also have an added risk imposed by the consumption of alcohol as a primary activity offered in such venues. 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 in different households, both indoors and outdoors. Louder environments and the cacophony of conversation that are typical in bar settings also require raised voices and greater projection of orally emitted viral droplets.

For counties on the County Monitoring List, the risks and impacts of disease transmission are even greater. The science suggests that for indoor operations the odds of an infected person transmitting the virus are dramatically higher compared to an open-air environment. Thus, for those counties on the list, it is necessary to close indoor operations for additional sectors which promote the closed-space mixing of populations beyond households and/or make adherence to physical distancing with face coverings difficult, including: gyms and fitness centers, places of worship, protests, offices for non-Critical Infrastructure sectors as designated on covid19.ca.gov, personal care services (including nail salons, massage parlors, and tattoo parlors), hair salons and barbershops, and malls.

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**NOW, THEREFORE, I, as State Public Health Officer and Director of the California Department of Public Health, order all of the following:**

**Statewide Order Relative to Bars, Pubs, Brewpubs, and Breweries**

1. Bars, pubs, brewpubs, and breweries, whether operating indoors or outdoors, shall be closed across the state, unless an exception below applies.

- a. Bars, pubs, brewpubs, and breweries, may operate outdoors if they are offering sit-down, outdoor, dine-in meals. Alcohol can be sold only in the same transaction as a meal. When operating outdoors, they must follow the [dine-in restaurant guidance](#) and should continue to encourage takeout and delivery service whenever possible.
- b. Bars, pubs, brewpubs, and breweries that do not provide sit-down meals themselves, but can contract with another vendor to do so, can serve dine-in meals when operating outdoors provided both businesses follow the [dine-in restaurant guidance](#) and alcohol is sold only in the same transaction as a meal.
- c. Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals must follow the [guidance for retail operations](#) and offer curbside sales only.
- d. Concert, performance, or entertainment venues must remain closed until they are allowed to resume modified or full operation through a specific reopening order or guidance. Establishments that serve full meals must discontinue this type of entertainment until these types of activities are allowed to resume modified or full operation.

2. Indoor operations shall be restricted across the state as specified below:

- a. Dine-in restaurants must close indoor seating to customers. During this closure all dine-in restaurants may continue to utilize outdoor seating and must comply with the [guidance for outdoor dining](#). Restaurants should continue to encourage takeout and delivery service whenever possible.
- b. Wineries and tasting rooms must close indoor services to customers. During this closure all wineries and tasting rooms operating outdoors must comply with the [guidance for restaurants, wineries, and bars](#).
- c. Family entertainment centers and movie theaters must close indoor services and attractions to customers.
  1. Family entertainment centers may continue to provide outdoor services and attractions to customers, and must comply with the guidance for [movie theaters and family entertainment centers](#).

2. Drive-in movie theaters may continue to operate and should follow additional applicable guidance for [drive-in movie theaters](#).
- d. Indoor attractions at zoos and museums must close to visitors.
  1. Zoos and museums may continue to operate outdoor attractions and must follow the [guidance for zoos and museums](#).
- e. Cardrooms must close indoor services to customers and must follow the [guidance for cardrooms](#).

### **Order for Closure of Additional Indoor Sectors for Counties on Monitoring List**

3. Counties that currently appear on CDPH's County Monitoring List and have been on the list for three consecutive days, and counties that subsequently appear for three consecutive days or more while this order remains effective, must close all indoor operations of the following types of businesses/events/activities:

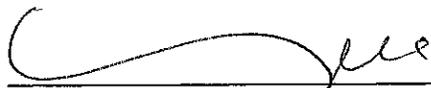
- a. Gyms and Fitness Centers
- b. Places of Worship
- c. Protests
- d. Offices for [Non-Critical Infrastructure Sectors](#)
- e. Personal Care Services (including nail salons, massage parlors, and tattoo parlors)
- f. Hair salons and barbershops
- g. Malls

### **Terms of Orders**

4. This order shall go into effect immediately.
5. These closures shall remain in effect until I determine it is appropriate to modify the order based on public health conditions.
6. Outdoor operations may be conducted under a tent, canopy, or other sun shelter but only as long as no more than one side is closed, allowing sufficient outdoor air movement.
7. I will continue to monitor the epidemiological data and will modify the sectors that may be open both statewide and in counties on the Monitoring List as required by the evolving public health conditions. If I determine that it is appropriate to reopen, close, or modify the operations of any additional sectors, those sectors will be posted at: <https://covid19.ca.gov/roadmap-counties/>.
8. My [guidance](#) mandating the wearing of face coverings and my [guidance](#) prohibiting gatherings continue to apply statewide, except as specifically permitted in other orders or guidance documents. To prevent further spread of COVID-19 to and within other

jurisdictions within the State, Californians should not travel significant distances and should stay close to home.

9. This order is issued pursuant to the authority under EO N-60-20, and Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120150, 120175, 120195 and 131080.



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Sonia Y Angell, MD, MPH  
State Public Health Officer & Director  
California Department of Public Health

# STATE OF INDIANA

## EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 20-08

FOR: DIRECTIVE FOR HOOSIERS TO STAY AT HOME

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

**WHEREAS,** on March 6, 2020, I issued Executive Order 20-02, which declared that a public health emergency exists throughout the State of Indiana as result of the coronavirus disease 2019 (“COVID-19”) outbreak in the United States and a confirmed report that a single Hoosier, living in one county, had contracted the virus;

**WHEREAS,** since then, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic, and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

**WHEREAS,** as of the date of this Executive Order, the virus has now spread to more than forty (40) counties throughout Indiana and caused several deaths, with these numbers expected to increase in the days ahead;

**WHEREAS,** on March 16, 2020, I issued Executive Order 20-04 which, among other things: (a) established that Indiana would adhere to the guidance of the Centers for Disease Control & Prevention (“CDC”) for large events and gatherings; (b) encouraged all Indiana residents to heed the advice of the CDC, the Indiana State Department of Health (“ISDH”), the Indiana Department of Homeland Security (“IDHS”), as well as other healthcare and emergency officials in connection with this public health emergency; and (c) proclaimed it to be the duty of every person in our State and every entity doing business in Indiana, including all governmental bodies, agencies, authorities and officials of any nature, to cooperate fully with the Commissioner of the ISDH and the Executive Director of IDHS on all matters concerning this public health emergency;

**WHEREAS,** despite significant steps being taken in our State, this virus remains a serious threat to the health, safety, and welfare of all residents of Indiana, and further efforts are needed to address, control, and reduce the evolving threat posed by COVID-19;

**WHEREAS,** as Governor, I have broad authority and powers under Indiana law to declare and respond to public health emergencies on behalf of our State, including, but not limited to: (a) making, amending, and rescinding the necessary orders, rules, and regulations to carry out Indiana’s Emergency Management & Disaster Law and its purposes, Ind. Code ch. 10-14-3 (the “Emergency Disaster Law”); (b) employing any measure and giving any direction to the ISDH and local boards of health as is reasonably necessary for securing compliance with the Emergency Disaster Law or with the findings or recommendations of the ISDH or local boards of health because of conditions arising from the actual or threatened emergency; and (c) controlling ingress to and egress from a disaster area (here, the entire State of Indiana), the movement of persons within said area, and the occupancy of premises in said area;

**WHEREAS,** the ISDH, which reports to me as the Governor, also has broad legal authority and powers in connection with public health emergencies (Ind. Code ch. 16-19-3), including, for example, the powers to do what is reasonable and necessary for the prevention and suppression of disease, to forbid public gatherings when necessary to prevent and stop epidemics, to bring actions in the courts for the enforcement of health laws, and all powers necessary to fulfill the duties prescribed by law; and

**WHEREAS,** in light of the above, and after consultation with and the concurrence of the ISDH and its Commissioner, it is necessary and proper to take further actions to protect the health, safety and welfare of all Hoosiers in connection with the continuing and evolving threat posed by COVID-19, as more particularly described herein;

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, do hereby order:

1. Defined Terms and Phrases

In order to properly understand the full, complete and proper meaning of this Executive Order, please read and consult the definitions of the terms and phrases which are shown by underlining and found throughout this Executive Order, as follows:

- a. Essential Activities: Page 3
- b. Essential Businesses and Operations: Pages 5-8
- c. Essential Governmental Functions: Page 5
- d. Essential Infrastructure: Pages 4-5
- e. Essential Travel: Page 8
- f. Healthcare & Public Health Operations: Page 4
- g. Human Services Operations: Page 4
- h. Minimum Basic Operations: Page 8
- i. Social Distancing Requirements: Page 9

2. Duration

This Executive Order shall be effective at 11:59 p.m. on March 24, 2020, and remain in full force and effect until 11:59 p.m. on April 6, 2020, unless the I rescind, modifies, or extend this Executive Order.

3. Stay at Home or Place of Residence

With exceptions as outlined below, all individuals currently living in the State of Indiana are ordered to stay at home or their place of residence, except as allowed in this Executive Order.

To the extent that individuals are using shared or outdoor spaces when outside of their homes or residences, they must at all times, and as much as reasonably possible, maintain social distancing of at least six (6) feet from any other person, with the exception of family or household members, consistent with the Social Distancing Requirements set forth in this Executive Order. All persons may leave their homes or residences only for Essential Activities, Essential Governmental Functions, or to participate in Essential Businesses and Operations, all as defined below.

Individuals experiencing homelessness are exempt from this provision, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as reasonably possible and to the maximum extent practicable (and to use, in their operation, COVID-19 risk mitigation practices recommended by the CDC and the ISDH).

With respect to individuals whose residences are unsafe or become unsafe, such as, by way of example, victims of domestic violence, they are expressly permitted and urged to leave their home and stay at a safe alternative location.

For purposes of this Executive Order, the terms “homes” and “residences” include hotels, motels, shared rental units, shelters, and similar facilities.

4. Non-Essential Business and Operations Must Cease

All businesses and operations in the State of Indiana, except for Essential Businesses and Operations (as defined below), are hereby required to cease all activities within the State, except, however, for Minimum Basic Operations (as defined below). For purposes of clarity, businesses (which includes home-based businesses) may also continue operations consisting exclusively of employees or contractors performing activities at their own homes or residences (i.e., working from home).

All Essential Businesses and Operations are hereby encouraged to remain open. Further, Essential Businesses and Operations shall comply with the Social Distancing Requirements defined in this Executive Order, including by maintaining six-foot social distancing for both employees and members of the general public at all times, including, but not limited to, when any customers are standing in line.

5. **Prohibited Activities**

All public and private gatherings of any number of people that occur outside of a single household or living unit, are hereby prohibited, except, however, for the limited purposes permitted by this Executive Order. Any gathering of more than ten (10) people is hereby prohibited, unless exempted by this Executive Order. This is in accordance with the President’s coronavirus guidelines issued on March 16, 2020. Nothing in this Executive Order prohibits the gathering of members of a household or residence.

All places of public amusement, whether indoors or outdoors, including, but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children’s play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs, shall be closed.

6. **Prohibited and Permitted Travel**

Only Essential Travel and Essential Activities (as defined herein) are permitted. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Executive Order allows travel into, or out of, the State of Indiana in order to maintain Essential Businesses and Operations and Minimum Basic Operations.

7. **Leaving the Home for Essential Activities is Permitted**

For purposes of this Executive Order, individuals may leave their homes or residences only to perform any of the following, which are deemed to be “Essential Activities” hereunder:

a. **For Health and Safety**

To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable or should not leave their home (including, but not limited to, pets), such as, by way of example and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

b. **For Necessary Supplies and Services**

To obtain necessary services or supplies for themselves and their family or household members or persons who are unable or should not leave their home, or to deliver those services or supplies to others, such as, by way of example and without limitation, groceries and food, household consumer products, supplies they need in order to work from home, automobile supplies (including dealers, parts, supplies, repair and maintenance), and products necessary to maintain the safety, sanitation, and/or essential operation of homes or residences.

c. **For Outdoor Activity**

To engage in outdoor activity, provided that they comply with the Social Distancing Requirements (as defined below), such as, by way of example and without limitation, walking, hiking, running, or biking. Individuals may go to public parks and open outdoor recreation areas. However, public access playgrounds may increase spread of COVID-19, and therefore shall be closed.

d. **For Certain Types of Work**

To perform work providing essential products and services at Essential Businesses or Operations (which, as defined below, includes Essential Governmental Functions, Healthcare and Public Health Operations, Human Services Operations, and Essential Infrastructure) or to otherwise carry out activities specifically permitted or allowed by this Executive Order, including Minimum Basic Operations.

e. **To Take Care of Others**

To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order.

8. Elderly People & Those Vulnerable as a Result of Illness Should Take Additional Precautions

People at high risk of severe illness from COVID-19, including elderly people and those who are sick, are urged to stay in their residence to the extent possible, except as necessary to seek medical care. Nothing in this Executive Order prevents the ISDH or local health departments from issuing and enforcing isolation and quarantine orders.

9. Healthcare and Public Health Operations

For purposes of this Executive Order, individuals may leave their residences to work for, or to obtain services through, Healthcare and Public Health Operations.

The phrase "Healthcare and Public Health Operations" includes, but is not limited to, the following: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; home healthcare services providers; mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; entities that transport and dispose of medical materials and remains; and veterinary care and all healthcare services provided to animals.

Also included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment ("PPE"), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities are not included in Healthcare and Public Health Operations.

Further, the phrase "Healthcare and Public Health Operations" shall be construed broadly in order to avoid any impacts to the delivery of healthcare, broadly defined.

10. Human Services Operations

For purposes of this Executive Order, individuals may leave their homes and residences to work for or obtain services at any Human Services Operations, including any provider funded by the ISDH, Indiana Family and Social Services Administration, Indiana Medicaid, Indiana Division of Mental Health and Addiction, Indiana Department of Child Services, Indiana Department of Veterans Affairs and other similar governmental entities, that are providing services to the general public and including state-operated, institutional, or community-based settings providing human services to the public.

The phrase "Human Services Operations" includes, but is not limited to, the following: long-term care facilities; day care centers, day care homes, group day care homes; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Further, the phrase "Human Services Operations" shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

11. Essential Infrastructure

For purposes of this Executive Order, individuals may leave their homes and residences in order to provide any services or to perform any work necessary to offer, provision, operate, maintain, and repair Essential Infrastructure.

The phrase “Essential Infrastructure” includes, but is not limited to, the following: food production, distribution, fulfillment centers, storage facilities, marinas, and sale; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, essential business construction, and housing construction); building management and maintenance; airport operations; operation and maintenance of utilities, including, for example, water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Further, the phrase “Essential Infrastructure” shall be construed broadly in order to avoid any impacts to essential infrastructure, broadly defined.

## 12. Essential Governmental Functions

For purposes of this Executive Order, all first responders, law enforcement, emergency dispatchers and management personnel, legislators, judges, court personnel, jurors and grand jurors, corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for, or to support, Essential Businesses and Operations, are hereby categorically exempt from this Executive Order.

The phrase “Essential Governmental Functions” means all services provided by the State of Indiana or any municipality, township, county, political subdivision, board, commission or agency of government and needed to ensure the continuing operation of government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Governmental Functions. Each governmental body shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions.

This Executive Order does not apply to the United States government.

## 13. Businesses Covered by this Order

For the purposes of this Executive Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.

## 14. Essential Businesses and Operations

For the purposes of this Executive Order, the phrase “Essential Businesses and Operations” means Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, as well as the following:

### a. CISA List

On March 19, 2020, the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (“CISA”), issued a *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*. The definition of Essential Businesses and Operations in this Executive Order includes all of the workers identified in that Memorandum, which may be found or accessed at the following link: <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>.

### b. Stores That Sell Groceries and Medicine

Grocery stores, pharmacies, certified farmer’s markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic and non-alcoholic beverages, any other household consumer products (such as cleaning and personal care products), and specifically includes their supply chain and administrative support operations. This includes stores that sell groceries, medicine (including medication not requiring a medical prescription), and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Operations.

c. **Food, Beverage, and Agriculture**

Food and beverage manufacturing, production, processing, cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.

d. **Organizations That Provide Charitable and Social Services**

Businesses and religious and secular non-profit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

e. **Religious Entities**

Religious facilities, entities and groups, and religious gatherings, provided they adhere to the CDC's guidance on social gatherings.

f. **Media**

Newspapers, television, radio, and other media services.

g. **Gas Stations and Businesses Needed for Transportation**

Gas stations and auto supply, auto-repair, farm equipment, construction equipment, boat repair, and related facilities, and bicycle shops and related facilities.

h. **Financial and Insurance Institutions**

Banks, currency exchanges, consumer lenders, including, but not limited to, credit unions, pawnbrokers, consumer installment lenders and sales finance lenders, title companies, appraisers, financial markets, trading and futures exchanges, payday lenders, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products. Also, insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.

i. **Hardware and Supply Stores**

Hardware stores and businesses that sell electrical, plumbing, and heating material.

j. **Critical Trades**

Building, construction, and other trades, including, but not limited to, plumbers, electricians, exterminators, operating engineers, cleaning and janitorial staff for commercial and governmental properties, security staff, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations.

k. **Mail, Post, Shipping, Logistics, Delivery, and Pick-Up Services**

Post offices and other businesses that provide shipping and delivery services, as well as businesses that ship or deliver groceries, food, goods, vehicles, alcoholic and non-alcoholic beverages, or services to end users or through commercial channels.

l. **Educational Institutions**

Educational institutions (including public and private pre-K-12 schools, colleges, and universities) for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible.

This Executive Order is consistent with, and does not amend or supersede, any prior Executive Order regarding the closure of schools.

m. Laundry Services

Laundromats, dry cleaners, industrial laundry services, as well as laundry service providers.

n. Restaurants for Consumption Off-Premises

Restaurants, bars, taverns, and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carryout. The foregoing is addressed in Executive Orders 20-04 and 20-10. The in-person dining prohibition shall be enforced under and pursuant to the process described in Executive Order 20-10.

Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Executive Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property. This Executive Order is consistent with, and does not amend or supersede, prior Executive Orders regarding the closure of restaurants.

o. Supplies to Work from Home

Businesses that sell, manufacture, or supply products needed for people to work from home.

p. Supplies for Essential Businesses and Operations

Businesses that sell, manufacture, and/or supply other Essential Businesses and Operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security.

q. Transportation

Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers necessary for the Essential Activities and other purposes expressly authorized in this Executive Order.

r. Home-Based Care and Services

Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

s. Residential Facilities and Shelters

Residential facilities and shelters for adults, seniors, children, pets, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness.

t. Professional Services

Professional services, such as legal services, accounting services, insurance services, and real estate services (including appraisal and title services).

u. **Manufacture, Distribution, and Supply Chain for Critical Products and Industries**

Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries, such as healthcare, pharmaceutical, technology, biotechnology, chemicals and sanitization, agriculture, waste pickup and disposal, food and beverage, transportation, energy, steel and steel products, petroleum, fuel, mining, construction, national defense, communications, and products used by other Essential Businesses and Operations.

v. **Critical Labor Union Functions**

Labor union essential activities, including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses and Operations, provided that these checks should be done by telephone or remotely where possible.

w. **Hotels and Motels**

Hotels and motels, to the extent they are used for lodging and delivery or carryout food services.

x. **Funeral Services**

Funeral, mortuary, cremation, burial, cemetery, and related services.

15. **Minimum Basic Operations**

For the purposes of this Executive Order, the term “Minimum Basic Operations” includes the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

- a. The minimum necessary activities to maintain the value of the business’s inventory, preserve the condition of its physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
- b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

16. **Essential Travel**

For the purposes of this Executive Order, the phrase “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements (as defined herein).

- a. Any travel that is related to the provision of, or access to, Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- d. Travel in order to return to a place of residence from outside the jurisdiction.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside of the State of Indiana. However, individuals are strongly encouraged to verify that their transportation out of Indiana remains available and functional prior to commencing such travel.

**17. Social Distancing Requirements**

For purposes of this Executive Order, the phrase “Social Distancing Requirements” shall include maintaining at least six-feet of social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. With respect to Essential Businesses and Operations as well as businesses engaged in Minimum Basic Operations, they must take proactive measures to ensure compliance with the Social Distancing Requirements, including, where possible, the following:

**a. Designate Six-Foot Distances**

Designating with signage, tape or by other means, six-feet of spacing for employees and customers in line to maintain appropriate distance.

**b. Hand Sanitizer and Sanitizing Products**

Having hand sanitizer, and sanitizing products, readily available for employees and customers.

**c. Separate Operating Hours for Vulnerable Populations**

Implementing separate operating hours for the elderly and vulnerable customers.

**d. Online and Remote Access**

Posting online whether a facility is open and how best to reach the facility and to continue services by phone or remotely.

**18. Intent of this Executive Order**

The intent of this Executive Order is to ensure that the maximum number of people self-isolate in their homes or residences to the maximum extent feasible, while also enabling essential services to continue, in order to slow the spread of COVID-19 to the greatest extent possible. When individuals need to leave their homes or residences, whether to perform Essential Activities or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times, and as much as reasonably possible, comply with the Social Distancing Requirements. All provisions of this Executive Order should be interpreted to effectuate this intent.

**19. Enforcement**

This Executive Order may be enforced by State and local law enforcement, as well as other governmental entities (such as state and local departments of health), to the extent set forth in Indiana law, including, but not limited to, the Emergency Disaster Law.

However, with respect to the in-person dining prohibition that was set forth in Executive Order 20-04, it shall be enforced pursuant to the process described in Executive Order 20-10.

**20. COVID-19 Information and Checklist for All Businesses/Employers**

All businesses and employers, whether or not they are deemed to be essential under this Executive Order, are hereby ordered to take the following actions:

- a. Allow as many employees as possible to work from home by implementing policies in areas such as teleworking and video conferencing.
- b. Actively encourage sick employees to stay home until they are free of fever (without the use of medication) for at least 72 hours (three full days) AND symptoms have improved for at least 72 hours AND at least seven days have passed since symptoms first began. Do not require a healthcare provider’s note to validate the illness or return to work of employees sick with acute respiratory illness; healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.
- c. Ensure that your sick leave policies are up to date, flexible, and non-punitive in order to allow sick employees to stay home to care for themselves, children, or other family members. Consider encouraging employees to do a self-assessment each day in order to check if they have any COVID-19 type symptoms (fever, cough, or shortness of breath).

- d. Separate employees who appear to have acute respiratory illness symptoms from other employees and send them home immediately. Restrict their access to the business until they have recovered.
- e. Reinforce key messages to all employees (including stay home when sick, use cough and sneeze etiquette, and practice hand hygiene), and place posters in areas where they are most likely to be seen. Provide protection supplies such as soap and water, hand sanitizer, tissues, and no-touch disposal receptacles for use by employees.
- f. Frequently perform enhanced environmental cleaning of commonly-touched surfaces, such as workstations, countertops, railings, door handles, and doorknobs. Use the cleaning agents that are usually used in these areas and follow the directions on the label. Provide disposable wipes so that commonly used surfaces can be wiped down by employees before each use.
- g. Be prepared to change business practices, if needed, in order to maintain critical operations (e.g., identify alternative suppliers, prioritize customers, or temporarily suspend some of your operations).

**21. No Limitation on Authority**

Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State, any local health department, or any other proper entity from ordering: (a) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency; or (b) any closure of a specific location for a limited period of time, including the duration of this public health emergency.

**22. Savings Clause**

If any provision of this Executive Order, or its application to any person or circumstance, is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Order are hereby declared to be severable.

This Executive Order is a supplement to, and deemed to be part of, Executive Order 20-02.

IT IS SO ORDERED.



IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 23<sup>rd</sup> day of March, 2020.

*Eric J. Holcomb*  
Eric J. Holcomb  
Governor of Indiana

*Connie Lawson*

ATTEST: Connie Lawson  
Secretary of State

**ORDER OF THE STATE HEALTH OFFICER  
SUSPENDING CERTAIN PUBLIC GATHERINGS  
DUE TO RISK OF INFECTION BY COVID-19**

**(APPLICABLE STATEWIDE)**

**AMENDED APRIL 3, 2020**

**WHEREAS** Coronavirus Disease 2019 (COVID-19) has been detected in Alabama; and

**WHEREAS** the appearance of COVID-19 in the State poses the potential of widespread exposure to an infectious agent that poses significant risk of substantial harm to a large number of people; and

**WHEREAS** the State Board of Health has designated COVID-19 to be a disease of epidemic potential, a threat to the health and welfare of the public, or otherwise of public health importance; and

**WHEREAS**, on March 13, 2020, on recommendation of the State Health Officer, Kay Ivey, Governor of the State of Alabama, declared a state public health emergency exists in the State of Alabama; and

**WHEREAS**, on March 16, 2020, the Jefferson County Health Officer, in response to a rapidly growing number of cases of COVID-19 being detected in Jefferson County, issued an order suspending certain public gatherings in that county; and

**WHEREAS**, on March 17, 2020, the State Health Officer issued a similar order for counties surrounding Jefferson, including Blount, St. Clair, Shelby, Tuscaloosa, and Walker Counties, and

**WHEREAS**, on March 19, 2020, the State Health Officer issued an order, and on March 20, 2020, and March 27, 2020, amended orders, of statewide application suspending certain public gatherings; and

**WHEREAS** further social distancing measures are necessary to be implemented on a statewide basis to prevent the spread of COVID-19; and

**WHEREAS** Ala. Code § 22-2-2(4) authorizes the State Health Officer, on behalf of the State Board of Health, to direct that conditions prejudicial to health in public places within the State be abated;

**NOW THEREFORE, THESE PREMISES CONSIDERED**, it is ordered that the following Stay at Home order be implemented statewide:

1. Effective Saturday, April 4, 2020, at 5:00 P.M., every person is ordered to stay at his or her place of residence except as necessary to perform any of the following “essential activities”:

- a. **To obtain necessary supplies.** A person may leave his or her place of residence to obtain the following supplies for himself or herself, for other household members, including pets, or for a loved one or friend who cannot or should not leave home or cannot care for himself or herself:
- (i) Food and other consumer goods necessary to maintain a person's daily routine or to maintain the safety, sanitation, and routine operation of a home or residence;
  - (ii) Supplies needed to work from home;
  - (iii) Pharmaceutical prescriptions or other medical supplies;
  - (iv) Fuel for automobiles or other vehicles or other vehicle supplies;
  - (v) Materials for distance learning or other education-related purposes; and
  - (vi) Any other supplies necessary to maintain a person's or pet's daily routine or to maintain the safety, sanitation, and routine operation of a home or residence.
- b. **To obtain or provide necessary services.** A person may leave his or her place of residence to obtain or provide the following services for himself or herself, for other household members, including pets, or for a loved one or friend who cannot or should not leave home or cannot care for himself or herself:
- (i) Dental, medical, or surgical procedures allowed under paragraph 14 of this Order;
  - (ii) Government-funded services or benefits;
  - (iii) Automobile repair services;
  - (iv) Services vital to the treatment or care of people with physical, intellectual, or developmental disabilities, or people with substance-use disorders;
  - (v) Services related to any public or private distance learning activities and education continuity, including all services under education continuity plans approved by the State Superintendent of Education; and
  - (vi) Any other services necessary to maintain a person's or pet's health and safety or to preserve the person's ability to perform an essential activity as defined in this paragraph.
- c. **To attend religious services.** A person may leave his or her place of residence to attend an event that is a religious worship service, wedding, or funeral in either of the following circumstances:
- (i) The event involves fewer than 10 people and the people maintain a consistent six-foot distance from one another; or

- (ii) The event is a “drive-in” worship service that adheres to the following rules:
1. All participants shall remain in their vehicles for the entirety of the service;
  2. The participants in each vehicle all share the same place of residence; and
  3. Participants do not come within six feet of participants in other vehicles.
- d. **To take care of others.** A person may leave his or her place of residence to care for a family member, friend, or pet in another household, or to donate blood, or to transport family members, friends, or pets as allowed by this Order.
- e. **To work.** A person may leave his or her place of residence to perform work at “essential businesses and operations” as defined in paragraph 2 below or to perform essential work-related activities as follows:
- (i) Work-related activities to maintain the value of a business, establishment, corporation or other organization, such as managing inventory, ensuring security, and processing payroll and employee benefits;
  - (ii) Work-related activities to enable people to work or shop remotely from their residences or to allow people to buy products through drive-by, curbside, or door-to-door delivery; or
  - (iii) Work-related activities that do not require any regular interaction within six feet of another person.
- f. **To engage in outdoor activity.** A person may leave his or her place of residence to participate in outdoor activity that involves fewer than 10 people so long as the person maintains a consistent six-foot distance from other persons.
- g. **To seek shelter.** A person may leave his or her place of residence to seek shelter if required by his or her employment by an “essential service of business” or if his or her residence is unsafe or at imminent risk of becoming unsafe. A person may also leave his or her place of residence to seek help from providers of basic necessities to economically disadvantaged people, such as food pantries.
- h. **To travel as required by law.** A person may leave his or her place of residence to travel as required by law enforcement or court order, including the transportation of children required by a custody agreement.
- i. **To see family members.** A person may leave his or her place of residence to visit the residence of other persons who are related to him or her.

Anyone leaving his or her home or place of residence as authorized in this order shall take reasonable steps to maintain six feet of separation from other persons.

2. For the purposes of this Order, “essential businesses and operations” means and includes:

- a. **Government operations**, including public safety and first responders, law enforcement, fire prevention and response, courts and court personnel, military, emergency management personnel, corrections, probation and parole, child protection, child welfare, EMTs, 911 call-center employees, all workers and vendors that support law enforcement and emergency management operations and services, and other federal, state, tribal, or local officials or employees;
- b. **Health-care providers and caregivers**, including physicians, dentists, mental health workers, nurses, chiropractors, physical therapists, veterinarians, hospitals/clinics, medical practices, research and laboratory operations, hospice, health care facilities, clinical staff, nursing homes, residential health care facilities, adult day care centers, blood banks, congregate-care facilities, assisted living facilities, elder care, medical wholesale and distribution, home health workers and aides, medical supply and equipment manufacturers and providers, medical waste disposal, hazardous waste disposal, other ancillary healthcare services;
- c. **Infrastructure Operations**, including electric, natural gas, and water utilities, nuclear facilities and other generating facilities, utility poles and components, fuel pipelines and transmission systems, petroleum producers, telecommunications, electronic security and life safety services, wireless communication companies, communications sales and customer support, telecommunication and data centers, cybersecurity operations; businesses and other operations concerned with flood control, aviation, and the maintenance, operation, or construction of dams, airports, ports, roads and highways, and mass transit; automotive sales and repair, vehicle rental and taxi services, network providers (such as Uber and Lyft), freight and passenger rail, motor carriers, pipelines, and other transportation infrastructure and businesses, water and waste water systems, transportation companies such as airlines and bus lines, hazardous waste disposal, hotels and commercial lodging services, and RV parks;
- d. **Manufacturing facilities**, including food processing and production; companies that produce pharmaceuticals, food additives, medical equipment, medical devices and supplies, technology, biotechnology, chemical products, telecommunications products; automotive production and suppliers, airplane, ship, and space vehicle or rocket manufacturers; companies involved in healthcare, energy, steel and steel products, fuel and petroleum exploration and production, lubricants, greases and engine oils, mining, national defense, sanitary and cleaning products, household products, personal care products, products used by any other Essential Business or Operation;
- e. **Agricultural operations and farms**, including food cultivation, livestock, cattle, poultry and seafood operations, transportation of agricultural products, livestock auctions, feedlots, dealers and brokers of livestock, farmer’s markets, feed stores, repairers and suppliers of agricultural equipment, gas, diesel and petroleum suppliers, companies involved with aquaculture, horticulture, and chemicals, including pesticide, herbicide,

and fertilizer producers and distributors, forest products businesses, including those involved in forestry operations, logging, manufacture of lumber and paper products; meat processing facilities, rendering facilities and transporters, feed processing facilities, veterinary services;

- f. **Essential retailers**, defined as all supermarkets, food and beverage stores, including liquor stores and warehouse clubs, food providers, convenience stores, office-supply stores, bookstores, computer stores, pharmacies, health care supply stores, hardware stores, home improvement stores, building materials stores, stores that sell electrical, plumbing, and heating materials, gun stores, gas stations; auto, farm equipment, bicycle, motorcycle, and boat supply and repair stores, and businesses that ship or deliver groceries, food, and goods directly to residences;
- g. **Restaurants and bars**;
- h. **Essential personal services**, defined as trash collection, mail and shipping services, home repair, automotive sales and repair; warehouse, distribution and fulfillment centers, kennels, animal shelters, laundromats/laundry service, drycleaners, childcare facilities, public transportation, and providers of business services including security and payroll; funeral, cemetery, and related services;
- i. **Media operations**, including newspapers, digital news sites, television, radio and other media services;
- j. **Education operations**, including educators supporting public and private K-12 schools, colleges and universities or other educational institutions, for purposes of facilitating distance learning and education continuity plans approved by the State Superintendent of Education, performing critical research or other essential functions, including public schools preparing and transporting distance-learning materials and meals to eligible students and colleges providing lodging for students (all in compliance with paragraph 12 below);
- k. **Financial services**, including banks and related financial institutions, credit unions, payday lenders, businesses that process credit card and other financial transactions, and other services related to financial markets;
- l. **Professional Services**, including legal services, accounting services, insurance services, real estate services (including appraisal and title services);
- m. **Providers of basic necessities to economically disadvantaged populations** including businesses, religious and secular non-profit organizations, food banks, homeless shelters and congregate-care facilities;
- n. **Construction and construction-related services**, including building and construction, lumber, building materials and hardware businesses, electricians, plumbers, other construction tradesmen and tradeswomen, exterminators; cleaning and janitorial, HVACR and water heating businesses; painting, moving and relocating services, other

skilled trades, and other related construction firms and professionals for maintaining essential infrastructure;

- o. **Essential public services**, defined as services necessary to maintain the safety, sanitation and essential operations of residences and essential businesses and essential business operations, including law enforcement, fire prevention and response, firearm and ammunition manufacturers and retailers, building code enforcement, security, emergency management and response, building cleaning including disinfection, automotive sales and repair, mortuaries and cemeteries;
- p. **Military or defense operations**, including employers and personnel who support the essential products and services required to meet national security commitments, including personnel working for companies and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense and government-owned/contractor-operated and government-owned/government-operated facilities.
- q. **Essential services or product providers**, defined as vendors that provide services or products, including logistics, transportation, and technology support, child care programs and services, medical waste disposal, hazardous waste disposal, services needed to ensure the continuing operation of an essential business or operation, operation of government agencies, and to provide for the health, safety and welfare of the public;
- r. **Religious entities**, including religious and faith-based facilities, entities and groups;
- s. **Federally-designated critical infrastructure**, defined as workers and related industries identified by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) in its “Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response,” <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>, as may be amended;
- t. **Other state-designated essential businesses and operations**, defined as businesses and operations deemed essential by the Alabama Department of Public Health or the Alabama Emergency Management Agency; and
- u. **Support operations for essential businesses and operations**, defined as employees, contractors, agents, suppliers, or vendors of an essential business or operation as defined in this paragraph.

3. Operators of “essential businesses and operations” as defined in paragraph 2 may, but need not, issue credentials to their employees verifying their status as an employee of an essential business or operation. The decision to provide any such credentials is left to the discretion of the essential business or operation.

4. “Essential businesses and operations” as defined in paragraph 2 shall take all reasonable steps, for employees and customers, to (a) avoid gatherings of 10 persons or more and (b) maintain a consistent six-foot distance between persons.

5. Effective March 28, 2020, at 5:00 P.M., the following businesses, venues, and activities shall be closed to non-employees or not take place:

a. **Entertainment venues** as follows:

- (i) Night clubs
- (ii) Bowling alleys
- (iii) Arcades
- (iv) Concert venues
- (v) Theaters, auditoriums, and performing arts centers
- (vi) Tourist attractions (including museums and planetariums)
- (vii) Racetracks
- (viii) Indoor children’s play areas
- (ix) Adult entertainment venues
- (x) Adult novelty stores
- (xi) Casinos
- (xii) Bingo halls
- (xiii) Venues operated by social clubs

b. **Athletic facilities** and activities as follows:

- (i) Fitness centers and commercial gyms
- (ii) Spas and public or commercial swimming pools
- (iii) Yoga, barre, and spin facilities
- (iv) Spectator sports
- (v) Sports that involve interaction with another person of closer than 6 feet
- (vi) Activities that require use of shared sporting apparatus and equipment

(vii) Activities on commercial or public playground equipment

c. **Close-contact service providers** as follows:

- (i) Barber shops
- (ii) Hair salons
- (iii) Waxing salons
- (iv) Threading salons
- (v) Nail salons and spas
- (vi) Body art facilities and tattoo services
- (vii) Tanning salons
- (viii) Massage therapy establishments and services

6. Effective Saturday, April 4, 2020, at 5:00 P.M., all “essential retailers” as defined in paragraph 2, including grocery stores, pharmacies, and “big box” stores, shall comply with the following rules in addition to any other applicable provisions of this Order:

- a. **Emergency maximum occupancy rate.** Occupancy shall be limited to no more than 50 percent of the normal occupancy load as determined by the fire marshal. This “emergency maximum occupancy rate” shall be posted in a conspicuous place, and enough staff shall be posted at the store entrances and exits to enforce this requirement.
- b. **Social distancing.** An employee of the essential retailer place may not knowingly allow customers or patrons to congregate within six feet of one another.
- c. **Sanitation.** The essential retailer shall take reasonable steps to comply with guidelines on sanitation from the Centers for Disease Control and Prevention and the Alabama Department of Public Health.

7. Notwithstanding any other provision of this Order, a business may continue to operate through curbside pickup, delivery, remotely, or any other method that does not involve a customer entering its building, provided that the business takes all reasonable steps to ensure a consistent six-foot distance between persons.

8. Effective March 28, 2020, at 5:00 P.M., all non-work related gatherings of 10 persons or more, or non-work related gatherings of any size that cannot maintain a consistent six-foot distance between persons, are prohibited.

9. Effective immediately, any person who has tested positive for COVID-19—other than institutionalized persons—shall be quarantined to their place of residence for a period of 14 days

after receiving positive test results. Any person quarantined pursuant to this provision shall not leave their place of residence for any reason other than to seek necessary medical treatment. Any person requiring assistance while under quarantine may contact Alabama Voluntary Organizations Active in Disaster (VOAD), <http://alvoad.communityos.org/cms/>. While under quarantine, the person must shall take precautions as directed by his or her health care provider or the Department of Public Health to prevent the spread of the disease to others.

10. Effective March 28, 2020, at 5:00 P.M., all beaches shall be closed. For purposes of this section, the term “beach” means the sandy shoreline area abutting the Gulf of Mexico, whether privately or publicly owned, including beach access points.

11. Effective, March 20, 2020, all regular programs at Senior Citizen Centers shall be ended except that Senior Citizen Centers and their partners are urged to assure that their clients continue to receive needed meals via curbside pick-up or delivery.

12. Effective March 20, 2020, the following shall be closed:

a. In-person instruction or classes at all schools, public and private, including but not limited to: elementary, secondary, postsecondary, technical, or specialty schools, and colleges and universities.

(i) This order is not intended to prevent any employers from making continued necessary staffing decisions. Employers are authorized to advise employees to work from home or maintain flexible work schedules. If working from home is not feasible, the employee should practice social distancing, maintaining consistent six-foot distance between persons, for the duration of this order and follow public health guidelines.

(ii) This order shall not apply to-daytime special activities programs provided by local boards of education for children, ages 6 through 12 as of March 13, 2020, of first responders (including EMS and fire services) and licensed health-care providers and their essential employees; and essential employees of the following categories of employers: state and local governments, law enforcement, hospitals, nursing home/long-term care facilities, (including assisted living and specialty-care assisted living facilities), end-stage renal disease treatment centers, pharmacies, and grocery stores. In these special activities programs, 12 or more children shall not be allowed in any one room at the same time, and operators of these programs are encouraged to use enhanced sanitation practices consistent with guidance from the CDC and the Alabama Department of Public Health.

b. Facilities providing child day care, including any child day care facility described in Ala. Code § 38-7-2, at which 12 or more children are in a room or other enclosed space at the same time. Center employees are encouraged to use enhanced sanitation and social-distancing practices consistent with guidance from the Centers for Disease Control and Prevention and the Alabama Department of Public Health. This Order does not change the Minimum Standards for Day Care promulgated by the Alabama Department of Human Resources, except that 12 or more children shall not be allowed in a room or other enclosed space at the same time.

13. Effective March 20, 2020, all Hospitals and Nursing Home/Long Term Care Facilities (including Assisted Living and Specialty Care Assisted Living Facilities) shall prohibit visitation of all visitors, as defined by the facility, and non-essential health care personnel, except for certain compassionate care situations such as maternity and end-of-life.

14. Effective March 28, 2020 at 5:00 P.M., all dental, medical, or surgical procedures shall be postponed until further notice, subject to the following exceptions:

a. Dental, medical, or surgical procedures necessary to treat an emergency medical condition. For purposes of this order, “emergency medical condition” is defined as a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain, psychiatric disturbances, and/or symptoms of substance abuse) such that the absence of immediate medical attention could reasonably be expected by a person’s licensed medical provider to result in placing the health of the person in serious jeopardy or causing serious impairment to bodily functions or serious dysfunction of bodily organs.

b. Dental, medical, or surgical procedures necessary to avoid serious harm from an underlying condition or disease, or necessary as part of a patient’s ongoing and active treatment.

15. Effective March 19, 2020, at 5:00 P.M., all restaurants, bars, breweries, or similar establishments shall not permit on-premises consumption of food or drink.

a. Such establishments may continue to offer food for take-out or delivery provided the social distancing protocols, including maintaining a consistent six-foot distance between persons, are followed.

b. Such establishments are strongly encouraged to offer online ordering and curbside pick-up of food.

c. Hospital food service areas are excluded from this order provided they have their own social distancing plan.

16. This Order shall remain in full force and effect until 5:00 P.M. on April 30, 2020. Prior to 5:00 P.M. on April 30, 2020, a determination shall be made whether to extend this Order—or, if circumstances permit, to relax this Order.

17. This Order supersedes and preempts all orders previously issued by the State Health Officer and Jefferson and Mobile County Health Officers concerning COVID-19 mitigation measures, and this Order shall remain in full force and effect until rescinded by order of the State Health Officer or its expiration. After the date this order is issued, the Jefferson and Mobile County Health Officers are authorized, after approval by the State Health Officer, to implement more stringent measures as local circumstances require.

This Order also supersedes and preempts any county and municipal orders or ordinances, whenever adopted, that purport to impose less stringent COVID-19-related curfew or quarantine measures.

Done on this 3<sup>rd</sup> day of April, 2020.

A handwritten signature in blue ink, appearing to read "Scott Harris", written over a horizontal line.

Scott Harris, M.D., M.P.H.  
State Health Officer

# STATE OF ARKANSAS

## EXECUTIVE DEPARTMENT

### PROCLAMATION

TO ALL TO WHOM THESE PRESENTS COME – GREETINGS:

EO 20 - 13

**EXECUTIVE ORDER TO AMEND EXECUTIVE ORDER 20-03 REGARDING THE PUBLIC HEALTH EMERGENCY CONCERNING COVID-19 FOR THE PURPOSE OF IMPOSING FURTHER RESTRICTIONS TO PREVENT THE SPREAD OF COVID-19**

WHEREAS: An outbreak of coronavirus disease 2019 (COVID-19) has spread throughout the world resulting in a global pandemic; and

WHEREAS: On March 11, 2020, by Executive Order 20-03, an emergency was declared in the state as a result of COVID-19, and that emergency is on-going; and

WHEREAS: COVID-19 continues to spread throughout the United States and Arkansas; and

WHEREAS: In response to COVID-19, significant measures have been taken by Executive Order and Directives by the Secretary of Health to limit person-to-person contact, restrict gatherings, and suspend businesses that require significant person-to-person interaction; and

WHEREAS: On March 26, 2020, by Executive Order 20-10, amending Executive Order 20-03, I declared the entire State of Arkansas a disaster area in which ingress and egress to and from, the movement of persons within, and the occupancy of premises therein, may be controlled, pursuant to Ark. Code Ann. § 12-75-114(e)(7); and

WHEREAS: Pursuant to Act 96 of 1913, Ark. Code Ann. §§ 20-7-101 et seq., and the rules promulgated therefore, the Secretary of Health has the authority to impose such quarantine restrictions and regulations upon commerce and travel by railway, common carriers or any other means, and upon all individuals as in his judgment may be necessary to prevent the introduction of communicable disease into the State, or from one place to another within the State; and

WHEREAS: On March 26, 2020, in conjunction with a directive issued by the Secretary of Health, Executive Order 20-10, amending Executive Order 20-03, imposed restrictions on gatherings of ten (10) or more people to limit the spread of COVID-19; and

WHEREAS: Executive Order 20-10 exempted certain entities from the restrictions on gathering; and

WHEREAS: I, as Governor, in consultation with the Secretary of Health, have determined that more actions must be taken to protect the people of the State of Arkansas from COVID-19; and

WHEREAS: All Arkansas citizens must observe proper social distancing, and the Department of Health has issued a directive on proper social distancing protocols for businesses, manufacturers, construction companies, and places of worship; and

WHEREAS: The State of Arkansas prides itself on being a destination for out-of-state guests who travel here to enjoy all that our state has to offer; however, during this health emergency, all resources must be maintained and

preserved to the greatest extent possible for the health and safety of Arkansas citizens; and

WHEREAS: The Secretary of Health has directed that occupancy of commercial lodgings and short-term rentals shall be limited to authorized guests as set forth in the Secretary's directive; and

WHEREAS: Executive Order 20-03 established that no quarantine regulations of commerce or travel shall be instituted or operated by any place, city, town or county against another place, city, town, or county in this or in any other state except by authority of the Secretary of Health; and

WHEREAS: Reasonable city or county curfews and closures of city or county owned parks and facilities, to prevent the spread of COVID-19, shall not be interpreted as a quarantine regulation of commerce or travel, as long as, they are consistent with this order; and

NOW, THEREFORE, I, Asa Hutchinson, Governor of the State of Arkansas, acting under the authority vested in me by Ark. Code Ann. §§ 12-75-101, *et seq.*, do hereby amend Executive Order 20-03 declaring an emergency in the State of Arkansas. The entire state is impacted by COVID-19, and I am declaring the entire state an emergency disaster area. In conjunction with the Directive of the Secretary of Health, I am ordering the following, effective as of 12:01 a.m. on April 6, 2020 until further notice:

- (1) The Directives of this order shall supersede the directives of Executive Order 20-10; and
- (2) All public and private gatherings of any number of people occurring outside a single household or living unit are subject to the following directives and exceptions:
  - a. Due to the high risk of community spread of COVID-19, gatherings of more than ten (10) people in any confined indoor or outdoor space are prohibited until further notice. Gatherings subject to this directive include, without limitation, community, civic, public, leisure, commercial, or sporting events, concerts, conferences, conventions, fundraisers, parades, fairs, and festivals; and
  - b. This directive does not apply to gatherings of ten (10) or more people in unenclosed, outdoor spaces such as parks, trails, athletic fields and courts, parking lots, golf courses, and driving ranges where social distancing of at least six (6) feet can be easily maintained; and
  - c. This directive does not apply to businesses, manufacturers, construction companies, places of worship, the Arkansas General Assembly, municipal or county governing bodies, or the judiciary; however, these entities are advised to limit person-to-person contact, maintain appropriate social distancing of at least six (6) feet, and adhere to the social distancing protocols mandated by this order; and
  - d. The Secretary of Health reserves the right to exercise his authority to prevent the spread of disease in this State if, in his judgment, any of the excluded entities are operating in a manner that is a risk to public health;

- (3) All businesses, manufacturers, construction companies, and places of worship shall implement the following social distancing protocols:
  - a. Limit the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another;
  - b. If lines form at a facility (inside or outside), facilities shall mark off six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
  - c. Provide hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public;
  - d. Retail businesses shall provide contactless payment systems or provide for disinfecting all payment portals, pens, and styluses after each use;
  - e. Regularly disinfect any high-touch surfaces;
  - f. Post a sign at the entrance of the facility informing all employees, customers, and congregants that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact;
- (4) Commercial lodgings and short-term rentals, including, but not limited to, hotels, motels, and vacation rentals, shall only permit occupancy for the following authorized guests:
  - a. Healthcare professionals;
  - b. First responders;
  - c. Law enforcement;
  - d. State or Federal employees on official business;
  - e. National Guard Members on active duty;
  - f. Airline crew members;
  - g. Patients of hospitals and their families;
  - h. Journalists;
  - i. Persons unable to return to their home due to COVID-19 travel restrictions;
  - j. Arkansas citizens unable to return to their home due to exigent circumstances, such as fire, flood, tornado, or other disaster;
  - k. Persons in need of shelter due to domestic violence or homelessness;
  - l. Employees of hotels, motels, or other service providers/contractors of a hotel or motel; and
  - m. Persons away from their home due to work or work-related travel;
- (5) K-12 schools and extracurricular activities, including athletic events and practices, will remain closed for on-site instruction until such time as the Governor and Secretary of Education deem appropriate;
- (6) State government employees will continue to conduct business through both remote work and on-site work. On-site government work will be limited to employees that are critical to the necessary function of government during a public health emergency and are required to report to work on site;
- (7) Bars, Clubs, and Restaurants shall remain closed for dine-in purposes and remain open for takeaway and delivery only;
- (8) Gyms (including fitness centers/clubs, fitness classes, and group fitness studios) and indoor entertainment venues, such as bowling alleys, trampoline parks, and indoor amusement centers, shall remain closed to nonessential functions;
- (9) Casinos shall remain closed;

- (10) Barbers, Body Art Establishments, Body Art Schools, Cosmetology Establishments and Massage Therapy Clinics/Spas, and Medical Spas shall remain closed;
- (11) The directives of the Arkansas Department of Health issued on March 13, 2020, regarding long term health facilities shall remain in effect for the duration of this order;
- (12) Cities and counties taking reasonable measures to prevent the spread of COVID-19 by imposing curfews and closing city or county owned parks and facilities shall not be interpreted as a quarantine regulation of commerce or travel. Curfews should not prevent citizens of any age from traveling to and from work, acquiring food or essential goods and services, walking pets, or acquiring exercise outdoors while maintaining social distance of at least six (6) feet;
- (13) Executive Orders of the Governor issued pursuant Ark. Code Ann. §§ 12-75-101, *et seq.*, have the force and effect of law. Additionally, pursuant to Ark. Code Ann. § 20-7-101, violation of a directive from the Secretary of Health during this public health emergency is a misdemeanor offense, and upon conviction thereof is punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment not exceeding one (1) month, or both. All law enforcement officers within this state shall enforce the directives of this order and those of the Secretary of Health to preserve the health and safety of all Arkansans during this emergency.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 4<sup>th</sup> day of April, in the year of our Lord 2020.



  
Asa Hutchinson, Governor

**STATE OF CONNECTICUT**  
**BY HIS EXCELLENCY**  
**NED LAMONT**  
**EXECUTIVE ORDER NO. 7N**

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC  
AND RESPONSE – INCREASED DISTANCING, EXPANDED FAMILY ASSISTANCE,  
AND ACADEMIC ASSESSMENT SUSPENSION**

**WHEREAS**, on March 10, 2020, I issued declarations of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

**WHEREAS**, my Executive Order No. 7, dated March 12, 2020, among other things, prohibited gatherings of 250 people or more for social and recreational activities, including but not limited to, community, civic, leisure, and sporting events; parades; concerts; festivals; movie screenings; plays or performances; conventions; and similar activities, and suspended various statutes and regulations to protect public health and safety; and

**WHEREAS**, my Executive Order No. 7A, dated March 13, 2020, authorized the Commissioner of Public Health to restrict entrance into nursing homes and similar facilities to protect people who are most vulnerable to COVID-19; and

**WHEREAS**, my Executive Order No. 7B, dated March 14, 2020, among other things, modified in-person open meetings requirements, waived certain rules to mitigate the critical shortage of hand sanitizer and personal protective equipment (PPE), maintain and increase the availability of childcare, and provide for increased healthcare resources and facilities; and

**WHEREAS**, my Executive Order No. 7C, dated March 15, 2020, among other things, cancelled classes in public schools for at least two weeks, provided for closure and remote conduct of business at Department of Motor Vehicle branches, extended deadlines for municipal budget preparations, and suspended or modified laws and regulations governing health care data and visitation at certain health care and congregate care settings; and

**WHEREAS**, my Executive Order No. 7D, dated March 16, 2020, restricted social and recreational gatherings of all types to fewer than 50 people, closed bars and restaurants to all service except food and non-alcoholic beverage takeout and delivery, closed gyms, fitness centers and movie theaters, and prohibited on-site operations at off-track betting facilities; and

**WHEREAS**, my Executive Order No. 7E, dated March 17, 2020, among other things, waived the requirement for an 180-day school year, limited fingerprinting availability to that for critical

requirements, extended the duration of various licenses and permits under the authority of the Commissioner of Emergency Services and public protection, and suspended certain requirements for recoupment of overpayment and hearings conducted by the Department of Social Services; and

**WHEREAS**, my Executive Order No. 7F, dated March 18, 2020, ordered the closure of Large Shopping Malls, the closure of places of public amusement except public parks and open recreation areas, expanded Medicaid telehealth coverage, waived in-person service, hearing, and screening requirements for certain Probate Court proceedings in vulnerable group care settings, and clarified my order cancelling school classes; and

**WHEREAS**, my Executive Order No. 7G, dated March 19, 2020, ordered the postponement of the presidential primary, suspended non-critical court operations, expanded the availability of telehealth services, and enacted additional public health measures; and

**WHEREAS**, my Executive Order No. 7H, dated March 20, 2020, limited the workplace operations of non-essential businesses, and on-profit, created a process to designate those that are essential, and provided for consistency across the state in governmental response to the COVID-19 pandemic; and

**WHEREAS**, my Executive Order No. 7I, dated March 21, 2020, among other things, granted various forms of financial relief to recipients of public health and economic assistance, enacted measures to protect the health of children in the care of the Department of Children and Families, and enacted a series of measures to allow municipalities and their administrative bodies to conduct essential business while reducing the risk of COVID-19 transmission; and

**WHEREAS**, my Executive Order No. 7J, dated March 22, 2020, among other things, expanded the availability of temporary retired workers to fill critical staffing needs, provided authority to expedite acquisition and leasing of property to meet emergency response needs, and clarified restrictions on the operations of non-essential businesses; and

**WHEREAS**, my Executive Order No. 7K, dated March 23, 2020, among other things, suspended non-critical operations of the Probate Court and the Workers' Compensation Commission, authorized remote notarization, and provided the Commissioner of Public Health with additional authority to expedite the public health response to the COVID-19 pandemic; and

**WHEREAS**, my Executive Order No. 7L, dated March 24, 2020, among other things, extended the cancellation of public school classes through April 20, 2020, opened fishing season early to provide a safe recreational activity during this period of limited availability of other options, provided for continued availability of medical marijuana for patients with debilitating conditions, eased the ability for certain patients to transfer between nursing homes, and provided for increased availability of vital records services; and

**WHEREAS**, my Executive Order No. 7M, dated March 25, 2020, preserved the rights of the public in certain proceedings under the Connecticut Freedom of Information Act and authorized commissioners of state agencies to suspend or modify administrative deadlines and other requirements of Chapter 54 of the Connecticut General Statutes and other agency-specific administrative requirements; and

**WHEREAS**, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

**WHEREAS**, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

**WHEREAS**, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

**WHEREAS**, confirmed COVID-19 infections and resulting hospitalizations have increased significantly in recent days, at the same time that residents of areas with high infection rates have arrived in Connecticut, creating a need to enact further mandatory distancing measures to limit the rate of spread of the disease; and

**WHEREAS**, Public Act 19-117, codified as Section 22a-246a of the 2020 Supplement to the Connecticut General Statutes, in order to reduce waste and litter and their resulting harm to the quality of the environment and waters of the State of Connecticut and associated environmental costs, imposed a 10-cent-per-bag tax on single-use plastic checkout bags at various retail and other establishments; and

**WHEREAS**, while the Connecticut Department of Public Health has examined this issue and found that existing precautions, including frequent handwashing for at least 20 seconds or use of alcohol based sanitizer, avoiding touching the face with unwashed hands, and routine cleaning of public spaces and frequently handled items will greatly reduce the risk of COVID-19 transmission for workers in high volume retail settings, many employees of retail establishments have expressed concern about the handling of such bags; and

**WHEREAS**, retail and especially grocery and restaurant workers are making a critical contribution to keeping food readily available to the public during this public health and civil preparedness emergency, their continued contribution is essential to the state's ability to enact appropriate distancing measures, and their concerns are respected; and

**WHEREAS**, Connecticut law mandates annual statewide assessments to measure student achievement and to determine school accountability, in addition to the federal testing requirements which were waived by the U.S. Department of Education on March 20, 2020 for the full state; and

**WHEREAS**, in light of the major disruption caused by the cancellation of classes statewide in Connecticut, on March 20, 2020, the Connecticut State Department of Education secured a federal waiver for the 2019-20 school year from (i) all state-mandated assessments in all grades and subjects; and (ii) district/school accountability measures under the Every Student Succeeds Act; and

**WHEREAS**, demand for firearms and ammunition since the declaration of this public health and civil preparedness emergency has increased dramatically, for example with 19,943 firearms purchase or transfer authorizations completed in March 2020 so far compared to 12,572 in all of March 2019, resulting in difficulty for dealers in transmitting authorization requests, larger than normal lines and crowds, and significant burdens on the staff and systems who process such requests, compromising their ability to process the requests and perform other critical emergency services and public safety duties; and

**WHEREAS**, upon a proclamation that a civil preparedness emergency exists, section 28-9(b) of the Connecticut General Statutes authorizes the modification or suspension in whole or in part by executive order of any statute or regulation or requirement or part thereof that conflicts with the efficient and expeditious execution of civil preparedness functions or the protection of public health;

**NOW, THEREFORE, I, NED LAMONT**, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Restriction of Social and Recreational Gatherings to No More Than 5 People.** Effective immediately, and through April 30, 2020, unless earlier modified, extended, or terminated by me, the prior order set forth in Executive Order No. 7D, prohibiting social and recreational gatherings of 50 people or more, is hereby amended and modified to require that all such gatherings of six (6) or more people, including but not limited to, community, civic, leisure, or sporting events; parades; concerts; festivals; plays or live performances; conventions; and similar activities, are prohibited throughout the State of Connecticut, except that religious, spiritual or worship gatherings shall not be subject to such increased restrictions, and shall instead remain subject to the prohibition on gatherings of 50 or more people, provided that they employ reasonable and appropriate distancing measures. To further clarify this order, it does not apply to government operations, private workplaces, retail establishments, or other activities that are not social or recreational gatherings.
2. **Restrictions on Restaurant Payment and Pickup Operations.** Where reasonably practicable, restaurants, eating establishments, and any bars that remain open for sales of food for off-premise consumption, shall limit entrance of customers into their locations to the minimum extent necessary to pick up and/or pay for orders, use touchless payment systems, and require remote ordering and payment, whether by telephone, computer, mobile application, or other technology. Nothing in this order shall require any such business to acquire or use ordering or payment technology that they do not already possess, prohibit drive-through ordering and pickup, or prohibit in-person payment or cash payment where there is no reasonable alternative. Previously issued guidance for hospital and business cafeterias remains in effect.

3. **Further Restrictions on Retail Operations.** Any retail establishment that has been allowed to remain open and permit customers inside such establishment during this public health and civil preparedness emergency shall take appropriate and reasonable measures to ensure customers maintain six feet of distance between each other, and to manage any resulting lines to maintain such distance while people are waiting to enter, and where reasonably practical, employ touchless payment technology if they already have such technology available.
  - a. **Firearms Transactions by Appointment Only.** Effective immediately and through May 15, 2020, unless earlier modified, extended, or terminated by me, because the nature of certain regulated retail transactions, including purchase, sale, and transfer of firearms, ammunition, and their components or supplies, requires the customer's presence inside the business to accommodate certain parts of those transactions or associated background check processes, and in order to limit person-to-person contact as much as possible and manage the large increase in requests for authorizations for such transactions and the resulting burdens on the communications technology and public safety staff responsible for reviewing and providing such authorizations, any firearms dealer shall conduct all such transactions by appointment only, shall limit such appointments to a number that will maintain a distance of six feet between any customers and/or staff in a store, including customers and staff conducting such transactions, and shall allow entrance into their establishments only to those customers conducting such transactions.
4. **Temporary Suspension of Tax on Single-Use Checkout Bags.** All provisions of Section 355 of Public Act 19-117, as codified in Section 22a-246a of the 2020 Supplement to the Connecticut General Statutes, regarding single-use plastic checkout bags, are temporarily suspended through May 15, 2020, unless earlier modified, extended, or terminated by me. The Commissioner of Revenue Services shall issue any implementing order he deems necessary, and any guidance for businesses on accounting or other necessary measures during this temporary suspension.
5. **Employees Not Required to Bag Items in Reusable Bags.** Effective immediately and through May 15, 2020, unless earlier modified, extended, or terminated by me, no employer in a retail establishment shall require any employee to bag any item in a customer-provided reusable bag, provided that nothing in this order shall prohibit customers who wish to use such reusable

bags from doing so; such customers shall bag their own items where the employee of the retail establishment declines to do so.

- 6. **Suspension of 21-month Limit on Temporary Family Assistance.** Section 17b-112 of the Connecticut General Statutes and any implementing regulations are modified to exclude from the statutory 21-month time limit on receipt of Temporary Family Assistance all months of such assistance received during the public health and civil preparedness emergency.
- 7. **Suspension of School Testing Assessments for 2019-20 School Year.** The provisions of Section 10-14n of the Connecticut General Statutes related to the administration of all state summative and alternate assessments; Section 10-14t, related to the administration of universal screening reading assessment for students in Grades K-3; and Section 10-265g, related to the administration of reading assessments in priority districts at the end of the school year, are hereby suspended for the 2019-20 school year. Any associated regulations, rules, and policies regarding statewide assessments are modified to authorize the Commissioner of Education to temporarily waive any requirements contained therein as he deems necessary to respond to the effects of the COVID-19 pandemic.

Unless otherwise specified herein, this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated by me.

Dated at Hartford, Connecticut, this 26th day of March, 2020.

*Ned Lamont*

Ned Lamont  
Governor



By His Excellency's Command

*Denise W. Merrill*

Denise W. Merrill  
Secretary of the State



Department of Health

Mike DeWine, Governor  
Jon Husted, Lt. Governor

Amy Acton, M.D., MPH, Director

DIRECTOR’S STAY SAFE OHIO ORDER

**Re: Director’s Order that Reopens Businesses, with Exceptions, and Continues a Stay Healthy and Safe at Home Order**

I, Amy Acton, MD, MPH, Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to “make special orders...for preventing the spread of contagious or infectious diseases” **Order** the following to prevent the spread of COVID-19 into the State of Ohio:

1. **Preamble:** The sacrifices and incredible efforts that Ohioans have undertaken, make it possible to begin to lift the mandatory requirements and restrictions that were needed during the initial phase of the COVID-19 Pandemic. The adjustment of these orders is able to proceed based upon the facts and the science existing at this time in Ohio, however if the situation continues to improve, then more restrictions will be lifted, and if the situation deteriorates additional targeted restrictions will need to be made. While government can set the baseline, it should be understood that these orders set forth the minimum acts that must be taken and if people do more than the minimum to act safely, it will benefit everyone.
2. **Business and operations to reopen.** All businesses and operations in the State, except as defined below, are permitted to reopen within the State so long as all workplace safety standards are met. All businesses and operations, except as defined below, are encouraged to either reopen or remain open if they have not ceased operation during the prior Stay at Home Orders. Businesses and operations shall continue to comply with Social Distancing Requirements as defined in this Order, including by maintaining six-foot social distancing for both employees and members of the public at all times, including, but not limited to, when any customers are standing in line.
3. **Stay at home or place of residence.** With exceptions as outlined below, all individuals currently living within the State of Ohio are ordered to stay at home or at their place of residence except as allowed in this Order. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as much as reasonably possible, maintain social distancing of at least six feet from any other person, with the exception of family or household members, consistent with the Social Distancing Requirements set forth in this Order. All persons may leave their homes or place of residence only to participate in activities, businesses or operations as permitted in this Order.

Individuals experiencing homelessness are exempt from this Order, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use in their operation COVID-19 risk mitigation practices recommended by the U.S. Centers for Disease Control and

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Prevention (CDC) and the Ohio Department of Health (ODH)). This order does not apply to incarcerated individuals. Incarcerated individuals are to follow the guidance of the facility in which they are confined. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of this Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

4. **Prohibited activities.** All public and private gatherings of any number of people occurring outside a single household and connected property, or living unit and connected property are prohibited, except for the limited purposes permitted by this Order. Any gathering of more than ten people is prohibited unless exempted by this Order. This is in accordance with President Trump's coronavirus guidelines issued March 16, 2020. Nothing in this Order prohibits the gathering of members of a household, family or residence. This Section does not apply to weddings and funerals, although wedding receptions are subject to the ten-person limitation. This Section does not apply to religious facilities, entities and groups and religious gatherings. This Section does not apply to First Amendment protected speech, including petition or referendum circulators and any activity by the Media, which includes newspapers, television, radio and other media services.
5. **Prohibited and permitted travel.** People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Order allows travel into or out of the State including travel that originates and ends outside of the state. However, persons entering the State with the intent to stay are asked to self-quarantine for fourteen days unless they are doing so for critical infrastructure or healthcare workforce purposes. For purposes of clarity this does not apply to persons who as part of their normal life live in one state and work or deliver services in another state. Persons who have tested positive for COVID-19, are presumptively diagnosed with COVID-19 or are exhibiting the symptoms identified in the screening guidance available from the U.S. Centers for Disease Control and Prevention and the Ohio Department of Health shall not enter the State, unless they are doing so under medical orders for the purposes of medical care, are being transported by Emergency Medical Services (EMS), are driving or being driven directly to a medical provider for purposes of initial care, or are a permanent resident of the State.
6. **Elderly people and those who are vulnerable as a result of illness should take additional precautions.** People at high risk of severe illness from COVID-19, including elderly people and those who are sick, are urged to stay in their residence to the extent possible except as necessary to seek medical care. According to CDC, those at high-risk for severe illness from COVID-19 include people who are sixty-five years or older and people of all ages with underlying medical conditions, particularly if not well controlled, including:
  - a. People with chronic lung disease or moderate to severe asthma;
  - b. People who have serious heart conditions;
  - c. People who are immune compromised;
  - d. People with severe obesity (body mass index [BMI] of 40 or higher);
  - e. People with diabetes;
  - f. People with chronic kidney disease undergoing dialysis; and
  - g. People with liver disease.
7. **Businesses covered by this Order.** For the purposes of this Order, covered businesses include any for-profit, non-profit, educational entities, or governmental entities (other than federal)

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regardless of the nature of the service, the function it performs, or its corporate or entity structure. Nothing in this Order is intended to encroach on or interfere with the separation of powers under the Ohio Constitution.

- 8. Facial Coverings (Masks).** Businesses must allow all customers, patrons, visitors, contractors, vendors and similar individuals to use facial coverings, except for specifically documented legal, life, health or safety considerations and limited documented security considerations. Businesses must require all employees to wear facial coverings, except for one of the following reasons:

- a. Facial coverings in the work setting are prohibited by law or regulation;
- b. Facial coverings are in violation of documented industry standards;
- c. Facial coverings are not advisable for health reasons;
- d. Facial coverings are in violation of the business's documented safety policies;
- e. Facial coverings are not required when the employee works alone in an assigned work area;
- or
- f. There is a functional (practical) reason for an employee not to wear a facial covering in the workplace.

Businesses must provide written justification, upon request, explaining why an employee is not required to wear a facial covering in the workplace. At a minimum, facial coverings (masks) should be cloth/fabric and cover an individual's nose, mouth, and chin.

- 9. Medical Care.** The Director of Health Order signed March 17, 2020, for the management of non-essential surgeries and procedures throughout Ohio, is rescinded effective at 11:59 p.m. on April 30, 2020. Governor DeWine asked hospitals and other providers to reassess all surgeries and procedures that were delayed consistent with the March 17 Order. Surgeries and procedures were to be prioritized and performed if there is a:

- a. Threat to the patient's life if the surgery or procedure is delayed;
- b. Threat of permanent dysfunction of an extremity or organ system if delayed;
- c. Risk of metastasis or progression of staging if delayed;
- d. Risk of rapidly worsening to severe symptoms if delayed, or
- e. Presence of severe symptoms causing an inability to perform activities of daily living.

Effective at 11:59 p.m. on April 30, 2020, medical providers, including dentists, in the State may resume non-essential surgeries and procedures. This type of health care typically does not require an inpatient or overnight stay. These surgeries, procedures and other health care services, that utilize minimal personal protective equipment (PPE) have a minimal impact on inpatient hospital bed capacity, may resume only if the provider meets the following conditions:

- a. The provider follows infection control and other environmental practices in accordance with the ODH and CDC guidelines;
- b. The provider maintains adequate inventories of PPE, supplies, equipment, and medicine in their facility for each patient, considering all phases of care the patient may require,
- c. The provider creates a plan for conservation and monitoring that may include decontamination and reuse protocols to preserve PPE, supplies, equipment, and medicine to be prepared for an influx of patients, including those who do not have COVID-19;

- d. The provider evaluates access to a reliable supply chain to support continued operations for non-COVID-19 cases, and to respond to an unexpected surge in COVID-19 cases in a timely manner;
- e. The provider frequently counts PPE inventory. For hospitals, this information will continue to be reported to the State's COVID-19 resource management system on a daily basis;
- f. The provider defines processes for timely COVID-19 testing of patients and staff in accordance with the ODH guidelines;
- g. The provider continues to use telehealth modalities whenever possible; and
- h. The provider develops an actionable plan for communication, outreach, and equitable delivery of services that:
  - i. Recognizes the underlying social determinants of health and the disproportionate impact of COVID-19 on minority populations;
  - ii. Engages patients in discussion regarding the risk of contracting COVID-19; and
  - iii. Engages patients in shared decision making regarding the need for and timing of health care services. Surgeries and other procedures could still be delayed based upon mutual decisions made by patients and their clinicians.

As a provider prepares to restart non-essential health care services, hospitals and other providers should review the following types of considerations:

- a. Pre-restart considerations;
- b. Prioritizing patient outreach and scheduling;
- c. Patient Communication;
- d. Patient Screening for COVID-19;
- e. Facility Considerations;
- f. Workforce/Staffing;
- g. Sanitation Procedures;
- h. Personnel Protective Equipment;
- i. Supplies;
- j. Patient and Staff Testing; and
- k. Consultation of additional Resources.

Providers should continue to use telehealth modalities, whenever possible, and create or use existing internal strategies to prioritize cases based on the medical staff's governance and resolution structure. Providers should also follow the Responsible Restart Ohio Guide for Health Care distributed by ODH.

**10. Manufacturing, distribution and construction.** Manufacturing, distribution and construction businesses that were ordered to cease all activities pursuant to the April 2, 2020, Amended Director of Health Order that ordered all persons in the State to stay home unless engaged in essential work or activity, shall stay closed until May 4, 2020. Effective at 12:01 a.m. on May 4, 2020, the closed manufacturing, distribution and construction businesses may reopen, subject to the Sector Specific COVID-19 Information and Checklist for Businesses/Employers set forth in Section 21 of this Order.

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- 11. General Office Environments.** General office environments that were ordered to cease all activities pursuant to the April 2, 2020, Amended Director of Health Order that ordered all persons in the State to stay home unless engaged in essential work or activity, shall stay closed until May 4, 2020. Effective at 12:01 a.m. on May 4, 2020, the closed general office environments may reopen, subject to the Sector Specific COVID-19 Information and Checklist for Businesses/Employers set forth in Section 21 of this Order. Businesses should strongly encourage as many employees as possible to work from home by implementing policies in areas such as teleworking and video conferencing, subject to the discretion of the employer.
- 12. Retail.** Retail establishments and facilities that were ordered to cease all activities pursuant to the April 2, 2020, Amended Director of Health Order that ordered all persons in the State to stay home unless engaged in essential work or activity, shall stay closed until May 12, 2020. Effective at 12:01 a.m. on May 12, 2020, the closed retail establishments and facilities may reopen, subject to the Sector Specific COVID-19 Information and Checklist for Businesses/Employers set forth in Section 21 of this Order. Currently closed retail establishments and facilities, that will restrict their operations to curbside pickup, delivery or appointment-only (limited to 10 customers at any one time) may reopen effective May 1 at 11:59 p.m.
- 13. Closed Businesses and Operations.** For the purposes of this Order, the following businesses and operations are to remain closed until this Order is amended or rescinded:
- a. **Schools.** The Second Amended Director of Health Order signed April 29, 2020, or as it may be subsequently amended, that closed all K-12 schools in the State remains in effect;
  - b. **Restaurants and Bars.** The Director of Health Order signed March 15, 2020, or as it may be subsequently amended, that closed restaurants and bars to all but carry-out and delivery activities in the State remains in effect;
  - c. **Personal Appearance/Beauty.** The Director of Health Order signed March 19, 2020, or as it may be subsequently amended, that closed hair salons, day spas, nail salons, barber shops, tattoo parlors, body piercing locations, tanning facilities, massage therapy locations and like businesses in the State remains in effect.;
  - d. **Adult Day Support or Vocational Habilitation Services in a Congregate Setting.** The Amended Director of Health Order signed March 21, 2020, or as it may be subsequently amended, that prohibited adult day support or vocational habilitation services in a congregate setting in the State remains in effect;
  - e. **Older Adult Day Care Services and Senior Centers.** The Director of Health Order signed March 24, 2020, or as it may be subsequently amended, that prohibited older adult day care services and closed senior centers in the State remains in effect;
  - f. **Child Care Services.** The Director of Health Order signed March 24, 2020, or as it may be subsequently amended, that prohibited child care services, except for facilities with a Temporary Pandemic Child Care License, in the State remains in effect; and
  - g. **Entertainment/Recreation/Gymnasiums.** The Director of Health Order signed March 21, 2020, or as it may be subsequently amended, that closed all indoor family entertainment businesses and venues such as laser tag facilities, roller skating rinks, ice skating rinks, arcades and indoor miniature golf facilities, as well as, adult and child skill or chance game facilities

in the State remains in effect. The Amended Director of Health Order signed March 17, 2020, or as it may be subsequently amended, that closed auditoriums, stadiums, arenas, parades, fairs, festivals, bowling alleys, health clubs, fitness centers, workout facilities, gyms, yoga studios, indoor trampoline parks, indoor water parks, movie and other theatres (excluding drive-in theatres), performance theatres, all public recreation centers, and indoor sports facilities in the State remains in effect. All places of public amusement, whether indoors or outdoors, including, but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, concert and music halls, and country clubs or social clubs shall be closed. Recreational sports tournaments, organized recreational sports leagues, residential and day camps shall be prohibited. Swimming pools, whether public or private, shall be closed, unless it is a swimming pool for a single household. Campgrounds, including recreational camps and recreational vehicle (RV) parks, shall be closed, except that persons residing in recreational vehicles ("RVs") at campgrounds who genuinely have no other viable place of residence may remain in the campground. This campground closure also excludes cabins, mobile homes, or other self-contained units, meant for single families and where preexisting full season agreements already have been established. An example would be individuals who have part-time preestablished seasonal sites at campgrounds for the entire season or a long term property interest or lease agreement with a campground for residential activity. Such persons should comply with all applicable guidance from the U.S. Centers for Disease Control and Prevention and the Ohio Department of Health regarding social distancing.

**14. Minimum Basic Operations.** Any activity, business or operation, if ordered closed, is still permitted to engage in Minimum Basic Operations. For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions; and
- b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

**15. Travel.** For the purposes of this Order, permitted Travel includes travel for any of the following purposes. Individuals engaged in any Travel must comply with all Social Distancing Requirements as defined in this Section.

- a. Any travel related to the provision of or access to activities, businesses and operations that are permitted to be open under this Order or Minimum Basic Operations;
- b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
- d. Travel to return to a place of residence from outside the jurisdiction;

- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement; and
- f. Travel required for non-residents to return to their place of residence outside the State. Individuals are strongly encouraged to verify that their transportation out of the State remains available and functional prior to commencing such travel.

**16. Social Distancing Requirements.** For purposes of this Order, Social Distancing Requirements includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

- a. **Required measures.** Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:
  - i. **Designate six-foot distances.** Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;
  - ii. **Hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and customers;
  - iii. **Separate operating hours for vulnerable populations.** Implementing separate operating hours for elderly and vulnerable customers; and
  - iv. **Online and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

**17. Intent of this Order.** The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling additional day to day activities to continue, to slow the spread of COVID-19 to the greatest extent possible. When people need to leave their places of residence to perform or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with Social Distancing Requirements. All provisions of this Order should be interpreted to effectuate this intent.

**18. Enforcement.** This Order may be enforced by State and local law enforcement to the extent set forth in Ohio law. Specifically, pursuant to R.C 3701.352 “[n]o person shall violate any rule the director of health or department of health adopts or any order the director or department of health issues under this chapter to prevent a threat to the public caused by a pandemic, epidemic, or bioterrorism event.” R.C. 3701.56 provides that “[b]oards of health of a general or city health district, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and other officers and employees of the state or any county, city, or township, shall enforce quarantine and isolation orders, and the rules the department of health adopts.” To the extent any public official enforcing this Order has questions regarding what services are prohibited under this Order, the Director of Health hereby delegates to local health departments the authority to answer questions in writing and consistent with this Order, but does not require local health departments to provide advisory opinions to nongovernmental entities.

**19. Penalty.** A violation of R.C. 3701.352 is guilty of a misdemeanor of the second degree, which can include a fine of not more than \$750 or not more than 90 days in jail, or both.

**20. General COVID-19 Information and Checklist for Businesses/Employers.** Business and employers are to take the following actions:

- a. Strongly encourage as many employees as possible to work from home by implementing policies in areas such as teleworking and video conferencing, subject to the discretion of the employer;
- b. Actively encourage sick employees to stay home until they are free of fever (without the use of medication) for at least 72 hours (three full days) AND symptoms have improved for at least 72 hours AND at least seven days have passed since symptoms first began. Do not require a healthcare provider's note to validate the illness or return to work of employees sick with acute respiratory illness; healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way;
- c. Ensure that your sick leave policies are up to date, flexible, and non-punitive to allow sick employees to stay home to care for themselves, children, or other family members. Consider encouraging employees to do a self-assessment each day to check if they have any COVID-19 symptoms (fever, cough, or shortness of breath);
- d. Separate employees who appear to have acute respiratory illness symptoms from other employees and send them home immediately. Restrict their access to the business until they have recovered;
- e. Reinforce key messages — stay home when sick, use cough and sneeze etiquette, and practice hand hygiene — to all employees, and place posters in areas where they are most likely to be seen. Provide protection supplies such as soap and water, hand sanitizer, tissues, and no-touch disposal receptacles for use by employees;
- f. Frequently perform enhanced environmental cleaning of commonly touched surfaces, such as workstations, countertops, railings, door handles, and doorknobs. Use the cleaning agents that are usually used in these areas and follow the directions on the label. Provide disposable wipes so that commonly used surfaces can be wiped down by employees before each use; and
- g. Be prepared to change business practices if needed to maintain critical operations (e.g., identify alternative suppliers, prioritize customers, or temporarily suspend some of your operations).
- h. Comply with all applicable guidance from the U.S. Centers for Disease Control and Prevention and the Ohio Department of Health regarding social distancing.

**21. Sector Specific COVID-19 Information and Checklist for Businesses/Employers.** Businesses and employers, whether currently open or reopening, are to take the following actions:

- a. Manufacturing, distribution & construction:
  - i. Ensure minimum 6 feet between people, if not possible, install barriers;
  - ii. Employees must perform daily symptom assessment that should include taking temperature with a thermometer and monitoring for fever. Also watching for coughing or trouble breathing;

- iii. Require employees to stay home if symptomatic;
- iv. Consider having distributors and guests wear face coverings at all times;
- v. Require regular handwashing;
- vi. Stagger or limit arrivals of employees and guests;
- vii. Have employees work from home whenever possible;
- viii. Daily disinfection of desks and workstations;
- ix. Change shift patterns (e.g. fewer shifts);
- x. Stagger lunch and break times;
- xi. Daily deep disinfection of high-contact surfaces;
- xii. Space factory floor to allow for distancing;
- xiii. Regulate max number of people in cafeterias/common spaces;
- xiv. Establish maximum capacity;
- xv. Immediately isolate and seek medical care for any individual who develops symptoms while at work;
- xvi. Contact the local health district about suspected cases or exposures; and
- xvii. Shutdown shop/floor for deep sanitation if possible.

b. Consumer, retail & services

- i. Ensure minimum 6 feet between employees, if not possible, install barriers;
- ii. Employees must perform daily symptom assessment that should include taking temperature with a thermometer and monitoring for fever. Also watching for coughing or trouble breathing;
- iii. Require employees to stay home if symptomatic;
- iv. Consider having customers wear face coverings at all times;
- v. Require regular handwashing by employees;
- vi. Place hand sanitizers in high-contact locations;
- vii. Clean high-touch items after each use (e.g. carts, baskets);
- viii. Ensure minimum 6 feet between customers;
- ix. Specify hours for at-risk populations (e.g. elderly);
- x. Ask customers and guests not to enter if symptomatic;
- xi. Stagger entry of customers and guests;
- xii. Post social distancing signage and disinfect high-contact surfaces hourly;
- xiii. Clean merchandise before stocking if possible;
- xiv. Establish maximum capacity;
- xv. Discontinue self-service food stations, product samples;
- xvi. Food courts remain closed;
- xvii. Immediately isolate and seek medical care for any individual who develops symptoms while at work;
- xviii. Contact the local health district about suspected cases or exposures; and
- xix. Shutdown shop/floor for deep sanitation if possible.

c. General office environments

- i. Ensure minimum 6 feet between employees, if not possible, install barriers;

- ii. Personnel should work from home when possible;
- iii. Employees must perform daily symptom assessment that should include taking temperature with a thermometer and monitoring for fever. Also watching for coughing or trouble breathing;
- iv. Require employees to stay home if symptomatic;
- v. Consider having customers wear face coverings at all times;
- vi. Require regular handwashing by employees;
- vii. Reduce sharing of work materials;
- viii. Limit travel as much as possible;
- ix. Stagger arrival of all employees and guests;
- x. Post signage on health safety guidelines in common areas;
- xi. Frequent disinfection of desks, workstations, and high-contact surfaces;
- xii. Daily disinfection of common areas;
- xiii. Cancel/postpone in person events when social distancing guidelines cannot be met;
- xiv. No buffet in cafeteria;
- xv. Utilize disposable tableware and other materials;
- xvi. Establish maximum capacity;
- xvii. Immediately isolate and seek medical care for any individual who develops symptoms while at work;
- xviii. Contact the local health district about suspected cases or exposures; and
- xix. Shutdown shop/floor for deep sanitation if possible.

**22. No limitation on authority.** Nothing in this Order shall, in any way, alter or modify any existing legal authority allowing the State or any local health department from ordering (1) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency, or (2) any closure of a specific location for a limited period of time, including the duration of this public health emergency.

**23. Savings clause.** If any provision of this Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Order are declared to be severable.

**24. Previous Orders superseded.** This Order supersedes, only to the extent that it conflicts, and amends any previous Order which conflicts with the provisions of this Order.

**25. Dispute Resolution.** If any local health department issues a determination under Section 18 of this Order that is in conflict with a determination issued by a different local health department, then the conflict may be submitted to the ODH by either of the local health departments or an entity or person subject to the determination. A Dispute Resolution Commission appointed by the Director of Health shall review the conflict and make a determination as to the application of this Order to the conflict. The decision of the Dispute Resolution Commission shall be final.

**26. Duration.** This Order shall be effective at 11:59 p.m. on April 30, 2020 and remains in full force and effect until 11:59 p.m. on May 29, 2020, unless the Director of the Ohio Department of Health rescinds or modifies this Order at a sooner time and date.

COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes.

On January 23, 2020, the Ohio Department of Health issued a Director's Journal Entry making COVID-19 a Class A reportable disease in Ohio.

On January 28, 2020, the Ohio Department of Health hosted the first statewide call with local health departments and healthcare providers regarding COVID-19.

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern.

On January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19.

On February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments and healthcare providers with updated guidance for COVID-19 and revised Person Under Investigation (PUI) criteria.

On February 3, 2020, the Ohio Department of Health trained over 140 personnel to staff a call center for COVID-19, in the event it was needed.

On February 5, 2020, the Ohio Department of Health began updating and notifying the media of the number of PUIs in Ohio every Tuesday and Thursday.

On February 6, 2020, the Ohio Department of Health updated all agency assistant directors and chiefs of staff on COVID-19 preparedness and status during the Governor's cabinet meeting.

On February 7, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency met to conduct advance planning for COVID-19.

On February 13, 2020, the Ohio Department of Health conducted a Pandemic Tabletop Exercise with State agencies to review responsive actions should there be a pandemic in Ohio.

On February 14, 2020, the Ohio Department of Health held a conference call with health professionals across the state. The purpose of the call was to inform and engage the healthcare community in Ohio. Presentations were provided by the Department of Health, Hamilton County Public Health, and the Ohio State University.

On February 27, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency briefed the directors of State agencies during the Governor's cabinet meeting regarding preparedness and the potential activation of the Emergency Operations Center.

On February 28, 2020, the "Governor DeWine, Health Director Update COVID-19 Prevention and Preparedness Plan" was sent to a broad range of associations representing healthcare, dental, long-term care, K-12 schools, colleges and universities, business, public transit, faith-based organizations, non-profit organizations, and local governments.

On March 2, 2020, the Ohio Department of Health activated a Joint Information Center to coordinate COVID-19 communications.

On March 5, 2020, the Ohio Department of Health hosted the Governor's Summit on COVID-19 Preparedness, a meeting with the Governor, cabinet agency directors, local health department commissioners, and their staff.

On March 6, 2020, the Ohio Department of Health opened a call center to answer questions from the public regarding COVID-19.

On March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio. This confirms the presence of a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio.

On March 9, 2020, the Ohio Emergency Management Agency activated the Emergency Operations Center.

On March 9, 2020, the Governor Declared a State of Emergency in Executive Order 2020-01D.

On March 11, 2020, the head of the World Health Organization declared COVID-19 a pandemic.

On March 11, 2020, testing by the Ohio Department of Health confirmed that one (1) more patient was positive for COVID-19 in the State of Ohio.

On March 11, 2020, the Ohio Departments of Health and Veterans Services issued a Joint Directors' Order to limit access to Ohio nursing homes and similar facilities.

On March 15, 2020, the Ohio Department of Health issued a Director's Order to limit access to Ohio's jails and detention facilities.

On March 15, 2020, the Ohio Department of Health issued a Director's Order to limit the sale of food and beverages, liquor, beer and wine to carry-out and delivery only.

On March 15, 2020, the CDC issued Interim Guidance for mass gatherings or large community events, stating that such events that consist of 50 or more people should be cancelled or postponed.

On March 16, 2020 the Ohio Department of Health issued a Director's Order closing polling locations for the March 17, 2020 primary election.

On March 17, 2020 the Ohio Department of Health issued a Director's Order for the management of non-essential surgeries and procedures throughout Ohio.

On March 17, 2020 the Ohio Department of Health issued an Amended Director's Order to limit and/or prohibit mass gatherings and the closure of venues in the State of Ohio.

On March 19, 2020, the Ohio Department of Health issued a Director's Order closing hair salons, nail salons, barber shops, tattoo parlors, body piercing locations, and massage therapy locations.

On March 21, 2020, the Ohio Department of Health issued a Director's Order closing older adult day care services and senior centers.

On March 21, 2020, the Ohio Department of Health issued a Director's Order closing family entertainment centers and internet cafes.

On March 22, 2020, the Ohio Department of Health issued a Director's Order that all persons are to stay at home unless engaged in essential work or activity.

On March 24, 2020, the Ohio Department of Health issued a Director's Order that closed facilities providing child care services.

On March 30, 2020, the Ohio Department of Health issued an Amended Director's Order that closed all K-12 schools in the State of Ohio.

On April 2, 2020, the Ohio Department of Health issued an Amended Director's Order that all persons are to stay at home unless engaged in essential work or activity.

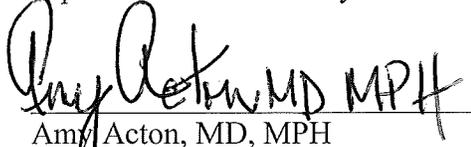
Multiple areas of the United States are experiencing "community spread" of the virus that causes COVID-19. Community spread, defined as the transmission of an illness for which the source is unknown, means that isolation of known areas of infection is no longer enough to control spread.

The CDC reports that people are most contagious when they are most symptomatic (the sickest) however some spread might be possible before people show symptoms although that is not the main way the virus spreads.

Mass gatherings (10 or more persons) increase the risk of community transmission of the virus COVID-19.

Accordingly, to avoid an imminent threat with a high probability of widespread exposure to COVID-19 with a significant risk of substantial harm to a large number of people in the general population, including the elderly and people with weakened immune systems and chronic medical conditions, I hereby **ORDER** all persons are to continue to stay at home or their place of residence unless they are engaged in Essential Activities, Essential Governmental Functions, or to operate Essential and Unrestricted Businesses and Operations as set forth in this Order. This Order shall remain in full force and effect until 11:59 p.m. on May 29, 2020, unless the Director of the Ohio Department of Health rescinds or modifies this Order at a sooner time and date. To the extent any public official enforcing this Order has questions regarding what

services are prohibited under this Order, the Director of Health hereby delegates to local health departments the authority to answer questions in writing and consistent with this Order.

  
Amy Acton, MD, MPH  
Director of Health

April 30, 2020

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State of Illinois  
Illinois Department of Public Health

# COVID-19

JB Pritzker, Governor

Ngozi O. Ezike, MD, Director

6/30/2020

## COVID-19 Guidance for Places of Worship and Providers of Religious Services

This document provides guidance for places of worship and providers of religious services to support the safest possible environment for faith leaders, employees, volunteers, scholars, and all other types of workers, as well as congregants, worshippers, and visitors.

This guidance does not obligate or encourage places of worship to resume in-person activity. Indeed, it is strongly recommended that places of worship continue to facilitate remote services, particularly for those who are vulnerable to COVID-19, including older adults and those with chronic conditions. Even with adherence to physical distancing, multiple different households convening in a congregational setting to worship carries a higher risk for widespread transmission of the virus that causes COVID-19, and may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. In particular, the high risk associated with activities like singing, and group recitation can negate the risk-reducing behaviors, such as 6 feet of physical distancing.

Recognizing the centrality of worship in many people's lives and the spiritual and emotional value of prayer, community, and faith, this guidance provides recommendations for places of worship that choose to resume or expand in-person activities.

### The Safest Options: Remote Services and Drive-In Services

A common thread joining many faiths is a deep respect for human life and health, which prioritizes protecting our neighbors and the vulnerable among us. Places of worship may choose to express those values by practicing the safest forms of worship through remote services and drive-in services.

#### Remote services

Remote services can be streamed online, broadcast by radio, and/or conducted by telephone or dial-in. Remote services are the only way to guarantee places of worship will not become sources of new infection.

#### Drive-in services

Drive-in services involve congregants driving to a common location and worshipping together from their vehicle, while listening to either a remote service or one broadcast through speakers. If done correctly, these types of services pose a low risk of infection.

Some best practices include:

- Congregants who are living together travel together, without introducing new people to the vehicle.
- Congregants always remain in their vehicles.

- Maintain distance between cars so that there is more than 6 feet between any group of congregants and another group of congregants – particularly if car windows are open.
- Regularly sanitize restrooms and have sufficient soap and hand sanitizer.

## For further guidance

Places of worship may look to the additional guidance referenced below:

CDC Interim Guidance for Communities of Faith: <https://www.cdc.gov/coronavirus/2019-ncov/php/faith-based.html>

### Guidelines for re-configuring places of worship for social distancing

Reconfigure seating and standing areas to maintain physical distancing of 6 feet or more between congregants/visitors from different households. Consider both limiting seating to alternate rows and assigning seating in advance.

Shorten services to limit the length of time congregants/visitors spend at facilities whenever possible. This could include limiting speeches/sermons and asking congregants/visitors to put on garments at home before arrival.

Consider implementing a reservation system to limit the number of congregants/visitors attending facilities at a time. This can include the use of digital platforms or other types of tools.

Consider offering additional times for services or meetings (per day or per week) so fewer guests attend at one time. Dedicate staff to direct guests immediately to their seats upon entry to places of worship rather than congregating in lobbies or common areas.

Consider using ushers to help people find places to sit and stand that are at least 6 feet apart from other guests/household groups. Develop and communicate a plan to welcome and dismiss congregants/visitors from seating areas, altars, podiums, and meeting rooms in an orderly way to maintain physical distancing and minimize crossflow of traffic.

Avoid assembly line type greetings at the beginning or conclusion of services. Ask congregants/visitors to arrive and leave in a single household group to minimize crossflow of people.

Consider assigning spaced household arrival times to minimize congregants arriving all at once. Prop or hold doors open during peak periods when congregants/visitors are entering and exiting facilities, if possible and in accordance with security and safety protocols.

Close or restrict common areas, such as break rooms, kitchenettes, and foyers where people are likely to congregate and interact. Consider installing barriers or increase physical distance between tables/seating when continued use of these areas cannot be avoided. If possible, provide bottled water or touchless water fountains. For touch drinking fountains, discourage forming a line and create markings to allow social distancing while waiting, have paper towels available to touch the fountain, and clean and disinfect frequently.

Remove from service or find low-community touch alternatives for communal/religious water containers, such as fonts, sinks, and vessels. Empty and change water between services/uses. Where there is a possibility of contaminant splash, strongly encourage staff, congregants, visitors, and others to use equipment to protect their eyes, noses, and mouths using a combination of face coverings, protective glasses, and/or face shields.

Reusable protective equipment, such as shields and glasses, should be properly disinfected between uses. When washing is a required activity, modify practices whenever possible to limit splashing and the need to clean and disinfect washing facilities.

## Physical distancing guidelines

Continue to provide services through alternative methods (such as via internet live and/or recorded streaming, telephone, and drive-in) whenever possible. Implement measures to ensure physical distancing of at least 6 feet between workers, staff, and congregants/visitors. This can include use of physical partitions or visual cues (e.g., floor or pew markings or signs to indicate where people should sit and stand). Members of the same household may be seated together but should maintain at least 6 feet apart from other households. Encourage congregants/visitors to meet with the same group, particularly when services meet frequently and/or require a certain number of people to be present. This can reduce the spread of transmission by minimizing the number of different individuals who come into close contact with each other. Consider dedicating staff or volunteers to help people maintain distances during services or activities.

Take steps to ensure limited attendance at gatherings that encourage congregants/visitors to travel and break physical distances, such as concerts and large holiday and life event celebrations and remembrances. Discontinue these activities whenever possible.

Children should remain in the care of those in their household unit and not interact with children of other parties at any time while visiting facilities. Close play areas and discontinue activities and services for children where physical distancing of at least 6 feet cannot be maintained.

Limit touching for religious purposes, such as shaking hands or holding hands, to members of the same household.

## Cleaning and disinfecting protocols

Perform thorough cleaning of high traffic areas, such as lobbies, halls, chapels, meeting rooms, offices, libraries, and study areas, and areas of ingress and egress, including stairways, stairwells, handrails, and elevator controls. Frequently disinfect commonly used surfaces including doorknobs, toilets, handwashing facilities, pulpits and podiums, donation boxes or plates, altars, and pews and seating areas.

Discourage sharing items used in worship and services (such as prayer books, cushions, prayer rugs) whenever possible and provide single-use or digital copies or ask congregants/visitors to bring personal items instead. Where such items must be shared, disinfect between uses. Disinfect microphones and stands, music stands, instruments and other items on pulpits and podiums between each use.

Install hand sanitizer dispensers, touchless whenever possible, at entrances and contact areas such as meeting rooms, lobbies, and elevator landings.

Consider limiting the number of people that use the restroom at one time to allow for physical distancing. Consider placing a towel dispenser near the restroom exit with signage for using a towel to touch the door or having touchless exit.

Discontinue passing offering plates and similar items that move between people. Use alternative giving options such as secure drop boxes that do not require repeated opening/closing and can be cleaned and disinfected. Consider implementing digital systems that allow congregants/visitors to make touch-free offerings.

Mark walking paths between spaces designated for congregants/visitors to sit/kneel so that people do not walk where someone may be touching the floor.

During meetings and services, introduce fresh outside air by opening doors/windows (weather permitting) and operating ventilation systems.

## **Modify high-risk religious practices**

Consider modifying practices that are specific to faith traditions that might encourage the spread of COVID-19. Examples are discontinuing kissing of ritual objects, discontinuing bathing rites, allowing rites to be performed by fewer people, providing pre-packed communion items on chairs prior to service, avoiding the use of a common cup, and offering communion in the hand instead of on the tongue.

## **Individual control measures and screening**

Ensure proper use of face coverings. Congregants/visitors and staff should be screened for temperature and/or symptoms upon arrival to places of worship and asked to use hand sanitizer and to wear face coverings. Encourage staff and congregants/visitors who are sick or exhibiting symptoms of COVID-19, or who have family members who are ill, to stay home.

Post signage in strategic and highly visible locations, to remind congregants/visitors that they should use face coverings and practice physical distancing whenever possible. Use social media, websites, texts, emails, and newsletters to communicate the steps being taken to protect congregants/visitors and staff so they are familiar with the policies (including to stay home if experiencing symptoms or at an increased risk of becoming sick, face coverings, physical distancing, handwashing and/or sanitizing, and cough etiquette), before arriving at the facility. Staff and volunteers are strongly encouraged to remind congregants/visitors of these practices with announcements during services or on welcoming guests.

Consider reaching out separately to those who are ill but desire to be engaged in worship services. Develop a plan to include those participants by phone, video, or a safe alternative.

Monitor for staff illnesses and have staff remain home if they are ill or have been exposed to a person who is ill. Know and communicate where staff and congregants can get tested for COVID-19 if they develop symptoms. Have a clear plan to facilitate contact tracing if an attendee later tests positive for COVID-19.

Recruit non-vulnerable volunteers to assist in activities, particularly those that may require close contact. Limit offerings of classes or services for children to groups of 50 or fewer and devise an age-appropriate plan for children to practice social distancing and wear face coverings.

## **Avoid the riskiest activities**

COVID-19 spreads primarily through respiratory droplets in person-to-person contact (within 6 feet); risk grows as exposure time increases. Some activities at places of worship pose a heightened risk that should be avoided:

### **Singing and group recitation**

Strongly consider discontinuing singing (and post signage discouraging singing), group recitation, and other practices and performances where there is increased likelihood for transmission from contaminated exhaled droplets. Modify practices by calling for silent recitation, using prerecorded music, or having a single singer in a separate area with speaker transmission. If these practices cannot be discontinued, strictly limit the number people reciting or singing, ensure physical distancing significantly greater than 6 feet between people, and consider installing plexiglass to provide physical barriers between people, or opt to celebrate these practices outside with significant physical distancing and other precautions. Use microphones to discourage loud speaking and provide a barrier (plexiglass) for the speaker.

## Food and beverages

Discontinue offering food and beverages. Do not hold potlucks or buffet-style meals or events that increase the risk of cross contamination. If food and beverages must be served, provide items in single-serve containers (disposable containers whenever possible), and ensure congregants or others who are living together are seated together and more than 6 feet apart from others. Employees or volunteers serving food should wash hands frequently and wear disposable gloves and face coverings.

## Greetings and person-to-person contact

Discourage staff, congregants, and visitors from engaging in handshakes, hugs, and similar greetings that break physical distance. Take measures to remind people to wave or use other greetings.

## Additional guidance for in-person activities

As places of worship navigate COVID-19, the guidelines below are designed to make in-person indoor worship and activities safer – recognizing that the safest and recommended options are those listed above, and that larger gatherings pose greater risk. Strict social distancing, wearing face coverings, and cleaning and disinfecting are paramount to reducing the risk of infection for in-person gatherings. Places of worship should develop a COVID-19 plan and be prepared to adapt to updated public health guidance and to restrict in-person activities if the incidence of COVID-19 within their communities increases. Places of worship should provide training to both staff and congregants on their COVID-19 plans and share the new safety protocols and processes by email, video, mail, and posted signage – with frequent updates as new safety protocols are implemented.

## Capacity limits

As gatherings grow, they pose a greater risk of becoming a source of COVID-19 transmission. The current statewide guidelines recommend gatherings of no more than 50 people. Where the 50-person limit cannot be followed in places of worship, these guidelines are recommended:

Set a capacity limit for the place of worship that allows for extensive social distancing (6 feet or more) between congregants. Consider limiting attendance to 25% of building capacity or a maximum of 100 attendees, whichever is lower. Expand capacity limits gradually, rather than all at once, to allow the opportunity to test and improve safety protocols. Conduct multiple small services as opposed to one large service. Consider small, separate services for certain groups – such as those over 65 years of age or those who have serious underlying medical conditions, or those with small children who will have difficulty social distancing. During services for those over 65 years of age or those who have serious underlying medical conditions, enforce strict safety protocols. Consider a reservation system to limit capacity, to assign seating to ensure social distancing, and to allow for contact tracing in the event of a confirmed COVID-19 case and the need to contact exposed individuals. Develop and communicate a social distancing plan that includes where congregants will sit, how they will enter and exit seating areas (including staggered and scheduled arrival times and varied exit times), and how social distancing can be maintained at all times given the physical layout of the place of worship. Use the social distancing plan to determine a safe capacity limit.

## Relatively Safe Options for In-Person Worship

Faith communities also cherish fellowship. The desire for the human connection of worshipping together, particularly during a time of crisis, is understandable. However, gatherings of any size pose a risk of COVID-19 transmission. For places of worship that choose to hold in-person activities, the safest course of action is to congregate outdoors and/or in groups of less than 50 people

## Congregate outdoors

Where weather and facilities permit, it is safer for worship and other activity to occur outdoors rather than indoors. Some best practices include: Congregants who are living together sit together, at least 6 feet apart from other congregants and groups. Wear face coverings. Refrain from singing and group recitation, which significantly increases the risk of transmission of the virus by projecting respiratory droplets. Consider pre-recorded music or other alternatives. If continuing with singing and group recitation, increase social distance to at least 10 feet between groups and ensure face coverings are worn. Restrooms should be regularly sanitized and have sufficient soap and hand sanitizer. Follow applicable guidance below for in-person activities. Congregate in groups of less than 50 people indoors. For in-person services that are indoors, the safest choice is to limit the number of people during a given service. Consider holding multiple services for multiple small groups, limiting to 50 in-person services to special events (e.g., weddings, funerals, baptisms), or limiting in-person activities to private prayer and worship. Some best practices include:

- Congregants who are living together sit together, at least 6 feet apart from other groups.
- Wear face coverings.
- Especially indoors, refrain from singing and group recitation, which significantly increases the risk of transmission of the virus by projecting respiratory droplets. Consider pre-recorded music or other alternatives.
- If continuing with singing and group recitation, increase social distance to at least 10 feet between groups and ensure face coverings are worn.
- Restrooms should be regularly sanitized and have sufficient soap and hand sanitizer. Follow applicable guidance below for in-person activities.

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 20-91

(Essential Services and Activities During COVID-19 Emergency)

**WHEREAS**, on March 1, 2020, I issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and in states with evidence of community spread, recommending restrictions to certain establishments conducive to mass gatherings and congregations; and

**WHEREAS**, on March 29, 2020, the President extended such guidance to be in effect until April 30, 2020; and

**WHEREAS**, on March 31, 2020, the President updated the guidance, renaming it "30 Days to Slow the Spread", and along with the White House Coronavirus Task Force urged Americans to continue to adhere to the guidelines and expand community mitigation efforts; and

**WHEREAS**, the majority of individuals in Florida that have tested positive for COVID-19 have been concentrated in its southeastern counties and other urban cores; and

**WHEREAS**, positive cases of COVID-19 have continued to rise in other states in close proximity to Florida, resulting in increased risk to counties in northern Florida; and

**WHEREAS**, many thousands of people fled the New York City region to Florida following New York State issuing a “shelter-in-place” order, thereby jeopardizing the health and safety of Floridians; and

**WHEREAS**, on March 23, 2020, I issued Executive Order 20-80, requiring all individuals that fly into Florida from states with substantial community spread to self-isolate in Florida for 14 days or the duration of their trip, whichever is shorter; and

**WHEREAS**, on March 27, 2020, I issued Executive Order 20-86, requiring all individuals that drive into Florida from states with substantial community spread to self-isolate in Florida for 14 days or the duration of their trip, whichever is shorter; and

**WHEREAS**, persistent interstate travel continues to pose a risk to the entire state of Florida; and

**WHEREAS**, on March 24, 2020, I issued Executive Order 20-83, directing the State Surgeon General and State Health Officer to issue a public health advisory urging the public to avoid all social or recreational gatherings of 10 or more people and urging those who can work remotely to do so; and

**WHEREAS**, it is necessary and appropriate to take action to ensure that the spread of COVID-19 is slowed, and that residents and visitors in Florida remain safe and secure.

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution Chapter

252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Safer At Home

A. Senior citizens and individuals with a significant underlying medical condition (such as chronic lung disease, moderate-to-severe asthma, serious heart conditions, immunocompromised status, cancer, diabetes, severe obesity, renal failure and liver disease) shall stay at home and take all measures to limit the risk of exposure to COVID-19.

B. In concert with the efforts of President Trump and the White House Coronavirus Task Force to fight COVID-19, and based on guidance provided by Florida Surgeon General and State Health Officer, Dr. Scott Rivkees, all persons in Florida shall limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities.

Section 2. Essential Services

A. For purposes of this Order and the conduct it limits, “essential services” means and encompasses the list detailed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, v. 2 (March 28, 2020) (attached) and any subsequent lists published.

B. Essential services also include those businesses and activities designated by Executive Order 20-89 and its attachment which consists of a list propounded by Miami-Dade County in multiple orders.

C. Other essential services may be added under this Order with the approval of the State Coordinating Officer, in close coordination with the State Health Officer. The State Coordinating Officer shall maintain an online list of essential services, as specified in this Order along with any approved additions. The online list shall be available on the Division of

Emergency Management's website at [www.floridadisaster.org](http://www.floridadisaster.org) and the Florida Department of Health's website at [www.floridahealth.gov](http://www.floridahealth.gov).

D. Nothing in this order prohibits individuals from working from home; indeed, this Order encourages individuals to work from home.

E. All businesses or organizations are encouraged to provide delivery, carry-out or curbside service outside of the business or organization, of orders placed online or via telephone, to the greatest extent practicable.

Section 3. Essential Activities

A. For purposes of this Order and the conduct it limits, "essential activities" means and encompasses the following:

- i. Attending religious services conducted in churches, synagogues and houses of worship; and
- ii. Participating in recreational activities (consistent with social distancing guidelines) such as walking, biking, hiking, fishing, hunting, running, or swimming; and
- iii. Taking care of pets; and
- iv. Caring for or otherwise assisting a loved one or friend.

B. Other essential activities may be added to this list with the approval of the State Coordinating Officer, in close coordination with the State Health Officer. The State Coordinating Officer shall maintain an online list of essential activities, as specified in this Order along with any approved additions.

C. A social gathering in a public space is not an essential activity. Local jurisdictions shall ensure that groups of people greater than ten are not permitted to congregate in any public space.

Section 4. Local Orders in Response to COVID-19

This Order shall supersede any conflicting official action or order issued by local officials in response to COVID-19 but only to the extent that such action or order allows essential services or essential activities prohibited by this Executive Order.

Section 5. Previous Executive Orders

This Executive Order does not supersede any Executive Order related to COVID-19.

Section 6. Effective Date and Expiration Date

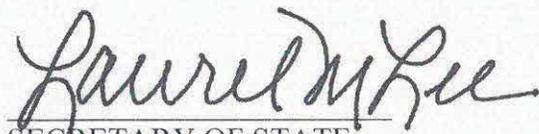
This Order is effective 12:01 am on April 3, 2020. This Order shall expire on April 30, 2020 unless extended by subsequent order. Executive Order 20-68 (bars, restaurants) and Executive Order 20-71 (alcohol sales, restaurants) shall remain in effect through the duration of Executive Order 20-52, including any extensions.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 1st day of April, 2020



  
\_\_\_\_\_  
RON DESANTIS, GOVERNOR

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE

FILED  
2020 APR - 1 PM 1:15  
TALLAHASSEE, FLORIDA

GOVERNOR DOUGLAS A. DUCEY

# STATE OF ARIZONA

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# EXECUTIVE ORDER

## Executive Order 2020-18

### **Stay Home, Stay Healthy, Stay Connected** *Physical Distancing to Mitigate COVID-19 Transmission*

**WHEREAS**, Arizona is committed to combating COVID-19, which represents a serious threat to public health; and

**WHEREAS**, the State of Arizona has taken proactive actions to mitigate the risk of COVID-19 to public health and address the economic impact of the COVID-19 pandemic; and

**WHEREAS**, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, I, as Governor of the State of Arizona, issued a declaration of a Public Health State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

**WHEREAS**, on March 15, 2020, a statewide school closure was issued in coordination with Superintendent of Public Instruction Kathy Hoffman, later extended on March 30, 2020, through the end of the school year; and

**WHEREAS**, many businesses have greatly reduced their hours and operations as directed by health officials and in an effort to protect the public health and slow the spread of COVID-19; and

**WHEREAS**, on March 17, 2020, following updated guidance from the Centers for Disease Control and Prevention (CDC), the Arizona Department of Health Services (ADHS) issued updated guidance that included canceling or postponing gatherings of 10 or more people, recommending telework and other alternatives, restricting access to nursing homes, retirement homes and long-term care facilities to provide critical assistance, and providing recommendations to restaurants and eating establishments to mitigate the risk of COVID-19 transmission; and

**WHEREAS**, on March 19, 2020, Executive Order 2020-09 was issued requiring restaurants in Arizona counties with confirmed COVID-19 cases to provide dine-out options only and required all bars, gyms and movie theaters in those counties to close; and

**WHEREAS**, on March 19, 2020, Executive Order 2020-10 halted all elective surgeries in the State of Arizona to free up medical resources and maintain the capacity for hospitals and providers to continue offering vital services; and

**WHEREAS**, essential services were identified in Executive Order 2020-12 as those specifically necessary to promote the public health, safety and welfare of the state or assist others in fulfilling such functions; and

**WHEREAS**, to combat COVID-19, and at the recommendation of the state’s health officials, the State of Arizona must continue its efforts by further limiting potential exposure through a policy of physical distancing while maintaining social connectedness; and

**WHEREAS**, pursuant to A.R.S. §§ 26-303(E), the Governor of Arizona, after a Declaration is issued, has “the right to exercise, within the area designated, all police power vested in the state by the constitution and laws of this state”; and

**WHEREAS**, pursuant to A.R.S. § 36-787(A), during a State of Emergency declared by the Governor, the Arizona Department of Health Services has primary jurisdiction, responsibility and authority for:

- (1) Planning and executing public health emergency assessment, mitigation, preparedness response and recovery of the State;
- (2) Coordinating public health emergency response among State, local and tribal authorities;
- (3) Collaborating with relevant federal government authorities, elected officials or other states, private organizations and private sector companies; and
- (4) Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies; and

**WHEREAS**, on March 30, 2020, the Director of the Arizona Department of Health Services, based on an epidemiological assessment of Arizona specific data and in alignment with CDC guidance, recommended the state implement enhanced mitigation strategies.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State, including but not limited to A.R.S. § 26-303 and after consultation with the Director of the Arizona Department of Health Services, do hereby order, effective at 5:00 p.m. on March 31, 2020:

1. Arizona shall institute a “Stay home, Stay healthy, Stay connected” policy that promotes physical distancing, while also encouraging social connectedness. This builds on actions the state has already taken, and further memorializes some already in effect, to slow the spread of COVID-19 and protect our citizens.
2. Under this policy, all individuals in the State of Arizona shall limit their time away from their place of residence or property, except:
  - a. To conduct or participate in Essential Activities.
  - b. For employment, to volunteer or participate in Essential Functions.
  - c. To utilize any services or products provided by Essential Businesses.
  - d. Employment, if as a sole proprietor or family owned business, work is conducted in a separate office space from your home and the business is not open to serve the public.
  - e. No person shall be required to provide documentation or proof of their activities to justify their activities under this order.
3. Arizonans are encouraged to improve social connectedness, resiliency, and help-seeking behavior by:

- a. Maintaining ongoing connections and communication with current social supports and structures such as family, friends, neighbors and other social groups;
  - b. Educating fellow Arizonans on the negative health impacts of social isolation;
  - c. Developing habits and activities that increase resilience, such as physical activity, virtual social gatherings, assisting neighbors, implementing or participating in connection campaigns for at-risk populations, and participating in volunteer activities;
  - d. Sharing information and awareness of newly available social services and resources to improve the stability of families and reduce financial stressors; and
  - e. Sharing information and awareness of resources in the community by providing information on where and how high risk populations can access suicide prevention services throughout Arizona, including specific resources that are targeted to high risk populations.
4. Under this policy, Essential Activities include:
- a. Obtaining necessary supplies and services for family, household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, assignments for completion of distance learning and products necessary to maintain safety, sanitation and essential maintenance of the home and residence.
  - b. Engaging in activities essential for the health and safety of family, household members and pets, including things such as seeking medical, behavioral health or emergency services and obtaining medical supplies or medication.
  - c. Caring for a family member, friend, or pet in another household or residence, which includes but is not limited to transportation of a family member, friend or their pet for essential health and safety activities and to obtain necessary supplies and services for the other household.
  - d. Engaging in outdoor exercise activities, such as walking, hiking, running, biking or golfing, but only if appropriate physical distancing practices are used.
  - e. Attending or conducting work or volunteering in Essential Functions which includes but is not limited to transporting children to child care services for attending work in an essential service.
  - f. Engaging in constitutionally protected activities such as speech and religion, and any legal or court process provided that such is conducted in a manner that provides appropriate physical distancing to the extent feasible.
5. To the extent individuals are using shared or outdoor spaces when outside their residence or property for Essential Activities, they shall to the extent possible maintain physical distancing of at least six feet from any other person, consistent with guidance from the CDC.
6. All persons may leave their place of residence only for Essential Activities, to participate in or receive Essential Governmental Functions, or to participate in or fulfill Essential Functions outlined in Executive Order 2020-12.
7. Individuals shall limit use of public transportation to when absolutely necessary to obtain or conduct Essential Activities or attend work in an Essential Function. While using public transportation, riders shall maintain to the extent possible recommended physical distancing of at least six feet from other riders and the operator.

8. Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter as soon as possible and to the maximum extent practicable.
9. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.
10. For purposes of this Executive Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.
11. Businesses and entities that remain open shall implement rules and procedures that facilitate physical distancing and spacing of individuals of at least six feet.
  - a. All businesses that are classified as Essential Functions may remain open and maintain operations, but shall establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Arizona Department of Health Services.
  - b. Essential Functions conducted by governmental entities shall remain open. Government leaders may adjust operations to promote physical distancing, including but not limited to offering on-line services as feasible, limiting the number of persons in a physical space or limiting access to specific facilities or areas to protect from the spread of COVID-19.
  - c. Employment in Essential Businesses and Operations means an essential employee performing work for an Essential Function as identified in the "Prohibiting the Closure of Essential Services" Executive Order list.
12. Non-essential businesses may continue to operate those activities that do not require in-person, on-site transactions and are encouraged to maintain at least minimum basic operations that maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions to include mail pickup.
13. This Executive Order shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper physical distancing and sanitation measures are established and implemented.
14. Arizonans are already acting responsibly during this public health emergency. The intent of this Executive Order is to ensure that people maintain physical distance to the maximum extent feasible, while enabling essential services to continue, protecting people's rights and slowing the spread of COVID-19 to the greatest extent possible. When people need to leave their places of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with physical distancing recommendations. All provisions of this Executive Order shall be interpreted to effectuate this intent. Prior to any enforcement action being taken to enforce this order in accordance with A.R.S. § 26-317, a person shall be notified and given an opportunity to comply.

- 15. Pursuant to A.R.S. § 26-307, no county, city or town may make or issue any order, rule or regulation that conflicts with the policy, directives or intent of this Executive Order, including any order, rule or regulation that limits an individual from conducting, participating in or receiving Essential Services, Essential Activities or Non-essential Services as outlined in this order and prior executive orders.
- 16. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.
- 17. This Executive Order shall be in effect until April 30, 2020, unless extended.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.



*Douglas R. Ducey*

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this Thirtieth Day of March in the Year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

**ATTEST:**

*[Signature]*

**Secretary of State**



**STATE OF ARIZONA**

**OFFICE OF THE ATTORNEY GENERAL**

<p>ATTORNEY GENERAL OPINION</p> <p>By</p> <p>MARK BRNOVICH ATTORNEY GENERAL</p> <p>April 30, 2020</p>	<p>No. I20-008 (R20-008)</p> <p>Re: Application of Executive Order 2020-18 to Religious Worship</p>
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To: The Honorable Kelly Townsend  
Representative  
Arizona House of Representatives

**Questions Presented**

1. In reference to the right to “peaceably assemble” protected under the US Constitution, would attendance at a church service constitute an “essential activity” and be considered a permissible activity under Executive Order 2020-18?
2. Would parishioners be required to maintain social distancing by being 6 feet apart?
3. If they are required to maintain 6 feet apart and do not, under what law would they be in violation of and what punishment would they be subject to?

**Summary Answer**

Attendance at a church service is an “essential activity” under Executive Order 2020-18. The Executive Order does not impose an absolute six-foot social distancing requirement on essential activities that are constitutionally protected. Instead, it provides flexibility to individuals

engaged in constitutionally protected activities by encouraging such activities to be “conducted in a manner that provides appropriate physical distancing to the extent feasible.” That being said, nothing in this opinion should be construed to require or recommend places of worship to reopen; that decision is beyond the scope of a legal opinion.

### **Background**

On March 11, 2020, Arizona Governor Doug Ducey issued a Declaration of Emergency declaring a State of Emergency throughout Arizona due to the COVID-19 outbreak. Pursuant to that State of Emergency, on March 30, 2020, Governor Ducey issued Executive Order 2020-18, which lists certain “Essential Activities” exempted from the order’s general proscription that “all individuals ... shall limit their time away from their place of residence or property.” Ariz. Exec. Order No. 2020-18 § 2 (March 30, 2020) (“Executive Order”).<sup>1</sup> These essential activities include “Engaging in constitutionally protected activities such as speech and religion ... provided that such is conducted in a manner that provides appropriate physical distancing to the extent feasible.” *Id.* § 4(f).

### **Analysis**

#### **I. Attending Places of Worship Is an “Essential Activity”**

Attendance at a place of worship is clearly an “essential activity” under Executive Order 2020-18. The Executive Order expressly provides that essential activities include “[e]ngaging in constitutionally protected activities such as speech and religion.” Executive Order § 4(f).

#### **II. Social Distancing for Constitutionally Protected Activities**

The Executive Order exempts essential activities from the requirement that individuals limit their time away from their place of residence or property. Executive Order §§ 2, 6. Gener-

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<sup>1</sup> On April 29, 2020, the Governor issued Executive Order 2020-33, to which this opinion is also applicable.

ally, when individuals engage in essential activities outside their residence or property, “they shall *to the extent possible* maintain physical distancing of *at least six feet* from any other person, consistent with guidance from the CDC.” Executive Order § 5 (emphasis added). The Executive Order, however, provides even wider latitude when constitutionally protected activities “such as speech and religion” are involved. For constitutionally protected activities, the Executive Order does not mandate a set distancing requirement. Instead, it provides that such protected activities be “conducted in a manner that provides *appropriate* physical distancing *to the extent feasible*.” Executive Order § 4(f) (emphasis added). This flexible language recognizes that what may be appropriate or feasible in one context may not be appropriate or feasible in another context. As such, the Executive Order encourages individuals to act responsibly based on individual circumstances. The flexible language also helps ensure that appropriate leeway is provided to individuals engaged in activities afforded heightened protections under both federal and state constitutions. No doubt recognizing the importance of these protections—even when faced with an emergency declaration—the “intent of th[e] Executive Order” expressly includes “protecting people’s rights ... to the greatest extent possible.” Executive Order § 14.

### **III. Applicable Penalties for Constitutionally Protected Activities**

As set forth above, the Executive Order does not impose an absolute six-foot social distancing requirement for essential activities that are constitutionally protected, but rather requires “appropriate physical distancing to the extent feasible.” *Id.* § 4(f).

### **Conclusion**

Executive Order 2020-18 proclaims that a state of emergency exists due to COVID-19 and implores all Arizonans to use their best judgment in suspending public activities that can be delayed, for the purposes of protecting the individual and the public as well as preserving vital

healthcare resources. Nevertheless, during times of pandemic and other crises, “[a] frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.” Ariz. Const. art. 2, § 1. Therefore, the Executive Order is properly interpreted to exempt constitutionally protected activities as “essential” and provides flexibility in social distancing.

Mark Brnovich  
Attorney General



## **Guidance for Houses of Worship During the COVID-19 Crisis**

During these challenging times, government and faith communities throughout Texas need to work together to love our neighbors and slow the spread of Coronavirus. To facilitate this collaboration, State and local governments must clearly articulate their directives aimed at mitigating spread of the virus. This updated joint guidance from the Office of the Attorney General and the Office of the Governor is the official guidance regarding the effect of Executive Order GA 16 on religious services conducted in churches, congregations, and houses of worship.

### **The government must give special consideration to houses of worship when issuing orders related to the COVID-19 crisis.**

The First Amendment to the United States Constitution and Article I of the Texas Constitution protect the right of Texans to worship and freely exercise their religion according to the dictates of their own consciences. In addition, the Texas Religious Freedom Restoration Act (“RFRA”) provides additional protections to faith communities, and government must ensure that it complies with RFRA when it acts, even during a disaster. Thus, when state or local governments issue orders prohibiting people from providing or obtaining certain services, they must ensure that these orders do not violate these constitutional and statutory rights.

### **Houses of worship provide “essential services.”**

By executive order, Governor Abbott has defined essential services to include “religious services conducted in churches, congregations, and houses of worship.”<sup>1</sup> Institutions providing these essential services can provide them under certain conditions described in Executive Order GA 16 and local orders by counties or municipalities that are consistent with GA 16. To the extent there is conflict between the Governor’s Executive Order GA 16 and local orders, GA 16 controls. Local governments may not order houses of worship to close.

### **Houses of worship should conduct as many activities as possible remotely, and should follow federal guidelines when providing services in person.**

Houses of worship should conduct as many of their activities as possible remotely. Services that houses of worship cannot conduct remotely should be conducted in accordance with guidance from the White House and the Centers for Disease Control and Prevention (“CDC”).<sup>2</sup> For example:

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<sup>1</sup> Exec. Order No. GA 16 at 3 (Apr. 17, 2020); *see also* Exec. Order No. GA 14 at 2 (Mar. 31, 2020) (superseded by GA 16).

<sup>2</sup> Ctr. for Disease Control, Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) (Apr. 9, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/>

- Instruct sick employees, volunteers, and guests to stay home;
- Practice social distancing by maintaining appropriate distance between people;
- Maintain good hygiene by washing your hands frequently, using hand sanitizer, using your elbow to cover coughs, and not touching your face;
- Implement environmental cleanliness and sanitization practices; and
- Clean and disinfect work areas frequently.

Houses of worship, like providers of other essential services, are to follow additional guidance from the White House and CDC whenever possible.<sup>3</sup>

### **Houses of worship should help slow the spread of the virus.**

Texas is a big state and the transmission rate of COVID-19 varies in different communities. Texans also have big hearts and should love their neighbors by evaluating the rate of local community spread to determine the appropriate level of mitigation strategies to implement.<sup>4</sup> Houses of worship play an important role in this effort, and can use their creativity to help slow the spread of the virus. For example, a church could hold “drive-in” style services. Or because Executive Order GA 16 permits drive-thrus to provide goods and services, a house of worship may, according to their faith practices, provide communion or a blessing through a similar drive-up service.

When conducting services, houses of worship may consider implementing the following practices:

- Encourage all attendees who are 65 and above to stay home and watch the services online, or provide a “senior service” exclusively for attendees 65 and above to attend in person.
- Ask all attendees who have an underlying at-risk health condition to stay home and watch the services online.
- Equip ushers and greeters with gloves and masks.
- Consider keeping child care closed, unless the house of worship can comply with CDC guidelines for child care facilities.<sup>5</sup>

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[community/guidance-business-response.html](https://www.dshs.texas.gov/coronavirus/#prevent); Tex. Dep’t of State Health Servs., Prevention of COVID-19 (Apr. 17, 2020), <https://www.dshs.texas.gov/coronavirus/#prevent>; The President’s Coronavirus Guidelines for America, 30 Days to Slow the Spread (Mar. 31, 2020), [https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20\\_coronavirus-guidance\\_8.5x11\\_315PM.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf).

<sup>3</sup> CDC: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

Texas DSHS: <https://www.dshs.texas.gov/coronavirus/#prevent>.

<sup>4</sup> CDC, People Who Are at Higher Risk for Severe Illness (Apr. 15, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>; see also CDC, Interim Guidance for Administrators and Leaders of Community- and Faith-Based Organizations to Plan, Prepare, and Respond to Coronavirus Disease 2019 (COVID-19) (Mar. 23, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>.

<sup>5</sup> CDC, Guidance for Childcare Programs that Remain Open (Apr. 12, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>.

- Ensure all attendees sanitize their hands and put on a mask before entering the building.
- Ensure attendees sit with their family unit, use social distancing between each unit, and, if necessary, add more service times to facilitate distancing.
- Clergy should dismiss attendees by family unit, maintaining social distancing.
- Staff should sanitize seats and frequently touched surfaces between services.
- Consider refraining from passing collection plates and instead provide a central collection box in the building or encourage online giving.
- Consider how the sacraments can be administered without attendees having to touch the same surfaces and objects.

**These guidelines do not violate the religious liberty of houses of worship.**

Under the extraordinary circumstances in which we temporarily live, these guidelines provide that houses of worship may remain open. The guidelines make only recommendations to houses of worship. They do not violate the religious liberty of houses of worship because the government has a compelling interest in recommending this guidance (stopping contagion) and the guidance is the least restrictive means of serving that compelling interest (allowing houses of worship to stay open for ministry, but suggesting ways that help slow the spread of COVID-19).



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REPLY TO FLORIDA

July 16, 2020

**Via E-Mail and Facsimile:**

Hon. Xavier Becerra, Esq.  
Office of the Attorney General  
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xavier.becerra@doj.ca.gov

**TIME-SENSITIVE LEGAL DEMAND – RESPONSE REQUIRED BY 10:00 AM PACIFIC  
JULY 17, 2020 TO PREVENT FURTHER ACTION BY LIBERTY COUNSEL**

**RE: Church meeting bans and bans on singing and chanting**

Dear Attorney General Becerra:

Liberty Counsel is a national non-profit litigation, education, and public policy organization with an emphasis on First Amendment liberties. Liberty Counsel represents Pastor Che Ahn, Harvest Rock Church, and other California churches. (“Clients”). Harvest Rock Church has satellite and affiliated locations throughout California.

Various COVID-19 orders have been issued by Governor Newsom and other State officials purporting to prohibit California residents, on pain of criminal sanctions, from gathering for indoor worship services in 33 counties in California (including those where many of Client satellite churches are located) or from gathering in-person at Client churches (in the other 25 counties where worship is not totally prohibited) for worship services, if that worship service includes 101 individuals or more than 25% capacity (whichever is lower).

In addition, for our Client churches in counties that can still meet at all, Governor Newsom’s orders prohibit them from engaging in singing or chanting during their religious services, or from having small groups gather inside people’s homes for small-group Bible studies and worship services.

Governor Newsom treats our Clients differently and discriminatorily, based on different religious activities in which our Clients engage at their Church buildings. Clients may feed the hungry, clothe the naked, house the homeless, and provide other critical social services to an

unlimited number of individuals in the same building and be exempt from the Governor's Orders. Yet, if Clients transition to a "worship service" with those same hungry, naked, or homeless individuals, then the Governor's Orders automatically kick in, and Clients are subject to criminal penalties.

Additionally, while Governor Newsom has purported to significantly restrict the number of individuals permitted to "gather" in Client churches, he has imposed no similar restrictions on the untold thousands of protestors, rioters, and looters who have gathered all throughout California cities with no threat of criminal sanction, no social distancing, and no restrictions whatsoever. And, **the Governor explicitly encouraged such large gatherings of protestors, rioters, and looters while condemning churches from signing hymns in their churches.**

Governor Newsom may not permit and encourage massive protest and gatherings in blatant violation of his Orders, some of which are protected by the First Amendment, while prohibiting or impermissibly burdening religious activities, which are all protected by the First Amendment. In *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993) [hereinafter *Lukumi*], the Supreme Court held certain laws prohibiting religious practices violated the First Amendment, concluding "that the laws in question were enacted by officials who did not understand, failed to perceive, or chose to ignore the fact that their official actions violated the Nation's essential commitment to religious freedom." 508 U.S. at 524.

Officials in other jurisdictions have threatened to impose criminal or other sanctions on other religious gatherings. In Louisville, Kentucky, for example, the government threatened to use police to impose criminal sanctions on those individuals found in violation of similar COVID-19 orders and threatened to impose various sanctions on individuals found in violation of such orders. The United States District Court for the Western District of Kentucky found that the mere threat of such criminal sanction warranted a TRO. *See On Fire Christian Center, Inc. v. Fischer*, No. 3:20-cv-264-JRW, 2020 WL 1820249 (W.D. Ky. Apr. 11, 2020). The *On Fire* TRO enjoined the Mayor of Louisville from "enforcing, attempting to enforce, threatening to enforce, or otherwise requiring compliance with any prohibition on drive-in church services at On Fire." *Id.* at \*1 (emphasis added).

In May 2020, two circuit courts of appeal issued three injunctions pending appeal (IPA) against enforcement of executive orders restricting worship services. *See Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610 (6th Cir. 2020); *Roberts v. Neace*, 958 F.3d 409 (6th Cir. 2020); *First Pentecostal Church v. City of Holly Springs, Miss.*, 959 F.3d 669 (5th Cir. 2020) (granting IPA to Mississippi church enjoining enforcement of Mississippi Governor's order restricting worship). A week after the Sixth Circuit's *Roberts* IPA, the Eastern District of North Carolina issued a TRO enjoining the North Carolina Governor from enforcing a 10-person limit on religious worship because it violated the Free Exercise Clause. *See Berean Baptist Church v. Cooper*, No. 4:20-cv-81-D, 2020 WL 2514313 (E.D.N.C. May 16, 2020).

Twice in April, three times in May, and once in June 2020, federal district courts enjoined COVID-19 prohibitions on religious worship. On April 18, 2020, the District of Kansas issued a TRO enjoining enforcement of a restriction on religious gatherings of more than 10 people, requiring the state to treat worship services the same as exempted "essential" gatherings. *See First Baptist Church v. Kelly*, No. 20-1102-JWB, 2020 WL 1910021, \*6-7 (D. Kan. Apr. 18, 2020). The *First Baptist* TRO specifically stated that the government's disparate treatment of religious

gatherings violated the Free Exercise Clause because it showed “religious activities were specifically targeted for more onerous restrictions than comparable secular activities.” *Id.* at \*7 (emphasis added). The court concluded that restricting religious gatherings while permitting other non-religious activities “show[s] that these executive orders expressly target religious gatherings on a broad scale and are, therefore, not facially neutral.” *Id.*

Finally, the June district court decision enjoining COVID-19 orders restricting religious worship arose in the context of recent mass, race-related protests. In *Soos v. Cuomo*, No. 1:20-cv-651 (GLS/DJS), slip op. (N.D.N.Y. June 26, 2020) (attached hereto for your ready reference), the district court preliminarily enjoined executive orders issued by the New York Governor and New York City Mayor, restricting worship services, after both officials publicly encouraged protests that violated their orders. Slip op. at 2–14, 31–32, 37–38. Applying *Lukumi*, the *Soos* court held the restrictions were not generally applicable, and therefore had to satisfy strict scrutiny, because some restrictions applied uniquely to religious worship as a practical matter, and others were not applied to mass protests that clearly violated the restrictions. Slip op. at 29–32.

In times of national crisis, such as the current uncertainty arising from COVID-19, “the fog of public excitement obscures the ancient landmarks set up in our Bill of Rights.” *American Communist Ass’n, C.I.O. v. Douds*, 339 U.S. 382, 453 (1950) (Black, J., dissenting). But, where the fog of public excitement is at its apex, “the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly.” *De Jonge v. Oregon*, 299 U.S. 353, 365 (1937). Without doubt, “[t]herein lies the security of the Republic, the very foundation of constitutional government.” *Id.*

Here, the State of California has failed to consider other, substantially less restrictive alternatives to an arbitrary numerical limitation for “houses of worship.” Other states have determined that churches are essential and may continue to operate with no numerical restrictions, provided they follow appropriate social distancing and personal hygiene practices. Strict enforcement of “gathering orders” limiting churches and religious meeting attendance, while allowing and encouraging mass protests of tens of thousands is discriminatory and unlawful. The state may not dictate the method or modes of worship, as it has tried to do in banning singing or chanting during religious worship services.

The California Office of the Attorney General and other law enforcement agencies, acting at the direction of the Office of the Governor, are each acting under color of state law. The threat of enforcement action against our clients and other similarly situated California citizens deprives them of rights secured by the United States Constitution, including the First and Fourteenth Amendments to the United States Constitution, in violation of 42 U.S.C. § 1983.

Liberty Counsel therefore requests that the California Office of the Attorney General respond in writing by 10:00 Pacific on July 17, that the above-detailed Orders have been rescinded. If I do not receive this response, Liberty Counsel will take further action to prevent irreparable harm to the rights of our clients. I may be reached at dschmid@lc.org.

Sincerely,



Daniel J. Schmid<sup>†</sup>

CC:

**Via Facsimile:** (916) 558-3160

The Hon. Gavin Newsom

[gavin.newsom@gov.ca.gov](mailto:gavin.newsom@gov.ca.gov)

**Via Email:**

Nicolai Cocis, Esq.

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<sup>†</sup> Licensed in Virginia

XAVIER BECERRA  
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July 17, 2020

**By E-Mail and U.S. Mail**

Mr. Daniel Schmid, Esq.  
Liberty Counsel  
PO Box 540774  
Orlando, FL 32854  
dschmid@lc.org

RE: Response to 07/16/20 legal demand

Dear Mr. Schmid:

I write in response to the letter sent yesterday on behalf of your clients Pastor Che Ahn and Harvest Rock Church. Although the Governor sympathizes with your clients' understandable desire to remove restrictions on worship services, he cannot agree to rescind those restrictions at this time because they are needed to combat the deadly COVID-19 pandemic sweeping across the State and to protect public health.

As you are no doubt aware, the novel coronavirus that causes COVID-19 already has infected over 13.7 million people and killed over 588,000 worldwide, including more than 356,000 infections and 7,300 deaths in California alone. Because there is no cure, no widely effective treatment, and no vaccine for this highly infectious and often deadly virus, and the virus may be spread unknowingly by individuals with no symptoms, California, like all other states, must rely heavily on recognized means of slowing the virus' spread, including and especially through physical distancing. California therefore has imposed restrictions on a broad range of activities, and because of the recent resurgence in infections, the State has reinstated many previously relaxed restrictions.

Most pertinently, the State has restricted public indoor gatherings such as worship services, concerts, movies, and other activities in which persons from different households gather in enclosed spaces and close proximity for extended periods of time, because these gatherings create an especially great risk of transmission. Indeed, as report after report unfortunately demonstrate, indoor worship services may, and have, become "super-spreader" events causing dozens, hundreds, and even thousands of infections. Moreover, some recent reports show this is true even where distancing and other precautions are required. And singing and chanting are especially dangerous because COVID-19 is frequently transmitted via respiratory droplets,

Mr. Daniel Schmid, Esq.  
July 17, 2020  
Page 2

which singing and chanting expel with greater force and distance, thereby increasing the risk of transmission.

While the current restrictions on indoor worship services and other activities require difficult sacrifices, they are needed to protect public health, and most Californians as well as the vast majority of houses of worship throughout the State have recognized and accepted this. A few have not and have sued, but their legal challenges to California's restrictions have been rejected by the United States Supreme Court, the Ninth Circuit Court of Appeals, and every state court and federal district court to consider them. Your letter does not raise any points that the courts have not already considered and rejected. As a consequence, the Governor cannot agree to rescind the restrictions in question and endanger public health.

California does not prevent your clients from continuing to conduct worship services. While indoor, in-person worship services are currently prohibited in Los Angeles County and many other counties in the State, houses of worship are free to conduct in-person services outdoors as well as drive-in services. They are also free to conduct services on-line, and it appears that your client Harvest Rock Church is especially experienced and adept in doing so. Moreover, as infection rates drop, and the ability to treat and prevent infections increases, the restrictions on worship services and other activities will be progressively relaxed until at some point in the hopefully not-too-distant future, such restrictions will no longer be needed to protect public health.

Sincerely,

*/s/ Paul Stein*

PAUL STEIN  
Supervising Deputy Attorney General

For XAVIER BECERRA  
Attorney General

PES:

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2 nic@cocislaw.com  
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18 (407) 875-1776  
19 (407) 875-0770 (facsimile)  
20 *Attorneys for Plaintiffs*

21 UNITED STATES DISTRICT COURT  
22 CENTRAL DISTRICT OF CALIFORNIA  
23 LOS ANGELES DIVISION

24 HARVEST ROCK CHURCH, INC., and  
25 HARVEST INTERNATIONAL  
26 MINISTRY, INC., itself and on behalf  
27 of its member churches in California,

28 *Plaintiffs,*

v.

29 GAVIN NEWSOM,  
30 *in his official capacity as*  
31 Governor of the State of California,

*Defendant.*

**Case No. 2:20-cv-06414-JGB-KK**

**NOTICE OF FILING  
DECLARATION OF CHE AHN  
SUPPLEMENTING  
THE RECORD FOR  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

**The Honorable Jesus G. Bernal  
Hearing: August 12, 2020  
2:00 PM PDT**

1 NOTICE to All Counsel of Record:

2 On this 11th day of August, 2020, Plaintiffs filed a Declaration of Pastor Che  
3 Ahn, Pastor of Harvest Rock Church, Inc., Supplementing the Record for Plaintiffs’  
4 Motion for Preliminary Injunction and authenticating a Letter from the Planning and  
5 Community Development Department, Code Enforcement Division, for the City of  
6 Pasadena, received by Harvest Rock Church, Inc. on August 11, 2020.

7 1. On July 17, 2020, Plaintiffs filed the above-captioned cause in this Court,  
8 filing a Verified Complaint for Temporary Restraining Order, Preliminary and  
9 Permanent Injunctive Relief, Declaratory Relief, and Damages (dkt. 1), and a Notice of  
10 Motion and Motion for Temporary Restraining Order and Preliminary Injunction. (Dkt.  
11 4).

12 2. On July 20, 2020, this Court denied Plaintiffs’ Motion to the temporary  
13 restraining order, and set a briefing schedule on Plaintiffs’ Motion as to a preliminary  
14 injunction, with Defendants’ response due on August 3, 2020.

15 3. On August 3, 2020, the Governor filed his Opposition to Plaintiffs’ Motion  
16 for Temporary Restraining Order (dkt. 31, “Opposition”). In his Opposition, the  
17 Governor contended that Plaintiffs are not entitled to any injunctive relief because they  
18 have not presented any evidence that the government in California is attempting to  
19 enforce the Governor’s COVID-19 Executive Orders and California Public Health  
20 Directives. (Dkt. 31, Opposition at 16-17).

21 4. As Plaintiffs pointed out in their Reply in Support of Motion for  
22 Preliminary Injunction (dkt. 37), actual enforcement is not a prerequisite in the First  
23 Amendment context, as the mere existence of the power to enforce an unconstitutional  
24 restriction on free speech is sufficient to warrant injunctive relief. (Dkt. 37, Reply at  
25 15-17).

26 5. However, enforcement and threatened enforcement is not merely  
27 theoretical now. Contrary to the assertions in the Governor’s Opposition, the Planning  
28

1 and Community Development Department, Code Enforcement Division, for the City of  
2 Pasadena has now issued a letter to Plaintiff Harvest Rock Church threatening criminal  
3 penalties, including fines and imprisonment. A true and correct copy of the City of  
4 Pasadena Code Enforcement Letter is attached as EXHIBIT A to the Declaration of Che  
5 Ahn, filed simultaneously herewith.

6 6. In that Letter, the City of Pasadena states quite plainly that it has been and  
7 will continue to enforce the Governor’s Orders. It states: “Violations of [the  
8 Governor’s] Orders constitute misdemeanors under California and Pasadena law  
9 punishable by a fine and/or imprisonment. **The City of Pasadena is enforcing these**  
10 **Orders and will continue to do so.**” (Ahn Decl., Exhibit A (emphasis added)).

11 7. Though the Letter was dated July 28, 2020, Plaintiff Harvest Rock Church  
12 did not become aware of the Letter sent to them until today, August 11, 2020. Plaintiffs  
13 were not aware of this Letter’s existence until that time, and therefore did not have an  
14 opportunity to bring it to this Court’s attention in its Reply in Support of Motion for  
15 Preliminary Injunction.

16 8. Pastor Ahn’s Declaration is submitted to supplement the record with  
17 relevant facts concerning the actual enforcement of the Governor’s Orders and the threat  
18 of continued enforcement absent injunctive relief.

Respectfully submitted,

/s/ Nicolai Cocis  
Nicolai Cocis, CA Bar No. 204703  
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Law Office of Nicolai Cocis  
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Murrieta, CA 92562  
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/s/ Daniel J. Schmid  
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\*Admitted *Pro Hac Vice*

*Attorneys for Plaintiffs*

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**CERTIFICATE OF SERVICE**

Case Name: *Harvest Rock Church, Inc. et. al. v. Newsom* Case No. 2:20-cv-6414JCG(KKx)

I hereby certify that on this 11th day of August, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**NOTICE OF FILING OF DECLARATION OF CHE AHN SUPPLEMENTING THE RECORD FOR PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of this State of California and the United States of America that the foregoing is true and correct and that this declaration was executed on August 11, 2020, at Lynchburg, Virginia.

Daniel J. Schmid  
Declarant

/s/ Daniel J. Schmid  
Signature

1 Nicolai Cocis, CA Bar No. 204703  
2 nic@cocislaw.com  
3 Law Office of Nicolai Cocis  
4 25026 Las Brisas Road  
5 Murrieta, CA 92562  
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13 Daniel J. Schmid\*  
14 dschmid@LC.org  
15 Liberty Counsel  
16 P.O. Box 540774  
17 Orlando, FL 32854  
18 (407) 875-1776  
19 (407) 875-0770 (facsimile)  
20 *Attorneys for Plaintiffs*

21 UNITED STATES DISTRICT COURT  
22 CENTRAL DISTRICT OF CALIFORNIA  
23 LOS ANGELES DIVISION

24 HARVEST ROCK CHURCH, INC., and  
25 HARVEST INTERNATIONAL  
26 MINISTRY, INC., itself and on behalf  
27 of its member churches in California,

28 *Plaintiffs,*

v.

GAVIN NEWSOM,  
*in his official capacity as*  
Governor of the State of California,

*Defendant.*

**Case No. 2:20-cv-06414-JGB-KK**

**DECLARATION OF CHE AHN  
SUPPLEMENTING THE  
RECORD FOR PLAINTIFFS’  
MOTION FOR  
PRELIMINARY INJUNCTION**

**The Honorable Jesus G. Bernal  
Hearing: August 12, 2020  
2:00 PM PDT**

1 I, Che Ahn, do hereby declare as follows:

2 1. I am over the age of 18 years, am the Pastor at Plaintiff Harvest Rock  
3 Church, Inc., and competent to make the statements in this Declaration. The  
4 statements in this Declaration are true and correct, based upon my personal knowledge  
5 (unless otherwise indicated), and if called upon to testify to them, I would and could  
6 do so competently.

7 2. On August 11, 2020, Plaintiff Harvest Rock Church, Inc. received a letter  
8 from the Planning and Community Development Department, Code Enforcement  
9 Division, for the City of Pasadena threatening criminal penalties, including fines and  
10 imprisonment. A true and correct copy of the City of Pasadena Code Enforcement  
11 Letter, which was received by Harvest Rock Church on August 11, 2020 is attached  
12 hereto as **EXHIBIT A** and incorporated herein.

13 3. In that Letter, the City contends that Harvest Rock Church “may not be  
14 in compliance with the Safer at Home Health Order,” and that I may be subject to  
15 criminal penalties for such a violation. (EXHIBIT A).

16 4. Specifically, the Letter states, “Violations of [the Governor’s] Orders  
17 constitute misdemeanors under California and Pasadena law punishable by a fine  
18 and/or imprisonment. **The City of Pasadena is enforcing these Orders and will**  
19 **continue to do so.**” (EXHIBIT A (emphasis added)).

20 5. Although the Letter is dated July 28, 2020, Harvest Rock Church did not  
21 know about this letter or have any notice of it until today, August 11, 2020. I provided  
22 this letter to my counsel in this case for submission to this Court immediately upon  
23 receiving it.

24 I hereby declare under penalty of perjury of the laws of the United States and  
25 the State of California that the foregoing statements are true and correct to the best of  
26 my knowledge.

27 /s/ Che Ahn  
28 Che Ahn  
Pastor, Harvest Rock Church, Inc.

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**CERTIFICATE OF SERVICE**

Case Name: *Harvest Rock Church, Inc. et. al. v. Newsom* Case No. 2:20-cv-6414JCG(KKx)

I hereby certify that on this 11th day of August, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DECLARATION OF CHE AHN SUPPLEMENTING THE RECORD FOR PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of this State of California and the United States of America that the foregoing is true and correct and that this declaration was executed on August 11, 2020, at Lynchburg, Virginia.

Daniel J. Schmid  
Declarant

/s/ Daniel J. Schmid  
Signature



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
CODE ENFORCEMENT COMMISSION

July 28, 2020

Dear Business Owner or Operator:

During these unprecedented times, we appreciate our business community's patience, understanding and support as we navigate challenges related to COVID-19. The State of California and the City of Pasadena have issued emergency Health Officer Orders that have ordered the following industries/activities to close for indoor service:

- Hair salons and barbershops
- Personal Care Services
- Worship Services
- Fitness Centers

As such, it is required that your business/facility be closed. For more information regarding the Declarations and Orders in effect in Pasadena related to COVID-19, you can go to [www.cityofpasadena.net](http://www.cityofpasadena.net).

It has come to the City's attention that your operation may not be in compliance with the Safer a Home Health Order. . Should you continue to operate in contravention of the relevant Order, you would be subject to criminal penalties under the California Penal and Health & Safety Code Sections 101028 and 120295, as well as under the Pasadena Municipal Code Section 2.30.120(B). Violations of these Orders constitute misdemeanors under California and Pasadena law punishable by a fine and/or imprisonment. The City of Pasadena is enforcing these Orders and will continue to do so until the present emergency ends. Your compliance with the Health Officer Order is required, and your cooperation in this effort to prevent the spread of COVID-19 is greatly appreciated.

If you believe that this letter has been posted in error and that you are an essential critical infrastructure worker as designated by the City of Pasadena Health Officer Order (definition of essential businesses is available at [www.cityofpasadena.net/COVID19-Essential-Businesses](http://www.cityofpasadena.net/COVID19-Essential-Businesses)), please contact Code Compliance immediately at (626) 744-6830.

Sincerely,

Israel Del Toro  
Senior Project Manager/Code Compliance Manager

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2 nic@cocislaw.com  
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16 P.O. Box 540774  
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18 (407) 875-1776  
19 (407) 875-0770 (facsimile)  
20 *Attorneys for Plaintiffs*

21 UNITED STATES DISTRICT COURT  
22 CENTRAL DISTRICT OF CALIFORNIA  
23 LOS ANGELES DIVISION

24 HARVEST ROCK CHURCH, INC., and  
25 HARVEST INTERNATIONAL  
26 MINISTRY, INC., itself and on behalf  
27 of its member churches in California,

28 *Plaintiffs,*

v.

29 GAVIN NEWSOM,  
30 *in his official capacity as*  
31 Governor of the State of California,

*Defendant.*

**Case No. 2:20-cv-06414-JGB-KK**

**NOTICE OF FILING  
DECLARATION OF CHE AHN  
SUPPLEMENTING  
THE RECORD FOR  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

**The Honorable Jesus G. Bernal**

1 NOTICE to All Counsel of Record:

2 On this 21st day of August, 2020, Plaintiffs filed a Declaration of Pastor Che  
3 Ahn, Pastor of Harvest Rock Church, Inc., Supplementing the Record for Plaintiffs’  
4 Motion for Preliminary Injunction and authenticating a Letter from the Office of the  
5 City Attorney/City Prosecutor, Criminal Division, for the City of Pasadena, received by  
6 Harvest Rock Church, Inc. on August 18, 2020.

7 1. On July 17, 2020, Plaintiffs filed the above-captioned cause in this Court,  
8 filing a Verified Complaint for Temporary Restraining Order, Preliminary and  
9 Permanent Injunctive Relief, Declaratory Relief, and Damages (dkt. 1), and a Notice of  
10 Motion and Motion for Temporary Restraining Order and Preliminary Injunction. (Dkt.  
11 4).

12 2. On July 20, 2020, this Court denied Plaintiffs’ Motion to the temporary  
13 restraining order, and set a briefing schedule on Plaintiffs’ Motion as to a preliminary  
14 injunction, with Defendants’ response due on August 3, 2020.

15 3. On August 3, 2020, the Governor filed his Opposition to Plaintiffs’ Motion  
16 for Temporary Restraining Order (dkt. 31, “Opposition”). In his Opposition, the  
17 Governor contended that Plaintiffs are not entitled to any injunctive relief because they  
18 have not presented any evidence that the government in California is attempting to  
19 enforce the Governor’s COVID-19 Executive Orders and California Public Health  
20 Directives. (Dkt. 31, Opposition at 16-17).

21 4. As Plaintiffs pointed out in their Reply in Support of Motion for  
22 Preliminary Injunction (dkt. 37), actual enforcement is not a prerequisite in the First  
23 Amendment context, as the mere existence of the power to enforce an unconstitutional  
24 restriction on free speech is sufficient to warrant injunctive relief. (Dkt. 37, Reply at  
25 15-17).

26 5. However, enforcement and threatened enforcement is not merely  
27 theoretical now. Contrary to the assertions in the Governor’s Opposition, the Planning  
28

1 and Community Development Department, Code Enforcement Division, for the City of  
2 Pasadena has now issued a letter to Plaintiff Harvest Rock Church threatening criminal  
3 penalties, including fines and imprisonment. (*See* Dkt. 41-1, 1-2).

4 6. Moreover, if the threatened criminal sanctions were not apparent from the  
5 Code Enforcement Division (dkt. 41-2), Plaintiffs have received a letter from the Office  
6 of the City Attorney/City Prosecutor, Criminal Division, threatening to impose criminal  
7 sanctions on Plaintiffs for merely holding worship services. A true and correct copy of  
8 the Office of the City Attorney/City Prosecutor, Criminal Division, is attached as  
9 EXHIBIT A to the Declaration of Che Ahn, filed simultaneously herewith.

10 7. In that Letter, the City Attorney/City Prosecutor informed Plaintiffs that  
11 “violations of [the Governor’s Orders] are criminal in nature.” (Ahn Declaration,  
12 EXHIBIT A at 1). It further states that “[e]ach day in violation is a separate violation  
13 and carries with it a potential punishment of up to one year in jail and a fine for each  
14 violation.” (*Id.*).

15 8. Finally, the Letter states that “[a]ny violations in the future will subject  
16 your Church, owners, administrators, operators, staff, and parishioners to the above-  
17 referenced criminal penalties as well as the potential closure of your Church.” (*Id.*).

18 9. Pastor Ahn’s Declaration is submitted to supplement the record with  
19 relevant facts concerning the actual enforcement of the Governor’s Orders and the threat  
20 of continued enforcement absent injunctive relief.

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Respectfully submitted,

/s/ Nicolai Cocis  
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nic@cocislaw.com  
Law Office of Nicolai Cocis  
25026 Las Brisas Road  
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/s/ Daniel J. Schmid  
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\*Admitted *Pro Hac Vice*

*Attorneys for Plaintiffs*

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**CERTIFICATE OF SERVICE**

Case Name: *Harvest Rock Church, Inc. et. al. v. Newsom* Case No. 2:20-cv-6414JCG(KKx)

I hereby certify that on this 21st day of August, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**NOTICE OF FILING OF DECLARATION OF CHE AHN SUPPLEMENTING THE RECORD FOR PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of this State of California and the United States of America that the foregoing is true and correct and that this declaration was executed on August 21, 2020, at Lynchburg, Virginia.

Daniel J. Schmid  
Declarant

/s/ Daniel J. Schmid  
Signature

1 Nicolai Cocis, CA Bar No. 204703  
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18 (407) 875-1776  
19 (407) 875-0770 (facsimile)  
20 *Attorneys for Plaintiffs*

21 UNITED STATES DISTRICT COURT  
22 CENTRAL DISTRICT OF CALIFORNIA  
23 LOS ANGELES DIVISION

24 HARVEST ROCK CHURCH, INC., and  
25 HARVEST INTERNATIONAL  
26 MINISTRY, INC., itself and on behalf  
27 of its member churches in California,

28 *Plaintiffs,*

v.

GAVIN NEWSOM,  
*in his official capacity as*  
Governor of the State of California,

*Defendant.*

**Case No. 2:20-cv-06414-JGB-KK**  
**DECLARATION OF CHE AHN**  
**SUPPLEMENTING THE**  
**RECORD FOR PLAINTIFFS’**  
**MOTION FOR**  
**PRELIMINARY INJUNCTION**

**The Honorable Jesus G. Bernal**

I, Che Ahn, do hereby declare as follows:

1. I am over the age of 18 years, am the Pastor at Plaintiff Harvest Rock Church, Inc., and competent to make the statements in this Declaration. The statements in this Declaration are true and correct, based upon my personal knowledge (unless otherwise indicated), and if called upon to testify to them, I would and could do so competently.

2. On August 18, 2020, Plaintiff Harvest Rock Church, Inc. received a letter from the Office of the City Attorney/City Prosecutor, Criminal Division. A true and correct copy of the City Attorney/City Prosecutor’s Letter is attached hereto as **EXHIBIT A** and incorporated herein.

3. In the City Attorney/City Prosecutor’s Letter, Harvest Rock Church and I were threatened with criminal sanctions and penalties for alleged violations of the Governor’s COVID-19 Orders.

4. The City Attorney/City Prosecutor letter stated that violations of the Governor’s Orders were “criminal in nature,” and that “[e]ach day in violation is a separate violations and carries with it a potential criminal punishment of up to one year in jail and a fine for each violation.” (Exhibit A at 1).

I hereby declare under penalty of perjury of the laws of the United States and the State of California that the foregoing statements are true and correct to the best of my knowledge.

/s/ Che Ahn  
Che Ahn  
Pastor, Harvest Rock Church, Inc.

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**CERTIFICATE OF SERVICE**

Case Name: *Harvest Rock Church, Inc. et. al. v. Newsom* Case No. 2:20-cv-6414JCG(KKx)

I hereby certify that on this 21st day of August, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DECLARATION OF CHE AHN SUPPLEMENTING THE RECORD FOR PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of this State of California and the United States of America that the foregoing is true and correct and that this declaration was executed on August 21, 2020, at Lynchburg, Virginia.

Daniel J. Schmid  
Declarant

/s/ Daniel J. Schmid  
Signature



OFFICE OF THE CITY ATTORNEY/CITY PROSECUTOR  
CRIMINAL DIVISION

August 13, 2020

Harvest Rock Church  
c/o Pastor Che Ahn  
2555 E. Colorado Blvd.  
Pasadena, CA 91107

Pastor Ahn:

It has come to the attention of the Pasadena City Prosecutor's Office that your facility is not operating in compliance with the Order of Governor Newsome issued on March 4, 2020 and July 14, 2020 and the Orders of the Health Officer of the City of Pasadena issued on March 19, 2020 and March 22, 2020 as well as subsequent orders of both entities in regard to indoor services and the wearing of protective masks along with the requirement of social distancing.

We have information that your Church was conducting live indoor church services at the location where anywhere from 50 to 100 people or more attended. It was also noted that the people who attended these services as well as church staff were not complying with the relevant governmental orders concerning social distancing or the wearing of protective masks. All of these are violations of the law. For guidelines, please see <https://www.cityofpasadena.net/public-health/wp-content/uploads/sites/32/Places-of-Worship-Public-Health-Reopening-Protocol.pdf?v=1597255343455>.

This letter is to remind you that violations of these Orders are criminal in nature. Each day in violation is a separate violation and carries with it a potential punishment of up to one year in jail and a fine for each violation. More importantly, these violations subject your parishioners, staff and the public-at-large to potential exposure to this lethal disease. Your compliance with these Orders is not discretionary, it is mandatory. Any violations in the future will subject your Church, owners, administrators, operators, staff, and parishioners to the above-mentioned criminal penalties as well as the potential closure of your Church.

This City, County, State and Country are facing an unprecedented and catastrophic health emergency. It is the duty of everyone to manage our lives in ways that will not do harm to others. Your compliance with the lawful orders of the responsible government officials is paramount to stopping the further spread and infection of this lethal disease. Your future compliance is expected and appreciated.

Sincerely,

Michael P. Dowd  
Chief Assistant City Prosecutor  
City of Pasadena

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21 UNITED STATES DISTRICT COURT  
 22 CENTRAL DISTRICT OF CALIFORNIA  
 23 LOS ANGELES DIVISION

24 HARVEST ROCK CHURCH, INC., and  
 25 HARVEST INTERNATIONAL  
 26 MINISTRY, INC., itself and on behalf  
 27 of its member churches in California,

28 *Plaintiffs,*

v.

GAVIN NEWSOM,  
*in his official capacity as*  
 Governor of the State of California,

*Defendant.*

**Case No. 2:20-cv-06414-JGB-KK**

**THIRD DECLARATION OF  
 CHE AHN SUPPLEMENTING  
 THE RECORD ON  
 PLAINTIFFS' MOTION FOR  
 PRELIMINARY INJUNCTION**

**The Honorable Jesus G. Bernal  
 Hearing: December 18, 2020**

1 I, Che Ahn, do hereby declare as follows:

2 1. I am over the age of 18 years, and I am competent to make the statements in  
3 this Declaration. The statements in this Declaration are true and correct, based upon my  
4 personal knowledge (unless otherwise indicated), and if called upon to testify to them, I  
5 would and could do so competently.

6 2. I am the Pastor of Plaintiff Harvest Rock Church, Inc., and the President of  
7 Plaintiff Harvest International Ministry, Inc.

8 3. Plaintiff Harvest Rock Church, Inc. has its main campus in Pasadena (Los  
9 Angeles County), California, and satellite campuses in downtown Los Angeles (Los  
10 Angeles County), Corona (Riverside County), and Santa Ana (Orange County),  
11 California.

12 4. Plaintiff Harvest International Ministry, Inc. is an association of churches,  
13 with member churches and ministries in the following locations in California: Alameda  
14 County (Fremont, Pleasanton), Contra Costa County (Byron, Discovery Bay), Humboldt  
15 County (Eureka), Kern County (Bakersfield, Lake Isabella, Ridgecrest), Los Angeles  
16 County (Agoura Hills, Altadena, Avalon, Azusa, Claremont, Duarte, Eagle Rock,  
17 Glendale, La Crescenta, Lakewood, Lomita, Los Angeles, Manhattan Beach, Monrovia,  
18 North Hollywood, Northridge, Pasadena, San Gabriel, Santa Monica, Sherman Oaks,  
19 Stevenson Ranch, Studio City, Sunland, Temple City, Torrance, Van Nuys, Walnut, West  
20 Covina, West Hills, West Hollywood, Winnetka), Madera County (Madera), Orange  
21 County (Brea, Costa Mesa, Huntington Beach, Irvine, La Habra, Laguna Beach, Mission  
22 Viejo, San Clemente, San Juan Capistrano, Santa Ana), Placer County (Roseville),  
23 Riverside County (Corona, Rancho Mirage, Temecula), Sacramento County  
24 (Sacramento), San Bernardino County (Apple Valley, Fontana, Highland, Lake  
25 Arrowhead, Ontario, Twin Peaks, Upland), San Diego County (Encinitas, Oceanside, San  
26 Diego, San Marcos, Vista), San Joaquin County (Tracy), Santa Barbera County (Santa  
27 Maria), Shasta County (Redding), Sonoma County (Santa Rosa), Sutter County (Yuba  
28 City), and Ventura County (Oxnard, Thousand Oaks, Ventura).



No. 20-55907

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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HARVEST ROCK CHURCH, INC.; HARVEST INTERNATIONAL  
MINISTRY, INC., itself and on behalf of its member Churches in California,

Plaintiffs–Appellants

v.

GAVIN NEWSOM,  
in his official capacity as Governor of the State of California,

Defendant–Appellee

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On Appeal from the United States District Court  
for the Central District of California (Los Angeles)  
In Case No. 2:20-cv-06414-JCB-KK before the Honorable Jesus G. Bernal

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**JOINT STATEMENT OF CURRENT COVID-RELATED  
RESTRICTIONS ON PLACES OF WORSHIP IN CALIFORNIA**

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The parties, in response to the Court's Order of September 17, 2020 (Dkt. 16), make the following joint statement:

**1. COVID-Related Restrictions Currently in Effect on Places of Worship and Comparison to Restrictions on Other Categories of Activity.**

The current scheme of COVID-19 restrictions in California is under the umbrella designation "Blueprint for a Safer Economy" ( the "**Blueprint**"),<sup>1</sup> enacted August 28, which is a framework of risk tiers and sector-specific restrictions within each tier, applied and periodically adjusted county-by-county throughout the State. **Exhibit A** hereto is a chart (the "**Blueprint Sector Chart**") of the Blueprint tiers and corresponding sector restrictions.<sup>2</sup> Attached hereto as **Exhibit B** is a chart (the "**Blueprint Data Chart**") classifying each county by tier and providing population and other metrics. Counties may move in both directions within the tier framework.

By way of example, the Blueprint identifies tiers and corresponding specific restrictions for the "Places of Worship" sector as follows:

**Tier 1-Widespread:** No in-person, indoor worship allowed; allowed to open outdoors only with no attendance limit.

**Tier 2-Substantial:** Allowed to open indoors at maximum of 25% capacity or 100 people, whichever is fewer, and outdoors with no attendance limit.

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<sup>1</sup> *Blueprint for a Safer Economy*, <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19CountyMonitoringOverview.aspx>. (last updated Sept. 15, 2020).

<sup>2</sup> [https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Dimmer-Framework-August\\_2020.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Dimmer-Framework-August_2020.pdf).

**Tier 3-Moderate:** Allowed to open indoors at maximum of 50% capacity or 200 people, whichever is fewer, and outdoors with no attendance limit.

**Tier 4-Minimal:** Allowed to open indoors at maximum of 50% capacity, and outdoors with no attendance limit.<sup>3</sup>

In addition, the **July 29 Worship Guidance** (attached hereto as **Exhibit C**) prohibits indoor singing and chanting for places of worship.<sup>4</sup>

Political protests are permitted outdoors but are subject to the same indoor capacity restrictions and singing prohibition as worship services.<sup>5</sup> Movie theaters and restaurants are subject to the same capacity and numerical restrictions as houses of worship. More stringent capacity and numerical restrictions apply to gyms, wineries, bars, family entertainment centers, cardrooms, and offices. Less stringent restrictions apply to critical infrastructure, limited services, hair salons, hotels, shopping centers, personal care centers, and museums. Concert, performance, or

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<sup>3</sup> Places of worship may open for drive-in services (with no attendance limit) and to conduct services online or through other remote technology statewide. (Dkt. 6-5 at 127.)

<sup>4</sup> *COVID-19 INDUSTRY GUIDANCE: Places of Worship and Providers of Religious Services and Cultural Ceremonies* (July 29, 2020), <https://files.covid19.ca.gov/pdf/guidance-places-of-worship--en.pdf>.

<sup>5</sup> *Stay home Q&A*, <https://covid19.ca.gov/stay-home-except-for-essential-needs/> (last updated Sept. 18, 2020, 2:40 PM) (“Can I engage in political protests?” dropdown) (**Exhibit D** hereto).

entertainment venues should remain closed, while places that serve full meals must discontinue this type of entertainment.<sup>6</sup> Singing is prohibited indoors at schools.<sup>7</sup>

Gatherings “not covered by existing sector guidance” are prohibited, with “gatherings” defined as “meetings or other events that bring together people from different households at the same time in a single space, or place.”<sup>8</sup>

## **2. Changes to Restrictions Since Filing of Complaint and Preliminary Injunction Hearing.**

Since the filing of Appellants’ Verified Complaint (Dkt. 6-5) on July 17, 2020, and the district court’s preliminary injunction hearing on August 12, 2020 (Dkt. 11-2 at SER000207–225), the State’s adoption of the Blueprint scheme constitutes the only material changes to the COVID-19 restrictions applicable to places of worship and other sectors.<sup>9</sup> The Blueprint changes comprise, *inter alia*, the following:

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<sup>6</sup> *COVID-19 Industry Guidance: Dine-in Restaurants* (July 29, 2020), <https://files.covid19.ca.gov/pdf/guidance-dine-in-restaurants.pdf> (**Exhibit E** hereto).

<sup>7</sup> *COVID-19 Industry Guidance: Schools and School-Based Programs* (Aug. 3, 2020), <https://files.covid19.ca.gov/pdf/guidance-schools.pdf> (**Exhibit F** hereto).

<sup>8</sup> *CDPH Guidance for the Prevention of COVID-19 Transmission for Gatherings* (Sept. 12, 2020), <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-for-the-Prevention-of-COVID-19-Transmission-for-Gatherings.aspx> (**Exhibit G** hereto).

<sup>9</sup> The July 29 Worship Guidance replaced the July 6 Worship Guidance in effect at the time of filing (Dkt. 6-5 at 170–183), but did not materially alter the prior version’s provisions.

- **August 28 Health Order.** The August 28 Health Order (**Exhibit H** hereto) authorizes the Blueprint framework of tiers and sectors.<sup>10</sup> The Order leaves in place all other statewide health guidances not expressly altered by the Order. The Blueprint also leaves in place, to the extent not expressly altered, the March 19 Stay-at-Home Order (Dkt. 6-5 at 85).

The Blueprint tiers and sector-specific restrictions for Places of Worship under the August 28 Health Order supersede the July 13 Health Order (Dkt. 6-5 at 184). The July 13 Health Order prohibited indoor worship in counties on the County Monitoring List (32 at the time the Verified Complaint was filed). (Dkt. 6-5 at 186.) Counties not on the Monitoring List were subject to the July 29 Worship Guidance, which prohibited (and still prohibits) indoor singing and chanting, and limited indoor worship services to 25% capacity or 100 people, whichever was fewer.

The 30 counties classified as Tier 1–Widespread under the Blueprint as of September 15 include most of the counties that were on the now superseded County Monitoring List at the time the Verified Complaint was filed, including Los Angeles County where Appellant Harvest Rock Church’s Los Angeles and Pasadena campuses are located, and Riverside County where its Corona campus is located.

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<sup>10</sup> Statewide Public Health Officer Order (Aug. 28, 2020), [https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20\\_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf).

Orange County, where Harvest Rock Church’s Irvine campus is located, was on the County Monitoring List at the time the Verified Complaint was filed, but as of September 15 was classified as Tier 2–Substantial under the Blueprint. Appellant Harvest International Ministry, Inc. has 162 member churches located throughout California in various Blueprint tiers. (V. Compl., Dkt. 6-5, ¶¶ 48, 54, 97, 120–123; Blueprint Data Chart, Ex. B hereto.)

- **Industry Guidance.** Some restrictions applicable to sectors other than houses of worship under the Blueprint are different as compared to the restrictions in effect at the time of the Complaint and the preliminary injunction hearing, but some are not. (*See Industry guidance to reduce risk*, <https://covid19.ca.gov/industry-guidance/> (last updated Sept. 17, 2020, 8:31 AM) (hereinafter, “Industry Guidance”). For example:

- **Grocery stores** are designated “Essential Critical Infrastructure” operations under the Governor’s April 28 Essential Workforce Guidance (V. Compl., Dkt. 6-5, ¶¶ 77–78; Dkt. 6-5 at 117), in effect at the time of filing, and are now classified in the “Retail” sector of the Blueprint, subject to the Industry Guidance and the **July 29 Retail Guidance** (**Exhibit I** hereto).<sup>11</sup> Whereas, at the time of filing grocery stores could operate without capacity or numerical limit under

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<sup>11</sup> *COVID-19 INDUSTRY GUIDANCE: Retail* (July 29, 2020), <https://files.covid19.ca.gov/pdf/guidance-retail--en.pdf>.

the **April 28 Essential Workforce Guidance** (Dkt. 6-5 at 117), the Blueprint permits grocery stores to operate at 50% capacity under Tier 1–Widespread and Tier 2–Substantial, but without numerical limits under Tier 3–Moderate and Tier 4–Minimal.

- **Other retail** stores which are designated “Essential Critical Infrastructure” operations under the April 28 Essential Workforce Guidance, in effect at the time of filing, such as Walmart and Costco (Dkt. 6-5 at 117), are also now classified in the “Retail” sector of the Blueprint, subject to the Industry Guidance and the July 29 Retail Guidance. Whereas, at the time of filing essential retail stores could operate without capacity or numerical limit, the Blueprint permits essential retail stores to operate at 25% capacity under Tier 1–Widespread, 50% capacity under Tier 2–Substantial, but without numerical limits under Tier 3–Moderate and Tier 4–Minimal.

- **Laundromats** are designated “Essential Critical Infrastructure” operations under the Governor’s April 28 Essential Workforce Guidance (Dkt. 6-5 at 134), in effect at the time of filing, and are now classified in the “Limited Services” sector of the Blueprint, subject to the Industry Guidance and **July 29 Limited Services Guidance** (**Exhibit J** hereto).<sup>12</sup> As was true at the time of filing,

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<sup>12</sup> See *COVID-19 INDUSTRY GUIDANCE: Limited Services* (July 29, 2020), <https://files.covid19.ca.gov/pdf/guidance-limited-services--en.pdf>.

however, the Blueprint permits laundromats to operate without numerical limit, subject to distancing and other restrictions.

- **Warehouses** are designated “Essential Critical Infrastructure” operations under the Governor’s April 28 Essential Workforce Guidance (Dkt. 6-5 at 113, 117, 121, 133), in effect at the time of filing, and are now classified in the “Logistics and warehousing facilities” sector of the Blueprint, subject to the Industry Guidance and **July 29 Logistics and Warehousing Guidance (Exhibit K hereto)**.<sup>13</sup> As was true at the time of filing, however, the Blueprint permits warehouses to operate without numerical limits, subject to distancing and other restrictions.

- **Movie theaters** are classified in the “Movie theaters and family entertainment centers” sector of the Blueprint, subject to the Industry Guidance and the **July 29 Family Entertainment Guidance (Exhibit L hereto)**.<sup>14</sup> Whereas, at the time of filing indoor services at movie theaters were prohibited statewide under the July 13 Health Order, the Blueprint prohibits indoor services under Tier 1–Widespread, but permits indoor services at 25% capacity or 100 people, whichever

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<sup>13</sup> See *COVID-19 INDUSTRY GUIDANCE: Logistics and Warehousing Facilities* (July 29, 2020), <https://files.covid19.ca.gov/pdf/guidance-logistics-warehousing--en.pdf>.

<sup>14</sup> See *COVID-19 INDUSTRY GUIDANCE: Family Entertainment Centers* (July 29, 2020), <https://files.covid19.ca.gov/pdf/guidance-family-entertainment--en.pdf>.

is fewer, under Tier 2–Substantial, 50% capacity or 200 people, whichever is fewer, under Tier 3–Moderate, and 50% capacity under Tier 4–Minimal.

**3. Effects of Restriction Changes on Parties’ Arguments.**

**a. Appellants state severally, and not jointly with Appellee:** The restriction changes do not weaken, and actually strengthen, Appellants’ arguments. Although the Blueprint tightened some restrictions on some sectors, Appellants’ disparate treatment arguments are essentially unaffected because patrons and workers of many operations involving patently similar risks (e.g., grocery stores, other essential retail stores, laundromats, warehouses) retain more favorable treatment of their liberties as compared to houses of worship, which remain subject to indoor worship bans in most of the State<sup>15</sup> (including in private homes with non-household members), and indoor singing bans and capacity restrictions in the rest of the state. Houses of worship are also still permitted to provide nonreligious, “critical infrastructure” services (food, shelter, necessities of life) in their own buildings without capacity or numerical limits, but cannot conduct religious worship services for the same number of people in the same buildings. Moreover, in the State’s several July 29 Guidances incorporated into the Blueprint, the State repeats the admission

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<sup>15</sup> As of September 15, 2020, the State classified 30 counties as Tier 1–Widespread (76.38% of State population), 17 counties as Tier 2–Substantial (22.57% of population), 9 counties as Tier 3–Moderate (1.02% of population), and 2 counties as Tier 4–Minimal (< 0.03% of population).

that it has no risk data to support the disparities in restrictions between sectors, including as between houses of worship and critical infrastructure, warehouse, and grocery operations,<sup>16</sup> which nullifies any narrow tailoring argument by the Governor—and it remains the Governor’s burden to justify the restriction disparities. (Dkt. 6-1 at 18–19.) Furthermore, the Blueprint prolongs indefinitely the State’s restriction scheme,<sup>17</sup> further defeating narrow tailoring.

**b. Appellee states severally, and not jointly with Appellants:**

The changes after the filing of the complaint and the August 12 hearing do not weaken Appellee’s arguments. Under the Blueprint, activities that pose risks comparable to or greater than worship services, like movie theatres, concerts, and sporting events, are still subject to similar or greater restrictions than worship services. See Exhibit A; SER 170, ¶¶ 21, 22. In addition, while activities like retail

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<sup>16</sup> See, e.g., July 29 Retail Guidance, Ex. I hereto, at 2 (“Precise information about the number and rates of COVID-19 by industry or occupational groups, **including among critical infrastructure workers, is not available at this time**. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include hospitals, long-term care facilities, prisons, food production, **warehouses**, meat processing plants, and **grocery stores**.” (emphasis added)); July 29 Limited Services Guidance, Ex. J hereto, at 2 (same); July 29 Logistics and Warehousing Guidance, Ex. K hereto, at 2 (same); July 29 Family Entertainment Guidance, Ex. L hereto, at 2 (same); July 29 Worship Guidance, Ex. C hereto, at 2 (the only Guidance to include “places of worship” as example).

<sup>17</sup> See August 28 Health Order, Ex. H hereto, at 3 (“This order shall remain in effect until I determine it is appropriate to modify the order based on public health conditions.”).

stores, grocery shopping, laundromats, and warehouses are subject to less stringent restrictions, those activities do not pose comparable risks because they are not congregate activities in which large groups of people not normally in contact gather in one place simultaneously for extended periods of time, much less with singing and chanting, and also because, in some instances, other means of reducing the risk of transmission are available. SER 171-172, ¶¶ 26-27.<sup>18</sup> Indoor singing and chanting are prohibited in schools, restaurants, and protests, while other activities with similar risks, including spectator sports, concerts, and theatrical performances, are prohibited statewide. Indeed, by relaxing restrictions on many activities and providing deeper reductions based on the circumstances in each county, the Blueprint strengthens Appellees' argument that the State has been considering less restrictive alternatives and narrowly tailoring its COVID-19 restrictions.<sup>19</sup>

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<sup>18</sup> Plaintiffs' charitable activities are treated differently because they are not comparable. As the district court noted, running a food pantry is like a grocery store, Dkt. 6-2 at 4 (as is a clothes distribution), and homeless shelters are subject to extensive habitability and sanitary requirements. Moreover, Plaintiffs provide no information in their complaint about their charitable activities, noting only that they "feed the hungry, give water to the thirsty, clothe the naked, house the homeless, and counsel the afflicted" Dkt. 6-5 at 18, ¶ 51, and have therefore not carried their burden to demonstrate that comparable activities are treated differently.

<sup>19</sup> Although Plaintiffs claim in their section and in footnote 16 that the State has admitted "it has no risk data," the cited text actually states that "Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time."

DATED this September 21, 2020.

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed via the Court’s ECF filing system and therefore service will be effectuated by the Court’s electronic notification system upon all counsel or parties of record:

DATED this September 21, 2020.

/s/ Roger K. Gannam  
*Attorney*

SECTORS	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
<b>Critical Infrastructure</b>	Open with modifications	Open with modifications	Open with modifications	Open with modifications
<b>Limited Services</b>	Open with modifications	Open with modifications	Open with modifications	Open with modifications
<b>Hair Salons &amp; Barbershops</b>	Open Indoors with modifications	Open indoors with modifications	Open indoors with modifications	Open indoors with modifications
<b>All Retail</b> (including critical infrastructure, except standalone grocers)	Open Indoors with modifications <ul style="list-style-type: none"> <li>• Max 25% capacity</li> </ul>	Open Indoors with modifications <ul style="list-style-type: none"> <li>• Max 50% capacity</li> </ul>	Open Indoors with modifications	Open Indoors with modifications

SECTORS	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
<b>Shopping Centers (Malls, Destination Centers, Swap Meets)</b>	Open Indoors with modifications <ul style="list-style-type: none"> <li>• Max 25% capacity</li> <li>• Closed common areas</li> <li>• Closed food courts</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>• Max 50% capacity</li> <li>• Closed common areas</li> <li>• Reduced capacity food courts (see restaurants)</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>• Closed common areas</li> <li>• Reduced capacity food courts (see restaurants)</li> </ul>	Open Indoors with modifications <ul style="list-style-type: none"> <li>• Reduced capacity food courts (see restaurants)</li> </ul>
<b>Personal Care Services</b>	Outdoor Only with modifications	Open indoors with modifications	Open indoors with modifications	Open indoors with modifications
<b>Museums, Zoos, and aquariums</b>	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> <li>• Indoor activities max 25% capacity</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>• Indoor activities max 50% capacity</li> </ul>	Open indoors with modifications

SECTORS	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
<b>Places of Worship</b>	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> <li>Max 25% capacity or 100 people, whichever is fewer</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>Max 50% capacity or 200 people, whichever is fewer</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>Max 50% capacity</li> </ul>
<b>Movie theaters</b>	Outdoor Only with modifications	Open Indoors with modifications <ul style="list-style-type: none"> <li>Max 25% capacity or 100 people, whichever is fewer</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>Max 50% capacity or 200 people, whichever is fewer</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>Max 50% capacity</li> </ul>
<b>Hotels and lodging</b>	Open with modifications	Open with modifications <ul style="list-style-type: none"> <li>+Fitness centers (+10%)</li> </ul>	Open with modifications <ul style="list-style-type: none"> <li>+Fitness centers (+25%)</li> <li>+Indoor pools</li> </ul>	Open with modifications: <ul style="list-style-type: none"> <li>+Fitness Centers (50%)</li> <li>+Spa facilities etc</li> </ul>
<b>Gyms and Fitness Centers</b>	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> <li>Max 10% capacity</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>Max 25% capacity</li> <li>+indoor pools</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>+Saunas</li> <li>+Spas</li> <li>+Steam rooms</li> <li>Max 50% capacity</li> </ul>

SECTORS	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
<b>Restaurants</b>	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> <li>• Max 25% capacity or 100 people, whichever is fewer</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>• Max 50% capacity or 200 people, whichever is fewer</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>• Max 50% capacity</li> </ul>
<b>Wineries</b>	Outdoor Only with modifications	Outdoor Only with modifications	Open indoors with modifications <ul style="list-style-type: none"> <li>• Max 25% capacity indoors, or 100 people, whichever is fewer</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>• Max 50% capacity or 200 people indoors, whichever is fewer</li> </ul>
<b>Bars, Breweries, and Distilleries</b> <b>(where no meal provided)</b> <b>(follow restaurants where meal is provided)</b>	Closed	Closed	Open Outdoors with modifications	Open indoors with modifications <ul style="list-style-type: none"> <li>• Max 50% capacity</li> </ul>
<b>Family Entertainment Centers</b>	Outdoor Only with modifications e.g. <ul style="list-style-type: none"> <li>• Kart Racing</li> <li>• Mini Golf</li> <li>• Batting Cages</li> </ul>	Outdoor Only with modifications e.g. <ul style="list-style-type: none"> <li>• Kart Racing</li> <li>• Mini Golf</li> <li>• Batting Cages</li> </ul>	Open Indoors for naturally distanced activities with modifications <ul style="list-style-type: none"> <li>• Max 25% capacity</li> <li>• Bowling Alleys</li> <li>• Climbing Walls</li> </ul>	Open indoors for activities with increased risk of proximity and mixing with modifications <ul style="list-style-type: none"> <li>• Max 50% capacity</li> <li>• Arcade Games</li> <li>• Ice and roller skating</li> <li>• Indoor playgrounds</li> </ul>

SECTORS	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
<b>Cardrooms, Satellite Wagering</b>	Outdoor Only with modifications	Outdoor Only with modifications	Open indoors with modifications • Max 25% capacity	Open indoors with modifications • Max 50% capacity
<b>Offices</b>	Remote	Remote	Open indoors with modifications • Encourage telework	Open indoors with modifications • Encourage telework
<b>Professional sports</b>	Open • Without live audiences • With modifications	Open • Without live audiences • With modifications	Open • Without live audiences • With modifications	Open • Without live audiences • With modifications

County	Date of Tier Assessment	Tier Assignment 9/15	Number of Weeks in Current Tier	Number of Weeks Meeting Criteria for Less Restrictive Tier	Number of Weeks Meeting Criteria for More Restrictive Tier	Previous Overall Assessment on 9/8	9/14 Assessment Metrics for 08/30/20 to 09/05/20	Testing Positivity excl prisons (7-day avg 7-day lag)	Case Rate Used for Tier Adjusted Using Linear Adjustment (7-day avg 7-day lag)	Case Rate Adjustment Factors				
										Unadjusted Case Rate per 100,000 excl prison (7-day avg 7-day lag)	Linear Adjustment Factor Applied to Case Rate (>State Avg + Pop>100K or <State Avg + TestPos>3.5 + Pop>100K)	Tests per 100,000 excl prisons, with replaced approved county data (7-day avg 7-day lag)	State Median Testing Rate=216.35	Tests per 100,000 excl prisons, (7-day avg 7-day lag)
Alameda	09-14-2020	1	2	1	0	1	2	3.4	5.6	6.0	0.935	251.6	251.6	1685886
Alpine	09-14-2020	4	2	-	0	4	4	0.0	0.0	0.0	-	652.3	652.3	1117
Amador	09-14-2020	2	2	1	0	2	3	1.3	1.1	1.1	-	142.4	142.4	38531
Butte	09-14-2020	1	2	0	-	1	1	8.3	18.2	21.5	0.845	300.1	300.1	217769
Calaveras	09-14-2020	2	2	0	0	2	2	3.6	5.2	5.2	-	171.0	171.0	44289
Colusa	09-14-2020	1	2	0	-	1	1	8.9	7.6	7.6	-	156.2	156.2	22593
Contra Costa	09-14-2020	1	2	0	-	1	1	4.7	7.1	7.1	1.000	216.2	216.2	1160099
Del Norte	09-14-2020	3	2	0	0	3	3	0.5	1.6	1.6	-	444.8	444.8	27558
El Dorado	09-14-2020	2	2	2	0	2	3	1.8	2.1	2.1	-	151.6	151.6	193098
Fresno	09-14-2020	1	2	0	-	1	1	6.2	7.5	7.8	0.969	233.1	233.1	1032227
Glenn	09-14-2020	1	2	0	-	1	1	11.7	20.9	20.9	-	229.3	229.3	29348
Humboldt	09-14-2020	3	2	0	0	3	3	1.6	3.7	3.9	0.934	252.3	252.3	134098
Imperial	09-14-2020	1	2	0	-	1	1	5.8	7.8	8.7	0.896	272.7	272.7	191649
Inyo	09-14-2020	2	2	2	0	1	3	1.4	2.3	2.3	-	161.8	161.8	18453
Kern	09-14-2020	1	2	0	-	1	1	7.1	7.5	6.7	1.123	149.8	149.8	927251
Kings	09-14-2020	1	2	0	-	1	1	4.7	7.5	8.9	0.843	301.2	301.2	156444
Lake	09-14-2020	2	2	0	0	2	2	3.5	5.9	5.9	-	223.7	223.7	64871
Lassen	09-14-2020	2	2	2	0	2	3	1.2	2.9	2.9	-	267.0	267.0	30065
Los Angeles	09-14-2020	1	2	0	-	1	1	3.2	8.1	9.1	0.889	276.6	276.6	10257557
Madera	09-14-2020	1	2	0	-	1	1	9.0	9.3	8.5	1.098	163.5	163.5	160089
Marin*	09-14-2020	2	1	0	0	1	2	3.3	6.0	7.1	0.854	295.2	278.3	260800
Mariposa	09-14-2020	3	2	1	0	3	4	0.7	0.8	0.8	-	227.2	227.2	17795
Mendocino	09-14-2020	1	2	0	-	1	1	5.4	9.9	9.9	-	209.3	209.3	88439
Merced	09-14-2020	1	2	0	-	1	1	5.3	9.5	13.8	0.691	383.5	383.5	287420
Modoc**	09-14-2020	4	1	0	0	4	1	1.7	13.6	13.6	-	452.3	452.3	9475
Mono	09-14-2020	3	2	2	0	3	4	0.0	0.0	0.0	-	191.3	191.3	13961
Monterey	09-14-2020	1	2	0	-	1	1	9.8	13.9	13.2	1.050	189.5	189.5	448732
Napa	09-14-2020	2	2	0	0	2	2	2.6	5.2	5.8	0.886	278.0	278.0	139652
Nevada	09-14-2020	2	2	2	0	2	3	2.0	3.3	3.3	-	169.3	169.3	98710
Orange	09-14-2020	2	2	0	0	2	2	3.9	4.7	4.4	1.067	180.1	180.1	3228519
Placer	09-14-2020	2	2	0	0	2	2	4.4	6.1	5.6	1.096	164.5	164.5	400434
Plumas	09-14-2020	3	2	0	0	3	3	0.9	1.5	1.5	-	82.0	82.0	18997
Riverside	09-14-2020	1	2	1	0	1	2	6.4	6.7	5.8	1.156	131.8	131.8	2468145
Sacramento	09-14-2020	1	2	0	-	1	1	5.7	9.0	8.5	1.055	186.6	186.6	1567975
San Benito	09-14-2020	1	2	0	-	1	1	8.1	16.1	16.1	-	257.7	257.7	64022
San Bernardino	09-14-2020	1	2	0	-	1	1	6.4	7.4	6.8	1.092	166.3	166.3	2217398
San Diego*	09-14-2020	2	2	0	1	2	1	4.5	8.1	7.9	1.032	198.8	133.8	3370418

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San Francisco	09-14-2020	2	2	1	0	2	3	2.4	3.9	6.5	0.600	455.3	455.3	892280
San Joaquin	09-14-2020	1	2	0	-	1	1	7.1	9.5	8.8	1.078	174.3	174.3	782545
San Luis Obispo	09-14-2020	1	2	1	0	1	2	2.9	6.3	7.3	0.862	290.9	290.9	278862
San Mateo	09-14-2020	1	2	1	0	1	2	4.1	6.0	6.2	0.973	231.0	231.0	778001
Santa Barbara	09-14-2020	1	2	0	-	1	1	4.8	9.1	9.1	0.998	217.2	217.2	456373
Santa Clara	09-14-2020	2	2	0	0	2	2	3.0	6.0	7.2	0.832	307.4	307.4	1967585
Santa Cruz	09-14-2020	2	2	0	0	2	2	3.6	5.5	5.5	1.000	216.5	216.5	273999
Shasta	09-14-2020	3	2	0	0	3	3	1.7	1.4	1.4	-	199.4	199.4	177925
Sierra	09-14-2020	2	2	2	0	2	4	0.0	0.0	0.0	-	128.4	128.4	3115
Siskiyou	09-14-2020	3	2	0	0	3	3	2.5	2.3	2.3	-	143.3	143.3	43956
Solano	09-14-2020	1	2	1	0	1	2	3.4	5.3	5.3	0.991	221.0	221.0	444255
Sonoma	09-14-2020	1	2	0	-	1	1	5.6	10.6	11.5	0.922	258.6	258.6	496668
Stanislaus	09-14-2020	1	2	0	-	1	1	5.6	9.4	9.6	0.979	228.0	228.0	562303
Sutter	09-14-2020	1	2	0	-	1	1	7.0	10.7	10.7	-	209.3	209.3	105747
<b>Tehama</b>	09-14-2020	2	2	2	0	1	2	4.4	6.9	6.9	-	184.3	184.3	65885
Trinity	09-14-2020	3	2	0	0	3	3	1.2	1.1	1.1	-	184.0	184.0	13354
Tulare	09-14-2020	1	2	0	-	1	1	8.7	12.3	12.2	1.004	214.3	214.3	484423
Tuolumne	09-14-2020	3	2	0	0	3	3	2.0	2.7	2.7	-	319.3	319.3	52351
Ventura	09-14-2020	1	2	0	-	1	1	4.4	7.9	8.3	0.951	243.0	243.0	852747
Yolo	09-14-2020	1	2	0	-	1	1	5.8	7.5	7.1	1.056	186.0	186.0	223612
Yuba	09-14-2020	1	2	0	-	1	1	10.6	10.4	10.4	-	168.6	168.6	79290

\*Placed in Red tier after data adjudication with CDPH for week of 09/08/2020

\*\*Will undergo data adjudication with CDPH for high case rate

Small County	Purple - Tier 1	Red - Tier 2	Orange - Tier 3	Yellow - Tier 4
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# COVID-19 INDUSTRY GUIDANCE: Places of Worship and Providers of Religious Services and Cultural Ceremonies

July 29, 2020

[covid19.ca.gov](https://covid19.ca.gov)



## OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include places of worship, hospitals, long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by workers and volunteers (where respiratory protection is not required) and congregants/visitors,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training workers and volunteers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

## PURPOSE

This document provides guidance for places of worship and providers of religious services and cultural ceremonies (referred to collectively as “places of worship”) to support a safe, clean environment for workers, interns and trainees, volunteers, scholars, and all other types of workers as well as congregants, worshippers, visitors, etc. (referred to collectively as “visitors” or “congregants”). This guidance does not obligate places of worship to resume in-person activity. Further, it is strongly recommended that places of worship continue to facilitate remote

services and other related activities for those who are vulnerable to COVID-19 including older adults and those with co-morbidities.

Even with adherence to physical distancing, convening in a congregational setting of multiple different households to practice a personal faith carries a relatively higher risk for widespread transmission of the COVID-19 virus, and may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. In particular, activities such as singing and chanting negate the risk-reduction achieved through six feet of physical distancing.

\*Places of worship must therefore discontinue indoor singing and chanting activities and limit *indoor* attendance to 25% of building capacity or a maximum of 100 attendees, whichever is lower. Local Health Officers are advised to consider appropriate limitations on *outdoor* attendance capacities, factoring their jurisdiction's key COVID-19 health indicators. At a minimum, outdoor attendance should be limited naturally through implementation of strict physical distancing measures of a minimum of six feet between attendees from different households, in addition to other relevant protocols within this document.

This revised limitation will be subject to regular review by the California Department of Public Health in consultation with local Departments of Public Health to assess the impact of these imposed limits on public health and provide further direction as part of a phased-in restoration of activities in places of worship.

**NOTE:** This guidance is not intended for food preparation and service, delivery of items to those in need, childcare and daycare services, school and educational activities, in-home caregiving, counseling, office work, and other activities that places and organizations of worship may provide. Organizations that perform these activities must follow applicable guidance on the [COVID-19 Resilience Roadmap website](#).

The guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.<sup>1</sup> Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues. Cal/OSHA has more safety and health guidance on their Cal/OSHA Guidance on Requirements to Protect Workers from Coronavirus [webpage](#). The CDC has additional guidance [for community- and faith-based organizations](#).

## Required Use of Face Coverings

On June 18, CDPH issued [Guidance on the Use of Face Coverings](#), which broadly requires the use of face coverings for both members of the public and workers in all public and workplace settings where there is a high risk of exposure.

People in California must wear face coverings when they are engaged in work,

whether at the workplace or performing work off-site, when:

- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance;
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.

Complete details, including all requirements and exemptions to these rules, can be found in the [guidance](#). Face coverings are strongly encouraged in other circumstances, and employers can implement additional face covering requirements in fulfilling their obligation to provide workers with a safe and healthful workplace. Employers must provide face coverings to workers or reimburse workers for the reasonable cost of obtaining them.

Employers should develop an accommodation policy for any worker who meets one of the exemptions from wearing a face covering. If a worker who would otherwise be required to wear a face covering because of frequent contact with others cannot wear one due to a medical condition, they should be provided with a non-restrictive alternative, such as a face shield with a drape attached to the bottom edge, if feasible, and if the medical condition permits it.

Businesses that are open to the public should be cognizant of the exemptions to wearing face coverings in the [CDPH Face Covering Guidance](#) and may not exclude any member of the public for not wearing a face covering if that person is complying with the [guidance](#). Businesses will need to develop policies for handling these exemptions among customers, clients, visitors, and workers.



## Workplace Specific Plan

- Establish a written, workplace-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas and all work tasks, and designate a person at each workplace to implement the plan.
- Incorporate the [CDPH Face Covering Guidance](#) into the Workplace Specific Plan and include a policy for handling exemptions.
- Identify contact information for the local health department where the workplace is located for communicating information about COVID-19 outbreaks among workers and congregants/visitors.
- Train and communicate with workers and worker representatives on the plan and make the plan available to workers and their representatives.
- Regularly evaluate workplaces for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#).
- Identify close contacts (within six feet for 15 minutes or more) of an infected worker and take steps to isolate COVID-19 positive workers and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



## Topics for Worker and Volunteer Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- The importance of not coming to work or participating in activities
  - If a worker has symptoms of COVID-19 as [described by the CDC](#),

such as a 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, vomiting, or diarrhea, OR

- If a worker was diagnosed with COVID-19 and has not yet been released from isolation, OR
- If within the past 14 days, a worker has had contact with someone who has been diagnosed with COVID-19 and is considered potentially infectious (i.e. still on isolation).
- To return to work after a worker receives a COVID-19 diagnosis only if 10 days have passed since symptoms first appeared, their symptoms have improved, and the worker has had no fevers (without the use of fever reducing medications) for the last 72 hours. A worker without symptoms who was diagnosed with COVID-19 can return to work only if 10 days have passed since the date of the first positive COVID-19 test.
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol or 70% isopropanol when workers cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
  - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - Face coverings must cover the nose and mouth.
  - Workers should wash or sanitize hands before and after using or adjusting face coverings.
  - Avoid touching the eyes, nose, and mouth.
  - Face coverings must not be shared and should be washed or discarded after each shift.
- Information contained in the [CDPH Guidance for the Use of Face](#)

[Coverings](#), which mandates the circumstances in which face coverings must be worn and the exemptions, as well as any policies, work rules, and practices the employer has adopted to ensure the use of face coverings. Training should also include the employer's policies on how people who are exempted from wearing a face covering will be handled.

- Ensure all types of workers including temporary, independent contractors, and volunteer workers are also properly trained in COVID-19 prevention policies and have necessary PPE. Discuss these responsibilities ahead of time with organizations supplying temporary, contract, and/or volunteer staff.
- Information on paid leave benefits the worker may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and worker's compensation for COVID- 19](#), including worker's sick leave rights under the [Families First Coronavirus Response Act](#) and worker's rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive Order N-62-20 while that Order is in effect](#).



## Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker and/or volunteer leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Worker Training section above.
- Encourage workers and congregants/visitors who are sick or exhibiting symptoms of COVID-19, or who have family members who are ill, to stay home.
- Employers must provide and ensure workers and volunteers use all required protective equipment, including eye protection and gloves, where necessary.
- Places of worship should consider where disposable gloves use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items. All workers and volunteers should wear gloves when handling items contaminated by body fluids.

- Workers, volunteers, etc., should not enter the home or visit someone who has tested positive for, exhibited symptoms of, or has been in contact with someone infected with COVID-19 for an appropriate waiting period as [described by CDC guidelines](#).
- Places of worship must take reasonable measures, including posting signage in strategic and highly-visible locations and in reservation confirmations, to remind congregants and visitors that they must use face coverings and practice physical distancing and should frequently wash their hands with soap for at least 20 seconds, use hand sanitizer, and not touch their face.
- Use social media, website, texts, email, newsletters, etc., to communicate the steps being taken to protect congregants/visitors and workers so that they are familiar with the policies (including to stay home if experiencing symptoms or are at increased risk of becoming sick, face coverings, physical distancing, handwashing and/or sanitizing, and cough etiquette), before arriving at the facility. Workers and volunteers are strongly encouraged to remind congregants/visitors of these practices with announcements during services or on welcoming guests.
- Remind congregants and visitors in advance to bring a face covering and make them available to anyone who arrives without one, if possible.
- Congregants/visitors should be screened for temperature and/or symptoms upon arrival to places of worship and asked to use hand sanitizer.



## Cleaning and Disinfecting Protocols

- Perform thorough cleaning of high traffic areas such as lobbies, halls, chapels, meeting rooms, offices, libraries, and study areas and areas of ingress and egress including stairways, stairwells, handrails, and elevator controls. Frequently disinfect commonly used surfaces including doorknobs, toilets, handwashing facilities, pulpits and podiums, donation boxes or plates, altars, and pews and seating areas.
- Establish frequent cleaning and disinfection of personal work areas such as desks and cubicles and supply the necessary cleaning products. Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the workers' job duties.
- Discourage sharing items used in worship and services (such as prayer books, cushions, prayer rugs, etc.) whenever possible and provide single-use or digital copies or ask congregants/visitors to bring personal items

instead. Avoid sharing work equipment and supplies, such as phones, office equipment, computers, etc., wherever possible. Never share PPE.

- Where such items must be shared, disinfect between shifts or uses, whichever is more frequent, including the following: shared office equipment (copiers, fax machines, printers, telephones, keyboards, staplers, etc.) and shared worship items, etc., with a cleaner appropriate for the surface.
- Ensure that sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed. Consider more frequently cleaning and disinfecting handwashing facilities that are used more often. Use signage to reinforce handwashing.
- Disinfect microphones and stands, music stands, instruments and other items on pulpits and podiums between each use. Consult equipment manufacturers to determine appropriate disinfection steps, particularly for soft, porous surfaces such as foam mufflers.
- Consider using disposable seat covers for congregants/visitors, particularly on porous surfaces or where a facility has multiple daily services. Discard and replace seat covers between each use. Provide disposable or washable covers on pillows used as seating on floors and change/wash them after each use.
- Install hand sanitizer dispensers, touchless whenever possible, at entrances and contact areas such as meeting rooms, lobbies, and elevator landings.
- When choosing disinfecting chemicals, establishments should use products approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved](#) list and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide workers training on the chemical hazards, manufacturer's directions, ventilation requirements, and Cal/OSHA requirements for safe use. Workers and volunteers using cleaners or disinfectants should wear gloves or other protective equipment as required by the product instructions. Follow the [asthma-safer cleaning methods recommended by the California Department of Public Health and ensure proper ventilation](#).
- Wash religious garments and linens after each service or event, at the highest water setting possible. Ask congregants/visitors to bring their own storage bags for personal garments and shoes. Workers, congregants, and visitors should wear gloves when handling others' dirty linens, shoes, etc.

- Discontinue passing offering plates and similar items that move between people. Use alternative giving options such as secure drop boxes that do not require opening/closing and can be cleaned and disinfected. Consider implementing digital systems that allow congregants/visitors to make touch-free offerings.
- Mark walking paths between spaces designated for congregants/visitors to sit/kneel so that people do not walk where someone may touch their head to the floor.
- During meetings and services, introduce fresh outside air, for example by opening doors/windows (weather permitting) and operating ventilation systems.
- Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air. Use a vacuum with a HEPA filter wherever possible.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in worship areas, offices, and other spaces.



## Physical Distancing Guidelines

- Places of worship should continue to provide services through alternative methods (such as via internet live and/or recorded streaming, telephone, drive-in, etc.) whenever possible.
- Consider holding in-person meetings and providing in-person services outside whenever possible.
- Implement measures to ensure physical distancing of at least six feet between workers and congregants/visitors, etc. This can include use of physical partitions or visual cues (e.g., floor or pew markings or signs to indicate where people should sit and stand). Reconfigure seating and standing areas to maintain physical distancing of six feet or more between congregants/visitors from different households. Consider limiting seating to alternate rows. Members of the same household may be seated together but should maintain at least six feet of distance from other households.
- Consider dedicating workers to help people maintain distances during activities.
- Shorten services to limit the length of time congregants/visitors spend at facilities whenever possible. This could include limiting speeches, asking congregants/visitors to put on garments at home before arrival, etc.

- Close places of worship for visitation outside of scheduled services, meetings, etc., whenever possible.
- Consider implementing a reservation system to limit the number of congregants/visitors attending facilities at a time. This can include the use of digital platforms or other types of tools.
- Encourage congregants/visitors to meet with the same group, particularly when services meet frequently and/or require a certain number of people to be present. This can reduce the spread of transmission by minimizing the number of different individuals who come into close contact with each other.
- Consider offering additional meeting times (per day or per week) so that fewer guests attend meetings and services at one time. Clean meeting areas between each use as described in this guidance.
- Discontinue large gatherings that encourage congregants/visitors to travel and break physical distances during activities, such as concerts, large holiday and life event celebrations and remembrances.
- Children should remain in the care of those in their household unit and not interact with children of other parties at any time while visiting facilities. Close play areas and discontinue activities and services for children where physical distancing of at least six feet cannot be maintained.
- Encourage congregants/visitors to physically distance themselves from others outside their household, avoid touching surfaces, and to leave the facility if they do not feel well.
- Consider limiting touching for religious and/or cultural purposes, such as holding hands, to members of the same household.
- Dedicate workers to direct guests to meeting rooms upon entry to places of worship rather than congregating in lobbies or common areas. Consider using ushers to help people find places to sit and stand that are at least six feet apart from other guests/household groups. Ask congregants/visitors to arrive and leave in a single group to minimize crossflow of people. Welcome and dismiss congregants/visitors from altars, podiums, meeting rooms, etc. in an orderly way to maintain physical distancing and minimize crossflow of traffic, to the extent possible.
- Prop or hold doors open during peak periods when congregants/visitors are entering and exiting facilities, if possible and in accordance with security and safety protocols.
- Close or restrict common areas, such as break rooms, kitchenettes, foyers,

etc. where people are likely to congregate and interact. Consider installing barriers or increase physical distance between tables/seating when there is continued use of these areas.

- Remove from service or find low-community touch alternatives for communal/religious water containers such as fonts, sinks, and vessels. Empty and change water between uses. Where there is a possibility of contaminant splash, workers, congregants, visitors, etc., are strongly encouraged to use equipment to protect the eyes, nose, and mouth using a combination of face coverings, protective glasses, and/or face shields. Reusable protective equipment such as shields and glasses should be properly disinfected between uses.
- When washing is a required activity, modify practices whenever possible to limit splashing and the need to clean and disinfect washing facilities. Encourage necessary washing to be performed at home prior to entering a facility, if possible.
- Reconfigure podiums and speaker areas, office spaces, meeting rooms, conference rooms, etc., to allow for at least six feet between people.
- Establish directional hallways and passageways for foot traffic, if possible, and designate separate routes for entry and exit into meeting rooms, offices, etc., to help maintain physical distancing and lessen the instances of people closely passing each other.
- Limit the number of individuals riding in an elevator at a time. Post signage regarding these policies.
- Utilize practices, when feasible and necessary, to limit the number of workers and congregants/visitors in office, meeting spaces, etc., at one time. This may include scheduling (e.g. staggering start/end times), establishing alternating days for onsite reporting, returning to places of worship in phases, or continued use of telework when feasible.
- Consider offering workers and volunteers who request modified duties options that minimize their contact with congregants/visitors and other workers (e.g., office duties rather than working as an usher or managing administrative needs through telework).
- Stagger worker breaks, in compliance with wage and hour regulations, to maintain physical distancing protocols.
- Discontinue nonessential travel and encourage distance meetings via phone and internet.
- Close self-service item selection such as pamphlet displays and bookshelves and provide these items to congregants/visitors individually as necessary. Consider delivering items and information electronically.

- Consider limiting the number of people that use the restroom at one time to allow for physical distancing.
- Discourage workers, congregants, visitors, etc., from engaging in handshakes, hugs, and similar greetings that break physical distance. Take reasonable measures to remind people to wave or use other greetings.
- Reconfigure parking lots to limit congregation points and ensure proper separation (e.g., closing every other space). If performing drive-in services, ensure vehicle windows and doors are closed if six feet of distance is not possible between vehicles.
- Continue to support non-in person attendance of services and other related activities by those who are vulnerable to COVID-19 including older adults and those with co-morbidities.



## Considerations for Places of Worship

- Discontinue offering self-service food and beverages. Do not hold potlucks or similar family-style eating and drinking events that increase the risk of cross contamination. If food and beverages must be served, provide items in single-serve, disposable containers whenever possible. Workers or volunteers serving food should wash hands frequently and wear disposable gloves.
- Discontinue singing (in rehearsals, services, etc.), chanting, and other practices and performances where there is increased likelihood for transmission from contaminated exhaled droplets. Consider practicing these activities through alternative methods (such as internet streaming) that ensure individual congregation members perform these activities separately in their own homes.
- Consider modifying practices that are specific to particular faith traditions that might encourage the spread of COVID-19. Examples are discontinuing kissing of ritual objects, allowing rites to be performed by fewer people, avoiding the use of a common cup, offering communion in the hand instead of on the tongue, providing pre-packed communion items on chairs prior to service, etc., in accordance with [CDC guidelines](#).



## Considerations for Funerals

- Consider reduced visitor capacity and stagger visitation times at funerals, wakes, etc., if possible. Follow all cleaning and disinfection measures as described in this guidance. Whenever possible, remind visitors to maintain physical distance from each other, from workers and volunteers, and from the deceased.
- Consider modifying religious or cultural practices when washing or shrouding bodies of those who have died from COVID-19, in accordance with guidance from [CDPH](#) and the [CDC](#). If washing the body or shrouding are important religious or cultural practices, work with funeral home staff and families to reduce exposure as much as possible. All people participating in these activities must wear disposable gloves and if there will be splashing of fluids, people must use additional protective equipment including protection for the eyes, nose, and mouth, such as face shields.
- Consult and comply with local guidance regarding limits on gathering sizes, travel, holding funerals for those who died from COVID-19, etc.
- Consider other recommendations and modifications of services related to places of worship outlined above, as applicable for funeral services.

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<sup>1</sup>Additional requirements must be considered for vulnerable populations. Places of worship must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, places of worship must be prepared to alter their operations as those guidelines change.



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# Stay home Q&A

Last updated September 18, 2020 at 2:40 PM

All individuals living in the State of California are currently ordered to stay home or at their place of residence, except for [permitted work](#), local shopping or other permitted errands, or as otherwise authorized (including in the Questions & Answers below).

On March 19, 2020, an [Executive Order \(PDF\)](#) and [Public Health Order \(PDF\)](#) directed all Californians to stay home except to go to an essential job or to shop for essential needs.

On May 4, 2020, an [Executive Order \(PDF\)](#) informed local health jurisdictions and industry sectors that they may gradually reopen under new modifications and guidance provided by the state per the May 7, 2020 [Public Health Order \(PDF\)](#).

On August 28, 2020, the state released a [Blueprint for a Safer Economy](#) in the state with revised criteria for loosening and tightening restrictions on activities.

See [essential jobs](#) and [status of your county](#).

## Questions and answers

**EXHIBIT D**

**What is the relationship between the stay home order and these questions and answers?** +

**When does the stay home order go into effect and how long will we stay home? What areas of the state are covered?** +

**Is it safe to shop at open businesses?** +

**Can the stay home order be changed?** +

**How does the stay home order interact with local orders to shelter in place? Does it supersede them?** +

**If I am not an Essential Critical Infrastructure Worker, can I still leave the house?** +

**Are gatherings permitted?** -

Gatherings are defined as meetings or other events that bring together persons from multiple households at the same time for a shared or group experience in a single room, space, or place such as an auditorium, stadium, arena, large conference room, meeting hall, or other indoor or outdoor space. They pose an especially high danger

of transmission and spread of COVID-19.

On May 25, 2020, in an effort to balance First Amendment interests with public health, the State Public Health Officer created an exception to the prohibition against mass gatherings for faith-based services and cultural ceremonies as well as protests. Those types of gatherings are now permitted indoors in counties in Substantial (red), Moderate (orange), and Minimal (yellow) tiers, subject to [certain restrictions](#) in those counties. State public health directives also permit in-person outdoor faith-based services or protests as long as face coverings are worn and physical distancing of 6 feet between persons or groups of persons from different households is maintained at all times.

The California Department of Public Health has released [guidance for gatherings](#).

Crowds and limited physical distancing increase the risk for COVID-19. If you

**Can I get a haircut?**



**Are safety protocols being enforced? How do I report a business that isn't complying?**



## Protected activities

**I want to express my political views. How can I make my voice heard without raising public health concerns?**



**Can I engage in political protest gatherings?**



Yes, although in-person protests present special public health concerns.

Even with adherence to physical distancing, bringing members of different households together to engage in in-person protest carries a higher risk of widespread transmission of COVID-19. Such gatherings may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. In particular, activities like chanting, shouting, singing, and group recitation negate the risk-reduction achieved through 6 feet of physical distancing. For this reason, people engaging in these activities should wear face coverings at all times.

Therefore, it is strongly recommended that those exercising their right to engage in political expression (including, for example, their right to petition the government) should utilize alternative channels, such as the many online and broadcasting platforms available in the digital age, in place of in-person gatherings.

However, state public health directives do not prohibit in-person *outdoor* protests as long as you maintain a physical distance of 6 feet between persons or groups of persons from different households at all times. When you can't maintain a safe physical distance of 6 feet from people not in your household, you must wear a face covering or mask. Local Health Officers are advised to consider appropriate limitations on outdoor attendance capacities, factoring their jurisdiction's key COVID-19 health indicators. Failure to follow these requirements may result in an order to disperse or other enforcement action. Masks and face coverings are strongly recommended.

In counties in the [Widespread \(purple\) tier](#), indoor protests are not currently permitted. In other counties, state public health directives do not prohibit in-person *indoor* protests as long as (1) attendance is limited as required by the [relevant restrictions](#) on places of worship, (2) physical distancing of 6 feet between persons or groups of persons from different households is maintained at all times, and (3) singing and chanting activities are discontinued. Failure to follow these requirements may result in an order to disperse or other enforcement action. Masks and face coverings are required in compliance with CDPH directives.

**How do I vote?**



**Can I go to church?**

**+**

**Can I practice my religious faith?**

**+**

**What conditions must be met to resume religious services and cultural ceremonies at places of worship?**

**+**

**Can children attend group activities (like Sunday school or Hebrew school) at places of worship?**

**+**

**When will current conditions change for places of worship?**

**+**

## **Outdoor recreation**

**Can I still exercise? Take my kids to the park for fresh air? Take a walk around the block?**

**+**

**Can I walk my dog? Take my pet to the vet?**

**+**

**Can I visit State Parks? What outdoor spaces are open?**



**Can I travel?**



**Are there travel restrictions within California?**



**Are there travel restrictions into or out of California?**



**Are swimming pools open?**



## **Government services**

**Can I go to the Department of Motor Vehicles (DMV)?**



**Can I get my car smog checked?**



Is this page useful?

YES

NO

Additional comments:

SUBMIT

[Stay home Q&A](#)

[Blueprint for a Safer Economy](#)

[What's open](#)

[Industry guidance](#)

[Local info and alerts](#)



**COVID-19 hotline**

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# COVID-19 INDUSTRY GUIDANCE: Dine-In Restaurants

July 29, 2020

*All guidance should be implemented only with county health officer approval following their review of local epidemiological data including cases per 100,000 population, rate of test positivity, and local preparedness to support a health care surge, vulnerable populations, contact tracing, and testing.*



## OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include hospitals, long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by workers (where respiratory protection is not required) and customers/clients,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training workers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

## PURPOSE

This document provides guidance for dine-in restaurants, brewpubs, craft distilleries, breweries, bars, pubs, and wineries to support a safe, clean environment for workers and customers. The guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.<sup>1</sup> Stay current on changes to public health guidance and state/local orders as the COVID-19 situation continues. Cal/OSHA has more comprehensive guidance on their [Cal/OSHA General Guidelines on Protecting Workers from COVID-19 webpage](#). The U.S. Food and Drug Administration has [guidance for restaurants](#) and the CDC has additional requirements in their [guidance](#) for businesses and employers.

- Brewpubs, breweries, bars, pubs, craft distilleries, and wineries should remain closed until those establishments are allowed to resume modified or full operation **unless they are offering sit-down, dine-in meals. Alcohol can only be sold in the same transaction as a meal.**
- Brewpubs, breweries, pubs, craft distilleries, and wineries in counties whose health officer has approved further reopening may follow the guidance for restaurants, wineries, and bars on the [COVID-19 County Roadmap website](#).
- Dine-in restaurants, brewpubs, breweries, bars, pubs, craft distilleries, and wineries that provide sit-down meals should follow the restaurant guidance below and should continue to **encourage takeout and delivery service whenever possible.**
- Brewpubs, breweries, bars, pubs, craft distilleries, and wineries that do not provide sit-down meals themselves, but can contract with another vendor to do so, can serve dine-in meals provided both businesses follow the guidance below and alcohol is only sold in the same transaction as a meal.
- Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals should follow the [guidance for retail operations](#) and offer curbside sales only, until local and/or statewide rules allow additional retail activity.
- Producers of beer, wine, and spirits should follow the [guidance for manufacturing operations](#).
- This guidance is not intended for concert, performance, or entertainment venues. Those types of establishments should remain closed until they are allowed to resume modified or full operation through a specific reopening order or guidance. Establishments that serve full meals must discontinue this type of entertainment until these types of activities are allowed to resume modified or full operation.

## Required Use of Face Coverings

On June 18, CDPH issued [Guidance on the Use of Face Coverings](#), which broadly requires the use of face coverings for both members of the public and workers in all public and workplace settings where there is a high risk of exposure.

People in California must wear face coverings when they are engaged in work, whether at the workplace or performing work off-site, when:

- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways,

elevators, and parking facilities;

- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance;
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.

Complete details, including all requirements and exemptions to these rules, can be found in the [guidance](#). Face coverings are strongly encouraged in other circumstances, and employers can implement additional face covering requirements in fulfilling their obligation to provide workers with a safe and healthful workplace. Employers must provide face coverings to workers or reimburse workers for the reasonable cost of obtaining them.

Employers should develop an accommodation policy for any worker who meets one of the exemptions from wearing a face covering. If a worker who would otherwise be required to wear a face covering because of frequent contact with others cannot wear one due to a medical condition, they should be provided with a non-restrictive alternative, such as a face shield with a drape attached to the bottom edge, if feasible, and if the medical condition permits it.

Businesses that are open to the public should be cognizant of the exemptions to wearing face coverings in the [CDPH Face Covering Guidance](#) and may not exclude any member of the public for not wearing a face covering if that person is complying with the [guidance](#). Businesses will need to develop policies for handling these exemptions among customers, clients, visitors, and workers.



## Workplace Specific Plan

- Establish a written, workplace-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas and work tasks, and designate a person at each establishment to implement the plan.
- Incorporate the [CDPH Face Covering Guidance](#) into the Workplace Specific Plan and include a policy for handling exemptions.
- Identify contact information for the local health department where the restaurant is located for communicating information about COVID-19 outbreaks among workers or customers.
- Train and communicate with workers and worker representatives on the plan and make the plan available to workers and their representatives.
- Regularly evaluate the establishment for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#).
- Identify close contacts (within six feet for 15 minutes or more) of an infected worker and take steps to isolate COVID-19 positive worker(s) and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



## Topics for Worker Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- The importance of not coming to work:

- If a worker has symptoms of COVID-19 as [described by the CDC](#), such as a 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, vomiting, or diarrhea, OR
- If a worker was diagnosed with COVID-19 and has not yet been released from isolation, OR
- If, within the past 14 days, a worker has had contact with someone who has been diagnosed with COVID-19 and is considered potentially infectious (i.e. still on isolation).
- To return to work after a worker receives a COVID-19 diagnosis only if 10 days have passed since symptoms first appeared, their symptoms have improved, and the worker has had no fevers (without the use of fever reducing medications) for the last 72 hours. A worker without symptoms who was diagnosed with COVID-19 can return to work only if 10 days have passed since the date of the first positive COVID-19 test.
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol or 70% isopropanol when workers cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
  - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - Face coverings must cover the nose and mouth.
  - Workers should wash or sanitize hands before and after using or adjusting face coverings.
  - Avoid touching the eyes, nose, and mouth.
  - Face coverings must not be shared and should be washed or discarded after each shift.

- Information contained in the [CDPH Guidance for the Use of Face Coverings](#), which mandates the circumstances in which face coverings must be worn and the exemptions, as well as any policies, work rules, and practices the employer has adopted to ensure the use of face coverings. Training should also include the employer's policies on how people who are exempted from wearing a face covering will be handled.
- Ensure any independent contractors, temporary or contract workers, and volunteers at the facility are also properly trained in COVID-19 prevention policies and have necessary supplies and PPE. Discuss these responsibilities ahead of time with organizations supplying temporary and/or contract workers.
- Information on paid leave benefits the worker may be entitled to receive that would make it financially easier to stay at home. See additional information on [government program supporting sick leave and worker's compensation for COVID-19](#), including workers' sick leave rights under the [Families First Coronavirus Response Act](#) and the Governor's [Executive Order N-51-20](#), and workers' rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive order N-62- 20 while that Order is in effect](#).



## Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift and any vendors, contractors, or other workers entering the establishment. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Worker Training section above.
- Encourage workers who are sick or exhibiting symptoms of COVID-19 to stay home.
- Employers must provide and ensure workers use all required protective equipment, including face coverings and gloves where necessary.
- Employers should consider where disposable glove use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items. Workers should wear gloves when handling items contaminated by body fluids.
- Servers, bussers, and other workers moving items used by customers (dirty

cups, plates, napkins, etc.) or handling trash bags should use disposable gloves (and wash hands before putting them on and after removing them) and provide aprons and change frequently.

- Dishwashers should use equipment to protect the eyes, nose, and mouth from contaminant splash using protective glasses, goggles, or a face shield in addition to a face covering. Dishwashers must be provided impermeable aprons and change frequently. Reusable protective equipment such as shields and glasses should be properly disinfected between uses.
- Establishments must take reasonable measures, including posting signage at all entrances and in strategic and highly-visible locations and in reservation confirmations, to remind the public that they must use face coverings while not eating and drinking and practice physical distancing and that they should frequently wash their hands with soap for at least 20 seconds, use hand sanitizer, and not touch their face.
- Remind guests in advance to bring a face covering and make them available to anyone who arrives without one, if possible.
- Guests and visitors should be screened for temperature and/or symptoms upon arrival, asked to use hand sanitizer, and to wear a face covering when not eating or drinking. Employers have the right to cancel reservations for individuals/parties with symptomatic guests.
- Display a set of clearly visible rules for customers and restaurant personnel at the restaurant entrance(s) that are to be a condition of entry. The rules could include instructions to use hand sanitizer, maintain physical distance from other customers, avoid unnecessary touching of restaurant surfaces, contact information for the local health department, and changes to restaurant services. Whenever possible, the rules should be available digitally, include pictograms, and included on/with menus.



## Cleaning and Disinfecting Protocols

- Perform thorough cleaning in high traffic areas, such as customer waiting areas and lobbies, break rooms, lunch areas and areas of ingress and egress including host stands, entry ways, stairways, stairwells, escalators, handrails, and elevator controls. Frequently disinfect commonly used surfaces including doors, door handles, crash bars, light switches, waiting area chairs, credit card terminals, ATM PIN pads, receipt trays, bus tubs, serving trays, phones, toilets, and handwashing facilities.
- Frequently clean items touched by patrons, especially those that might attract contact from children including candy and toy vending machines,

decorative fish tanks, display cases, decorative fountains, etc.

- Clean touchable surfaces between shifts or between users, whichever is more frequent, including but not limited to working surfaces, phones, registers, touchpads/touchscreens, tablets, timeclocks, appliances, kitchen and bar utensils and implements, oven doors, grill and range knobs, carts and trolleys, keys, etc.
- Avoid sharing audio equipment, phones, tablets, laptops, desks, pens, and other work supplies wherever possible. Never share PPE.
- Discontinue shared use of audio headsets and other equipment between workers unless the equipment can be properly disinfected after use. Consult equipment manufacturers to determine appropriate disinfection steps, particularly for soft, porous surfaces such as foam earmuffs.
- Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the workers' job duties.
- Procure options for third-party cleaning companies to assist with the increased cleaning demand, as needed.
- Equip spaces such as dining rooms, bar areas, host stands, and kitchens with proper sanitation products, including hand sanitizer and sanitizing wipes to all staff directly assisting customers.
- Ensure that sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed.
- When choosing disinfecting chemicals, employers should use products approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved](#) list and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide workers training on the chemical hazards, manufacturer's directions, ventilation requirements, and Cal/OSHA requirements for safe use. Workers using cleaners or disinfectants should wear gloves as required by the product instructions and ensure proper ventilation.
- Continue to follow existing codes regarding requirements for sanitizing (rather than disinfecting) food contact surfaces.
- To minimize the risk of [Legionnaires' disease and other diseases associated with water, take steps to ensure](#) that all water systems and features are safe to use after a prolonged facility shutdown.
- Restaurants should increase fresh air circulation by opening windows or

doors, if possible and in accordance with security and safety protocols.

- Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air. Use a vacuum with a HEPA filter wherever possible.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in all working areas.
- Provide disposable menus to guests and make menus available digitally so that customers can view on a personal electronic device, if possible. If disposable menus cannot be provided, properly disinfect menus before and after customer use. Consider options for customers to order ahead of time.
- Discontinue pre-setting tables with napkins, cutlery, glassware, food ware, etc. These should be supplied individually to customers as needed. Do not leave card stands, flyers, napkin holders, or other items on tables.
- Suspend use of shared food items such as condiment bottles, salt and pepper shakers, etc. and provide these foods in single serve containers, if possible. Where this is not possible, shared items such as condiment bottles, shakers, etc., should be supplied as needed to customers and disinfected after each use.
- Pre-roll utensils in napkins prior to use by customers. Workers must wash hands before pre-rolling utensils in napkins. The pre-roll should then be stored in a clean container. After customers are seated, the pre-roll should be put on the table by a worker who recently washed their hands.
- Reusable customer items including utensils, food ware, breadbaskets, etc., must be properly washed, rinsed, and sanitized. Cleaned flatware, stemware, dishware, etc., must be properly stored away from customers and personnel until ready for use. Use disposable items if proper cleaning of reusable items is infeasible.
- Takeout containers must be filled by customers and available only upon request.
- Dirty linens used at dining tables such as tablecloths and napkins should be removed after each customer use and transported from dining areas in sealed bags. Workers should wear gloves when handling dirty linens.
- Thoroughly clean each customer dining location after every use. This will include disinfecting tables, chairs, booster seats, highchairs, booths, etc. and allowing adequate time for proper disinfection, following product instructions. Many EPA-approved disinfectants require minimal contact

time (seconds to one minute) against human coronavirus.

- Consider using disposable seat covers, particularly on porous surfaces. Discard and replace seat covers between each use. Provide disposable or washable covers on pillows used in seating areas and change/wash them after each use.
- Close areas where customers may congregate or touch food or food ware items that other guests may use. Modify delivery of these items by providing items to guests individually, converting to cafeteria-style service, etc. Discard or clean, disinfect, or sanitize shared items after each use, as appropriate. The areas that should be closed include but are not limited to:
  - Self-service areas with condiment caddies, utensil caddies, napkins, lids, straws, water pitchers, to-go containers, etc.
  - Self-service machines including ice, soda, frozen yogurt dispensers, etc.
  - Self-service food areas such as buffets, salsa bars, salad bars, etc.
- Discontinue tableside food preparation and presentation such as food item selection carts and conveyor belts, guacamole preparation, etc.
- Do not leave out after-meal mints, candies, snacks, or toothpicks for customers. Offer them with the check or provide only on request.
- Install hand sanitizer dispensers, touchless if possible, at guest and worker entrances and contact areas such as driveways, reception areas, in dining rooms, near elevator landings, etc.
- Discontinue use of shared entertainment items such as board games, pool tables, arcade games, vending machines, etc. Close game and entertainment areas where customers may share items such as bowling alleys, etc.



## Physical Distancing Guidelines

- Prioritize outdoor seating and curbside pickup to minimize cross flow of customers in enclosed environments. Restaurants can expand their outdoor seating, and alcohol offerings in those areas, if they comply with local laws and regulations.
- Provide takeout, delivery, and drive through options for customers when possible. Takeout items should be made available using contactless pick-up and delivery protocols.
- Eliminate person-to-person contact for delivery of goods whenever

possible. Designate drop-off locations to receive deliveries away from high traffic areas. Maintain physical distance of at least six feet with delivery drivers.

- Encourage reservations to allow for time to disinfect restaurant areas and provide guidance via digital platforms, if possible, to customers for physical distancing while at the restaurant.
- Consider allowing dine-in customers to order ahead of time to limit the amount of time spent in the establishment. Ask customers to wait in their cars or away from the establishment while waiting to be seated. If possible, alert patrons through their mobile phones when their table is ready to avoid touching and use of “buzzers.”
- Adjust maximum occupancy rules inside the establishment based on its size to limit the number of people inside and/or use impermeable barriers between service tables to protect customers from each other and workers. For outdoor seating, maintain physical distancing standards of at least six feet and as outlined in this guidance.
- Limit the number of patrons at a single table to a household unit or patrons who have asked to be seated together. People in the same party seated at the same table do not have to be six feet apart. All members of the party must be present before seating and hosts must bring the entire party to the table at one time.
- Implement measures to ensure physical distancing of at least six feet between workers and customers. This can include use of physical partitions or visual cues (e.g., floor markings or signs to indicate to where workers and/or guests should stand).
- Install physical barriers or partitions at cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult.
- Any area where guests or workers queue should also be clearly marked for appropriate physical distancing. This includes check-stands and terminals, deli counters and lines, restrooms, elevator lobbies, host stands and waiting areas, valet drop off and pickup, and any other area where customers congregate.
- Physical distancing protocols should be used in any office areas, kitchens, pantries, walk-in freezers, or other high-density, high-traffic work areas, where possible.
- Worker pre-shift meetings and trainings should be conducted virtually or in areas that allow for appropriate physical distancing between workers. Food, beverages, food ware, etc., must not be shared.
- Stagger worker breaks, in compliance with wage and hour regulations, to

maintain physical distancing protocols.

- Consider offering workers who request modified duties options that minimize their contact with customers and other workers (e.g., managing inventory rather than working as a cashier or managing administrative needs through telework).
- Reconfigure office spaces, lobbies, beverage bars, kitchens and workstations, host stand areas, and other spaces wherever possible to allow for at least six feet of distance between people dining, working, and passing through areas for entry and exit.
- Remove tables and chairs from dining areas so that six feet of physical distance can be maintained for customers and workers. If tables, chairs, booths, etc., cannot be moved, use visual cues to show that they are not available for use or install Plexiglas or other types of impermeable physical barriers to minimize exposure between customers.
- Bar areas should remain closed to customers.
- Discontinue seating of customers where customers cannot maintain six feet of distance from workers, work areas, and food and drink preparation areas.
- Limit the number of workers serving individual parties, in compliance with wage and hour regulations.
- All restaurant workers should minimize the amount of time spent within six feet of guests.
- Close breakrooms, use barriers, or increase distance between tables/chairs to separate workers and discourage congregating during breaks. Where possible, create outdoor break areas with shade covers and seating that ensures physical distancing.
- Reconfigure kitchens to maintain physical distancing in those areas where practical and, if not practical, stagger shifts, if possible, to do work ahead of time.
- Discourage food preparation workers from changing or entering others' workstations during shifts.
- Discourage people from congregating in high traffic areas such as bathrooms, hallways, bar areas, reservation and credit card terminals, etc.
- Establish directional hallways and passageways for foot traffic, if possible, to eliminate workers from passing by one another.
- Require workers to avoid handshakes and similar greetings that break physical distance.

- Guests should enter through doors that are propped open or automated, if possible. Hand sanitizer should be available for guests who must touch door handles.
- Adjust music volume so that workers can maintain distance from customers to hear orders.
- Implement peak period queueing procedures, including a host to remind guests to queue with at least six feet of distance between parties outside or in waiting areas.
- Workers should not open the doors of cars or taxis.
- Avoid touching others' pens and clipboards. If possible, install transfer-aiding materials, such as shelving and bulletin boards, to reduce person-to-person hand-offs.

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<sup>1</sup>Additional requirements must be considered for vulnerable populations. Dine-in restaurants, breweries, brewpubs, craft distilleries, and wineries that provide meals must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, employers should be prepared to alter their operations as those guidelines change.





# COVID-19 INDUSTRY GUIDANCE: Schools and School- Based Programs

Updated: **August 3, 2020**

*All guidance should be implemented only with local health officer approval following their review of local epidemiological data including cases per 100,000 population, rate of test positivity, and local preparedness to support a health care surge, vulnerable populations, contact tracing, and testing.*



**EXHIBIT F**

## OVERVIEW

Communities across the state are preparing for the forthcoming school year. To assist with that planning process, the following guidelines and considerations are intended to help school and community leaders plan and prepare to resume in-person instruction.

This guidance is interim and subject to updates. These guidelines and considerations are based on the best available public health data at this time, international best practices currently employed, and the practical realities of managing school operations; as new data and practices emerge. Additionally, the guidelines and considerations do not reflect the full scope of issues that school communities will need to address, which range from day-to-day site-based logistics to the social and emotional well-being of students and staff.

California public schools (traditional and charter), private schools (including nonpublic nonsectarian schools), school districts, and county offices of education, herein referred to as schools, will determine the most appropriate instructional model, taking into account the needs of their students and staff, and their available infrastructure. This guidance is not intended to prevent a school from adopting a distance learning, hybrid, or mixed-delivery instructional model to ensure safety. Schools are not required to seek out or receive approval from a state or local public health officer prior to adopting a distance-learning model.

Implementation of this guidance will depend on local public health conditions, including those listed [here](#). Communities meeting those criteria, such as lower incidence of COVID-19 and adequate preparedness, may implement the guidance described below as part of a phased reopening. All decisions about following this guidance should be made in collaboration with local health officials and other authorities.

Implementation of this guidance should be tailored for each setting, including adequate consideration of instructional programs operating at each school site and the needs of students and families. School leaders should engage relevant stakeholders—including families, staff and labor partners in the school community—to formulate and implement plans that consider the following:

- **Student, Family and Staff Population:** Who are the student, family and staff populations who will be impacted by or can serve as partners in implementing any of the following measures?
- **Ability to Implement or Adhere to Measures:** Do staff, students and families have the tools, information, resources and ability to successfully adhere to or implement the new measures?
- **Negative or Unintended Consequences:** Are there any negative or unintended consequences to staff, students or families of implementing the measures and how can those consequences be mitigated?

This guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA. Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues.



# 1. General Measures

- Establish and continue communication with local and State authorities to determine current disease levels and control measures in your community. For example:
  - Review and refer to, if applicable, the relevant county variance documentation. Documentation can be found [here](#).
  - Consult with your county health officer, or designated staff, who are best positioned to monitor and provide advice on local conditions. A directory can be found [here](#).
  - Collaborate with other schools and school partners in your region, including the county office of education.
  - Regularly review updated guidance from state agencies, including the [California Department of Public Health](#) and [California Department of Education](#).
- Establish a written, worksite-specific COVID-19 prevention plan at every facility, perform a comprehensive risk assessment of all work areas and work tasks, and designate a person at each school to implement the plan.
  - Identify contact information for the local health department where the school is located for communicating information about COVID-19 outbreaks among students or staff.
  - Incorporate the [CDPH Guidance](#) for the Use of Face Coverings, into the School Site Specific Plan that includes a policy for handling exemptions.
  - Train and communicate with workers and worker representatives on the plan. Make the written plan available and accessible to workers and worker representatives.
  - Regularly evaluate the workplace for compliance with the plan and document and correct deficiencies identified.
  - Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
  - Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#).
  - Identify individuals who have been in close contact (within six feet for 15 minutes or more) of an infected person and take steps to isolate

COVID-19 positive person(s) and close contacts. See Section 10 for more detail.

- Adhere to these guidelines. Failure to do so could result in workplace illnesses that may cause classrooms or the entire school to be temporarily closed or limited.
- Evaluate whether and to what extent external community organizations can safely utilize the site and campus resources. Ensure external community organizations that use the facilities also follow this guidance.
- Develop a plan for the possibility of repeated closures of classes, groups or entire facilities when persons associated with the facility or in the community become ill with COVID-19. See Section 10 below.
- Develop a plan to further support students with access and functional needs who may be at increased risk of becoming infected or having unrecognized illness due to COVID-19. For example, review existing student health plans to identify students who may need additional accommodations, develop a process for engaging families for potentially unknown concerns that may need to be accommodated or identify additional preparations for classroom and non-classroom environments as needed. Groups who might be at increased risk of becoming infected or having unrecognized illness include the following:
  - Individuals who have limited mobility or require prolonged and close contact with others, such as direct support providers and family members;
  - Individuals who have trouble understanding information or practicing preventive measures, such as hand washing and physical distancing; and
  - Individuals who may not be able to communicate symptoms of illness.
- Schools should review the [CDPH Guidance for the Use of Face Coverings](#) and any applicable local health department guidance and incorporate face-covering use for students and workers into their COVID-19 prevention plan. Some flexibility may be needed for younger children consistent with child development recommendations. See Section 3 for more information.



## 2. Promote Healthy Hygiene Practices

- Teach and reinforce [washing hands](#), avoiding [contact with one's eyes, nose, and mouth](#), and [covering coughs and sneezes](#) among students and staff.
  - Teach students and remind staff to use tissue to wipe their nose and to cough/sneeze inside a tissue or their elbow.
  - Students and staff should wash their hands frequently throughout the day, including before and after eating; after coughing or sneezing; after classes where they handle shared items, such as outside recreation, art, or shop; and before and after using the restroom.
  - Students and staff should wash their hands for 20 seconds with soap, rubbing thoroughly after application. Soap products marketed as “antimicrobial” are not necessary or recommended.
  - Staff should model and practice handwashing. For example, for lower grade levels, use bathroom time as an opportunity to reinforce healthy habits and monitor proper handwashing.
  - Students and staff should use fragrance-free hand sanitizer when handwashing is not practicable. Sanitizer must be rubbed into hands until completely dry. Note: frequent handwashing is more effective than the use of hand sanitizers.
  - Ethyl alcohol-based hand sanitizers are preferred and should be used when there is the potential of unsupervised use by children.
    - Isopropyl hand sanitizers are more toxic when ingested or absorbed in skin.
    - Do not use hand sanitizers that may [contain methanol](#) which can be hazardous when ingested or absorbed.
  - Children under age 9 should only use hand sanitizer under adult supervision. Call Poison Control if consumed: 1-800-222-1222.
- Consider portable handwashing stations throughout a site and near classrooms to minimize movement and congregations in bathrooms to the extent practicable.
- Develop routines enabling students and staff to regularly wash their hands at staggered intervals.
- Ensure adequate supplies to support healthy hygiene behaviors, including soap, tissues, no-touch trashcans, face coverings, and hand sanitizers with at least 60 percent ethyl alcohol for staff and children who can safely use hand sanitizer.

- Information contained in the [CDPH Guidance](#) for the Use of Face Coverings should be provided to staff and families, which discusses the circumstances in which face coverings must be worn and the exemptions, as well as any policies, work rules, and practices the employer has adopted to ensure the use of face coverings.
- Employers must provide and ensure staff use face coverings in accordance with CDPH guidelines and all required protective equipment.
- The California Governor's Office of Emergency Services (CalOES) and the Department of Public Health (CDPH) are and will be working to support procurement and distribution of face coverings and personal protective equipment. Additional information can be found [here](#).
- Strongly recommend that all students and staff be immunized each autumn against influenza unless contraindicated by personal medical conditions, to help:
  - Protect the school community
  - Reduce demands on health care facilities
  - Decrease illnesses that cannot be readily distinguished from COVID-19 and would therefore trigger extensive measures from the school and public health authorities.
- Nothing in this guidance should be interpreted as restricting access to appropriate educational services.



### 3. Face Coverings

Face coverings must be used in accordance with [CDPH guidelines](#) unless a person is exempt as explained in the guidelines, particularly in indoor environments, on school buses, and areas where physical distancing alone is not sufficient to prevent disease transmission.

- Teach and reinforce use of [face coverings](#), or in limited instances, face shields.
- Students and staff should be frequently reminded not to touch the face covering and to [wash their hands](#) frequently.
- Information should be provided to all staff and families in the school community on [proper use, removal, and washing of cloth face coverings](#).
- Training should also include policies on how people who are exempted from wearing a face covering will be addressed.

## STUDENTS

Age	Face Covering Requirement
<b>Under 2 years old</b>	<b>No</b>
<b>2 years old – 2<sup>nd</sup> grade</b>	<b>Strongly encouraged**</b>
<b>3<sup>rd</sup> grade – High School</b>	<b>Yes, unless exempt</b>

\*\*Face coverings are strongly encouraged for young children between two years old and second grade, if they can be worn properly. A face shield is an acceptable alternative for children in this cohort who cannot wear them properly.

- Persons younger than two years old, anyone who has trouble breathing, anyone who is unconscious or incapacitated, and anyone who is otherwise unable to remove the face covering without assistance are exempt from wearing a face covering.
- A cloth face covering or face shield should be removed for meals, snacks, naptime, or outdoor recreation, or when it needs to be replaced. When a cloth face covering is temporarily removed, it should be placed in a clean paper bag (marked with the student's name and date) until it needs to be put on again.
- In order to comply with this guidance, schools must exclude students from campus if they are not exempt from wearing a face covering under CDPH guidelines and refuse to wear one provided by the school. Schools should develop protocols to provide a face covering to students who inadvertently fail to bring a face covering to school to prevent unnecessary exclusions. Schools should offer alternative educational opportunities for students who are excluded from campus.

## STAFF

- All staff must use face coverings in accordance with [CDPH guidelines](#) unless Cal/OSHA standards require respiratory protection.
- In limited situations where a face coverings cannot be used for pedagogical or developmental reasons, (i.e. communicating or assisting young children or those with special needs) a face shield can be used instead of a cloth face covering while in the classroom as long as the wearer maintains physical distance from others, to the extent practicable. Staff must return to wearing a face covering outside of the classroom.

- Workers or other persons handling or serving food must use gloves in addition to face coverings. Employers should consider where disposable glove use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items.



## 4. Ensure Teacher and Staff Safety

- Ensuring staff maintain physical distancing from each other is critical to reducing transmission between adults.
- Ensure that all staff use face coverings in accordance with CDPH guidelines and Cal/OSHA standards.
- Support staff who are at higher risk for severe illness or who cannot safely distance from household contacts at higher risk, by providing options such as telework, where appropriate, or teaching in a virtual learning or independent study context.
- Conduct all staff meetings, professional development training and education, and other activities involving staff with physical distancing measures in place, or virtually, where physical distancing is a challenge.
- Minimize the use of and congregation of adults in staff rooms, break rooms, and other settings.
- Implement procedures for daily symptom monitoring for staff.



## 5. Intensify Cleaning, Disinfection, and Ventilation

- Consider suspending or modifying use of site resources that necessitate sharing or touching items. For example, consider suspending use of drinking fountains and instead encourage the use of reusable water bottles.
- Staff should [clean and disinfect](#) frequently-touched surfaces at school and on school buses at least daily and, as practicable, these surfaces should be cleaned and disinfected frequently throughout the day by trained custodial staff.
- Buses should be thoroughly cleaned and disinfected daily and after transporting any individual who is exhibiting symptoms of COVID-19. Drivers should be provided disinfectant wipes and disposable gloves to support disinfection of frequently touched surfaces during the day.

- Frequently touched surfaces in the school include, but are not limited to:
  - Door handles
  - Light switches
  - Sink handles
  - Bathroom surfaces
  - Tables
  - Student Desks
  - Chairs
- Limit use and sharing of objects and equipment, such as toys, games, art supplies and playground equipment to the extent practicable. When shared use is allowed, clean and disinfect between uses.
- When choosing disinfecting products, use those approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved list "N"](#) and follow product instructions.
  - To [reduce the risk of asthma](#) and other health effects related to disinfecting, programs should select disinfectant products on list N with asthma-safer ingredients (hydrogen peroxide, citric acid or lactic acid) as recommended by the US EPA Design for Environment program.
  - Avoid products that contain peroxyacetic (peracetic) acid, sodium hypochlorite (bleach) or quaternary ammonium compounds, which can cause asthma.
  - Follow label directions for appropriate dilution rates and contact times. Provide workers training on the chemical hazards, manufacturer's directions, Cal/OSHA requirements for safe use, and as applicable and as required by the Healthy Schools Act.
  - Custodial staff and any other workers who clean and disinfect the school site must be equipped with proper protective equipment, including gloves, eye protection, respiratory protection, and other appropriate protective equipment as required by the product instructions. All products must be kept out of children's reach and stored in a space with restricted access.
  - Establish a cleaning and disinfecting schedule in order to avoid both under- and over-use of cleaning products.
- Ensure safe and correct application of disinfectant and keep products away from students.

- Ensure proper ventilation during cleaning and disinfecting. Introduce fresh outdoor air as much as possible, for example, by opening windows where practicable. When cleaning, air out the space before children arrive; plan to do thorough cleaning when children are not present. If using air conditioning, use the setting that brings in outside air. Replace and check air filters and filtration systems to ensure optimal air quality.
  - If opening windows poses a safety or health risk (e.g., by allowing pollen in or exacerbating asthma symptoms) to persons using the facility, consider alternatives. For example, maximize central air filtration for HVAC systems (targeted filter rating of at least MERV 13).
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in classrooms, offices and other spaces.
- [Take steps](#) to ensure that all water systems and features (for example, drinking fountains and decorative fountains) are safe to use after a prolonged facility shutdown to minimize the risk of [Legionnaires' disease](#) and other diseases associated with water.



## 6. Implementing Distancing Inside and Outside the Classroom



### Arrival and Departure

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- Maximize space between students and between students and the driver on school buses and open windows to the greatest extent practicable.
- Minimize contact at school between students, staff, families and the community at the beginning and end of the school day. Prioritize minimizing contact between adults at all times.
- Stagger arrival and drop off-times and locations as consistently as practicable as to minimize scheduling challenges for families.
- Designate routes for entry and exit, using as many entrances as feasible. Put in place other protocols to limit direct contact with others as much as practicable.
- Implement health screenings of students and staff upon arrival at school (see Section 9).
- Ensure each bus is equipped with extra unused face coverings on school buses for students who may have inadvertently failed to bring one.

 **Classroom Space**

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- To reduce possibilities for infection, students must remain in the same space and in cohorts as small and consistent as practicable, including for recess and lunch. Keep the same students and teacher or staff with each group, to the greatest extent practicable.
- Prioritize the use and maximization of outdoor space for activities where practicable.
- Minimize movement of students and teachers or staff as much as practicable. For example, consider ways to keep teachers with one group of students for the whole day. In secondary schools or in situations where students have individualized schedules, plan for ways to reduce mixing among cohorts and to minimize contact.
- Maximize space between seating and desks. Distance teacher and other staff desks at least six feet away from student desks. Consider ways to establish separation of students through other means if practicable, such as, six feet between desks, where practicable, partitions between desks, markings on classroom floors to promote distancing or arranging desks in a way that minimizes face-to-face contact.
- Consider redesigning activities for smaller groups and rearranging furniture and play spaces to maintain separation.
- Staff should develop instructions for maximizing spacing and ways to minimize movement in both indoor and outdoor spaces that are easy for students to understand and are developmentally appropriate.
- Activities where there is increased likelihood for transmission from contaminated exhaled droplets such as band and choir practice and performances are not permitted.
- Activities that involve singing must only take place outdoors.
- Implement procedures for turning in assignments to minimize contact.
- Consider using privacy boards or clear screens to increase and enforce separation between staff and students.



## Non-Classroom Spaces

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- Limit nonessential visitors, volunteers and activities involving other groups at the same time.
- Limit communal activities where practicable. Alternatively, stagger use, properly space occupants and disinfect in between uses.
- Consider use of non-classroom space for instruction, including regular use of outdoor space, weather permitting. For example, consider part-day instruction outside.
- Minimize congregate movement through hallways as much as practicable. For example, establish more ways to enter and exit a campus, create staggered passing times when necessary or when students cannot stay in one room and create guidelines on the floor that students can follow to enable physical distancing while passing. In addition, schools can consider eliminating the use of lockers and moving to block scheduling, which supports the creation of cohort groups and reduces changes of classrooms.
- Serve meals outdoors or in classrooms instead of cafeterias or group dining rooms where practicable. Where cafeterias or group dining rooms must be used, keep students together in their cohort groups, ensure physical distancing, and consider assigned seating. Serve individually plated or bagged meals. Avoid sharing of foods and utensils and buffet or family-style meals.
- Consider holding recess activities in separated areas designated by class.



## Sports and Extra Curricular Activities (Updated August 3, 2020)

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- Outdoor and indoor sporting events, assemblies, dances, rallies, field trips, and other activities that require close contact or that would promote congregating are not permitted at this time. For example, tournaments, events, or competitions, regardless of whether teams are from the same school or from different schools, counties, or states are not permitted at this time.
- Youth sports and physical education are permitted only when the following can be maintained: (1) physical distancing of at least six feet; and (2) a stable cohort, such as a class, that limits the risks of transmission (see [CDC Guidance on Schools and Cohorting](#)). Activities should take place outside to the maximum extent practicable.

- For sports that cannot be conducted with sufficient distancing or cohorting, only physical conditioning and training is permitted and ONLY where physical distancing can be maintained. Conditioning and training should focus on individual skill building (e.g., running drills and body weight resistance training) and should take place outside, where practicable. Indoor physical conditioning and training is allowed only in counties where gyms and fitness centers are allowed to operate indoors.
- Avoid equipment sharing, and if unavoidable, clean and disinfect shared equipment between use by different people to reduce the risk of COVID-19 spread.
- Consistent with guidance for gyms and fitness facilities, cloth face coverings must be worn during indoor physical conditioning and training or physical education classes (except when showering). Activities that require heavy exertion should be conducted outside in a physically distanced manner without face coverings. Activities conducted inside should be those that do not require heavy exertion and can be done with a face covering. Players should take a break from exercise if any difficulty in breathing is noted and should change their mask or face covering if it becomes wet and sticks to the player's face and obstructs breathing. Masks that restrict airflow under heavy exertion (such as N-95 masks) are not advised for exercise.
- Youth sports programs and schools should provide information to parents or guardians regarding this and related guidance, along with the safety measures that will be in place in these settings with which parents or guardians must comply.
- Activities where there is increased likelihood for transmission from contaminated exhaled droplets such as band and choir practice and performances are not permitted.



## 7. Limit Sharing

- Keep each child's belongings separated and in individually labeled storage containers, cubbies or areas. Ensure belongings are taken home each day to be cleaned.
- Ensure adequate supplies to minimize sharing of high-touch materials (art supplies, equipment, etc.) to the extent practicable or limit use of supplies and equipment to one group of children at a time and clean and disinfect between uses.
- Avoid sharing electronic devices, clothing, toys, books and other games or learning aids as much as practicable. Where sharing occurs, clean and disinfect between uses.



## 8. Train All Staff and Educate Families

- Train all staff and provide educational materials to families in the following safety actions:
  - Enhanced sanitation practices
  - Physical distancing guidelines and their importance
  - [Proper use, removal, and washing of face coverings](#)
  - Screening practices
  - How COVID-19 is spread
  - COVID-19 specific [symptom](#) identification
  - Preventing the spread of COVID-19 if you are sick, including the importance of not coming to work if staff members have symptoms, or if they or someone they live with has been diagnosed with COVID-19.
  - For workers, COVID-19 specific [symptom](#) identification and when to seek medical attention
  - The employer's plan and procedures to follow when children or adults become sick at school.
  - The employer's plan and procedures to protect workers from COVID-19 illness.
- Consider conducting the training and education virtually, or, if in-person, ensure a minimum of six-foot distancing is maintained.



## 9. Check for Signs and Symptoms

- Prevent discrimination against students who (or whose families) were or are diagnosed with COVID-19 or who are perceived to be a COVID-19 risk.
- Actively encourage staff and students who are sick or who have recently had [close contact](#) with a person with COVID-19 to stay home. Develop policies that encourage sick staff and students to stay at home without fear of reprisal, and ensure staff, students and students' families are aware of these policies.
- Implement screening and other procedures for all staff and students entering the facility.

- Conduct visual wellness checks of all students or establish procedures for parents to monitor at home. If checking temperatures, use a no-touch thermometer.
- Ask all individuals if they or anyone in their home is exhibiting [COVID-19 symptoms](#).
- Make available and encourage use of hand-washing stations or hand sanitizer.
- Document/track incidents of possible exposure and notify local health officials, staff and families immediately of any exposure to a positive case of COVID-19 at school while maintaining confidentiality, as required under FERPA and state law related to privacy of educational records. Additional guidance can be found [here](#). As noted in Section 11 below, the staff liaison can serve a coordinating role to ensure prompt and responsible notification.
- If a student is exhibiting symptoms of COVID-19, staff should communicate with the parent/caregiver and refer to the student's health history form and/or emergency card.
- Monitor staff and students throughout the day for signs of illness; send home students and staff with a fever of 100.4 degrees or higher, cough or other [COVID-19 symptoms](#).
- Policies should not penalize students and families for missing class.



## 10. Plan for When a Staff Member, Child or Visitor Becomes Sick

- Work with school administrators, nurses and other healthcare providers to identify an isolation room or area to separate anyone who exhibits symptoms of COVID-19.
- Any students or staff exhibiting symptoms should immediately be required to wear a face covering and be required to wait in an isolation area until they can be transported home or to a healthcare facility, as soon as practicable.
- Establish procedures to arrange for safe transport home or to a healthcare facility, as appropriate, when an individual is exhibiting COVID-19 symptoms:
  - Fever
  - Cough
  - Shortness of breath or difficulty breathing

- Chills
  - Repeated shaking with chills
  - Fatigue
  - Muscle pain
  - Headache
  - Sore throat
  - Congestion or runny nose
  - Nausea or vomiting
  - Diarrhea
  - New loss of taste or smell
- For serious injury or illness, call 9-1-1 without delay. Seek medical attention if COVID-19 symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
  - Notify local health officials immediately of any positive case of COVID-19, and exposed staff and families as relevant while maintaining confidentiality as required by state and federal laws. Additional guidance can be found [here](#).
  - Close off areas used by any individual suspected of being infected with the virus that causes COVID-19 and do not use before cleaning and disinfection. To reduce risk of exposure, wait 24 hours before you [clean and disinfect](#). If it is not possible to wait 24 hours, wait as long as practicable. Ensure a [safe and correct application](#) of disinfectants using personal protective equipment and ventilation recommended for cleaning. Keep disinfectant products away from students.
  - Advise sick staff members and students not to return until they have met CDC criteria to discontinue [home isolation](#), including at least 3 days with no fever, symptoms have improved and at least 10 days since symptoms first appeared.
  - Ensure that students, including students with disabilities, have access to instruction when out of class, as required by federal and state law.
  - Schools should offer distance learning based on the unique circumstances of each student who would be put at-risk by an in-person instructional model. For example, students with a health condition, students with family members with a health condition, students who cohabitate or regularly interact with high-risk individuals, or are otherwise identified as "at-risk" by the parents or guardian, are students whose circumstances merit offering distance learning.

- Implement the necessary processes and protocols when a school has an outbreak, in accordance with [CDPH guidelines](#).
- Investigate the COVID-19 illness and exposures and determine if any work-related factors could have contributed to risk of infection. Update protocols as needed to prevent further cases.
- Update protocols as needed to prevent further cases. See the CDPH guidelines, [Responding to COVID-19 in the Workplace](#), which are incorporated into this guidance and contain detailed recommendations for establishing a plan to identify cases, communicating with workers and other exposed persons, and conducting and assisting with contact tracing.



## 11. Maintain Healthy Operations

- Monitor staff absenteeism and have a roster of trained back-up staff where available.
- Monitor the types of illnesses and symptoms among your students and staff to help isolate them promptly as needed.
- Designate a staff liaison or liaisons to be responsible for responding to COVID-19 concerns. Workers should know who they are and how to contact them. The liaison should be trained to coordinate the documentation and tracking of possible exposure, in order to notify local health officials, staff and families in a prompt and responsible manner.
- Maintain communication systems that allow staff and families to self-report symptoms and receive prompt notifications of exposures and closures, while maintaining confidentiality, as required by FERPA and state law related to privacy of educational records. Additional guidance can be found [here](#).
- Consult with local health departments if routine testing is being considered by a local educational agency. The role of providing routine systematic testing of staff or students for COVID-19 (e.g., PCR swab testing for acute infection, or presence of antibodies in serum after infection) is currently unclear.
- Support students who are at higher risk for severe illness or who cannot safely distance from household contacts at higher risk, by providing options such as virtual learning or independent study.



## 12. Considerations for Reopening and Partial or Total Closures

California schools have been closed for in-person instruction since mid-March 2020 due to the COVID-19 pandemic. School closures to in-person instruction were part of a broader set of recommendations intended to reduce transmission of SARS-CoV-2, the virus that causes COVID-19. For more detailed direction on measures to be taken when a student, teacher, or staff member has symptoms or is diagnosed with COVID-19, please see the [COVID-19 and Reopening Framework for K-12 Schools in California](#).

- Check State and local orders and health department notices daily about transmission in the area or closures and adjust operations accordingly.
- When a student, teacher or staff member tests positive for COVID-19 and had exposed others at the school, refer to the [CDPH Framework for K-12 Schools](#), and implement the following steps:
  - In consultation with the local public health department, the appropriate school official should ensure cleaning and quarantine of exposed persons and whether any additional intervention is warranted, including the length of time necessary, based on the risk level within the specific community as determined by the local public health officer.
  - Close off the classroom or office where the patient was based and do not use these areas until after cleaning and disinfection. Wait at least 24 hours before cleaning and disinfecting. If 24 hours is not feasible, wait for at least two hours and as long as possible.
  - Additional areas of the school visited by the COVID-19 positive individual may also need to be cleaned and disinfected.
  - Implement communication plans for exposure at school and potential school closures to include outreach to students, parents, teachers, staff and the community.
  - Include information for staff regarding labor laws, information regarding Disability Insurance, Paid Family Leave and Unemployment Insurance, as applicable to schools. See additional [information on government programs supporting sick leave and worker's compensation for COVID-19](#), including worker's sick leave rights under [the Families First Coronavirus Response Act](#) and employee's rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the [Governor's Executive Order N-62-20](#), while that Order is in effect.
  - Provide guidance to parents, teachers and staff reminding them of

the importance of community physical distancing measures while a school is closed, including discouraging students or staff from gathering elsewhere.

- Develop a plan for continuity of education. Consider in that plan how to also continue nutrition and other services provided in the regular school setting to establish alternate mechanisms for these services to continue.
- Maintain regular communications with the local public health department.





Sandra Shewry  
Acting Director

State of California—Health and Human  
Services Agency  
**California Department of  
Public Health**



GAVIN NEWSOM  
Governor

September 12, 2020

**TO:** All Californians

**SUBJECT:** CDPH Guidance for the Prevention of COVID-19 Transmission for Gatherings

This guidance provides an updated plan for Californians to gather outside their household and replaces the March 16, 2020 gatherings guidance. It applies to public and private gatherings and other gatherings not covered by existing sector guidance. Gatherings are defined as meetings or other events that bring together people from different households at the same time in a single space, or place. When people from different households mix, this increases the risk of transmission of COVID-19.

To protect public health and slow the rate of transmission of COVID-19, gatherings unless otherwise specified are not permitted across the state of California until further guidance is issued by the California Department of Public Health.

## Background

COVID-19 continues to pose a severe risk to communities and requires all people in California to follow necessary precautions and to adapt the way they live and function in light of this ongoing risk.

California Department of Public Health  
PO Box, 997377, MS 0500, Sacramento, CA 95899-7377  
Department Website ([cdph.ca.gov](http://cdph.ca.gov))



Page Last Updated : September 13, 2020

## EXHIBIT G





SANDRA SHEWRY, MPH, MSW  
Acting Director

State of California—Health and Human Services Agency  
**California Department of Public Health**



GAVIN NEWSOM  
Governor

**Statewide Public Health Officer Order,  
August 28, 2020**

On March 19, 2020, the State Public Health Officer issued an order directing all individuals living in the State of California to stay at home except as needed to facilitate authorized activities or to maintain the continuity of operations of critical infrastructure sectors. (See [March 19, 2020 Order](#).) The scope of activities authorized under this order was subsequently modified in additional state public health directives. Then, consistent with Executive Order N-60-20, the State Public Health Officer set out California's path forward from this "Stay-at-Home" Order in California's [Pandemic Resilience Roadmap](#). That Roadmap identified four stages of the pandemic: safety and preparation (Stage 1), reopening of lower-risk workplaces and other spaces (Stage 2), reopening of higher-risk workplaces and other spaces (Stage 3), and finally an easing of final restrictions leading to the end of the stay-at-home order (Stage 4). On July 13, 2020, in response to a significant increase in the spread of COVID-19, the State Public Health Officer ordered the statewide closure of operations in certain high-risk sectors. (See [July 13, 2020 Order](#).) Counties on the County Monitoring List for three consecutive days were also required to close additional indoor operations for certain sectors in order to further slow community transmission.

Community spread of infection remains a significant concern across the state. In addition to 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. Higher levels of community spread also increase the likelihood of infection among individuals at higher 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. COVID-19 infection is also disproportionately impacting our essential workforce. The anticipated influenza season is likely to impose additional burdens on the healthcare delivery system, increasing demand for space, supplies, and personnel.

The COVID-19 pandemic continues to evolve, and CDPH is continually monitoring new scientific evidence and improving its understanding of the disease. Based on the current state of the pandemic in California and current scientific understanding of transmission, it is my judgment that it is appropriate to further refine the approach in order to gradually reopen businesses and activities while reducing the risk of increased community spread. A targeted system for sector reopenings which considers both current epidemiological conditions and the latest understanding of transmission risk in certain



sectors will allow CDPH to monitor both counties and sectors for evidence of increased epidemiological risk and will reduce risk as California continues to reopen its economy and protect public health. [California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe](#) sets forth in detail the basis for the new Framework.

**NOW, THEREFORE, I, as Acting State Public Health Officer of the State of California, order all of the following:**

1. The updated framework for reopening, which shall be known as California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe, will rely on a set of Tiers corresponding to specific epidemiological profiles based on indicators of disease burden including case rates per capita and percent of positive covid-19 tests and proportion of testing and other covid-19 response efforts addressing the most impacted populations within a county. For each progressive Tier, this framework will permit a broader range of reopening guided by risk-based criteria pertinent to each sector. I may modify the epidemiological criteria for each Tier as well as the sectors, businesses, establishments, or activities within the Tiers as necessary based on the latest available public health information and research to protect public health and safety. The up-to-date Tier profiles and those sectors, businesses, establishments, or activities that are permitted to open in each Tier will be posted (along with necessary modifications), at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19CountyMonitoringOverview.aspx>.
2. Pursuant to this framework, all local health jurisdictions in the state may reopen specified sectors according to their respective county's Tier. However, a local health jurisdiction that moves to a Tier permitting further reopening must pause for 21 days, or a different period that I identify, before reopening additional sectors.
3. Conversely, a local health jurisdiction must also close sectors according to their respective county's Tier consistent with the timeline and procedures set forth in California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe.
4. A local health jurisdiction may continue to implement or maintain more restrictive public health measures if the jurisdiction's Local Health Officer determines that health conditions in that jurisdiction warrant such measures.

### Terms of Orders

5. This order shall go into effect August 31, 2020 and shall supersede the July 13, 2020 State Public Health Officer Order.
6. This order shall remain in effect until I determine it is appropriate to modify the order based on public health conditions.
7. I will continue to monitor the epidemiological data and will modify California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe as required by the evolving public health conditions. If I determine that it is necessary to change what will reopen or close, or otherwise modify the Plan, these modifications will be posted at [California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe](#).
8. Except to the extent this order or other state public health directives expressly provide otherwise, all CDPH guidance continues to apply statewide.
9. All references in CDPH or other State guidance to the County Monitoring List or the County Data Monitoring List shall refer to those counties falling within Tier 1 of California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe.
10. This order is issued pursuant to Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120150, 120175, 120195 and 131080; EO N-60-20, N-25-20, and other authority provided for under the Emergency Services Act; and other applicable law.



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Erica S. Pan, MD, MPH  
Acting State Public Health Officer  
California Department of Public Health



# COVID-19 INDUSTRY GUIDANCE: Retail

July 29, 2020

[covid19.ca.gov](https://covid19.ca.gov)



EXHIBIT I

## OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include hospitals, long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by workers (where respiratory protection is not required) and customers/clients,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training workers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

## PURPOSE

This document provides guidance for retailers to support a safe, clean environment for workers. The guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.<sup>1</sup> Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues. Cal/OSHA has more safety and health guidance on their [Cal/OSHA Guidance on Requirements to Protect Workers from Coronavirus webpage](#). CDC has additional guidance [for businesses and employers](#) and for [food and grocery retailers](#).

## Required Use of Face Coverings

On June 18, CDPH issued [Guidance on the Use of Face Coverings](#), which broadly requires the use of face coverings for both members of the public and workers in all public and workplace settings where there is a high risk of exposure.

People in California must wear face coverings when they are engaged in work, whether at the workplace or performing work off-site, when:

- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance;
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.

Complete details, including all requirements and exemptions to these rules, can be found in the [guidance](#). Face coverings are strongly encouraged in other circumstances, and employers can implement additional face covering requirements in fulfilling their obligation to provide workers with a safe and healthful workplace. Employers must provide face coverings to workers or reimburse workers for the reasonable cost of obtaining them.

Employers should develop an accommodation policy for any worker who meets one of the exemptions from wearing a face covering. If a worker who would otherwise be required to wear a face covering because of frequent contact with others cannot wear one due to a medical condition, they should be provided with a non-restrictive alternative, such as a face shield with a drape attached to the bottom edge, if feasible, and if the medical condition permits it.

Businesses that are open to the public should be cognizant of the exemptions to wearing face coverings in the [CDPH Face Covering Guidance](#) and may not exclude any member of the public for not wearing a face covering if that person is complying with the [guidance](#). Businesses will need to develop policies for handling these exemptions among customers, clients, visitors, and worker



## Workplace Specific Plan

- Establish a written, workplace-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas and work tasks, and designate a person at each establishment to implement the plan.
- Incorporate the [CDPH Face Covering Guidance](#) into the Workplace Specific Plan and include a policy for handling exemptions.
- Identify contact information for the local health department where the operation is located for communicating information about COVID-19 outbreaks among workers or customers.
- Train and communicate with workers and worker representatives on the plan and make the plan available to workers and their representatives.
- Regularly evaluate the establishment for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#).
- Identify close contacts (within six feet for 15 minutes or more) of an infected worker and take steps to isolate COVID-19 positive worker(s) and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



## Topics for Worker Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).

- The importance of not coming to work:
  - If a worker has symptoms of COVID-19 as [described by the CDC](#), such as a 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, vomiting, or diarrhea, OR
  - If a worker was diagnosed with COVID-19 and has not yet been released from isolation, OR
  - If, within the past 14 days, a worker has had contact with someone who has been diagnosed with COVID-19 and is considered potentially infectious (i.e. still on isolation).
- To return to work after a worker receives a COVID-19 diagnosis only if 10 days have passed since symptoms first appeared, their symptoms have improved, and the worker has had no fevers (without the use of fever reducing medications) for the last 72 hours. A worker without symptoms who was diagnosed with COVID-19 can return to work only if 10 days have passed since the date of the first positive COVID-19 test.
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol (preferred) or 70% isopropanol (if the product is inaccessible to unsupervised children) when workers cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
  - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - Face coverings must cover the nose and mouth.
  - Workers should wash or sanitize hands before and after using or adjusting face coverings.
  - Avoid touching the eyes, nose, and mouth.
  - Face coverings must not be shared and should be washed or discarded after each shift.
- Information contained in the [CDPH Guidance for the Use of Face Coverings](#), which mandates the circumstances in which face coverings

must be worn and the exemptions, as well as any policies, work rules, and practices the employer has adopted to ensure the use of face coverings. Training should also include the employer's policies on how people who are exempted from wearing a face covering will be handled.

- Ensure any independent contractors, temporary, or contract workers at the facility are also properly trained in COVID-19 prevention policies and have necessary supplies and PPE. Discuss these responsibilities ahead of time with organizations supplying temporary and/or contract workers.
- Information on paid leave benefits the worker may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and workers' compensation for COVID-19](#), including workers' sick leave rights under the [Families First Coronavirus Response Act](#) and workers' rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive Order N-62-20 while that Order is still in effect](#).



## Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift and any vendors, contractors, or other workers entering the establishment. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Worker Training section above
- Encourage workers who are sick or exhibiting symptoms of COVID-19 to stay home.
- Employers must provide and ensure workers use all required protective equipment, including eye protection and gloves where necessary. This includes protections for cashiers, baggers, and other workers with regular and repeated interaction with customers.
- Employers should consider where disposable glove use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items.
- Workers must also be provided and use protective equipment when offloading and storing delivered goods. Workers should inspect

deliveries and perform disinfection measures prior to storing goods in warehouses and facilities when there are signs of tampering.

- Retailers must take reasonable measures, including posting signage in strategic and highly-visible locations, to remind the public that they must use face coverings and practice physical distancing.

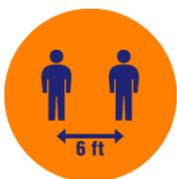


## Cleaning and Disinfecting Protocols

- Perform thorough cleaning in high traffic areas, such as break rooms, lunch areas and areas of ingress and egress including stairways, stairwells, escalators, handrails, and elevator controls. Frequently disinfect commonly used surfaces, including shopping carts, baskets, conveyor belts, registers (including self-checkout), scanners, register telephones, hand-held devices, counters, door handles, shelving, ATM PIN pads, customer assistance call buttons, handwashing facilities, etc.
- Clean and sanitize shared equipment, including but not limited to, pallet jacks, ladders, supply carts, time clocks, payment portals, and styluses between each use.
- Clean touchable surfaces between shifts or between users, whichever is more frequent, including but not limited to working surfaces, tools, and stationary and mobile equipment controls.
- Equip customer entrances and exits, checkout stations, customer changing rooms with proper sanitation products, including hand sanitizer and sanitizing wipes, and provide personal hand sanitizers to all frontline staff (e.g., cashiers).
- Ensure that sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed.
- To minimize the risk of [Legionnaires' disease](#) and other diseases associated with water, take steps to ensure that all water systems and features (e.g., drinking fountains, decorative fountains) are safe to use after a prolonged facility shutdown.
- Provide resources to promote workers' personal hygiene. This will include tissues, no-touch trash cans, hand soap, adequate time for hand-washing, alcohol-based hand sanitizers, disinfectants, and disposable towels.
- When choosing disinfecting chemicals, employers should use products approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved](#) list and follow product instructions. Use disinfectants labeled to be effective against

emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide workers training on the chemical hazards, manufacturer's directions, ventilation requirements, and Cal/OSHA requirements for safe use. Workers using cleaners or disinfectants should wear gloves and other protective equipment as required by the product instructions. Follow the [asthma-safer cleaning methods](#) recommended by the California Department of Public Health and ensure proper ventilation.

- Adjust or modify store hours to provide adequate time for regular, thorough cleaning and product stocking. Stagger stocking so that associates are in different aisles.
- Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the workers' job duties. Procure options for third-party cleaning companies to assist with the increased cleaning demand, as needed.
- Install hands-free devices, if possible, including motion sensor lights, contactless payment systems, automatic soap and paper towel dispensers, and timecard systems.
- Encourage the use of debit or credit cards by customers, for example, through signage.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in offices and other spaces.



## Physical Distancing Guidelines

- Retailers should create clearly-marked curbside or outside pickup points that maintain physical distance with visual cues or other measures, and have purchased goods available there or available through home delivery.
- Implement measures to ensure physical distancing of at least six feet between workers and customers. This can include use of physical partitions or visual cues (e.g., floor markings, colored tape, or signs to indicate to where workers and/or customers should stand).
- Take measures at checkout stations to minimize exposure between cashiers and customers, such as Plexiglas barriers.
- Consider offering workers who request modified duties options that minimize their contact with customers and other workers (e.g., managing inventory rather than working as a cashier or managing administrative

needs through telework).

- Adjust in-person meetings, if they are necessary, to ensure physical distancing and use smaller individual meetings at facilities to maintain physical distancing guidelines.
- Place additional limitations on the number of workers in enclosed areas to ensure at least six feet of separation to limit transmission of the virus.
- Stagger worker breaks, in compliance with wage and hour regulations, to maintain physical distancing protocols.
- Close breakrooms, use barriers, or increase distance between tables/chairs to separate workers and discourage congregating during breaks. Where possible, create outdoor break areas with shade covers and seating that ensures physical distancing.
- Close in-store bars, bulk-bin options, and public seating areas and discontinue product sampling.
- Dedicate shopping hours for vulnerable populations, including seniors and those medically vulnerable, preferably at a time following a complete cleaning.
- Increase pickup and delivery service options for customers to help minimize in-store contact and maintain social distancing, such as online ordering and curbside pick-up.
- Provide a single, clearly designated entrance and separate exit to help maintain physical distancing where possible.
- Adjust maximum occupancy rules based on the size of the facility to limit the number of people in a store at one time, using no more than 50% maximum occupancy.
- Be prepared to queue customers outside while still maintaining physical distance, including through the use of visual cues.
- Encourage workers to practice physical distancing during pickup and delivery by talking with the customer through a passenger window, loading items directly into the customer's trunk without contact, or leaving items at their door.
- Make some locations pickup- or delivery-only to minimize worker/customer contact, where possible.
- Install transfer-aiding materials, such as shelving and bulletin boards, to reduce person-to-person hand-offs where possible. Wherever possible, use contactless signatures for deliveries.
- Expand direct store delivery window hours to spread out deliveries and prevent overcrowding.

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<sup>1</sup>Additional requirements must be considered for vulnerable populations. The retail industry must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, employers must be prepared to alter their operations as those guidelines change.





# COVID-19 INDUSTRY GUIDANCE: Limited Services

July 29, 2020

[covid19.ca.gov](https://covid19.ca.gov)



EXHIBIT J

## OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include hospitals, long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by workers (where respiratory protection is not required) and customers/clients,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training workers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

## PURPOSE

This document provides guidance for limited services which do not generally require close customer contact. This guidance is intended to support a safe, clean environment for workers and customers. Limited services include those businesses that can provide services while maintaining appropriate physical distancing from customers or the public. Examples of such businesses include laundromats, dry cleaners, other laundry services, auto repair shops, car washes, landscapers, door to door services and sales, pet grooming, and dog walking. Additionally, this guidance applies to those businesses for which service provision may necessitate entry to private residences or community

facilities, but physical distance can still be maintained. Those businesses include residential and janitorial cleaning services, HVAC services, appliance repair persons, electricians, plumbers, other mechanical tradespersons, handypersons, and general contractors. Business owners or operators must acknowledge that lessees or subcontractors should only resume operations when they are ready and able to implement the necessary safety measures to provide for their safety and that of their customers.

**NOTE:** This guidance is not intended for personal care, in-home healthcare, in-home care, assisted living, and personal care services that necessitate close customer contact, including hair salons, barbershops, nail salons, massage parlors, aestheticians and cosmetology, ear piercing salons, and tattoo parlors. Additional guidance for such industries is available on the [COVID-19 Resilience Roadmap website](#).

The guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.<sup>1</sup> Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues. Cal/OSHA has more comprehensive guidance on their [Cal/OSHA General Guidelines on Protecting Workers from COVID-19 webpage](#). CDC has additional requirements in their [guidance](#) for businesses and employers.

## Required Use of Face Coverings

On June 18, CDPH issued [Guidance on the Use of Face Coverings](#), which broadly requires the use of face coverings for both members of the public and workers in all public and workplace settings where there is a high risk of exposure.

People in California must wear face coverings when they are engaged in work, whether at the workplace or performing work off-site, when:

- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically

distance;

- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.

Complete details, including all requirements and exemptions to these rules, can be found in the [guidance](#). Face coverings are strongly encouraged in other circumstances, and employers can implement additional face covering requirements in fulfilling their obligation to provide workers with a safe and healthful workplace. Employers must provide face coverings to workers or reimburse workers for the reasonable cost of obtaining them.

Employers should develop an accommodation policy for any worker who meets one of the exemptions from wearing a face covering. If a worker who would otherwise be required to wear a face covering because of frequent contact with others cannot wear one due to a medical condition, they should be provided with a non-restrictive alternative, such as a face shield with a drape attached to the bottom edge, if feasible, and if the medical condition permits it.

Businesses that are open to the public should be cognizant of the exemptions to wearing face coverings in the [CDPH Face Covering Guidance](#) and may not exclude any member of the public for not wearing a face covering if that person is complying with the [guidance](#). Businesses will need to develop policies for handling these exemptions among customers, clients, visitors, and workers.



## Workplace Specific Plan

- Establish a written, workplace-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas and work tasks, and designate a person at each establishment to implement the plan.
- Incorporate the [CDPH Face Covering Guidance](#) into the Workplace Specific Plan and include a policy for handling exemptions.
- Identify contact information for the local health department where the operation is located for communicating information about COVID-19 outbreaks among workers or customers.
- Train and communicate with workers and worker representatives on the plan and make the plan available to workers and their representatives.
- Regularly evaluate the establishment for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#).
- Identify close contacts (within six feet for 15 minutes or more) of an infected worker and take steps to isolate COVID-19 positive worker(s) and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



## Topics for Worker Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- The importance of not coming to work:
  - If a worker has symptoms of COVID-19 as [described by the](#)

[CDC](#), such as a 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, vomiting, or diarrhea, OR

- If a worker was diagnosed with COVID-19 and has not yet been released from isolation, OR
- If, within the past 14 days, a worker has had contact with someone who has been diagnosed with COVID-19 and is considered potentially infectious (i.e. still on isolation).
- To return to work after a worker receives a COVID-19 diagnosis only if 10 days have passed since symptoms first appeared, their symptoms have improved, and the worker has had no fevers (without the use of fever reducing medications) for the last 72 hours. A worker without symptoms who was diagnosed with COVID-19 can return to work only if 10 days have passed since the date of the first positive COVID-19 test.
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol (preferred) or 70% isopropanol (if the product is inaccessible to unsupervised children) when workers cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
  - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - Face coverings must cover the nose and mouth.
  - Workers should wash or sanitize hands before and after using or adjusting face coverings.
  - Avoid touching the eyes, nose, and mouth.
  - Face coverings must not be shared and should be washed or discarded after each shift.
- Information contained in the [CDPH Guidance for the Use of Face](#)

[Coverings](#), which mandates the circumstances in which face coverings must be worn and the exemptions, as well as any policies, work rules, and practices the employer has adopted to ensure the use of face coverings. Training should also include the employer's policies on how people who are exempted from wearing a face covering will be handled.

- Ensure any independent contractors, temporary, or contract workers at the facility are also properly trained in COVID-19 prevention policies and have necessary supplies and PPE. Discuss these responsibilities ahead of time with organizations supplying temporary and/or contract workers.
- Information on paid leave benefits the worker may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and workers' compensation for COVID-19](#), including workers' sick leave rights under the [Families First Coronavirus Response Act](#) and workers' rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive Order N-62-20](#) while that Order is in effect.
- Mechanical tradespeople that work near plumbing vents, HVAC exhaust, or other type of exhaust fans must be informed that exhaust air could contain the virus that causes COVID-19 if infected persons are in the residence or building.
- Mechanical tradespeople that work on sewage, plumbing, and custodial or janitorial services must be informed that the virus that causes COVID-19 has been found in the feces of some persons with COVID-19.



## Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift and any vendors, contractors, or other workers entering the establishment. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Worker Training section above.
- Encourage workers who are sick or exhibiting symptoms of COVID-19 to stay home.
- Employers must provide and ensure workers use all required protective equipment, including eye protection and gloves where necessary.
- Employers should consider where disposable glove use may be helpful to

supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items.

- Mechanical tradespeople working near plumbing vents and rooftop HVAC exhaust, or other types of exhaust fans in residences and buildings, must be provided and use a face shield and a NIOSH-approved particulate respirator. If respirators are not available, an ASTM-rated surgical mask must be used.
- Mechanical tradespeople working on sewage plumbing must be provided and use a face shield and an impermeable face cover. If the work may disperse sewage droplets into the air (such as sewer drain snaking), a NIOSH-approved particulate respirator, if available, is required.
- Employers must take reasonable measures, including posting signage in strategic and highly-visible locations, to remind the public that they must use face coverings and practice physical distancing.



## Cleaning and Disinfecting Protocols

- Perform thorough cleaning in high traffic areas such as reception areas, waiting rooms and lobbies, front desk check-in areas, break rooms and lunch areas, changing areas, and areas of ingress and egress including stairways, stairwells, and handrails. Frequently disinfect commonly used surfaces including credit card terminals, counters, door handles, light switches, phones, toilets, and handwashing facilities.
- Regularly clean and sanitize shared equipment, including but not limited to time clocks, landline phones, handles, hoses, spray nozzles, washers and dryers, any machinery or tools, and any other equipment between each use or when it is transferred to a new customer or worker.
- Avoid sharing phones, tablets, laptops, desks, pens, other work supplies, wherever possible. Never share PPE.
- All dirty linens should be placed in a covered, non-porous container and washed at a high temperature and cleaned in accordance with [CDC guidelines](#). All properly cleaned linens should be stored in closed cabinet or covered shelving until used. Ensure workers performing this function have the proper protective equipment.
- Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the workers' job duties.
- Ensure that sanitary facilities stay operational and stocked at all times

and provide additional soap, paper towels, and hand sanitizer when needed. Provide additional sanitary facilities, where feasible, if several workers need to use the restroom at the same time, e.g., during scheduled breaks.

- To minimize the risk of [Legionnaires' disease](#) and other diseases associated with water, [take steps](#) to ensure that all water systems and features are safe to use after a prolonged facility shutdown.
- Place signage in workspace and common areas, including lobbies, waiting rooms, and reception areas, emphasizing basic infection prevention measures, including posting hand-washing signs in restrooms.
- When choosing disinfecting chemicals, employers should use products approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved](#) list and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide workers training on the chemical hazards, manufacturer's directions, ventilation requirements, and Cal/OSHA requirements for safe use. Workers using cleaners or disinfectants should wear gloves and other protective equipment as required by the product instructions. Follow the [asthma-safer cleaning methods](#) recommended by the California Department of Public Health and ensure proper ventilation.
- Discontinue the use of shared food and beverage equipment in worker breakrooms (including shared coffee brewers).
- Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air. Use a vacuum with a HEPA filter wherever possible.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in all working areas.



## Physical Distancing Guidelines

- Implement measures to ensure physical distancing of at least six feet between and among workers and customers. This can include use of physical partitions or visual cues (e.g., floor markings, colored tape, or signs to indicate to where workers and/or customers should stand).
- Take measures at customer service desks or other areas where physical

distancing cannot be maintained to minimize exposure between workers and customers, such as Plexiglas or other barriers.

- Consider offering workers who request modified duties options that minimize their contact with customers and other workers (e.g., managing inventory rather or managing administrative needs through telework).
- If feasible and appropriate for the business, implement an appointment system to help with scheduling and reduce walk-in customers. Consider staggering appointments to reduce reception or waiting area congestion.
- Consider entry queuing systems that do not disrupt foot traffic or violate physical distancing requirements. Any area where customers or workers queue should be clearly marked for appropriate physical distancing. Alternate entry requirements to facilities should be developed and could include digital reservations for entry and pre-order guidelines.
- Implement strategies that encourage customers to stay in their cars or outside the business or residence, where possible. This could include “no-contact” pick-up or delivery processes or curbside payment. Designate drop-off or pick-up locations away from high traffic areas.
- Provide clearly designated entrances and separate exits to help maintain physical distancing and direct foot traffic, if possible. Wherever possible, doors should be left open if they do not open and close automatically.
- Stagger shifts, split or rotate work schedules, and stagger worker breaks, in compliance with wage and hour regulations, to minimize worker overlap and maintain physical distancing protocols.
- Reconfigure reception and waiting areas, lobbies, workstations, and worker breakrooms, if possible, to allow for at least six feet of distance between customers and workers.
- Discourage workers from congregating in high traffic areas such as bathrooms, hallways, passageways, credit card terminals, etc.
- Establish directional hallways and passageways for foot traffic, if possible, to eliminate customers and workers from passing by one another.
- Require workers to avoid handshakes and similar greetings that break physical distance.
- Hold meetings over the phone or via webinar for workers wherever possible. When not possible, adjust staff meetings to ensure physical distancing and use smaller individual meetings at facilities to maintain physical distancing guidelines.

- Place additional limitations on the number of workers in enclosed areas to ensure at least six feet of separation to limit transmission of the virus.
- Close breakrooms, use barriers, or increase distance between tables/chairs to separate workers and discourage congregating during breaks. Where possible, create outdoor break areas with shade coverings and seating that ensures physical distancing.



## **Additional Considerations for Services that Require Entry to Residential, Commercial, or Public Buildings**

- Workers who must enter private residences or commercial or public buildings to complete their work should be provided personal hand sanitizer, which should be replenished or restocked by the employer as needed.
- Contact customers in advance, ideally the day before the appointment is scheduled, to confirm the appointment and ask if any member of the household or personnel on-site is exhibiting any symptoms, has been sick or is currently sick, or whether anyone on the premises has been exposed to someone who has been sick. If the customer answers in the affirmative for any of those questions, reschedule the appointment at least 10 to 14 days in the future.
- During the advance call, request customers use face coverings during the appointment and emphasize the importance of maintaining a safe distance of at least six feet from the worker entering the residence or building.
- Develop a process workflow with questions and talking points for workers to use upon arrival on-site to identify suspected COVID-19 concerns. The workflow should give workers the flexibility to gauge the situation and determine whether they can safely enter the residence or building.
- Allow workers to call a “safety stop” when they are reluctant to enter a residence or building due to unsafe or unhealthy work conditions related to COVID-19 hazards. During such situations, workers should call a supervisor, if feasible, and discuss what work is essential to complete immediately and proper precautions to take. Based on an evaluation of the circumstances, supervisors should inform workers if they should not enter the residence, avoiding workers feeling pressured to make the ultimate decision. Workers should also be able to make that determination themselves without fear of reprisal or retaliation.
- Limit exposure for workers who must enter private residences or buildings

by implementing virtual customer service support or service provision, wherever possible. This could include self-install/repair strategies through phone consultations or support through video calls and instruction videos, if possible.

- When working in a private residence, workers should minimize contact with customers' personal belongings. Similarly, in commercial or public buildings, workers should limit their interaction in the facility and avoid touching surfaces where possible. Where possible, appliances or other items the worker must touch should be cleaned with disinfecting wipes prior to and after the service is performed.
- Conduct virtual safety briefings weekly, or as needed, prior to workers going on service calls and develop internal communications that can be regularly updated on the use of protective equipment and other mitigation requirements.
- After completion of work at a residence or building, workers must remove all PPE and face coverings and wash their hands and face. Face coverings must be washed before being reused.



## Considerations for Homeowners and Building Residents

- Homeowners and residents must postpone all non-emergency, in-home services if there are any COVID-19 positive persons, persons with COVID-19 symptoms, or persons under quarantine in the residence.
- For emergency service repairs, homeowners and residents should inform workers of any COVID-19 positive persons, persons with COVID-19 symptoms, or persons under quarantine in the residence and take measures to minimize exposure risks to any person entering the home. These include:
  - Airing out the residence if weather permits.
  - Cleaning and disinfecting surfaces in areas where the service person may work or need to access.
  - Maintaining physical distancing of at least six feet when letting the service worker into the home.
  - Wearing face coverings at all times during the visit, unless unable to per the exemption criteria in the CDPH face coverings guidelines.
  - Staying out of the area where the repair person is working.



## Additional Considerations for Those Limited Services That Operate Out of Vehicles

- All work trucks and vehicles must have hand sanitizer available and all workers should sanitize their hands when arriving on-site.
- Provide workers with an adequate supply of materials required to clean and disinfect frequently touched surfaces of the delivery vehicle. Provide lined trash receptacles to be placed in delivery vehicles to properly dispose of disinfectant wipes and other items.
- Clean and disinfect the cabs of work trucks and vehicles, including dashboard controls, steering wheel, gear shift, handles, etc., as well as other touch points on the vehicle such as handles and latches.
- Where alternatives to physical contact with delivery-related items cannot be avoided, workers should wipe down and disinfect equipment, pens, clipboards, and electronic signature pads after each use when shared with customers while performing a delivery. Touch pads and punch keys on terminals such as card readers or handheld digital devices must be cleaned and disinfected after every transaction.
- Workers should limit contact with frequently touched surfaces during deliveries, such as doorbells or door handles. If possible, avoid contact with hands or bare skin when opening doors.
- Communicate to workers where they can access soap, clean running water, and drying materials, and provide alcohol-based hand sanitizers; adjust schedules to build in time for frequent handwashing.
- For workers who make service calls, normally accessible restrooms on routes (e.g., restaurants, coffee shops) may be closed. Employers should provide workers alternative restroom locations and allow time for workers to use them.
- Guidelines for delivery services are available on the [COVID-19 Resilience Roadmap website](#).



## Additional Considerations for Auto Repair Shops

- Minimize or eliminate use of shared equipment and tools. If tools are shared, sanitize between each use, according to [CDC guidelines](#). Sanitize all tools daily after the work day ends.
- Allow for customers to drop off and pick up vehicles after hours using a “night drop” box or slot to limit personal contact and consider allowing use of a drop box style system during working hours.
- Request customers to wear face coverings when dropping off the vehicle and interacting with workers. Request that customers remove personal items from the vehicle. Customers should be asked not to bring children or others with them during the vehicle drop-off.
- Discontinue any customer pick-up or drop-off services and ensure customers know that they are responsible for their own travel to and from the repair shop.
- Clean touchable surfaces regularly, including tools, handles and latches, and controls on stationary and mobile equipment.
- If a tow truck or other company vehicle is frequently shared amongst workers, thoroughly clean the surfaces in the cab whenever a new driver uses the vehicle.
- Disinfect keys, key fobs, and the vehicle before and after servicing a customer's vehicle. Wipe down all surfaces and controls touched by the driver or technician.
- Communicate with customers via text, email, or phone to provide estimates and get repair authorizations. Implement digital vehicle inspections, where possible, to identify service needs and provide estimates.
- Consider closing waiting rooms or lounges. If that's not possible, waiting rooms or lounges should be reconfigured so that physical distancing can be maintained, this could include taping off chairs or benches that should not be used or removing furniture from the room.
- Amenities, including magazines, books, coffee, water, self-serve stations (unless touchless), and other items for customers, must be removed from waiting or lounges to help reduce touch points and customer interactions.



## Additional Considerations for Car Washing Operations

- Regularly clean payment terminals, vacuum hoses, bay guns, wash selector equipment, vending machines, and cleaning machines and high traffic areas like waiting rooms or lounges.
- Consider requiring customers to make reservations for in-person services that are not automated, e.g. detailing.
- Request customers to bring and use face coverings during the appointment and ask that customers remove personal items from the vehicle. Customers should be asked not to bring children or others with them for the service.
- Vehicles should be ventilated with a blower and air should be recirculated through the vehicle before workers clean them to minimize exposure to air that might contain contaminants.
- Limit interior vehicle cleaning to one worker at a time.
- Ensure vacuum nozzles are cleaned after every use.
- Customers should line up in their cars at facilities with automated car washing and not exit the vehicle.
- For self-serve car wash operations, remove dirty towels or cloth wipes after each customer interaction. Place them in a closed container where they cannot be used again until properly laundered either by a commercial laundering service or a laundering process which includes immersion in water of at least 160 degrees Fahrenheit for at least 25 minutes. Store all clean linens in a clean, covered place. Ensure workers who handle dirty linens or laundry wear gloves. Close every other vacuum stall, if necessary, to maintain physical distancing.
- For self-service car washes, provide disposable gloves for customers to use when handling hoses, wands, vacuum hoses and other cleaning devices. Frequently clean and disinfect these surfaces.
- Consider closing waiting rooms or lounges. If that's not possible, waiting rooms or lounges should be reconfigured so that physical distancing can be maintained, this could include taping off chairs or benches that should not be used or removing furniture from the room.
- Amenities, including magazines, books, coffee, water, self-serve stations, and other items for customers, must be removed from waiting or lounges to help reduce touch points and customer interactions.



## Additional Considerations for Cleaning and Janitorial Services

- Minimize or eliminate use of shared equipment and tools. If tools are shared, sanitize between each use, according to [CDC guidelines](#). Sanitize all tools daily after the work day ends.
- Janitorial or custodial workers must be told if they are going to be working in a location where an infected person has been so they can take the necessary precautions to protect themselves and can provide needed cleaning and disinfecting services.
- Any area where an infected person has been must be ventilated, according to Table 1 in the [Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis](#) at 99.9% removal efficiency before workers can enter.
- If janitorial or custodial workers are asked to disinfect an area with known COVID-19 confirmed cases, they must not start operations until the employer has provided the proper protective equipment and hazard training, or a refresher training.
- Make sure all workers have been trained to use and have an adequate supply of all-purpose cleaners and disinfectants, when needed. Follow the complete [CDC guidelines for cleaning and disinfection](#).
- Follow Cal/OSHA requirements and manufacturer instructions for safe use and required personal protective equipment for cleaning products.
- Workers should have enough ventilation (air flow) in areas where they are disinfecting. If cleaning in a bathroom or other small space, make sure the door is propped open. Follow the [safer cleaning methods](#) recommended by the California Department of Health Services.
- Workers should be supplied with bandages or other items to cover any cuts, scratches, or open wounds on skin and have sufficient supply to change the bandages often.
- Customers must be reminded to maintain six feet of distance from janitorial or custodial staff. Implement a process to regularly check in with workers to ensure customers are following this protocol. Ensure workers are able to share such information without fear of reprisal or retaliation.



## Additional Considerations for Pet Grooming and Dog Walking

- Pet grooming services should evaluate their existing cleaning and sanitation protocols and determine what additional hygiene and cleaning measures should be implemented. All items and equipment, including tables, baths, and grooming tools, should be thoroughly cleaned and disinfected between each pet appointment.
- Pet grooming services should require customers to make reservations for in-person services and walk-in appointments should be suspended. Appointments should be staggered, where feasible, to limit customer interactions.
- Pet grooming services should require pets be dropped off for their appointment through a contactless process instead of hand-to-hand delivery, when possible. This could include curbside check-in and pick-up, where feasible.
- Pets should be transferred to and from their grooming services with slip leads owned by the pet grooming facility. The pet grooming facility should not handle anything belonging to pets, including collars and leashes.
- To help keep six feet of distance between people at all possible times, place tape on the grooming room floors and in areas indicating where customers should stand and where groomers can walk. Pet groomers should be instructed to maintain a distance of at least six feet between themselves and any person, including fellow groomers.
- Limit the total number of groomers in the grooming facility, consistent with physical distancing requirements, instructing groomers to work at every other table and limit only one groomer at a time in the pet bathing area.
- Dog walking services should establish protocols to ensure customers cancel their dog walking service if any person in the household has been diagnosed with COVID-19 or is sick or exhibiting any symptoms.
- Dog walking services should maintain regular contact with customers to ask about any such issues if not told by the customer in advance. If the dog walker or pet owner has any COVID-19 symptoms, has been sick, or has been exposed to someone who has, dog walking services should be cancelled.
- Dog walkers and pet owners should keep their interactions limited. If unable to discuss important pet care details virtually, in-person interaction

must be short and a six-foot distance throughout any conversation must be maintained.

- Dog walkers and pet owners should practice contactless hand-offs. The pet owner should make all efforts to allow the dog walker to let themselves in and all essential materials should be left near the door.
- If a lead hand-off is necessary, keep the interaction quick and wash hands after or use proper hand sanitizer.
- When the pet owner is not home, they should make sure the pet is easily accessible and should gate the pet near the entry area whenever possible.
- If the pet owner is dropping the dog off at the dog walker's residence, the dog walker should ensure the drop-off occurs at the home's door or, in a multi-family building, an established common area, preferably outdoors.
- When possible, the dog walker should bring and use their own lead and disposable waste bags. Clean and sanitize all materials, including leads, food containers, water, and food bowls before and after a walk.



## Additional Considerations for Landscaping and Yard Maintenance Services

- Minimize or eliminate use of shared equipment and tools. If tools are shared, sanitize between each use, according to [CDC guidelines](#). Sanitize all tools daily after the work day ends.
- Avoid contact with touch points at the jobsite, such as gate handles, and ensure any employer-provided equipment is disinfected before use (mowers, hoses, etc.).
- Whenever possible, workers should drive separately to job sites, only one person per vehicle, unless a vehicle is large enough to maintain social distancing.
- If workers meet at a central location and travel to job site in company-owned vehicles, assign one truck to one crew and do not rotate the vehicle. The vehicle cab and all touch points should be cleaned at the end of each work day.
- Eliminate customer contact whenever possible. When customers are present, maintain six-foot social distance at all times. Announce yourself by phone instead of ringing the doorbell. Take payment over the phone or online, if possible.



## Additional Considerations for Laundromats, Dry Cleaning, and Other Laundry Services

- This guidance does not include product handling hazards in laundromats that process biologically contaminated laundry from health care institutions. Additional requirements apply to those facilities.
- All garments should be handled using extra precautions. Garments should be brought in a sealed bag and left sealed for at least 24 hours and handled as little as possible.
- Workers should avoid shaking the garments once they are removed from the bag. Workers should wear disposable gloves and wash hands before wearing and after removing them.
- Disinfect counters, pay terminals, and other commonly touched items between each customer visit.
- Limit the total number of customers in laundromats to ensure physical distancing can be maintained. This could also require that some washing and drying machines are made inoperable to ensure customers have adequate distance when using the machines.
- If linens are to be transported on routes, any containers used to transport clean linens, if previously used for soiled linens, must be properly cleaned and disinfected. Containers need to be labeled appropriately.

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<sup>1</sup>Additional requirements must be considered for vulnerable populations. Limited service providers must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, employers should be prepared to alter their operations as those guidelines change.





# COVID-19 INDUSTRY GUIDANCE: Logistics and Warehousing Facilities

July 29, 2020

[covid19.ca.gov](https://covid19.ca.gov)



**EXHIBIT K**

## OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include hospitals, long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by workers (where respiratory protection is not required) and customers/clients,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training workers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

## PURPOSE

This document provides guidance for businesses operating in the logistics/warehousing industry to support a safe, clean environment for workers. The guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.<sup>1</sup> Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues. Cal/OSHA has more safety and health guidance on their Cal/OSHA COVID-19 [Infection Prevention for Logistics Employers and Workers](#) webpage. CDC has additional requirements in their guidance for [businesses and employers](#) and specific guidance for [mail and parcel delivery](#).

## Required Use of Face Coverings

On June 18, CDPH issued [Guidance on the Use of Face Coverings](#), which broadly requires the use of face coverings for both members of the public and workers in all public and workplace settings where there is a high risk of exposure.

People in California must wear face coverings when they are engaged in work, whether at the workplace or performing work off-site, when:

- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance;
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.

Complete details, including all requirements and exemptions to these rules, can be found in the [guidance](#). Face coverings are strongly encouraged in other circumstances, and employers can implement additional face covering requirements in fulfilling their obligation to provide workers with a safe and healthful workplace. Employers must provide face coverings to workers or reimburse workers for the reasonable cost of obtaining them.

Employers should develop an accommodation policy for any worker who meets one of the exemptions from wearing a face covering. If a worker who would otherwise be required to wear a face covering because of frequent contact with others cannot wear one due to a medical condition, they should be provided with a non-restrictive alternative, such as a face shield with a drape attached to the bottom edge, if feasible, and if the medical condition permits it.

Businesses that are open to the public should be cognizant of the exemptions to wearing face coverings in the [CDPH Face Covering Guidance](#) and may not exclude any member of the public for not wearing a face covering if that person is complying with the [guidance](#). Businesses will need to develop policies for handling these exemptions among customers, clients, visitors, and workers.



## Worksite Specific Plan

- Establish a written, worksite-specific COVID-19 prevention plan at every facility, perform a comprehensive risk assessment of all work areas and work tasks, and designate a person at each facility to implement the plan.
- Incorporate the [CDPH Face Covering Guidance](#) into the Workplace Specific Plan and include a policy for handling exemptions.
- Identify contact information for the local health department where the facility is located for communicating information about COVID-19 outbreaks among workers.
- Train and communicate with workers and worker representatives on the plan and make the plan available to workers and their representatives.
- Regularly evaluate the workplace for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#).
- Identify close contacts (within six feet for 15 minutes or more) of an infected worker and take steps to isolate COVID-19 positive worker(s) and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



## Topics for Worker Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- The importance of not coming to work:

- If a worker has symptoms of COVID-19 as [described by the CDC](#), such as a 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, vomiting, or diarrhea, OR
- If a worker was diagnosed with COVID-19 and has not yet been released from isolation, OR
- If, within the past 14 days, a worker has had contact with someone who has been diagnosed with COVID-19 and is considered potentially infectious (i.e. still on isolation).
- To return to work after a worker receives a COVID-19 diagnosis only if 10 days have passed since symptoms first appeared, their symptoms have improved, and the worker has had no fevers (without the use of fever reducing medications) for the last 72 hours. A worker without symptoms who was diagnosed with COVID-19 can return to work only if 10 days have passed since the date of the first positive COVID-19 test.
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol (preferred) or 70% isopropanol (if the product is inaccessible to unsupervised children) when workers cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
  - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - Face coverings must cover the nose and mouth.
  - Workers should wash or sanitize hands before and after using or adjusting face coverings.
  - Avoid touching eyes, nose, and mouth.
  - Face coverings must not be shared and should be washed or discarded after each shift.

- Information contained in the [CDPH Guidance for the Use of Face Coverings](#), which mandates the circumstances in which face coverings must be worn and the exemptions, as well as any policies, work rules, and practices the employer has adopted to ensure the use of face coverings. Training should also include the employer's policies on how people who are exempted from wearing a face covering will be handled.
- Ensure independent contractors, temporary, or contract workers at the facility are also properly trained in COVID-19 prevention policies and have necessary supplies and PPE. Discuss these responsibilities ahead of time with organizations supplying temporary and/or contract workers.
- Information on paid leave benefits the worker may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and worker's compensation for COVID- 19](#), including workers' sick leave rights under the [Families First Coronavirus Response Act](#) and workers' rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive Order N-62-20 while that order is in effect](#).



## Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift and any vendors, contractors, or other workers entering the establishment. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Worker Training section above.
- Encourage workers who are sick or exhibiting symptoms of COVID-19 to stay home.
- Employers must provide and ensure workers use all required protective equipment, including eye protection and gloves where necessary.
- Employers should consider where disposable glove use may be helpful to supplement frequent handwashing or use of hand sanitizer;

examples are for workers who are screening others for symptoms or handling commonly touched items.



## Cleaning and Disinfecting Protocols

- Perform thorough cleaning in high traffic areas such as break rooms, lunch areas, and changing areas, and areas of ingress and egress including stairways and stairwells, handrails, elevator controls. Frequently disinfect commonly used surfaces, including tables, amenities, doorknobs, toilets, and handwashing facilities.
- Clean touchable surfaces between shifts or between users, whichever is more frequent, including but not limited to working surfaces, machinery, tools, equipment, shelves, storage rooms, handles, latches and locks, and controls on stationary and mobile equipment.
- Require workers to wash hands or use sanitizer between use of shared equipment, such as time clocks and forklifts, and allow work time to do so. Avoid sharing phones, other work tools, or equipment wherever possible. Never share PPE.
- Clean delivery vehicles and equipment before and after delivery, carry additional sanitation materials during deliveries, and use clean personal protective equipment for each delivery stop.
- For delivery drivers, normally accessible restrooms on routes (e.g., restaurants, coffee shops) may be closed. Employers should provide workers alternative restroom locations and allow time for workers to use them.
- Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the worker's job duties.
- Ensure that sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed. Provide additional sanitary facilities (portable toilets and handwashing stations) if necessary and practical.
- Stagger breaks if feasible to ensure physical distancing and the chance to clean restrooms frequently.
- When choosing disinfecting chemicals, employers should use products approved for use against COVID-19 included on the [Environmental Protection Agency \(EPA\)-approved](#) list and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per

gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide workers training on the chemical hazards, manufacturer's directions, ventilation requirements, and Cal/OSHA requirements for safe use. Workers using cleaners or disinfectants should wear gloves as required by the product instructions. Follow the [asthma-safer cleaning methods recommended by the California Department of Public Health](#) and ensure proper ventilation.

- Workers should be provided and use protective equipment when offloading and storing delivered goods. Workers should inspect deliveries and perform disinfection measures prior to storing goods in warehouses and facilities when deliveries appear tampered with.
- Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air. Use a vacuum with a HEPA filter wherever possible.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in work and break areas.



## Physical Distancing Guidelines

- Implement measures to ensure physical distancing of at least six feet between workers, including transportation personnel. These can include use of physical partitions or visual cues such as floor markings, colored tape, or signs to indicate to where workers should stand.
- Minimize transaction time between warehouse workers and transportation personnel. Perform gate check-ins and paperwork digitally if feasible.
- Reconfigure workspaces and shared outdoor spaces to allow for at least six feet between workers.
- Consider offering workers who request modified duties options that minimize their contact with customers and other workers (e.g., managing administrative needs through telework).
- Use the following hierarchy to prevent transmission of COVID-19 in work areas especially where physical distancing is difficult to maintain: engineering controls, administrative controls, and PPE.
  - Engineering controls include creating physical or spatial barriers between workers such as Plexiglas or other sturdy and impermeable partitions.

- Administrative controls include increasing the number of shifts to reduce the number of personnel present at one time and ensure adequate physical distancing.
- PPE includes face shields, [some types of masks](#), and impermeable gloves. Note that some disposable equipment such as respirators are prioritized for health care workers and workers that handle pathogens and should not otherwise be used.
- Adjust safety and other meetings to ensure physical distance and conduct smaller individual meetings at facilities to maintain physical distancing guidelines.
- Utilize work practices, when feasible, to limit the number of workers on the jobsite at one time. This may include scheduling (e.g., staggering shift start/end times) or rotating crew access to a designated area during a shift. Stage the jobsite to stagger work and limit overlap of work crews.
- Place additional limitations on the number of workers in enclosed areas, where six feet of separation may not be sufficient to limit transmission of the virus.
- Stagger worker breaks, in compliance with wage and hour regulations, to maintain physical distancing protocols.
- Close breakrooms, use barriers, or increase distance between tables/chairs to separate workers and discourage congregating during breaks. Where possible, create outdoor break areas with shade covers and seating that ensures physical distancing.
- Close common areas where personnel are likely to congregate and interact (e.g., kitchenettes, break rooms, etc.). Discourage workers from congregating in high traffic areas.

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<sup>1</sup>Additional requirements must be considered for vulnerable populations. The logistics and warehousing industry must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, employers must be prepared to alter their operations as those guidelines change.





# COVID-19 INDUSTRY GUIDANCE: Family Entertainment Centers

**July 29, 2020**

*All guidance should be implemented only with county health officer approval following their review of local epidemiological data including cases per 100,000 population, rate of test positivity, and local preparedness to support a health care surge, vulnerable populations, contact tracing, and testing.*



**EXHIBIT L**

## OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include hospitals, long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by workers (where respiratory protection is not required) and customers/clients,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training workers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

## PURPOSE

This document provides guidance for family entertainment center operators to support a safe, clean environment for workers and customers. Examples of such businesses include bowling alleys, miniature golf, batting cages, arcades, and movie theaters.

**NOTE:** This guidance is not intended for ice rinks, roller rinks, laser tag arenas, etc., where guests are less able to maintain physical distancing of at least six

feet, where a central part of the activity is circulating in the space, and which can accommodate a large number of guests who are mainly from different households. It is not intended for amusement, theme, or water parks; however, these types of parks that have stand-alone bowling alleys, miniature golf, arcades, movie theaters, etc., may open those operations provided they adhere to applicable state and local guidance and keep other attractions closed including amusement park rides. Discontinue demonstrations, such as magic, live animal shows etc., **unless** physical distancing and sanitation protocols can be met. Family entertainment centers with convention space, rentable meeting rooms, other areas for private events such as birthday parties, etc., should keep those areas closed until such activities are allowed to resume modified or full operation through a specific reopening order and guidance. Family entertainment centers with restaurants, bars, coffee shops, gift shops, museums and interactive exhibits, etc., should refer to guidance on such industries as it becomes available on the [COVID-19 Resilience Roadmap website](#).

Even with adherence to physical distancing, convening in a setting bringing multiple different households to engage in the same activity carries a relatively higher risk for widespread transmission of the COVID-19 virus, and may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations.

\*Movie theaters must therefore limit attendance to 25% of theater capacity or a maximum of 100 attendees, whichever is lower. The California Department of Public Health, in consultation with county Departments of Public Health, will review and assess the impact of these imposed limits on public health and provide further direction as part of a phased-in restoration of leisure activities.

This guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.<sup>1</sup> Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues. Cal/OSHA has more comprehensive guidance on their [Cal/OSHA General Guidelines on Protecting Workers from COVID-19 webpage](#). CDC has additional requirements in their [guidance](#) for businesses and employers.

## Required Use of Face Coverings

On June 18, CDPH issued [Guidance on the Use of Face Coverings](#), which broadly requires the use of face coverings for both members of the public and workers in all public and workplace settings where there is a high risk of exposure.

People in California must wear face coverings when they are engaged in work, whether at the workplace or performing work off-site, when:

- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance;
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.

Complete details, including all requirements and exemptions to these rules, can be found in the [guidance](#). Face coverings are strongly encouraged in other circumstances, and employers can implement additional face covering requirements in fulfilling their obligation to provide workers with a safe and healthful workplace. Employers must provide face coverings to workers or reimburse workers for the reasonable cost of obtaining them.

Employers should develop an accommodation policy for any worker who meets one of the exemptions from wearing a face covering. If a worker who would otherwise be required to wear a face covering because of frequent contact with others cannot wear one due to a medical condition, they should be provided with a non-restrictive alternative, such as a face shield with a drape attached to the bottom edge, if feasible, and if the medical condition permits it.

Businesses that are open to the public should be cognizant of the exemptions to wearing face coverings in the [CDPH Face Covering Guidance](#) and may not exclude any member of the public for not wearing a face covering if that person is complying with the [guidance](#). Businesses will need to develop policies for handling these exemptions among customers, clients, visitors, and workers.



## Workplace Specific Plan

- Establish a written, workplace-specific COVID-19 prevention plan at every facility, perform a comprehensive risk assessment of all work areas and work tasks, and designate a person at each facility to implement the plan.
- Incorporate the [CDPH Face Covering Guidance](#) into the Workplace Specific Plan and include a policy for handling exemptions.
- Identify contact information for the local health department where the facility is located, for communicating information about COVID-19 outbreaks among workers.
- Train and communicate with workers and worker representatives on the plan and make the plan available to workers and their representatives.
- Regularly evaluate the facility for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#).
- Identify close contacts (within six feet for 15 minutes or more) of an infected worker and take steps to isolate COVID-19 positive worker(s) and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



## Topics for Worker Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- The importance of not coming to work:
  - If a worker has symptoms of COVID-19 as [described by the CDC](#), such

as a 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, vomiting, or diarrhea, OR

- If a worker was diagnosed with COVID-19 and has not yet been released from isolation, OR
- If, within the past 14 days, a worker has had contact with someone who has been diagnosed with COVID-19 and is considered potentially infectious (i.e. still on isolation).
- To return to work after a worker receives a COVID-19 diagnosis only if 10 days have passed since symptoms first appeared, their symptoms have improved, and the worker has had no fevers (without the use of fever reducing medications) for the last 72 hours. A worker without symptoms who was diagnosed with COVID-19 can return to work only if 10 days have passed since the date of the first positive COVID-19 test.
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol (preferred) or 70% isopropanol (if the product is inaccessible to unsupervised children) when workers cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
  - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - Face coverings must cover the nose and mouth.
  - Workers should wash or sanitize hands before and after using or adjusting face coverings.
  - Avoid touching the eyes, nose, and mouth.
  - Face coverings must not be shared and should be washed or discarded after each shift.
- Information contained in the [CDPH Guidance for the Use of Face](#)

[Coverings](#), which mandates the circumstances in which face coverings must be worn and the exemptions, as well as any policies, work rules, and practices the employer has adopted to ensure the use of face coverings. Training should also include the employer's policies on how people who are exempted from wearing a face covering will be handled.

- Ensure any independent contractors, temporary, or contract workers at the facility are also properly trained in COVID-19 prevention policies and have necessary supplies and PPE. Discuss these responsibilities ahead of time with organizations supplying temporary and/or contract workers.
- Information on paid leave benefits the worker may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and worker's compensation for COVID- 19](#), including workers' sick leave rights under the [Families First Coronavirus Response Act](#) and the Governor's [Executive Order N-51-20](#), and workers' rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive order N-62-20 while that Order is in effect](#).



## Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift and any vendors, contractors, or other workers entering the establishment. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Worker Training section above.
- Encourage workers and visitors who are sick or exhibiting symptoms of COVID-19 to stay home.
- Employers must provide and ensure workers use all required protective equipment, including eye protection and gloves where necessary.
- Employers should consider where disposable glove use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items. Workers should wear gloves when handling items contaminated by body fluids.
- Employers must take reasonable measures, including posting signage in strategic and highly-visible locations and in reservation confirmations, to remind the public that they must use face coverings and practice physical distancing, and should frequently wash their hands with soap for

at least 20 seconds, use hand sanitizer, and not touch their face.

- Remind guests in advance to bring a face covering and make them available to anyone who arrives without one, if possible.
- Guests and visitors should be temperature and/or symptom screened upon arrival, asked to use hand sanitizer, and to bring and wear a face covering when not eating or drinking.
- Display a set of clearly visible rules for customers and personnel at entrance(s) that are to be a condition of entry. The rules could include instructions to use hand sanitizer, maintain physical distance from other customers, avoid unnecessary touching of surfaces, contact information for the local health department, and changes to services. Whenever possible, the rules should be available digitally, include pictograms, etc.



## Cleaning and Disinfecting Protocols

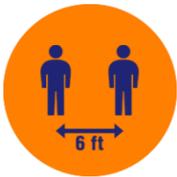
- Perform thorough cleaning in high traffic areas such as customer waiting areas and lobbies, worker break rooms, etc., and areas of ingress and egress, including stairways and elevator banks. Frequently disinfect commonly used surfaces, including counters, credit card machines, touchscreens, buttons, doorknobs, armrests, toilets, hand washing facilities, coin-operated and redemption games, vending machines, etc.
- Disinfect rented or shared items before issuing to and when returning from customer use, including bowling balls, golf balls, putters, writing implements, bats, shoes, helmets, etc. Close self-service item selection areas for games or activities, such as bowling balls on accessible racks, and provide these items to customers individually.
- Provide hand sanitizer dispensers throughout activity areas, lobbies, and service areas, for use by customers and workers. Hand sanitizer should be available for customers to use when activity items come into contact with shared surfaces (e.g., golf balls and golf cups, bowling balls and return machinery, etc.). Encourage guests to wash hands and/or use hand sanitizer often while using equipment and items. Remind members of the public (with signs and/or verbally) not to touch their eyes, nose, and mouth. Consider providing disposable gloves at each activity area for use by members of the public. Make available a means of disposal at each location where gloves are provided.
- Provide disposable or single-use items whenever possible. This could include scorecards, pencils, 3D glasses, etc. If disposable replacements cannot be provided, properly disinfect items before and after customer use.
- Thoroughly clean and disinfect each customer activity area after every

use. This can include disinfecting tables, chairs, booster seats, booths, touch screens, etc. Allow adequate time for proper disinfection, following product instructions. Environmental Protection Agency-approved disinfectants require a minimum contact time (seconds to minutes) to be effective against human coronavirus.

- Regularly clean and disinfect surfaces shared by workers between shifts or between users, whichever is more frequent, including but not limited to working surfaces, time clocks, copy machines, keys, cleaning equipment, gaming machinery, etc. Avoid sharing equipment such as phones, tablets, office machinery, and tools wherever possible. Never share PPE.
- Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the employee's job duties.
- Equip terminals, desks, and help counters with proper sanitation products, including hand sanitizer and disinfectant wipes, and provide personal hand sanitizers to all staff directly assisting customers.
- Ensure that sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed.
- Provide resources to promote employees' personal hygiene. This will include tissues, no-touch trash cans, hand soap, adequate time for handwashing, alcohol-based hand sanitizers, disinfectant wipes, and disposable towels.
- When choosing disinfecting chemicals, employers should use products approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved](#) list and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide workers training on the chemical hazards, manufacturer's directions, ventilation requirements, and Cal/OSHA requirements for safe use. Workers using cleaners or disinfectants should wear gloves and other protective equipment as required by the product instructions. Follow the [asthma-safer cleaning methods](#) recommended by the California Department of Public Health and ensure proper ventilation.
- To minimize the risk of [Legionnaires' disease](#) and other diseases associated with water, [take steps](#) to ensure that all water systems and features (e.g., drinking fountains, decorative fountains) are safe to use after a prolonged facility shutdown.
- Adjust or modify facility hours to provide adequate time for regular thorough cleaning.
- Install and encourage the use of credit cards and hands-free devices, if

possible, including motion sensor lights, contactless payment systems, automatic soap and paper towel dispensers, and timecard systems.

- Inspect deliveries and take all necessary and feasible disinfection measures when receiving goods.
- Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air. Use a vacuum with a HEPA filter wherever possible.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in offices and other spaces.



## Physical Distancing Guidelines

- Adjust maximum occupancy rules to limit the number of people at family entertainment centers as appropriate to support physical distancing.
- Limit customer groups to a household unit. People from the same household do not need to be six feet apart.
- Close ball pits, foam pits, indoor playgrounds, climbing structures, enclosed bounce houses, etc., in accordance with [CDC guidelines](#), as these areas promote congregation and are difficult to properly disinfect between uses.
- Family entertainment centers with prize redemption counters, gift shops, etc., should refer to and follow the guidelines for retail [available on the COVID-19 webpage](#).
- Family entertainment centers that offer food and drink concessions should encourage customers to order online or over the phone, whenever possible, and make items available for counter pick-up. Use visual cues to ensure customers maintain physical distances of at least six feet while waiting in line. Install impermeable barriers at concession counters, if possible.
- Install physical, impermeable barriers or partitions between game, seating, and other types of activity areas to minimize exposure between customers. If this is not possible, discontinue activity areas from use (using visual cues, removing items, etc.) so that customers can maintain at least six feet of distance at all times. Employers should take into consideration whether an activity may cause a customer to require additional space and make modifications to ensure adequate physical distances.
- Implement timed and/or advanced reservation ticketing systems and

pre-assigned seating or activity areas, whenever possible, to stagger customer visits and help maintain physical distances. Ask visitors to wait in their vehicle until their reservation time and to arrive and leave in a single group to minimize crossflow of visitors and staff.

- Dedicate staff to manage movement of customers when activities could bring people within six feet of distance from each other, such as ushering customers to seats, preventing congregation in bottleneck areas, limiting groups from playing through courses, etc.
- Implement measures to ensure physical distancing of at least six feet between people, such as when customers are waiting in line. This can include use of physical partitions or visual cues (e.g., floor markings or signs to indicate to where workers and customers/visitors should stand).
- Install impermeable barriers where physical distancing cannot be maintained to minimize exposure between workers and customers.
- All workers should minimize the amount of time spent within six feet of guests.
- Designate separate routes for entry and exit into facilities, activity areas, seating areas, work areas, etc., if possible, to help maintain physical distancing and lessen the instances of people closely passing each other. Establish one-way directional hallways and passageways for foot traffic, if possible, to eliminate workers and guests from passing by one another.
- Consider offering workers who request modified duties options that minimize their contact with customers and other workers (e.g., managing inventory rather than working as a cashier or managing administrative needs through telework).
- Reconfigure workspaces, if possible, to allow for six feet between workers. Hold smaller meetings at facilities to maintain physical distancing guidelines and consider holding meetings outside or via online platforms or telephone.
- Close or limit access to breakrooms, use barriers, or increase distance between tables/chairs to separate workers and discourage congregating during breaks. Where possible, create outdoor break areas with shade coverings and seating arrangements that ensures physical distancing.
- Place additional limitations on the number of workers in enclosed areas, such as supply rooms and counter areas, to ensure at least six feet of separation to limit transmission of the virus.
- Stagger worker breaks, in compliance with wage and hour regulations, to maintain physical distancing protocols.
- Redesign parking lots to limit congregation points and ensure proper

separation (e.g., every other space, contactless payment, etc.)



## Additional Considerations for Indoor Movie Theaters

- Limit the number of attendees in each theater to 25% of theater capacity or a maximum of 100 attendees, whichever is lower.
- Implement a reservation system to limit the number of attendees entering the theater at a time whenever possible. Designate arrival times as part of reservations, if possible, so that customers arrive at and enter the theater in staggered groups.
- Establish directional entry and exit into theaters where possible.
- Reconfigure, close, or otherwise remove seats from use to ensure physical distancing of at least six feet between attendees. This may require seating every other row or blocking off or removing seats in a “checkerboard” style (use each row but make sure no one is directly behind other patrons) so that distances are maintained in all directions. Members of the same household may be seated together but should maintain at least six feet of distance from other households.
- Dedicate staff to help people maintain distances before and after screenings. This could include ushering to seats prior to the start of a show and dismissing customers in an orderly fashion to reduce the crossflow of traffic or crowding in exit rows.
- Consider using disposable or washable seat covers in theaters, particularly on porous surfaces that are difficult to properly clean. Discard and replace seat covers between each use.
- Prop or hold doors open during peak periods when attendees are entering and exiting facilities, if possible and in accordance with security and safety protocols.
- Consider limiting the number of people that use the restroom at one time to allow for physical distancing.
- Reconfigure parking lots to limit congregation points and ensure proper separation (e.g., closing every other space).



## Additional Considerations for Drive-In Movie Theaters

- Reconfigure parking spaces to ensure that vehicles have at least six feet of distance between them.
- Each vehicle may only be occupied by members of the same household who have already been in close contact with each other. If not utilizing restroom facilities or picking up concessions, patrons must remain in their vehicles. Patrons cannot sit outside of their vehicles, e.g., to view a drive-in movie near their vehicle.
- Ensure regular cleaning and disinfecting of on-site restrooms.
- Cashless and touchless transactions systems are preferred wherever possible. If available, orders, reservations and payments for the drive-in business should be made in advance online or over the phone.
- Drive-in movie theater concessions should be ordered online or over the phone, if possible, and be available for curbside pick-up. Walk-up concession services should be available for pick-up of pre-ordered items. If pre-ordering items is not possible, ensure that customers maintain proper physical distancing when waiting to order food items.
- Drive-in movie theaters should suspend double-feature offerings avoid the need for intermissions.

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<sup>1</sup> Additional requirements must be considered for vulnerable populations. Employers must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, employers must be prepared to alter their operations as those guidelines change.

