



**CITY OF PALM SPRINGS
LOCAL EMERGENCY SUPPLEMENTARY ORDER
REGARDING PROOF OF VACCINATION STATUS, OR NEGATIVE COVID-19 TEST
FOR INDOOR DINING AT BARS AND RESTAURANTS**

August 12, 2021

WHEREAS, on March 14, 2020, pursuant to the City of Palm Springs Municipal Code section 2.20.050(a)(1), the City Manager, acting as the Director of Emergency Services, declared the existence of a local emergency within the City of Palm Springs, due to the threat presented by the COVID-19 pandemic, which declaration was subsequently ratified by the Palm Springs City Council on March 19, 2020; and

WHEREAS, pursuant to Palm Springs Municipal Code section 2.20.050(a)(6), the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, the COVID-19 pandemic remains a significant challenge in California. COVID-19 vaccines are effective in reducing infection and serious disease. At present, 63% of Californians 12 years of age and older are fully vaccinated with an additional 10% partially vaccinated. California is currently experiencing the fastest increase in COVID-19 cases during the entire pandemic with 18.3 new cases per 100,000 people per day, with case rates increasing ninefold within two months. The Delta variant, which is very highly contagious and possibly more virulent, is currently the most common variant causing new infections in California; and

WHEREAS, as of August 9, 2021, Riverside County reported a Case Rate of 25.2/100,000 population and a Positivity Rate of 11.5%. The Case Rate for California was 22.8 as of that day, and the Positivity Rate was 7.3%, meaning that Riverside County had one the highest transmission rates in the State. During the last 7 day reporting period, Riverside County has had 4,451 cases; and

We now have 437 COVID+ patients in the hospital, 85 of whom are in the ICU. Both the percentage of available hospital and ICU beds in the County are decreasing.

WHEREAS, unvaccinated persons are more likely to get infected and spread the virus, which is transmitted through the air. Most current hospitalizations and deaths are among unvaccinated persons. Thanks to vaccinations and to measures taken since March 2020, California's health care system is currently able to address the increase in cases and hospitalizations. However, additional statewide facility-directed measures are necessary to protect particularly vulnerable populations. Restaurants and bars, where patrons are required to remove their masks in order to eat and drink, present a unique danger and higher risk of transmitting the COVID-19 virus to workers and patrons of those businesses; and

WHEREAS, vaccinations have been available in California from December 2020 to the present, and from January 1, 2021, to July 27, 2021, a total of 9,371 confirmed COVID-19 outbreaks and 113,196 outbreak-related cases were reported to CDPH; and

WHEREAS, while there is currently a significant increase in the community transmission of COVID-19 in California, vaccination against COVID-19 is the most effective means of preventing further infections, transmission, and outbreaks. As we respond to the dramatic increase in cases, transmission prevention measures must be increased for the protection of patrons and workers in the facilities referenced in this Order. This can be done by reducing the risk that visitors to these facilities are bringing COVID-19 from the community and introducing it into these settings. Requiring well-fitting face masks for all visitors is an important step for source control. An emphasis on vaccination and testing should also contribute to reduction of transmission risk in these higher-risk settings; and

WHEREAS, COVID-19 remains a concern to public health and, in order to prevent its further spread in bars and restaurants, the following limited and temporary public health requirements are necessary at this time; and

WHEREAS, the Director of Emergency Services is authorized to revise his emergency declaration and related orders, as the situation evolves.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that:

1. Proof of Vaccination Required. Any patron of a bar or restaurant must demonstrate to the bar/restaurant proprietor proof of COVID-19 vaccination or an applicable exemption (as set forth in Section 2, below). If such person is unvaccinated, such person must provide to the bar/restaurant proprietor written evidence of a negative COVID-19 test.
2. Proof of COVID-19 Vaccination or Exemption. Proof of COVID-19 vaccination shall consist of written evidence that the person has received a first dose of an FDA approved (including an emergency use authorization) COVID-19 vaccine or a vaccine that has finalized the World Health Organization's emergency use

listing/prequalification (EUL/PQ) evaluation process. A patron shall be exempt from the vaccination requirement of this Order by providing to the bar/restaurant proprietor one of the following:

- A. a statement (which may be verbal) that the person has declined COVID-19 vaccination based on religious belief; or
- B. a statement (which may be verbal) that the person is excused from receiving any COVID-19 vaccine due to a medical reason. The statement does not need to describe the underlying medical condition or disability itself; only the fact that the person has a qualifying medical reason.

If a patron is unvaccinated, whether based on an exemption in (A) or (B) above or for any other reason, such patron must provide written evidence to the bar/restaurant proprietor of a negative COVID-19 test.

3. Persons under Twelve (12) Years of Age. No part of this Order shall apply to any person who is under the age of twelve (12) years, or such other age that the U.S. FDA establishes as the age above which a COVID-19 vaccine is authorized for use.

4. Definitions. For purposes of this Order, the following terms shall have the following definitions:

“Bar” or “restaurant” means any building or room where food or drinks, or any combination of food and drinks, are prepared and consumed indoors to the general public. This Order does not apply to drive-through operations, outdoor dining operations, or any location that is limited to pick-up or delivery operations. This Order is aimed at those establishments where any patron(s) will be removing their face coverings in order to eat or drink indoors.

“Negative COVID-19 Test” shall mean a negative SARS-CoV-2 test, where the specimen collection occurred within 72 hours before each visit and for which the test results are available at the time of entry to the facility. Patrons may use either PCR testing or antigen testing. Any PCR or antigen test used must either have Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.

“Proof of COVID-19 Vaccination” shall include any one of the following:

- A. COVID-19 Vaccination Record Card (issued by the U.S. Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card), which includes name of person vaccinated, type of vaccine

provided, and date last dose administered);

- B. a photo or photocopy of a Vaccination Record Card as a separate document;
- C. a photo of the person's Vaccination Record Card stored on a phone or electronic device;
- D. documentation of COVID-19 vaccination from a health care provider; or
- E. a digital record that includes a QR code that, when scanned by a SMART Health Card reader, displays to the reader client name, date of birth, vaccine dates and vaccine type, such as <https://myvaccinerecord.cdph.ca.gov/>.

5. This Order shall be effective as of 12:00 noon on August 26, 2021.


IT IS FURTHER DECLARED AND ORDERED, this order is a temporary emergency measure, which is effective immediately and shall remain in effect unless and until modified or superseded by the Director of Emergency Services, City Council or any county, state or federal order or declaration.

August ____, 2021



Justin Clifton
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:



Jeffrey S. Ballinger, City Attorney