

## Requiring members of the public to wear Facial Coverings

DATE OF ORDER: ~~APRIL 24~~MAY 28, 2020

**Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120275, *et seq.*)**

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

1. This Order shall become effective at 12:00 p.m. on Friday, May 1, 2020, and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer or the State Health Officer.
2. California is in a State of Emergency because of the COVID-19 pandemic. The spread of the Novel Coronavirus (COVID-19) is a substantial danger to the health of the public within the County of Mendocino ("County"). COVID-19 can easily spread between persons who are in close contact with one another. This Order is based on scientific evidence and best practices as currently known from the Centers for Disease Control and Prevention, the State of California, and the Mendocino County Health Officer. This Order is intended to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19.
3. The age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Persons have been shown to be infectious up to 48 hours before onset of symptoms, and many infections occur from asymptomatic persons. All persons who contract COVID-19, regardless of their level of symptoms (none, mild, or severe), may place other vulnerable members of the public at significant risk. Currently, there is no vaccine available to protect against COVID-19 and no specific treatment.
4. COVID-19 is spread through respiratory droplets that are produced when an infected person coughs, sneezes or talks. These droplets can land in the mouths or noses of others who are nearby, or can be inhaled into their lungs. COVID19 has been shown to attach to surfaces for days and remain viable in the air for up to three hours after the infected person has left. When properly worn by the user, facial coverings have the potential to slow the spread of the virus by limiting the spread of these droplets. Even a small reduction in community transmission could make a major difference to the demand on healthcare system.
5. This Order also is issued in light of the existence of 5 cases of COVID-19 in the County, as of April 24, 2020.

6. The Health Officer has determined that this Order, and its prior Orders, were and are necessary because cases of COVID-19 have been confirmed in Mendocino County. COVID-19 is highly contagious and has a propensity to spread in various ways including, but not limited to, by attaching to surfaces or remaining in the air, resulting in physical damage and/or physical loss.

7. This Order is issued in accordance with, and incorporates by reference, the current Health Officer Shelter in Place Order ~~issued April 24, 2020~~; the California Department of Public Health Face Covering Guidance issued on April 1, 2020; and the Mendocino County Health Officer Guidance on Face Coverings for General Public in All Age Groups issued on April 3, 2020.

8. All persons shall wear facial coverings before they enter any indoor facility ~~besides their residence, or~~ any enclosed open space, ~~besides their residence, while inside any indoor facility or any enclosed open space, besides their residence, except as otherwise specifically provided in this order. Facial coverings are also required and/or~~ while outdoors when the person is unable to maintain a six-foot distance from another person at all times, except as otherwise specific provided in this Order.-

8.9. Notwithstanding anything else in this order, any person preparing, handling or serving food for sale or for consumption by individuals outside of their household, living unit or Social Bubble shall wear a facial covering the entire time while engaged in such preparing, handling or serving of food.

9-10. It is recommended that each person engaging in recreational activities in public bring a facial covering and wear that facial covering in circumstances where it is difficult to maintain compliance with social distancing requirements, and that they carry the facial covering in a readily accessible and safe location, such as around the person's neck (if safe) or in a pocket, for such use. Certain activities cause people to more forcefully expel airborne particles, such as running, bicycling and singing, making the usual minimum six feet social distancing requirement, less adequate. People performing activities such as these in public must take steps to avoid exposing others to those particles, which may include the following types of additional measures:

- a. wearing a facial covering when others are nearby, even when maintaining six feet of distance;
- b. crossing the street when running to avoid sidewalks with pedestrians;
- c. slowing down and moving to the side when unable to leave the sidewalk and nearing other people;
- d. never spitting;
- e. and avoiding running or cycling or doing other activities that forcibly expel air such as singing directly in front of or behind another person

who is not a member of the same household or living unit.

~~10-11.~~ This Order does not apply when the person is driving a vehicle, either alone or with members of their households, unless the windows in the vehicle are lowered to interact with first responders, food service workers, or any other persons who are not members of their households.

~~11-12.~~ This Order does not require the use of facial coverings by a Work Group, a stable group of not more than 12 workers (a group of individuals with not more than twelve (12) members over a four (4) week time period) who (1) do not interact with the public, (2) do not perform the handling, preparation, or packaging of food, and (3) work in a location that is closed to the public ~~(4) are part of a stable working group (typically not more than 12);~~ and ~~(54)~~ are working in conditions where they are not likely to come into contact with people outside of their stable working group while at work.

~~12-13.~~ For the purposes of facial coverings worn by the general public, the general public should refrain from purchasing medical-grade masks, such as surgical masks and N95 respirators; those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders coming into contact with infected persons. Nothing herein prevents members from the general public from using their existing supplies of medical-grade masks or N95 respirators.

~~13-14.~~ Facial coverings means any fabric or cloth that covers the nose and mouth, such as bandana, a scarf, a neck gaiter, or a homemade cover. It can be secured to the head with ties or straps or simply wrapped around the lower-face. Homemade face coverings can be made of a variety of materials, such as cotton, silk or linen. A cloth face covering may be factory-made or sewn by hand, or can be improvised from household items such as scarves, T-shirts, sweatshirts, or towels. Patterns for homemade/sewn face coverings can be found on the internet, for example: <https://santacruz.ideafablabs.com/masks/> Further guidance on facial coverings could be found here:

- <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
- <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx>
- A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found at the website of Centers for Disease Control and Prevention, at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

~~14-15.~~ Facial coverings should not be placed on children under age 2 years. This Order does not require that any child aged 2 to 12 years, wear a facial covering but they should be encouraged to do so to the extent possible. Parents and

caregivers must supervise use of facial coverings by children to avoid misuse. This Order also does not require children in childcare facilities to wear face coverings.

~~15-16.~~ A facial covering is not required by this Order to be worn by an individual if it is not advised for health-related reasons or wearing a facial covering would create a risk to the person related to their work as determined by local, state or federal regulators or workplace safety guidelines. A facial covering should also not be used by anyone who has trouble breathing or is unconscious, incapacitated or otherwise unable to remove the facial covering without assistance. A facial covering should not be required for individuals if they cannot reasonably wear a mask due to barriers to access or proper usage. The exceptions to this paragraph do not apply to employees or other workers who are in contact with the public or engaged in commercial food preparation.

~~16-17.~~ When used, cloth facial coverings or homemade masks should be:

- Used only by one person.
- Fitted carefully to prevent frequent adjustment, with strict hand washing before and after touching and adjusting the face covering or mask.
- Washed or sanitized frequently, ideally after each use, or at least daily; If a cloth face covering must be re-worn before washing during the day, the user's hands should be washed immediately after putting it back on.
- Single-use facial coverings must be properly discarded into trash receptacles.
- Discarded if it no longer covers the nose and mouth, if it is stretched out or damaged and cannot stay on the face or has holes/tears in the fabric.

~~17-18.~~ Facial coverings are meant to protect the public from the user in case the user is infected and not yet displaying symptoms. Facial coverings are not a substitute for social distancing.

~~18-19.~~ Employers who continue to operate, pursuant to the current most recent Health Officer's Shelter in Place Order ~~(issued last on April 24, 2020)~~, and who require their employees to leave their residence to work or provide a service shall ensure that their employees comply with this Order while on duty by either (1) supplying employees with facial coverings, or (2) ensuring that employees have access to facial coverings, (3) ensuring that their employees are using their own facial coverings, or (4) if applicable, adopting a protocol pursuant to section 18(b). Further, employers/business owners and operators shall ensure that employees are wearing facial coverings in compliance with this Order and all applicable industry specific guidance issued by the State (<https://covid19.ca.gov/roadmap/#guidance>) and applicable local industry-specific guidance that may be developed in the County. The owner, manager, or operator of any business operating in Mendocino County is responsible for any violation by an on-duty employee, agent, volunteer or anyone else providing services at the business location, of any provision of this Order or the Shelter in Place Order

effective at the time of the violation.

- a. For clarity, a facial covering is not required when a person is in a personal office (a single room) when others outside of that person's household are not present as long as the public does not regularly visit the room. By way of example and without limitation, a construction worker, plumber, bank manager, or accountant, is not required to wear a facial covering if that individual is alone in a space not regularly visited by the public, but that individual must put on a facial covering when coworkers are nearby, when being visited by a client/customer, or at any location where members of the public or other coworkers are regularly present.
- b. For the purposes of this order, an employer may adopt a protocol by which certain workers are allowed to operate in their place of employment without a facial covering, in a Work Group, if those workers (1) do not interact with the public, (2) do not perform the handling, preparation, or packaging of food, (3) work in a location that is closed to the public, (4) are part of a stable working group (typically not more than 12); and (5) are working in conditions where they are not likely to come into contact with people outside of their stable working group while at work. Such a protocol shall also address all social distancing measure required by the current Health Officer Shelter in Placer Order ~~dated April 24, 2020~~.

~~19-20.~~ \_\_\_\_ A governmental entity, business owner, or operator may, to the extent not otherwise prohibited by law, refuse admission or service to any customer or visitor who fails to wear facial coverings.

~~20-21.~~ \_\_\_\_ Business includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.

~~21-22.~~ \_\_\_\_ Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes a threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.

~~22-23.~~ \_\_\_\_ Copies of this Order shall promptly be: (1) made available at County of Mendocino Executive Office, County Administration Building, 501 Low Gap Road, Ukiah, California 95482 (2) posted on the County website, [www.mendocinocounty.org](http://www.mendocinocounty.org) and (3) provided to any member of the public requesting a copy of this Order.

~~23-24.~~ \_\_\_\_ If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the

application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**IT IS SO ORDERED:**

Date: \_\_\_\_\_ Issued by: \_\_\_\_\_  
Noemi Doohan M.D. PhD.,  
Health Officer, County of Mendocino