



CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH

BOARD OF HEALTH: July 15, 2021
LAW DEPARTMENT: July 16, 2021
RECORDS DEPARTMENT:

**SECOND CONSOLIDATED AND RESTATED
SUPPLEMENTAL EMERGENCY REGULATION GOVERNING
THE CONTROL AND PREVENTION OF COVID-19
(CONSOLIDATED SAFETY MEASURES FOR FULL REOPENING AND
DELEGATION OF AUTHORITY)**

WHEREAS, the Pennsylvania Disease Control and Prevention Act of 1955, 1956, April 23, P.L. 1510, 35 P.S. § 52.1 *et seq.*, (the DCPA) and Chapter 6-200 of The Philadelphia Code authorize the Board of Health to establish lists of reportable diseases and conditions, and further provide that the Board and the Department of Public Health are responsible for implementing appropriate disease control and prevention measures in order to limit the spread of disease in an epidemic emergency; and

WHEREAS, Sections 6-201 through 6-206 and 6-210 of The Philadelphia Code likewise vest the Board of Health, and in times of emergency the Department of Public Health, with the authority to forbid the congregation of persons when necessary to prevent the further spread of a communicable and quarantinable disease to take such other measures as are necessary to prevent the spread of such disease; and

WHEREAS, the 2019 novel coronavirus disease, COVID-19, can cause severe disease and death, particularly in older adult and other vulnerable populations; and

WHEREAS, on March 6, 2020, in response to the emerging spread of COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

WHEREAS, on March 12, 2020, the Board by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

WHEREAS, on March 17, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order prohibiting operation of non-essential businesses to prevent the spread of COVID-19; and

WHEREAS, on March 19, 2020, the Governor and the Secretary of the Pennsylvania Department of Health issued orders requiring all non-life-sustaining businesses to close across the Commonwealth to help stop the spread of COVID-19 and the Governor and Secretary updated the aforementioned orders and list of life-sustaining and non-life sustaining businesses on March 20, 2020 and multiple times thereafter; and

WHEREAS, on March 22, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and Congregation of Persons to Prevent the Spread of COVID-19 (“March 22, 2020 Emergency Order”), which superseded the Emergency Order issued by the Mayor and Health Commissioner dated March 17, 2020, and which was approved as a regulation of the City by the Board on March 26, 2020, further expressly authorizing the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate to limit the spread of COVID-19; and

WHEREAS, on April 23, 2020, the Governor announced a *Plan for Pennsylvania* that set residents and businesses on a path to recovery from the COVID-19 pandemic while continuing to protect life from the dangers of this deadly virus, which included, *inter alia*, Red, Yellow, and Green Phases of reopening; and

WHEREAS, the Mayor and Health Commissioner determined on May 29, 2020, that Philadelphia could move to the Yellow Phase with additional, Philadelphia-specific restrictions that would apply in addition to restrictions established by the Governor, including limitations on outdoor dining, and executed an Order entitled “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Yellow Phase of Reopening” to implement that decision; and

WHEREAS, on or around May 28, 2020, the Department of Public Health began releasing industry specific reopening guidance for specific types of facilities, which has been periodically updated; and

WHEREAS, since that time, the Mayor and Health Commissioner, in recognition that cautious reopening with constant review of potential impacts on public health is in the best interests of Philadelphia, have issued a series of Orders gradually easing restrictions with respect to many different types of business and activities; and

WHEREAS, on June 26, 2020, the Mayor and Health Commissioner issued an order requiring the wearing of masks in many indoor and outdoor situations, and on July 1, 2020, the Governor issued a similar order; and

WHEREAS, although the Governor announced that Philadelphia was authorized to join other southeastern Pennsylvania counties in moving to the Green Phase of reopening on June 26, 2020, the Mayor and Health Commissioner, in consideration of public health data and the noted effects on public health in June and July in states that had hastily reopened, took a cautious approach to moving to the Green Phase; and

WHEREAS, on July 3, 2020, the Mayor and Health Commissioner issued an Order entitled “Amendment Regarding Additional Permitted Activities to the Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They are Safer at Home, and Establishing

Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Moving from Yellow Phase of Reopening to Modified Green Phase” (the “Modified Green Phase Order”), that moved the City from the Yellow Phase to a Modified Green Phase and that, among other things, generally increased the permitted capacity for outdoor gatherings and small events, the rules for which were subsequently modified by further Orders on September 15, 2020 and October 23, 2020 to allow greater capacity at such events; and

WHEREAS, after a steady decline and plateauing of daily COVID-19 case counts in Philadelphia beginning in May of this year, in the Fall daily case counts increased dramatically to levels exceeding the peak experienced in April; and

WHEREAS, in early-to-mid November the country as a whole began experiencing a sharp increase in COVID-19 case counts, repeatedly breaking daily records, and began averaging more than 2,000 daily COVID-19 deaths (using a 7-day average); and

WHEREAS, those alarming national and local trends required tailored but significant intervention to limit the community spread of COVID-19 and its attendant morbidity and mortality; and

WHEREAS, on November 16, 2020, the Mayor and Health Commissioner issued an Order entitled “Emergency Order Concerning Additional Limitations on Visiting, Gatherings, Events and Businesses for Fall/Winter 2020-21, Establishing Additional Safety Measures to Prevent the Spread of the 2019 Novel Coronavirus (COVID-19) and Continuing to Advise that Philadelphians are Safer at Home” (the “Fall/Winter Order”) that, *inter alia*, prohibited the operation of certain indoor establishments with a demonstrated higher risk of transmission of COVID-19 and imposed additional limitations on personal gatherings, outdoor gatherings, and indoor businesses that were permitted to continue to operate effective November 20, 2020; and

WHEREAS, the Fall/Winter Order was adopted by the Board as the Eighteenth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Safer at Home Fall-Winter Restrictions) on November 24, 2020; and

WHEREAS, on November 27, 2020, the Governor and Secretary of Health enacted orders imposing mitigation measures imposing density limitations, cleaning, and masking protocols, and requiring telework for all business operations unless such remote work was impossible; and

WHEREAS, at the time the Fall/Winter Order was issued the City had a higher rate of new COVID-19 cases than Pennsylvania as a whole; following the imposition of such restrictions, the City saw a notable decrease in the rate of COVID-19 cases and the City has thereafter continued to maintain a lower rate of cases than Pennsylvania as a whole, despite being the most populous City in the state; and

WHEREAS, the City saw a marked increase in COVID-19 cases following the Thanksgiving holiday with a peak on or around December 7, 2020, but then saw a declining rate in new infections; and

WHEREAS, statewide Pennsylvania experienced a similar post-Thanksgiving holiday increase in COVID-19 cases and the Pennsylvania case count continued to increase even after the City case counts began to decline. Effective December 12, 2020, the Governor of Pennsylvania and Secretary of State imposed additional restrictions state-wide, including prohibitions on indoor dining and indoor recreation facilities, which were in place through January 4, 2021; and

WHEREAS, following such restrictions imposed at the state level, Pennsylvania then begun seeing a decline in cases; and

WHEREAS, the City anticipated that, despite restrictions, the Christmas and New Year holidays would result in additional gatherings and further spread of COVID-19 as was seen around Thanksgiving; it therefore issued an Amended Fall/Winter Order on December 30, 2021, which extended the Fall/Winter Order, with certain amendments, in order to continue to impose necessary yet tailored mitigation methods for higher risk activities through January 15, 2021. This Order was adopted as an emergency Board regulation on January 6, 2021; and

WHEREAS, following a peak the week of November 29, 2020, there was a 50% decline in the number of new infections per week through the week of January 3, 2021, and the positivity rate for those tested had also declined since its November peak; and

WHEREAS, the Mayor and Health Commissioner determined that it was appropriate to allow indoor dining, movie theaters and performance spaces to resume operations, with necessary yet tailored mitigation methods to limit the potential spread of COVID-19; and

WHEREAS, there is substantial evidence that mask use can prevent the spread of COVID-19, and observational data has suggested that people who wear masks and become infected may be less likely to develop severe disease; and

WHEREAS, indoor activities, and in particular indoor activities where individuals gather without masks or where individuals gather for extended periods, or both, increase the likelihood of the spread of COVID-19; and

WHEREAS, the City has imposed and rolled back restrictions as has been necessitated by the ebbs and flows of the pandemic within the past ten (10) months, as detailed above, each of which beginning with the March 22, 2020 Emergency Order were adopted by this Board as emergency regulations; and on January 15, 2021 the Mayor and Health Commissioner issued a “Restated and Consolidated Emergency Order of 2021 Establishing Safety Measures to Prevent the Spread of the 2019 Novel Coronavirus (COVID-19) and Continuing to Advise That Philadelphians Are Safer at Home” (the “January 15, 2021 Safer at Home Order”), which restated, consolidated, and amended the series of emergency orders jointly issued by the Health Commissioner and Mayor imposing public

health restrictions responsive to the COVID-19 pandemic, and was itself amended from time to time in light of the changing nature of the pandemic; and

WHEREAS, the Board of Health adopted the January 15, 2021 Safer at Home Order as a Consolidated and Restated Supplemental Regulation Governing the Control and Prevention of COVID-19 (Consolidated Safer at Home Restrictions and Delegation of Authority), which was also amended from time to time in light of the changing nature of the pandemic; and

WHEREAS, the Governor and Secretary of Health of Pennsylvania lifted most of their statewide COVID-19 mitigation orders on May 31, 2021, including capacity restrictions, and lifted their remaining masking requirements, including for unvaccinated and partially vaccinated people, on June 28, 2021; and

WHEREAS, because COVID-19 vaccination rates have continued to increase and case rates have continued to fall, on June 15, 2021, the Mayor and Health Commissioner issued an “Emergency Order Establishing Safety Measures for Full Reopening to Prevent the Spread of the 2019 Novel Coronavirus (COVID-19)” (the “June 15, 2021 Reopening Order”), which lifted most Philadelphia public health restrictions responsive to the COVID-19 pandemic while maintaining limited masking in high-risk settings and certain other requirements to facilitate a safer reopening given assessment of COVID-19 community spread and risk in Philadelphia, and since issuance of the June 15, 2021 Reopening Order cases have remained low; and

WHEREAS, the Board of Health agrees with these determinations, has recognized that the situation involving the COVID-19 pandemic is fast moving and often requires changes to control measures both to impose additional measures and to roll back required measures when appropriate before the Board is able to meet, and likewise has determined that a consolidated and restated regulation summarizing certain applicable control and prevention methods would be helpful at this time; and

WHEREAS, consistent with the foregoing, the Board hereby promulgates the below Second Consolidated and Restated Emergency Regulation Governing the Control and Prevention of COVID-19 (Consolidated Safety Measures for Full Reopening and Delegation of Authority) in order to adopt the Mayor and Health Commissioner’s June 15, 2021 Reopening Order and consolidate and restate specified Board emergency regulations, as a temporary regulation effective upon delivery to the Department of Records, while the remaining procedures and formalities of Section 8-407 are followed to promulgate these amendments as a formally promulgated regulation;

NOW, THEREFORE, the Board of Health hereby adopts the following regulation, effective immediately:

1. **Adoption of June 15, 2021 Reopening Order.** The Board hereby fully adopts the Mayor and Health Commissioner’s June 15, 2021 “Emergency Order Establishing Safety Measures for

Full Reopening to Prevent the Spread of the 2019 Novel Coronavirus (COVID-19),” which is attached hereto as Attachment A.

2. This Second Consolidated and Restated Emergency Regulation supplements the Philadelphia Department of Public Health’s *Regulations Governing the Control of Communicable and Non-communicable Diseases and Conditions* and supersedes the Consolidated and Restated Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Consolidated Safer at Home Restrictions and Delegation of Authority), as it has been amended.

3. The following COVID-19 related emergency regulations are not affected by this Second Consolidated and Restated Emergency Regulation:

A. Communicable Disease Listing, Reporting, Quarantine, and Isolation

Requirements: The March 12, 2020 and May 15, 2020 Amendments to Regulations Governing the Control of Communicable and Noncommunicable Diseases and Conditions;

B. Data Reporting Related Emergency Regulations: The Sixth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Mandatory Data Reporting Order); and the Tenth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Second Mandatory Data Reporting Order); and

C. Long Term Care Facility Related Emergency Regulation: The Seventeenth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Long-Term Care Isolation Safety and Transfer).

4. **Delegation of Authority.** In addition to all authority delegated to the Health Commissioner to issue emergency disease control and prevention orders under the Disease Control and Prevention Act and The Philadelphia Code, the Board expressly authorizes the Health Commissioner as follows, provided the Health Commissioner continues to present any substantive changes to this Board’s regulations to the Board for consideration at or before the Board’s next previously scheduled meeting if reasonably practicable, or at the next subsequent meeting, if not reasonably practicable:

A. The Health Commissioner may issue orders to provide for the implementation of such further measures as the Health Commissioner determines in good faith are necessary or appropriate control or prevention measures to limit the spread of COVID-19, which may include, but are specifically not limited to the following types of measures which are provided as examples but should not be interpreted as limiting the broad authority this Second Consolidated and Restated Emergency Regulation grants the Health Commissioner to implement effective control measures:

- (a) Requiring hospitals and other health care providers or facilities to report data on patient volumes, supplies, and equipment to the Department periodically or upon request;
- (b) Requiring any business in Philadelphia to report data on supplies and equipment to the Department periodically or upon request;

- (c) Commandeering real estate, supplies, or equipment;
- (d) Restricting the travel of individuals or of categories of individuals;
- (e) Requiring individuals that have traveled outside of Philadelphia to self-quarantine or take such other protective measures as the situation warrants for such time period as the Commissioner determines is reasonably necessary under the circumstances then presenting;
- (f) Requiring any disease control or prevention measures adopted in previously enacted emergency regulations of this Board, whether or not currently in effect;
- (g) Requiring any disease control or prevention measures adopted by other jurisdictions for the purpose of limiting the spread of COVID-19; or
- (h) Imposing any similar disease control and prevention measures.

B. The Health Commissioner may interpret, issue guidance concerning, relax the requirements of, and otherwise modify in any way all emergency regulations adopted by this Board for the purpose of governing the control and prevention of COVID-19 whether issued before or after the instant Second Consolidated and Restated Emergency Regulation, as the Health Commissioner determines in good faith is necessary or appropriate to limit the spread of COVID-19.

5. The Health Commissioner may delegate, in writing, the authority delegated under paragraph 4 of this Second Consolidated and Restated Emergency regulation to other City Departments or Boards, or Commissioners or heads thereof, as the Health Commissioner determines is appropriate under the circumstances.

6. **Effective dates.** This Second Consolidated and Restated Emergency Regulation shall be effective upon filing with the Department of Records and shall remain effective until expressly suspended, superseded, or repealed by the Board.

Attachment A



CITY OF PHILADELPHIA
OFFICE OF THE MAYOR
DEPARTMENT OF PUBLIC HEALTH

EMERGENCY ORDER
ESTABLISHING SAFETY MEASURES FOR FULL REOPENING
TO PREVENT THE SPREAD OF THE 2019 NOVEL CORONAVIRUS (COVID-19)

WHEREAS, the 2019 novel coronavirus disease, COVID-19, can cause severe disease and death, particularly in older adult and other vulnerable populations; and

WHEREAS, on March 6, 2020, in response to the emerging spread of COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

WHEREAS, on March 12, 2020, the City's Board of Health by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

WHEREAS, on March 17, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order prohibiting operation of non-essential businesses to prevent the spread of COVID-19; and

WHEREAS, on March 19, 2020, the Governor and the Secretary of the Pennsylvania Department of Health issued orders requiring all non-life-sustaining businesses to close across the Commonwealth to help stop the spread of COVID-19 and the Governor and Secretary updated the aforementioned orders and list of life-sustaining and non-life sustaining businesses on March 20, 2020 and multiple times thereafter; and

WHEREAS, on March 22, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and Congregation of Persons to Prevent the Spread of COVID-19, which superseded the Emergency Order issued by the Mayor and Health Commissioner dated March 17, 2020, and which was approved as a regulation of the City by the Board of Health on March 26, 2020, further expressly authorizing the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate to limit the spread of COVID-19; and

WHEREAS, on April 23, 2020, the Governor announced a *Plan for Pennsylvania* that set residents and businesses on a path to recovery from the COVID-19 pandemic while continuing to protect life from the dangers of this deadly virus, which included, *inter alia*, Red, Yellow, and Green Phases of reopening; and

WHEREAS, the Mayor and Health Commissioner determined on May 29, 2020, that Philadelphia could move to the Yellow Phase with additional, Philadelphia-specific restrictions that would apply in addition to restrictions established by the Governor, including limitations on outdoor dining, and executed an Order entitled “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Yellow Phase of Reopening” to implement that decision; and

WHEREAS, on or around May 28, 2020, the City’s Department of Public Health began releasing industry specific reopening guidance for specific types of facilities, which has been periodically updated; and

WHEREAS, since that time, the Mayor and Health Commissioner, in recognition that cautious reopening with constant review of potential impacts on public health is in the best interests of Philadelphia, have issued a series of Orders gradually easing restrictions with respect to many different types of business and activities; and

WHEREAS, on June 26, 2020, the Mayor and Health Commissioner issued an order requiring the wearing of masks in many indoor and outdoor situations, and on July 1, 2020, the Governor issued a similar order; and

WHEREAS, although the Governor announced that Philadelphia was authorized to join other southeastern Pennsylvania counties in moving to the Green Phase of reopening on June 26, 2020, the Mayor and Health Commissioner, in consideration of public health data and the noted effects on public health in June and July in states that had hastily reopened, the City took a cautious approach to moving to the Green Phase; and

WHEREAS, on July 3, 2020, the Mayor and Health Commissioner issued an Order entitled “Amendment Regarding Additional Permitted Activities to the Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Moving from Yellow Phase of Reopening to Modified Green Phase” (the “Modified Green Phase Order”), that moved the City from the Yellow Phase to a Modified Green Phase and that, among other things, generally increased the permitted capacity for outdoor gatherings and small events, the rules for which were subsequently modified by further Orders on September 15, 2020 and October 23, 2020 to allow greater capacity at such events; and

WHEREAS, after a steady decline and plateauing of daily COVID-19 case counts in Philadelphia beginning in May 2020, in the Fall daily case counts increased dramatically to levels exceeding the peak experienced in April 2020; and

WHEREAS, in early-to-mid November the country as a whole began experiencing a sharp increase in COVID-19 case counts, repeatedly breaking daily records, and began averaging more than 2,000 daily COVID-19 deaths (using a 7-day average); and

WHEREAS, those alarming national and local trends required tailored but significant intervention to limit the community spread of COVID-19 and its attendant morbidity and mortality; and

WHEREAS, on November 16, 2020, the Mayor and Health Commissioner issued an Order entitled “Emergency Order Concerning Additional Limitations on Visiting, Gatherings, Events and Businesses for Fall/Winter 2020-21, Establishing Additional Safety Measures to Prevent the Spread of the 2019 Novel Coronavirus (COVID-19) and Continuing to Advise that Philadelphians are Safer at Home” (the “Fall/Winter Order”) that, *inter alia*, prohibited the operation of certain indoor establishments with a demonstrated higher risk of transmission of COVID-19 and imposed additional limitations on personal gatherings, outdoor gatherings, and indoor businesses that were permitted to continue to operate effective November 20, 2020; and

WHEREAS, on November 27, 2020, the Governor and Secretary of Health enacted orders imposing mitigation measures imposing density limitations, cleaning, and masking protocols, and requiring telework for all business operations unless such remote work was impossible; and

WHEREAS, at the time the Fall/Winter Order was issued the City had a higher rate of new COVID-19 cases than Pennsylvania as a whole; following the imposition of such restrictions, the City saw a notable decrease in the rate of COVID-19 cases and the City has thereafter continued to maintain a lower rate of cases than Pennsylvania as a whole, despite being the most populous City in the state; and

WHEREAS, the City saw a marked increase in COVID-19 cases following the Thanksgiving holiday with a peak on or around, December 7, 2020, but then saw a declining rate in new infections; and

WHEREAS, statewide Pennsylvania experienced a similar post-Thanksgiving holiday increase in COVID-19 cases and the Pennsylvania case counts continued to increase even after the City case counts began to decline. Effective December 12, 2020, the Governor of Pennsylvania and Secretary of State imposed additional restrictions state-wide, including prohibitions on indoor dining and indoor recreation facilities, which were in place through January 4, 2021; and

WHEREAS, following such restrictions imposed at the state level, Pennsylvania then began seeing a decline in cases; and

WHEREAS, the City anticipated that, despite restrictions, the Christmas and New Year holidays would result in additional gatherings and further spread of COVID-19 as was seen around Thanksgiving; it therefore issued an Amended Fall/Winter Order on December 30, 2021, which extended the Fall/Winter Order, with certain amendments, in order to continue to impose necessary yet tailored mitigation methods for higher risk activities through January 15, 2021. This Order was adopted as an emergency Board of Health regulation on January 6, 2021; and

WHEREAS, following a peak the week of November 29, 2020, the City saw a 50% decline in the number of new infections per week through the week of January 3, 2021, and the positivity rate for those tested also declined from its November peak; and

WHEREAS, beginning January 16, 2021, the Mayor and Health Commissioner determined that it was appropriate to allow indoor dining, movie theaters and performance spaces to resume operations, with necessary yet tailored mitigation methods to limit the potential spread of COVID-19; and

WHEREAS, on February 27, 2021, the Mayor and Health Commissioner issued the “Spring Emergency Order of 2021 Establishing Safety Measures to Prevent the Spread of the 2019 Novel Coronavirus (COVID-19) and Continuing to Advise that Philadelphians are Safer at Home,” which allowed additional activities, subject to certain limitations (“Spring 2021 Safer at Home Order”); and

WHEREAS, the Spring 2021 Safer at Home Order has been amended on several occasions to extend the duration of the order and to modify restrictions, as appropriate, in response to changes in the course of the pandemic and changes in Commonwealth requirements; and

WHEREAS, on May 20, 2021, the Mayor and Acting Health Commissioner issued the “Emergency Order Establishing Safety Measures for Further Reopening to Prevent the Spread of the 2019 Novel Coronavirus (COVID-19),” which allowed additional activities, subject to certain limitations (“Further Reopening Order”); and

WHEREAS, on June 1, 2021, the Mayor and Acting Health Commissioner amended the Further Reopening Order to further rollback restrictions; and

WHEREAS, case rates for COVID-19 have continued to fall rapidly and there are now fewer than fifty (50) new cases identified per day in Philadelphia, the percentage of individuals testing positive for COVID-19 has dropped to one percent (1%) per day, and hospitalizations have also fallen significantly from the last week of April; and

WHEREAS, vaccination rates in Philadelphia have continued to rise; and

WHEREAS, as the City fully reopens, it is important to continue contact tracing, isolation, and quarantine for individuals who contract COVID-19 or are close contacts of individuals who contract the virus and harder to do so without the active support of the business community; and

WHEREAS, there is substantial evidence that widespread mask use can prevent the spread of COVID-19, particularly indoors, and observational data has suggested that people who wear masks and become infected may be less likely to develop severe disease; and

WHEREAS, continued mitigation of higher risk activities is necessary to avoid preventable deaths and limit the spread of the coronavirus during this critical time in the pandemic while allowing most activities to fully resume operations; and

WHEREAS, the City has entered various orders imposing and rolling back restrictions as has been necessitated by the ebbs and flows of the pandemic, as detailed above, and has determined at this time that it is appropriate to further ease restrictions; and

WHEREAS, pursuant to authority set forth in The Philadelphia Code and The Philadelphia Home Rule Charter, the Mayor has broad authority to set forth limitations on public activities during a state of national health emergency; and

WHEREAS, Sections 6-205 and 6-206 of The Philadelphia Code, the Disease Prevention and Control Law of 1955, 35 P.S. § 521.1 *et seq.*, and Board of Health regulations provide that the Department of Public Health may by order forbid the congregation of persons when necessary to prevent the further spread of a communicable and quarantinable disease and may take such other measures as are necessary to prevent the spread of such disease;

NOW, THEREFORE, James F. Kenney, Mayor of the City of Philadelphia, and Dr. Cheryl Bettigole, Acting Health Commissioner of the City of Philadelphia, pursuant to all authority granted under the Philadelphia Home Rule Charter, The Philadelphia Code, the Regulations of the Board of Health of the City of Philadelphia and applicable state law, hereby **ORDER** as follows:

Section 1. Relationship to Prior COVID-19 Emergency Orders.

This Order replaces and supersedes the May 20, 2021 Emergency Order Establishing Safety Measures for Further Reopening to Prevent the Spread of the 2019 Novel Coronavirus (COVID-19), as it has been amended. This Order does not replace or supersede emergency orders issued by the Health Commissioner that were not joint orders with the Mayor, including, but not limited to:

1. The Emergency Order Concerning Mandatory Reporting of Certain Data to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), adopted by the

Board of Health as the Sixth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Mandatory Data Reporting Order).

2. The Second Emergency Order Concerning Mandatory Reporting of Certain Data to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), adopted by the Board of Health as the Tenth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Second Mandatory Data Reporting Order).
3. The Emergency Order Concerning Isolation Safety and Transfer Requirements for Long-Term Care Facilities and Hospitals to Prevent the Spread of 2019 Novel Coronavirus (COVID-19), adopted by the Board of Health as the Seventeenth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Long-Term Care Isolation Safety and Transfer).

Section 2. Generally Applicable Requirements for Face Coverings.

All businesses that are operating within the City of Philadelphia must comply with the following requirements, provided that nothing is intended to prohibit any establishment from implementing face covering requirements for such establishment if they choose to do so, nor does this Order relax any face covering requirements mandated by the Governor or Secretary of Health of the Commonwealth of Pennsylvania.

A. Face Coverings Required.

1. All individuals must wear face coverings on all forms of public transportation consistent with applicable Orders of the Centers for Disease Control and Prevention.
2. All individuals, including customers, and employees or other workers, must be permitted to wear face coverings if they choose to do so.
3. Except as provided in subsection B, “Exceptions,” all individuals must wear face masks or other face coverings recommended by the Centers for Disease Control and Prevention (CDC), as follows, regardless of vaccination status. Individuals are required to wear face coverings properly, which means in a manner that fully covers the mouth and nose, consistent with applicable guidance, at all times when they are at the following locations:
 - a. Healthcare institutions, including temporary community healthcare

events such as vaccine clinics and blood drives.

b. Congregate facilities such as prisons, shelters, and adult day programs.

c. Indoors, while at schools, camps, early childhood education, and other childcare settings.

B. Exceptions.

1. Section 2(A)(3) is not applicable to the following individuals:

a. Any child younger than 2 years of age.

b. Any individual who has a physical disability that prevents easily wearing or removing a face covering.

c. Any individual who is deaf and uses facial and mouth movements as part of communication.

d. Any individual who has been advised by a medical professional that wearing a face covering may pose a risk to that individual for health-related reasons.

e. Any individual who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.

2. Other exceptions.

a. Face coverings are not required to be worn when eating or drinking, or swimming.

b. Face coverings are not required when an individual is alone in an office or a similar location that is completely separated from other individuals by floor to ceiling physical barriers.

Section 3. Contact Tracing, Worker Isolation and Quarantine Requirements for Businesses and Workers.

A. Contact Tracing: Businesses shall identify workers and customers, to the extent possible, who were in close contact (within six feet for at least 15 minutes) with a person with COVID-19 from the period 48 hours before symptom onset (or 48 hours prior to test date if asymptomatic) to the time at which the person with COVID-19 isolated and, upon request, provide those close contacts' names and contact information to the Philadelphia Department of Public Health.

B. Worker Isolation and Quarantine: Businesses shall permit any worker who is diagnosed with or tests positive for COVID-19 to remain absent from any in-person workplace during isolation in accordance with guidance from the Philadelphia Department of Public Health or a health care provider. The worker shall isolate in accordance with such guidance.

C. Businesses shall permit any worker who is a close contact (as provided in subsection A, above) of a person who is diagnosed with or tests positive for COVID-19 to remain absent from any in-person workplace during quarantine in accordance with guidance from the Philadelphia Department of Public Health or a health care provider, unless the person is fully vaccinated for COVID-19. For the purpose of this Order fully vaccinated means that two or more weeks have elapsed since the vaccinated individual received their final dose of the COVID-19 vaccine as recommended by the FDA or WHO. The worker shall quarantine in accordance with such guidance.

Section 4. Additional Responsibility for Masking, Contact Tracing, Worker Isolation and Quarantine, and Signage Requirements.

A. The owner or operator of any business shall also be liable and subject to fines and penalties under this Order for non-compliance by employees, customers, members, visitors and any other occupants of the business with the following, subject to fines and all other remedies under this Order:

1. With respect to applicable masking requirements under Section 2 of this Order or any other applicable guidance documents; and

2. With respect to contact tracing and worker isolation and quarantine requirements under Section 3, excluding the actual isolation and quarantine requirements that are the responsibility of individual workers, and any other applicable guidance.

B. The owner or operator of any business is required to prominently display signage

advising of health and safety requirements to the extent required in applicable guidance of the Department of Public Health.

Section 5. Interpretation and Implementation.

A. Except to the extent of a direct conflict, this Order shall be interpreted as consistent with applicable orders and requirements of the Commonwealth of Pennsylvania. In the event of a direct conflict, the most restrictive order or requirement controls. The City shall continue reviewing inquiries and submissions regarding the applicability of the City's orders to businesses and activities.

B. Consistent with prior emergency health orders of the City, this Order does not apply to government operations of the City of Philadelphia. Individuals interacting with government officers and employees must comply with the requirements of this Order and other City orders and guidance.

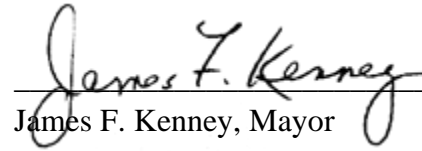
C. The owners, operators and individuals in possession of any business subject to this Order must allow inspection of ongoing operations as a condition of operation.

D. Failure to comply with this Order shall result in orders to cease operations and the imposition of penalties, fines, license suspensions, and other remedies as provided for by law, including such penalties and remedies set forth in the April 29, 2020 Emergency Regulation of the Board of Health Governing the Control and Prevention of COVID-19 Pertaining to Fines and Penalties.


E. Effective Dates. Sections 1 and 2 of this Order shall be effective retroactive to June 10, 2021 at 11:59 p.m. The remainder of this Order shall be effective June 15, 2021 at 11:59 p.m.

F. Duration. This Order shall remain in effect until rescinded, superseded or amended by further order or regulation.

Date: June 15, 2021



James F. Kenney, Mayor
City of Philadelphia



Cheryl Bettigole, MD, MPH
Acting Health Commissioner
City of Philadelphia