



CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH

BOARD OF HEALTH: 3/10/2022
LAW DEPARTMENT:
RECORDS DEPARTMENT:

**AMENDMENT TO THE THIRD 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, effective February 25, 2022 the Board of Health adopted the Third Consolidated and Restated Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Consolidated Safety Measures for Full Reopening and Delegation of Authority) (“Third Consolidated and Restated Emergency Regulation”), which among other things identified metrics for determining when restrictions were appropriate to roll back; and

WHEREAS, the introductory clauses from the Third Consolidated and Restated Emergency Regulation are incorporated herein by reference; and

WHEREAS, the Center for Disease Control has likewise introduced a new metric for when restrictions will be recommended, which puts the City in the low-risk category; and

WHEREAS, the City has determined that, given the prevalence of home testing, the use of test positivity rate as a metrics is of limited value; and

WHEREAS, the Mayor and the Health Commissioner have recently announced that the City had met identified metrics that placed the City into the “All Clear” phase under the City’s metrics, meaning that certain precautions, including mandatory masking in many indoor locations, can be rolled back; and

WHEREAS, the Health Commissioner has recently announced that it is no longer necessary for the City to generally require masking in primary and secondary schools, although masking will remain appropriate in some circumstances; and

WHEREAS, consistent with the foregoing, the Board will amend the Third Consolidated and Restated Emergency Regulation to adjust for these changes;

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

SECTION 1. The Third Consolidated and Restated Emergency Regulation Governing

the Control and Prevention of COVID-19 (Consolidated Safety Measures for Full Reopening and Delegation of Authority) (“Third Consolidated and Restated Emergency Regulation”) is hereby amended as follows (deletions in ~~strike through~~; additions in **bold**):

* * *

B. The Consolidated and Restated Safety Measures for a Continued Full Reopening to Prevent the Spread of 2019 Novel Coronavirus (COVID-19) (the “Consolidated Safety Measures”), attached hereto as Attachment A, shall govern the conduct of all businesses and activities operating in the City while this Third Consolidated and Restated Emergency Regulation is in effect, with the following exception:

1. Section 1(A)(3)(d) of the Consolidated Safety Measures (concerning required face coverings in indoor settings other than schools, healthcare institutions, and congregate settings) ~~shall cease~~ **ceased** to be **currently** effective upon the Commissioner’s determination and certification to the Board and the Mayor **on March 3, 2022** that Philadelphia has entered the “All Clear” COVID-19 response level **as provided in the Third Consolidated and Restated Regulation** because ~~three (3) or more of the following three (3) metrics have been reached, provided that the requirements of Section 1 may be reinstated, with any additional requirements that the Commissioner determines are necessary or appropriate, pursuant to the Commissioner’s authority under Paragraph D, below:~~ **had been met:**

- i. The average daily case count of reported COVID-19 cases for the prior seven (7) days ~~is~~ **was** under 100.
- ~~ii. Hospitalizations related to COVID-19 cases are under 50.~~
- ~~iii.~~ **ii.** The positivity rate for COVID-19 tests ~~is~~ **was** under 2%.
- ~~iv.~~ **iii.** The average daily case count for reported COVID-19 cases ~~has~~ **had** not risen by more than 50% within the prior 10 days.

2. The requirements of Section 1(A)(3)(d) of the Consolidated Safety Measures (concerning required face coverings in indoor settings other than schools, healthcare institutions, and congregate settings) may be reinstated, with any additional requirements that the Commissioner determines are necessary or appropriate, pursuant to the Commissioner’s authority under Paragraph D, below.

SECTION 2: The Consolidated and Restated Safety Measures for a Continued Full Reopening to Prevent the Spread of 2019 Novel Coronavirus (COVID-19) (the “Consolidated Safety Measures”), Attachment A to the Third Consolidated and Restated Emergency Regulation, is hereby amended as follows (deletions in ~~strike through~~;

additions in **bold**):

CITY OF PHILADELPHIA BOARD OF HEALTH

Consolidated and Restated Safety Measures for a Continued Full Reopening to Prevent the Spread of 2019 Novel Coronavirus (COVID-19)

Section 1. Generally Applicable Requirements for Face Coverings.

All businesses that are operating within the City of Philadelphia must comply with the following requirements, as clarified by any guidance issued by the Department, provided that nothing is intended to prohibit any establishment from implementing face covering requirements for such establishment if they choose to do so, nor do these Consolidated and Restated Safety Measures for a Continued Full Reopening to Prevent the Spread of 2019 Novel Coronavirus (COVID-19) (the “Consolidated Safety Measures”) relax any face covering requirements mandated by 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 (“CDC”).

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 CDC~~ **recommended by the Department of Health** as follows, regardless of vaccination status, unless otherwise expressly provided. 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:

* * *

c. Indoors, while at all schools (kindergarten through twelfth grade), camps, early childhood education, and other childcare settings operating in the ~~City~~ **City**, **except as provided below:**

i. Effective March 9, 2022, this subsection (A)(3)(c) shall not apply except as provided below in subsections (A)(3)(c)(ii) and (iii).

ii. Prior to June 1, 2022, if a school, camp, early childhood education, or other childcare setting has not held in-person sessions for children for five (5) or more consecutive days, such as for a spring or holiday break, subsection (A)(3)(c) shall apply and masking will be required for one week following the resumption of in-person sessions.

iii. The requirements of subsection (A)(3)(c) may be reinstated, with any additional requirements that the Commissioner determines are necessary or appropriate, pursuant to the Commissioner's authority under Paragraph D of the Third Consolidated and Restated Emergency Regulation Governing the Control and Prevention of COVID-19 (Consolidated Safety Measures for Full Reopening and Delegation of Authority).

* * *

SECTION 3: Pursuant to the Mayor's Declaration of Extraordinary Circumstances dated March 11, 2020, these amendments shall be effective upon delivery to the Department of Records, and the remaining procedures and formalities of Section 8-407 shall be followed thereafter.