



CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH

BOARD OF HEALTH: July 9, 2020  
LAW DEPARTMENT: July 10, 2020  
RECORDS DEPARTMENT:

**SEVENTH SUPPLEMENTAL EMERGENCY REGULATION GOVERNING  
THE CONTROL AND PREVENTION OF COVID-19  
(MANDATORY USE OF MASKS)**

**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**, on March 6, 2020, in response to the 2019 novel coronavirus disease, COVID-19, the Governor of the Commonwealth 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**, beginning on March 17, 2020, the Mayor and the Health Commissioner as well as the Governor and the Secretary of Health issued a series of orders requiring certain businesses to close across the City and Commonwealth, respectively, and requiring individuals to remain at home with certain exceptions which were subsequently adopted as regulations by the Board of Health; and

**WHEREAS**, on March 26, 2020, the Board of Health approved an Emergency Regulation Governing the Control and Prevention of COVID-19 (effective March 27, 2020), which adopted the Mayor and the Health Commissioner's March 22, 2020 Prohibition on Non-Essential Business and expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate control or prevention measures to limit the spread of COVID-19; and

**WHEREAS**, on April 15, 2020, the Secretary of Health of the Commonwealth of Pennsylvania issued an Order requiring comprehensive safety measures to be employed in all businesses maintaining physical operations, including standards for cleaning and disinfecting high-touch areas, establishing protocols for businesses exposed to probable or confirmed cases of COVID-19, limiting the numbers of employees on the premises and ensuring access to protective gear; and

**WHEREAS**, on April 23, 2020, the Governor issued a document entitled “Guidance for Businesses in the Construction Industry Permitted to Operate During the COVID-19 Disaster Emergency,” which stated that, absent the establishment or maintenance of more stringent requirement by local governments, such limited construction activity could begin on May 1, 2020, which provided additional detail regarding safety and mitigation measures required to be followed in connection with such construction activity; and

**WHEREAS**, on April 29, 2020, the Mayor of the City of Philadelphia and the Health Commissioner determined that, in order to allow limited economic activity to protect existing construction sites, and to protect jobs and investment in the City, within strict limitations appropriate to the situation and the need to limit the spread of COVID-19, construction activity may resume in the City on the bases outlined in an Order signed April 29, 2020, entitled “Authorization for the Conduct of Certain Construction Activity Currently Prohibited by the March 22, 2020 Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses And Individual Activity to Prevent the Spread of 2019 Novel Coronavirus (COVID-19),” which was adopted by this Board effective April 30, 2020 as a “Third Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Authorized Construction Activity);” and

**WHEREAS**, the Board of Health 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; and

**WHEREAS**, consistent with the foregoing, on May 14, 2020 the Board approved the Fourth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Delegation of Authority), effective May 15, 2020, which adopted the Mayor and Health Commissioner’s May 11, 2020 Delegation, and expressly authorized the Health Commissioner to modify prior controls that are no longer necessary and to delegate such authority where appropriate; and

**WHEREAS**, on May 29, 2020, the Mayor and the Health Commissioner issued an “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” (“Safer at Home Yellow Phase Order”), which became effective on June 5, 2020, pursuant to the Governor and Secretary of Health’s Amendments to the Orders of the Governor of the Commonwealth of Pennsylvania and the Secretary of Health for Limited Opening of Businesses, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts, which suspended prior state orders ordering the closure of all businesses that are not life sustaining and directing individuals to stay at home with respect to Philadelphia; and

**WHEREAS**, on June 11, 2020, the Board of Health approved a “Fifth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Safer at Home Yellow Phase),” which adopted the Safer at Home Yellow Phase Order; and

**WHEREAS**, on June 16, 2020, the Mayor and the Health Commissioner issued an “Amendment Regarding Outdoor Dining 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), Yellow Phase of Reopening,” which permitted outdoor on-site dining activities, subject to certain limitations and requirements; and

**WHEREAS**, on June 26, 2020, the Mayor and the Health Commissioner issued an “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), Yellow Phase of Reopening,” which permitted certain activities related to pools, the Philadelphia Zoo, and personal care and grooming services, subject to certain limitations and requirements; and

**WHEREAS**, on June 26, 2020, the Mayor and the Health Commissioner issued an “Emergency Order Concerning the Use of Face Coverings to Prevent the Spread of 2019 Novel Coronavirus (COVID-19),” (“June 26, 2020 Mandatory Mask Use Order”) which made the use of face coverings that cover the nose and mouth mandatory in Philadelphia, subject to certain limitations; and

**WHEREAS**, on July 3, 2020, the Mayor and the Health Commissioner issued an “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,” which permitted certain additional activities during the City’s modified green phase, subject to certain limitations and requirements, while continuing to prohibit indoor dining, gym and indoor fitness facility operations, indoor theater and indoor performance operations, and indoor gatherings of more than 25 people; and

**WHEREAS**, the Board of Health agrees with these determinations, and recognizes that an analysis has shown that states with legal requirements for mask use have had less growth in COVID-19 infections than states without such orders; and

**WHEREAS**, consistent with the foregoing, the Board hereby promulgates the below Seventh Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Mandatory Use of Masks) to adopt the Mayor and Health Commissioner’s June 26, 2020 Mandatory Mask Use Order, 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 permanent regulation; and

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

1. This Emergency Regulation supplements the Philadelphia Department of Public Health’s *Regulations Governing the Control of Communicable and Non-communicable Diseases and Conditions* and its other emergency regulations governing the control and prevention of COVID-19.

2. The Board hereby fully adopts the Mayor and Health Commissioner's June 26, 2020 Mandatory Mask Use Order, which is attached hereto as Attachment A.

3. This Emergency Regulation shall be effective upon filing with the Department of Records and remain effective until expressly superseded or repealed by the Board at the conclusion of the COVID-19 emergency.

Attachment A



**CITY OF PHILADELPHIA**  
**OFFICE OF THE MAYOR**  
**DEPARTMENT OF PUBLIC HEALTH**

**EMERGENCY ORDER CONCERNING THE USE OF  
FACE COVERINGS TO PREVENT THE SPREAD OF 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 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**, beginning March 17, 2020 and the Mayor and the Health Commissioner jointly, and the Governor of Pennsylvania and the Secretary of Health all issued various orders prohibiting or limiting operation of non-essential businesses to prevent the spread of COVID-19 and imposing certain restrictions on individuals; and

**WHEREAS**, on April 15, 2020, the Secretary of Health of the Commonwealth of Pennsylvania issued an Order “Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations,” which requires comprehensive safety measures to be employed in all businesses maintaining physical operations, including standards for cleaning and disinfecting high-touch areas, establishing protocols for businesses exposed to probable or confirmed cases of COVID-19, limiting the numbers of persons on the premises and ensuring access to protective and sanitary equipment and supplies, including appropriate face coverings; 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” (“Yellow Phase Order”); and

**WHEREAS**, on June 4, 2020, the Governor and Secretary of Health’s amended their respective orders Order for Limited Opening of Businesses, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts, to apply to Philadelphia effective June 5th, which generally moved the City into the Yellow Phase pursuant to the Governor’s guidelines; and

**WHEREAS**, an analysis has shown that states with legal requirements for mask use have had less growth in COVID-19 infections than states without such orders; and

**WHEREAS**, pursuant to authority set forth in The Philadelphia Code and inherent authority set forth in 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 provide that the Department of Public Health may by order take such measures as are necessary to prevent the spread of a communicable and quarantinable disease such as COVID-19;

**NOW, THEREFORE**, James F. Kenney, Mayor of the City of Philadelphia, and Dr. Thomas A. Farley, 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, and applicable state law, hereby **ORDER** as follows:

**Section 1. Face Covering Requirements.**

**A. Face Coverings Required.** Except as provided in subsection (B) “Exceptions,” all individuals must wear face coverings, such as cloth face masks, scarves, bandannas or other material, as recommended by the Centers for Disease Control (CDC) over their noses and mouths when they are at any (1) outdoor locations where members of the public are generally permitted and individuals cannot consistently maintain a distance of six feet from individuals from other households; and (2) any indoor location where members of the public are generally permitted including, but not limited to, the following:

- a. Grocery stores, pharmacies, and other retail that sells food and beverage products, including but not limited to grocery stores, corner stores and

convenience stores (including liquor stores), farmers' markets, food banks, and farm and produce stands.

- b. Commercial retail stores including convenience stores, pet supply stores, auto supplies and repair, hardware and home improvement, garden stores and nurseries, including those that support food cultivation and production, office supply stores, and home appliance retailers.
- c. Restaurant carry-out and quick-serve food operations – including food preparation, carry-out, delivery, and curbside pickup.
- d. Tobacco and vapor sellers.
- e. Gyms and indoor exercise facilities.
- f. Schools and colleges.
- g. Museums and libraries.
- h. Houses of worship.
- i. Indoor shopping malls, casinos, and theaters.
- j. Salons including barber shops, beauty salons, and nail salons.
- k. Factories and warehouses.
- l. Office settings.
- m. Buses, trolley, subways, and other forms of public transportation.

The use of face coverings does not replace social distancing.

**B. Exceptions.**

- a. This Order is not applicable to the following individuals:
  - 1. Any child age 8 years or younger.
  - 2. Any individual who has a physical disability that prevents easily wearing or removing a face covering.
  - 3. Any individual who is deaf and uses facial and mouth movements as part of communication.



4. 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.

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

b. Other exceptions.

1. Face coverings are not required to be worn when eating or drinking, however individuals are reminded to maintain appropriate social distance of at least six feet from all individuals from other households.

2. 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 physical barriers with sides that extend above the heads of any individuals present, such as cubicles.

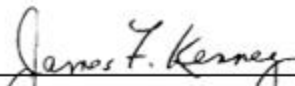
**Section 2. Interpretation and Implementation.**


a. This Order supplements but does not replace other applicable orders and requirements of the City of Philadelphia and the Commonwealth of Pennsylvania and shall be interpreted as consistent with all such orders and requirements.

b. Violation of this Order does not create grounds for any law enforcement officer to stop, detain, or arrest any individual on the basis of the failure to comply with this Order.

c. This Order shall be effective June 26, 2020 and shall remain in effect until rescinded, superseded, or amended by further Order.

Date: June 26, 2020

  
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James F. Kenney, Mayor  
City of Philadelphia

  
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Thomas A. Farley, MD, MPH  
Health Commissioner  
City of Philadelphia