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Health & Human Services Agency  
Public Health Division

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## **ORDER OF THE NAPA COUNTY HEALTH OFFICER REQUIRING ALL PERSONS TO WEAR FACE COVERINGS WHILE INDOORS WITH LIMITED EXCEPTIONS**

**Date of Order: August 5, 2021  
Order No. 21-02**

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (Health and Safety Code § 120295, *et seq.*; Penal Code §§ 69, 148(a)(1); Napa County Code § 2.80.065.)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE NAPA COUNTY HEALTH OFFICER (“HEALTH OFFICER”) ORDERS AS FOLLOWS:

1. **Summary:** This Order requires all individuals to wear face coverings when indoors in workplaces and public settings, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business.
2. **Effective Date and Time:** This Order becomes effective at 12:01 a.m. on August 6, 2021, and will continue in effect until the Health Officer rescinds, supersedes, or amends it in writing.
3. **Background:** This Order is made in light of the recent significant increase in COVID-19 cases and hospitalizations in Napa County, due primarily to the Delta variant of SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Delta variant is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others. The U.S. Centers for Disease Control and Prevention (CDC) and the California Department of Public Health (CDPH) now both recommend that all persons—regardless of vaccination status—wear face coverings indoors when with people outside of their household. Vaccination remains the best and most effective tool in preventing COVID-19 and its harms; evidence shows that even against the Delta variant, fully vaccinated individuals have substantial protection against severe illness, hospitalization, and death. In considering options to stem the rapid increase in COVID-19 transmission, a continued increase in the proportion of the population vaccinated is the best protection available. However, universal indoor use of face coverings is the least disruptive and most immediately impactful additional measure to take to control the spread of the virus, and particularly the more highly contagious Delta variant.

This Order is part of a strategy to support the continued operations of businesses, activities, and schools. As of this date, the Health Officer strongly believes that schools can and should reopen in full for in-person classes for all grades at the beginning of the 2021/2022 school year. The Health Officer will continue to assess the public health situation as it evolves and may modify this Order or issue additional orders related to COVID-19 as changing circumstances dictate.

4. Indoor Face Covering Requirement: Regardless of vaccination status, all persons must wear face coverings at all times when indoors except:
  - A. in their own residence solely with members of their own household; or
  - B. when working in a closed room or office; or
  - C. when actively performing an activity that cannot be done while wearing a face covering, such as actively eating or drinking, swimming, showering in a fitness facility, or obtaining a medical or cosmetic service requiring temporary removal of a face covering to perform the service; or
  - D. as specifically exempted from use of face coverings under the guidance of CDPH at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>, such as to communicate with someone who is hearing impaired or where a face covering poses a safety risk.

As used in this Order, “face covering” means a face covering that is well-fitted to an individual and covers the nose and mouth, especially while talking, consistent with the guidance of the CDPH at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, single layer of fabric, or any mask that has an unfiltered one-way exhaust valve.

5. Operators of Indoor Public Settings: Governmental entities, businesses, venue operators, hosts, and others responsible for the operation of indoor public settings in Napa County must:
  - A. Require all employees, contractors, visitors, and patrons to wear face coverings in all indoor settings, regardless of their vaccination status; and
  - B. Post clearly visible and easy-to-read signage at all entry points to indoor settings to communicate the masking requirements to all patrons.

A governmental entity, business owner, or operator may not permit employees or contractors to work indoors without face coverings, and, to the extent permitted by law, may refuse admission or service to any customer or visitor who fails to wear face coverings in accordance with Paragraph 4 of this Order. In addition, those responsible for indoor public settings are strongly encouraged to provide face coverings at no cost to individuals required to wear them.

A “business” for purposes of this Order includes any for-profit, non-profit, religious or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, regardless of the nature of the service it provides, the function it performs, or its corporate or entity structure.

6. Cal/OSHA COVID-19 Emergency Temporary Standards: The Cal/OSHA COVID-19 Emergency Temporary Standards (“ETS”) allow local health jurisdictions to mandate more protective measures. This Order, which requires face coverings for all individuals in public indoor settings and businesses, regardless of vaccination status, takes precedence over the more permissive ETS regarding employee face coverings.
7. Mega Events: Mega-Events must continue to comply with the restrictions set forth in the CDPH guidance Beyond the Blueprint for Industries and Sectors, available at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>.
8. Incorporation of State and Local Emergency Proclamations and Federal and State Health Orders: This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom; the March 12, 2020 Proclamation by the Health Officer of Local Health Emergency, which the Napa County Board of Supervisors ratified on March 17, 2020 and continued on April 7, 2020; and the March 13, 2020 Proclamation by the Chief Executive Officer/Director of Emergency Services of a Local Emergency, which the Board of Supervisors also ratified on March 17, 2020 and continued on April 7, 2020. However, this Order also functions independently of those emergency proclamations and other orders or guidance related to COVID-19. If any State, federal, or local emergency declaration, or any State or federal order or other guidance related to the COVID-19 pandemic is repealed, this Order remains in full effect except as prohibited by law.
9. Obligation to Follow Stricter Requirements of Orders: Where a conflict exists between this Order and any state or federal public face covering order related to the COVID-19 pandemic, the most restrictive provision (*i.e.*, the one more protective of public health) controls.
10. Enforcement: The Sheriff, chiefs of police, code enforcement officers, County Counsel, District Attorney, and city attorneys are empowered to ensure compliance with and enforce this Order within their jurisdictions. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
11. Public Distribution: Copies of this Order shall promptly be: (1) made available at the County Administration Building, 1195 Third Street, Napa, CA 94559; (2) posted on the County Public Health Department website (<https://www.countyofnapa.org/PublicHealth/>); and (3) provided to any member of the public requesting a copy of this Order.

12. Severability: If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order and all other applications shall continue in effect.

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read 'Karen', with a long horizontal stroke extending to the right.

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Karen Relucio, MD  
Napa County Health Officer

Date: August 5, 2021