



ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN BENITO DIRECTING CLOSURE OF CERTAIN ACTIVITIES

EFFECTIVE DATE OF ORDER: July 10, 2020, at 11:59 p.m.

ALL BREWPUBS, BREWERIES, BARS, AND PUBS AND INDOOR OPERATIONS OF SPECIFIC INDUSTRIES UNTIL FURTHER NOTICE

On July 1, 2020, in response to the accelerating number of cases in California, Governor Gavin Newsom instituted a statewide order for counties that are experiencing high daily case counts, increased test positivity, increased hospitalization, or limited hospital capacity for three or more consecutive days.

On July 5, 6 and 7, 2020, San Benito County has recorded daily cases counts exceeding these limits and State health officials have directed San Benito County to close or modify for a period of not less than three weeks.

AS DIRECTED BY THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH) AND UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101030, 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, ARTICLE XI OF THE CALIFORNIA CONSTITUTION; CALIFORNIA GOVERNMENT CODE SECTIONS 8610, 8630, 8634, AND 8665, THE HEALTH OFFICER OF THE COUNTY OF SAN BENITO ("HEALTH OFFICER") ORDERS:

1. All brewpubs, breweries, bars, and pubs, shall close indoor and outdoor operations until those establishments are allowed to resume operation per State guidance and local permission. The CDPH Guidance on Bar Closures can be found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Bar-Closure-Guidance.aspx> and at <https://www.abc.ca.gov/public-health-orders-regarding-licensed-premises-closures/>
2. All Dine-in restaurants that provide sit-down meals shall cease indoor operations, follow the dine-in restaurant guidance and should continue to encourage takeout and delivery service whenever possible. Bar areas within a dine-in restaurant shall close. For outdoor operations, the CDPH Guidance for Restaurants can be found at: <https://files.covid19.ca.gov/pdf/guidance-restaurants-bars.pdf>
3. All Family Entertainment Centers shall cease indoor operations. For outdoor operations, the CDPH Guidance on Safe Family Entertainment Center Operations can be found at: <https://files.covid19.ca.gov/pdf/guidance-family-entertainment.pdf>

4. All Movie Theaters shall cease indoor operations. The CDPH Guidance for movie theater operations can be found at: <https://files.covid19.ca.gov/pdf/guidance-family-entertainment.pdf>
5. All Museums and Zoos shall cease indoor operations. The CDPH guidance for Museums, Galleries, Zoos, and Aquariums can be found at: <https://files.covid19.ca.gov/pdf/guidance-zoos-museums.pdf>
6. All Cardrooms shall cease indoor operations. The CDPH Guidance for Cardrooms can be found at: <https://files.covid19.ca.gov/pdf/guidance-cardrooms-racetracks.pdf>
7. All wineries and wine tasting rooms shall cease indoor operations and comply with the required Guidance for tasting rooms at: <https://files.covid19.ca.gov/pdf/guidance-restaurants-bars.pdf>.
8. Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals shall follow the guidance for retail operations and offer curbside sales only, until local and/or statewide rules allow additional retail activity. The CDPH Guidance for Retail can be found at: <https://files.covid19.ca.gov/pdf/guidance-retail.pdf>
9. Producers of beer, wine, and spirits shall follow the CDPH guidance for manufacturing operations found at: <https://files.covid19.ca.gov/pdf/guidance-manufacturing.pdf>.
10. Face masks must be worn while indoors at all gyms and fitness centers. The CDPH guidance on fitness facilities can be found at: <https://files.covid19.ca.gov/pdf/guidance-fitness.pdf>
11. This guidance is not intended for concert, performance, or entertainment venues. Those types of establishments shall remain closed until they are allowed to resume modified or full operation through a specific reopening order or guidance. Establishments that serve full meals must discontinue this type of entertainment until these types of activities are allowed to resume modified or full operation. All Guidance referenced in this Order can be found at: <https://covid19.ca.gov/industry-guidance/>.
12. The sectors at issue in this document are all high risk of transmission due to a number of features of the businesses and the behaviors that occur within them. These sectors, foundationally, are settings where groups convene and may mix with others for prolonged periods of time without appropriate protective equipment, such as a face covering. For example, it is difficult to consistently wear a face covering in a restaurant. Additionally, physical movement within the establishment, duration of time spent in the establishment, and the degree of social mixing among individuals and groups outside one's household are all significant in these sectors, which substantially elevates the risk of transmission even where face coverings can be worn.

13. Alcohol consumption slows brain activity, reduces inhibition, and impairs judgment, factors which contribute to reduced compliance with recommended core personal protective measures, such as the mandatory use of face coverings and maintaining six feet of distance from people outside of one's own household, making outdoor operations for brewpubs, breweries, bars, and pubs challenging, further creating opportunities for virus transmission and thus need for closure. Additionally, there is a growing body of evidence tracing large COVID-19 outbreaks in both urban and rural states, to indoor and outdoor operations of bars.
14. In the setting of an increasing body of evidence demonstrating that transmission is decreased when activities are conducted outside, and risk for exposure is increased when mixing beyond those with whom one lives, in an effort to mitigate to potential spread of COVID-19, the state is requiring that settings where patrons gather to be served or participate in the businesses' primary activity be moved outdoors.
15. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected over 10,000,000 individuals worldwide in 188 countries and is implicated in over 500,000 worldwide deaths, including over 270 cases and 2 deaths of San Benito County residents.
16. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of San Benito and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.
17. This Order is intended to address the strain upon the health care system from the effects of the COVID-19 virus. Similarly, this Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide.
18. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 6, 2020 Local Emergency Proclamation by the County Administrative Officer pursuant to Government Code Section 8630 proclaiming the existence of a Local Emergency in the County of San Benito regarding COVID-19; the March 10, 2020 Resolution of the Board of Supervisors of the County of San Benito ratifying and extending the Declaration of Local Health Emergency due to COVID-19; Governor Newsom's Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; Governor Newsom's Executive Order N-60-20 of May 4, 2020 and the State Public Health Officer's Order of May 7, 2020, CDPH Guidance Letter dated July 1, 2020, and all subsequent orders.

19. This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501. More specifically, Health and Safety Code section 120175.5(b) which provides that the local health officer may issue orders to other governmental entities within the local health officer's jurisdiction to take any action the local health officer deems necessary to control the spread of the communicable disease.
20. Violation of this Order is subject to fine, imprisonment, or both. (Penal Code section 19; Government Code sections 8665 and 25132; Health and Safety Code section 120295; Health and Safety Code Sections 101030, et seq.; Health and Safety Code Sections 120100, et. Seq.; and Title 17 of the California Code of Regulations Section 2501.
21. To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and Chief of Police in the County ensure compliance with and enforcement of this Order.
22. Copies of this Order shall promptly be (1) made available at the County of San Benito Department of Public Health office located at 352 Tres Pinos Road, Suite A-202, San Benito, CA 95023; (2) posted on the County of San Benito Public Health Department's website; and (3) provided to any member of the public requesting a copy of this Order.



David Ghilarducci MD,
Interim Health Officer

Date 7/8/2020