



Enforcement of State Public Health Order and Contract City Orders

Key Factors of the State Public Health Order

The State of California issued a Public Health Order on March 19, 2020, to protect public health and safety and mitigate the spread of COVID-19. Field personnel should keep these principles in mind when faced with the decision to enforce the State Public Health Order or any Contract City Order.

The State Public Health Order applies to the entire State and is in effect until further notice. The State defines what qualifies as "Essential Critical Infrastructure Workers." This exception allows numerous businesses to continue to operate. Businesses under this exception do not need any specific authorization from the State to continue to operate. Those businesses remaining open must practice social distancing guidelines (six-foot separation per person for non-family members).

Which businesses did the Health Order close? (Non-Essential Businesses)

The State Public Health Order identified specific businesses to close, including:

- Dine-in restaurants (*food service by delivery and pick-up or drive-through is allowed*)
- Bars and nightclubs
- Entertainment venues (*e.g. movie theaters, skate parks, internet cafes, etc.*)
- Gyms and fitness studios
- Public events/gatherings (*This does not include members of a family that gather in public areas or visit essential businesses together*)
- Convention Centers
- Hair and nail salons

Responding to Complaint of a Public Health Order Violation

The goal of the Department is to gain voluntary compliance through education and cooperation. The following steps should be taken:

- **Response to Call for Violation of Dine-In Restaurant**
 - The EOC is forwarding calls of possible violations of Health Orders to the Orange County Environmental Health Division (EHD). EHD is responsible for handling these calls.
 - EHD will complete all enforcement action, including warnings or suspension of Health Permits.
 - EHD will contact OCSD to assist with any security issues during an on-site visit if necessary.





- If, while in the course of your duties, a citizen reports a violation of the Dine-In order, contact the EDH hotline at 714 433-6000, and let the reporting party know EDH will handle enforcement.

- **Response to Call for Specifically Identified Closed Businesses**

- Gather the basic information and facts regarding the incident and/or call for service to determine if a violation has occurred or is occurring.
- Determine if the subject is aware of the State Public Health Order.
- If not, inform of the State Public Health Order.
- Request voluntary compliance with the State Public Health Order.
- If unable to resolve, contact your supervisor for further direction.
- If unable to gain voluntary compliance, advise the subject that a report will be taken for the possible violation under California Government Code §8665.

Response to Call for Businesses Not Specifically Identified in the State Public Health Order

The State's definition excludes many businesses and those who support "essential businesses." When responding to calls for service regarding open businesses not specifically identified by the State Public Health Order, deputies can make contact with the business, educate, reinforce, and encourage voluntary compliance with social distancing and/or closing. Unless a business is specifically designated as closed, a deputy should not attempt to evaluate whether a particular business fits the State's definition of "Essential Critical Infrastructure Workers."

For the most up-to-date list of essential businesses, deputies can refer individuals to:

<https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

What about a Contract City Order to close a specific location?

If a city has ordered a specific location to close, such as beach parking lots, enforcement is possible under California Government Code § 8665 and any applicable city municipal code section. Voluntary compliance and education are preferred.

Reporting

- Document on FBR with non-criminal Information Report titled, "Possible Health Order Violation."
 - Assign case to the reporting location **and** "CPT"
- Provide subject with DR number.

Relevant California Government Code

California Government Code § 8665 – *"Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment."*

