



Health, Housing & Community Services Department  
Public Health Officer

**ORDER OF THE HEALTH OFFICER  
OF THE CITY OF BERKELEY  
RESCINDING THE ORDER REQUIRING  
PROOF OF VACCINATION FOR PATRONS  
AND EMPLOYEES OF CERTAIN BUSINESSES**

DATE OF ORDER: September 1, 2021

REVISED: February 22, 2022 and March 8, 2022

REVISED: March 25, 2022

REVISED: September 15, 2022

**Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120275 *et seq.*)**

**Summary of Order:** This Order **effective September 17, 2022** rescinds the requirement for childcare facilities, adult day programs, home health care services, pharmacies, and dental offices to obtain proof of full vaccination and booster, when eligible, from **all workers** at the business' facilities.

**Background:** California, the San Francisco Bay Area region, and the City of Berkeley are experiencing improvement in cases and hospitalization from the Omicron surge which was noted in early December 2021. Vaccination coverage is high in the City of Berkeley as 95% of all residents have completed their primary COVID-19 vaccination series and 82% of the total population has received their first booster. This is in conjunction with high community immunity due to prior COVID-19 infection.

Since the winter Omicron surge in California, case rates for the state have decreased by 95%. The City of Berkeley's case count has declined to a 7-day average of 16 new cases per day as of September 15, 2022, and is seeming to plateau. Meanwhile, hospitalizations and deaths, lagging indicators of disease, have remained low during this latest surge.

Vaccines continue to remain the most critical component in moving our communities out of the pandemic. COVID-19 vaccines currently authorized in the US are highly safe and effective at providing protection to individuals and communities, particularly against severe COVID-19 disease and death, and are recommended by the Centers for Disease Control and Prevention ("CDC") for all populations for whom the vaccine is authorized by the U.S. Food and Drug Administration ("FDA"). The Health Officer strongly recommends that all eligible persons in the



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City be vaccinated and boosted immediately. Information on obtaining a COVID-19 vaccine in the City of Berkeley is available here: <https://berkeleyca.gov/covax>.

On September 13, 2022, the State Public Health Officer issued an order effective September 17, 2022 rescinding the [State Public Health Officer Order - Health Care Worker Protections in High-Risk Settings](#) and [State Public Health Officer Order - Vaccine Verification for Workers in Schools](#) and amending the [State Public Health Officer Order - Health Care Worker Vaccine Requirement](#), the [State Public Health Officer Order - State and Local Correctional Facilities and Detention Centers Health Care Worker Vaccination Requirement](#), and the [Adult Care Facilities and Direct Care Worker Vaccine Requirement](#). While vaccination will still be required, testing requirements for unvaccinated staff will be eliminated. Skilled Nursing Facilities must adhere to federal requirements.

The Health Officer will continue to assess the public health situation as it evolves and may reinstate any Orders, or issue additional Orders, related to COVID-19, as changing circumstances dictate.

### **ORDER**

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101475 AND 120175, THE HEALTH OFFICER OF THE CITY OF BERKELEY (“HEALTH OFFICER”) ORDERS:**

**Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code §§ 120220, 120295; City of Berkeley Municipal Code §2.50.040.)**

1. Effective at 12:01 a.m. on September 17, 2022, the Health Officer’s Order Requiring Proof of Vaccination for Patrons and Employees of Certain Businesses, issued September 1, 2021, and revised February 22, 2022, March 8, 2022, and March 25, 2022, is hereby rescinded.
2. This Order does not restrict the ability of a business to require vaccination or boosters beyond the requirements of this Order.
3. Nothing in this Order limits the obligation of a Covered Business to comply with the requirements of the [State Public Health Officer Order - Health Care Worker Vaccine Requirement](#), the [State Public Health Officer Order - State and Local Correctional Facilities and Detention Centers Health Care Worker Vaccination Requirement](#), or the [Adult Care Facilities and Direct Care Worker Vaccine Requirement](#).



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4. Nothing in this Order limits the obligation of a Covered Business to comply with the requirements in the [Cal/OSHA COVID-19 Prevention Emergency Temporary Standards](#) or [Aerosol Transmissible Diseases \(ATD\) \(PDF\) Standard](#). Nothing in this Order shall be construed to limit the ability of a Covered Business to impose policies which are stricter than those imposed by this Order.
5. Nothing in this Order limits the obligation of a Covered Business to comply with State requirements and guidance for the wearing of face coverings, including the [Guidance for the Use of Face Masks](#) issued by the CDPH on April 20, 2022.
6. The Health Officer will continue to monitor several key indicators to inform the decision whether to modify the restrictions in this Order. The Health Officer will continually review whether modifications to the Order are warranted based on (1) progress in countering the spread of COVID-19 in the City; (2) developments in methods and strategies for preventing and treating COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.
7. 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 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the City, the March 10, 2020 Resolution of the City Council Ratifying the Proclamation of Local Emergency, and guidance issued by the CDPH and CDC, as each of them have been and may be supplemented.
8. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer and subsequent orders and guidance issued by the Governor, the State Health Officer, and the California Department of Public Health and Department of Industrial Relations. The Health Officer may adopt more stringent restrictions and requirements addressing the particular facts and circumstances in the City, necessary to control the public health emergency as it is evolving within the City and the region. Where a City Health Officer Order and any state public health order related to the COVID-19 pandemic conflict, the most restrictive provision controls.
9. In the event of an outbreak, the Health Officer may take action(s), including but not limited to imposing vaccine verification and reporting requirements, to protect the public's health.
10. The City must promptly provide copies of this Order as follows: (1) by posting on the City's website ([berkeleyca.gov](http://berkeleyca.gov)); (2) by posting at Old City Hall, located at 2134 Martin



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Luther King Jr. Way, Berkeley, CA 94704; and (3) by providing to any member of the public requesting a copy.

11. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**IT IS SO ORDERED:**

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Lisa B. Hernandez, MD, MPH  
Public Health Officer of the  
City of Berkeley

September 15, 2022

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