



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

County of Fresno

Department of Public Health

ORDER OF THE HEALTH OFFICER

CLOSING ALL BREWPUBS, BREWERIES, BARS, AND PUBS UNTIL FURTHER NOTICE

EFFECTIVE DATE OF ORDER: JUNE 29, 2020 @ 4:00 PM

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; AND FRESNO COUNTY CODE SECTION 2.44.100, THE HEALTH OFFICER OF THE COUNTY OF FRESNO ("HEALTH OFFICER") ORDERS:

1. Brewpubs, breweries, bars, and pubs, shall close until those establishments are allowed to resume operation per state guidance and local permission, unless they are offering sit-down, dine-in meals. Alcohol can only be sold in the same transaction as a meal. 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>.
2. Dine-in restaurants, brewpubs, breweries, bars, and pubs that provide sit-down meals shall follow the dine-in restaurant guidance and should continue to encourage takeout and delivery service whenever possible. Bar areas within a dine-in restaurant that cannot follow the dine-in restaurant guidance shall close.
3. Brewpubs, breweries, bars, and pubs that do not provide sit-down meals themselves, but can contract with another vendor to do so, can serve dine-in meals provided both businesses follow the dine-in restaurant guidance and alcohol is only sold in the same transaction as a meal.
4. 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.
5. Producers of beer, wine, and spirits shall follow the guidance for manufacturing operations.
6. This Order does not apply to wineries and wine tasting rooms provided that the winery complies with the required Guidance for tasting rooms at: <https://files.covid19.ca.gov/pdf/guidance-restaurants-bars.pdf>.
7. 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

Promotion, preservation and protection of the community's health

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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/>.

8. As stated by the CDPH, community spread of infection is of increasing concern across the state, and in particular for those counties on the County Monitoring List. Beyond the impact on the general population, community spread increases the likelihood of expanded transmission of COVID-19 in congregate settings such as nursing homes, homeless shelters, jails and prisons. Infection of vulnerable populations in these settings can be catastrophic, both in terms of high rates of morbidity and mortality of individual residents, as well as through the high demand such infections would place on the hospital delivery system. Higher levels of community spread also increase the likelihood of infection among individuals at high risk of serious outcomes from COVID-19, including the elderly and those with underlying health conditions who might live or otherwise interact with an infected individual.
9. Community spread of infection is of increasing concern across the state, and in particular for those counties on the County Monitoring List. Beyond the impact on the general population, community spread increases the likelihood of expanded transmission of COVID-19 in congregate settings such as nursing homes, homeless shelters, jails and prisons. Infection of vulnerable populations in these settings can be catastrophic, both in terms of high rates of morbidity and mortality of individual residents, as well as through the high demand such infections would place on the hospital delivery system. Higher levels of community spread also increase the likelihood of infection among individuals at high risk of serious outcomes from COVID-19, including the elderly and those with underlying health conditions who might live or otherwise interact with an infected individual.
10. California's Pandemic Resiliency Roadmap for reopening is a risk-based framework that guides state and local governments on a path to re-opening industries under strict workplace modifications. Whereas other industries and establishments were permitted to open with modifications in Stage 2, bars are in Stage 3 because they pose the highest risk of all sectors allowed to open so far. They create an environment anchored in significantly high levels of community mixing of individuals outside of one's own household, increasing the risk escalating the R-effective, or effective transmission rate, of COVID-19.
11. A bar, foundationally, is a social setting where typically not only small groups convene, but also where groups mix with other groups. Physical movement within the establishment, duration of time spent in the establishment, and the degree of social mixing within individuals and groups are all greater in bars than in other hospitality sectors. Further, 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. Louder environments and the cacophony of conversation that are typical in bar settings, also require raised voices and greater projection of oral emitted viral droplets. The sector's workforce faces higher exposure to diseases transmission because of the environment in which they work, compounded by the necessity for patrons to remove face coverings to

consume drinks, especially while seated at a bar or moving around and mixing. In their totality, these factors present a higher likelihood of transmission of the coronavirus within groups, between groups, and among the workforce. These factors have led to an increasing concern by public health professionals within California and throughout the nation identifying bars as the highest risk sector of non-essential business currently open. There is a growing body of evidence tracing large COVID-19 outbreaks in both urban and rural states, to bars.

12. Beyond higher risk of transmission in bar settings, contact tracing, a key measure needed to control spread, is also more challenging in bars. Undertaking contact tracing of a droplet-spread communicable disease based on exposure at a bar is extremely difficult because of the constant mixing among persons, including unknowing prolonged and close contact, and lack of record-keeping of patron attendance. Unlike other sectors where tracking who comes in and out of a setting and where duration of visits are shorter, bars are particularly challenged to do these tasks as well as necessary, even under the best of modifications.
13. Bars generally attract a younger adult population. While younger adults without co-morbidities tend to have less severe symptoms and overall disease outcomes, increased cases, even in this cohort, will lead to increased hospitalizations and deaths. As the virus spreads more broadly in this population, younger individuals become a source of spread to more vulnerable adults and the broader community, a factor that is complicated by the fact that younger individuals have a higher likelihood of asymptomatic or mildly symptomatic infection.
14. 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 4,800 cases and over 70 deaths of Fresno County residents.
15. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of Fresno 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.
16. 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.
17. 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 15, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in Fresno County; the March 17, 2020 Resolution of the Board of Supervisors of the County of Fresno proclaiming the existence of a Local Emergency in the County of Fresno regarding COVID-19; the March 17, 2020 Resolution of the Board of Supervisors of the County of Fresno 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 and all subsequent orders.

18. 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 all governmental entities in the county shall take necessary measures within the governmental entity's control to ensure compliance with this Order and to disseminate this Order to venues or locations within the entity's jurisdiction where gatherings may occur.
19. 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.
20. Any person who violates or refuses or willfully neglects to obey this regulation is subject to civil enforcement actions, including civil penalties of up to \$1,000 per violation per day, injunctive relief, and attorneys' fees and costs, imprisonment, or both, pursuant to Government Code section 8665.
21. Copies of this Order shall promptly be (1) made available at the County of Fresno Department of Public Health office located at 1221 Fulton Street, Fresno, CA 93721; (2) posted on the County of Fresno Public Health Department's website; and (3) provided to any member of the public requesting a copy of this Order.

Rais Vohra MD

Rais Vohra MD,
Interim Health Officer

6/29/2020

Date