



**ORDER OF THE HEALTH OFFICER No. 2023-02**

**ORDER OF THE HEALTH OFFICER  
OF THE CITY AND COUNTY OF SAN FRANCISCO**

**MANDATORY COVID-19 VACCINATION OF HEALTHCARE  
PERSONNEL**

DATE OF ORDER: February 28, 2023, updated June 22, 2023 and November 14, 2023

**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 § 120295, *et seq.*; California Penal Code §§ 69, 148(a)(1).)**

Summary: As of November 14, 2023, this Order replaces the prior version of this health order, Health Officer Order No. 2023-02 (updated June 22, 2023), in its entirety. The update to this Order issued on November 14, 2023, removes references to the bivalent formulation of the COVID-19 vaccine since the current formulation is monovalent and otherwise updates or removes defined terms related to older concepts of being vaccinated with a “complete initial series” and referring to receipt of a “booster” once a person was “booster-eligible.” The revisions just listed are not substantive changes but rather bring the Order’s language into alignment with current vaccine concepts for personnel in healthcare settings. The November 2023 update, based on the current state of COVID-19, also makes a substantive change by removing outpatient behavioral health offices and clinics from the list of facilities where Personnel must be vaccinated in compliance with this Order.

On February 28, 2023, the Health Officer terminated the local COVID-19 public health emergency declaration and rescinded most remaining Health Officer orders and directives relating to the COVID-19 pandemic. Those changes were based on current scientific knowledge about COVID-19 and due in large part to the high rate of immunity in the community from both vaccination and prior infection, greater availability of effective treatments for those who are vulnerable to severe disease, and effective use of mitigation strategies, such as testing and masking.

While the SARS-CoV-2 virus, including other future variants or subvariants, remains a consideration for all San Francisco residents, the virus poses a particular risk to the health of medically-vulnerable residents and people who might be exposed through necessity based on their circumstances. Patients, clients, and residents in healthcare settings may continue to have concerns about their potential exposure to COVID-19 when they seek care, and some may be at greater risk for COVID-19-related complications.

Current vaccine formulations that target SARS-CoV-2 continue to provide good protection against severe disease, although vaccination does not prevent all infection or transmission. And when Personnel in healthcare settings are vaccinated, there is a reduced risk to those who interact with them, especially when such Personnel are also



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wearing a Well-Fitted Mask (the subject of a separate Health Officer order). Accordingly, this Order requires Personnel working in designated Healthcare Facilities—meaning general acute care hospitals, skilled nursing facilities, intermediate care facilities, other types of ambulatory care settings, and congregate and jail health facilities, all as further defined below—to either 1) receive a single dose of the most recent vaccine formulation or 2) receive the full original monovalent course of vaccination plus any additional dose. Personnel who are already compliant with the vaccine requirement of this Order by receiving an original monovalent series plus any additional dose are recommended but not required to receive the most recent formulation once they are eligible.

The Order provides limited exceptions and does not apply to people who only visit the Healthcare Facility on an intermittent or occasional basis or for short periods of time, such as firefighters, emergency medical technicians (EMTs), paramedics, police, and other law enforcement (unless they are stationed or routinely assigned to work at the Healthcare Facility). And such people must wear a Well-Fitted Mask whenever they are onsite at a Healthcare Facility and interacting with patients, clients, or residents as required by Health Officer Order No. 2023-01b. This Order also does not apply to patients, clients, residents, or their visitors, although the Health Officer strongly recommends they be vaccinated consistent with CDC guidance and wear a Well-Fitted Mask in those healthcare settings as further outlined in the companion order regarding masking.

Aside from the requirements of this Order, the Health Officer still strongly recommends that everyone continue appropriate protections based on their situation, including the following five measures: 1) following the CDC's most current COVID-19 vaccination guidance; 2) wearing a Well-Fitted Mask in appropriate settings based on personal risk factors, especially if you or someone you live with is vulnerable to the worst outcomes of COVID-19; 3) staying home whenever you feel sick in order to protect others around you and following the CDC's and the State's isolation and quarantine guidance; 4) staying aware of medications that you can use when you get sick with COVID-19, including drugs like Paxlovid that can decrease the severity of infection, especially for anyone over 50 years old or who has other risk factors; and 5) remaining aware of emerging information about COVID-19 and other respiratory illnesses.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE  
SECTION 120175, THE HEALTH OFFICER OF THE CITY AND COUNTY OF SAN  
FRANCISCO ORDERS:**

1. Definitions.

For purposes of this Order, the following initially capitalized terms have the meanings given below.

- a. *CDC*. "CDC" means the United States Centers for Disease Control and Prevention.



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- b. *CDPH*. “CDPH” means the California Department of Public Health.
- c. *County*. The “County” means the City and County of San Francisco.
- d. *COVID-19*. “COVID-19” means coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus.
- e. *DPH*. “DPH” means the San Francisco Department of Public Health.
- f. *FDA*. “FDA” means the United States Food and Drug Administration.
- g. *Healthcare Facility*. “Healthcare Facility” means certain healthcare settings and facilities where vulnerable populations come to the facility, often out of necessity, and where some of those people have a higher risk of negative health outcomes due to COVID-19. The full list of each type of included facility is listed in subsection 3(a) below, including details about what parts of buildings are included in the definition of this term.
- h. *Health Officer*. “Health Officer” means the Health Officer of the City and County of San Francisco.
- i. *Personnel*. “Personnel” means all paid and unpaid people who work in indoor Healthcare Facilities in the County where (1) care is provided to patients, or (2) patients or clients, including residents or people who are incarcerated, have access for any purpose. This includes workers serving in healthcare or other settings who have the potential for direct or indirect exposure to patients. Personnel include, but are not limited to, nurses, nursing assistants, physicians, technicians, therapists, phlebotomists, pharmacists, students and trainees, contractual staff not employed by the Healthcare Facility, and persons not directly involved in patient care who work in clinical spaces where transmission of infectious agents could occur (*e.g.*, clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel). People who in the course of their duties may enter or work in a Healthcare Facility on an intermittent or occasional basis or for short periods of time, including, but not limited to, firefighters, paramedics, emergency medical technicians (EMTs), police, other law enforcement, and attorneys, are not included in the term Personnel unless they are permanently stationed or regularly assigned to work in a Healthcare Facility.
- j. *Qualifying Medical Reason*. “Qualifying Medical Reason” means a medical condition or disability recognized by the FDA or CDC as a contra-indication to COVID-19 vaccination.
- k. *Religious Beliefs*. “Religious Beliefs” means a sincerely held religious belief, practice, or observance protected by state or federal law.
- l. *Vaccinated with an Original Monovalent Series*. “Vaccinated with an Original Monovalent Series” means having completed the entire recommended initial series of



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vaccination (usually one or two doses) prior to September 1, 2022, with a vaccine authorized by the FDA to prevent COVID-19, including by way of an emergency use authorization, or by the World Health Organization (WHO). This term includes the original monovalent formulations first available in 2021. Starting in the fall of 2022, the concept of having a vaccine series was replaced (for adults) with the concept of having any single dose of the newest formulation.

- m. *Vaccinated with Any Additional Dose.* “Vaccinated with Any Additional Dose” means having received any additional dose of a vaccine authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization (WHO), for which a person is or was eligible after that person was Vaccinated with an Original Monovalent Series. Consistent with CDC and CDPH guidance, either the Pfizer-BioNTech (Comirnaty) or Moderna (Spikevax) COVID-19 vaccine meets the requirements for being Vaccinated with Any Additional Dose after a person was Vaccinated with an Original Monovalent Series. This term includes any such additional dose authorized by the FDA or WHO, including formulations that are different than the original COVID-19 vaccines (such as an additional ‘booster’ dose of any of the original monovalent vaccine, a bivalent vaccine dose that became available in September 2022, the monovalent dose that became available in September 2023, or other future formulations). A person is considered “Vaccinated with Any Additional Dose” as soon as they receive any such additional dose.
- n. *Vaccinated with a Recent Dose.* “Vaccinated with a Recent Dose” means having received any single dose of a vaccine available on or after September 1, 2022 authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization (WHO). For clarity, this includes the bivalent vaccine formulation that was approved for use in the United States by the FDA in the fall of 2022 (which targeted the BA.4 and BA.5 Omicron subvariants and the original SARS-CoV-2 virus), as well as the updated monovalent vaccine formulation that was approved for use in the United States by the FDA in the late summer of 2023 (which targets the Omicron XBB.1.5 subvariant) and any future vaccine formulations authorized for use after September 1, 2022. A list of FDA-authorized vaccines is available at [www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines](http://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines). A list of WHO-authorized vaccines is available at <https://extranet.who.int/prequal/vaccines/covid-19-vaccines-who-emergency-use-listing>. A person is considered “Vaccinated with a Recent Dose” as soon as they receive any such dose.
- o. *Well-Fitted Mask.* A “Well-Fitted Mask” means a face covering that is well-fitted to an individual and covers the nose and mouth especially while talking. CDC guidance regarding Well-Fitted Masks may be found at [www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/types-of-masks.html](http://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/types-of-masks.html), and CDPH guidance may be found at [www.cdph.ca.gov/Programs/CID/DCDC/Pages/Respiratory-Viruses/When-and-Why-to-Wear-a-Mask.aspx](http://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Respiratory-Viruses/When-and-Why-to-Wear-a-Mask.aspx). A Well-Fitted non-vented N95, KN95, or KF94 respirator is strongly recommended as a Well-Fitted Mask, even if not fit-tested, to provide



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maximum protection. Health Officer Order No. 2023-01b addresses the mandatory use of Well-Fitted Masks in Healthcare Facilities, including jail health settings, in more detail.

2. Purpose and Intent.

- a. Purpose. The public health threat of serious illness or death from COVID-19 has decreased in the County and the Bay Area due to the high rate of vaccination of the community and immunity through infection. Although the state-wide emergency declaration and the local health emergency have ended, COVID-19 continues to remain a consideration for patients, clients, and residents at Healthcare Facilities and poses a serious concern for medically vulnerable people. Vaccination remains the most effective method to prevent severe outcomes due to COVID-19, such as hospitalizations and deaths.

This Order is based on evidence of continued community transmission of SARS-CoV-2 within the County as well as scientific evidence and best practices to prevent severe negative health outcomes due to COVID-19. The Health Officer will continue to monitor data regarding the evolving scientific understanding of the risks posed by COVID-19, including the impact of vaccination, and may amend or rescind this Order based on analysis of that data and knowledge.

- b. Intent. The primary intent of this Order is to protect patients, clients, residents, and people who are incarcerated who receive care at Healthcare Facilities from infection, and to reduce the risk of severe health outcomes, such as hospitalization or death, due to COVID-19, by ensuring that Personnel who work with such people are either: 1) Vaccinated with a Recent Dose or 2) Vaccinated with an Original Monovalent Series AND then later Vaccinated with Any Additional Dose. For clarity, the first option, being Vaccinated with a Recent Dose, is preferred given that it can boost immunity against current strains of COVID-19.
- c. Interpretation. All provisions of this Order must be interpreted to effectuate the purpose and intent of this Order as described above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order. In the event of any inconsistency between the summary, headings, or subheadings and the text of this Order, the text will control. Certain initially capitalized terms used in this Order have the meanings given them in Section 1 above.
- d. Effect of Failure to Comply. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both, as further provided in Section 6 below.

3. Facilities Subject to this Order. This Order applies to Healthcare Facilities in the County and Personnel who routinely work in Healthcare Facilities, as defined above and in more



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detail in this Section.

- a. Healthcare Facilities. Healthcare Facilities subject to this Order include the following facilities or settings:
  - i. General Acute Care Hospitals;
  - ii. Skilled Nursing Facilities;
  - iii. Intermediate Care Facilities;
  - iv. Acute Psychiatric Hospitals;
  - v. Adult Day Health Care Centers;
  - vi. Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers;
  - vii. Ambulatory Surgery Centers;
  - viii. Chemical Dependency Recovery Hospitals;
  - ix. Clinics & Doctor Offices (including surgical centers, but excluding outpatient behavioral health offices and clinics);
  - x. Congregate Living Health Facilities;
  - xi. Jail Health Facilities;
  - xii. Dialysis Centers;
  - xiii. Hospice Facilities;
  - xiv. Pediatric Day Health and Respite Care Facilities; and
  - xv. Residential Substance Use Treatment and Mental Health Treatment Facilities.

The term Healthcare Facility applies to the entirety of buildings that are primarily devoted to providing healthcare (such as the entirety of hospitals, stand-alone skilled nursing facilities, professional offices that mostly have primarily doctor offices or clinics, etc.). The term does not apply to the parts of mixed-use buildings or structures where the building or structure is not primarily devoted to the provision of healthcare, in which case the term Healthcare Facility applies to those parts of such buildings or facilities where healthcare is provided (such as suites of doctors offices or clinics in a commercial office building that has more tenants not providing healthcare, or the parts of correctional facilities designated for the full-time provision of healthcare).

- b. Campus Buildings Included. For clarity, this Order applies to Personnel in other buildings in a site containing a Healthcare Facility, such as a campus or other similar grouping of related buildings, where such Personnel do any of the following: (i) access the acute care areas or areas where patients, clients, residents, or people who are incarcerated have access in the Healthcare Facility; or (ii) work in-person with patients, clients, or residents who are present in those areas.
- c. Minimum Requirements; Ability to Adopt More-Restrictive Measures. This Order establishes the minimum requirements related to COVID-19 vaccinations in Healthcare Facilities. Nothing in this Order is intended to reduce any other federal, state, or local legal requirements or otherwise modify them in a way that is less protective of public health, or to limit a Healthcare Facility's choices to take more health protective measures. Healthcare Facilities may impose further restrictions that



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are more protective of public health than the minimum requirements or recommendations under this Order.

4. Vaccination Requirements for Healthcare Facilities and Personnel in Healthcare Facilities.
  - a. Healthcare Facilities. Each and every Healthcare Facility must implement a program requiring its Personnel, consistent with this Order, to be either: (i) Vaccinated with a Recent Dose (without the need to be Vaccinated with an Original Monovalent Series); or (ii) Vaccinated with an Original Monovalent Series AND then later Vaccinated with Any Additional Dose. For clarity, the first option, being Vaccinated with a Recent Dose, is preferred given that it can boost immunity against current strains of COVID-19.
  - b. Personnel in Healthcare Facilities. Except as provided in subsection (d) below, by the Effective Date of this Order, Personnel who routinely work onsite in Healthcare Facilities must either: (i) be Vaccinated with a Recent Dose (without the need to be Vaccinated with an Original Monovalent Series); or (ii) be Vaccinated with an Original Monovalent Series AND Vaccinated with Any Additional Dose. Personnel who are already compliant with this subsection (b) by receiving a monovalent full initial course and any single subsequent vaccine dose are recommended but not required to also be Vaccinated with a Recent Dose given the additional boost in immunity against current strains of COVID-19.
  - c. Transition Period for Personnel Who Have Not Received Vaccination Doses Required by This Order. Some Personnel may not meet the vaccination requirements listed in the previous subsection because, for example, they are recently hired and did not meet vaccination requirements before then or they are not yet eligible to receive a vaccine dose due to a recent positive COVID-19 test or clinical diagnosis. Personnel who do not meet vaccination criteria listed in the previous subsection must be Vaccinated with a Recent Dose within 15 days of starting work at the Healthcare Facility or, if they are not yet eligible to receive a vaccine dose due to a recent positive COVID-19 test or clinical diagnosis, within 15 days of becoming eligible to be Vaccinated with a Recent Dose. And for the period before such Personnel came into compliance with the vaccination requirements listed in the prior subsection of this Order, the Healthcare Facility must ensure that each such person complies with the face covering requirements in subsection (e).
  - d. Limited Exceptions.
    - i. Personnel may be exempt from the vaccination requirements under this Section only upon providing the requesting Healthcare Facility a declination form stating either of the following: (1) the individual is declining vaccination based on Religious Beliefs or (2) the individual is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons.



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- As to declinations for Qualifying Medical Reasons, to be eligible for this exemption Personnel must also provide to their employer a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the exemption (but the statement should not describe the underlying medical condition or disability) and indicating the probable duration of the individual's inability to receive the vaccine (or if the duration is unknown or permanent, so indicate).
  - As to declinations based on Religious Beliefs, a Healthcare Facility may seek additional information as allowed or required by applicable law to determine whether Personnel have a qualifying Religious Belief.
- ii. Personnel who qualify for and are granted by their employer an exemption due to Religious Beliefs or Qualifying Medical Reasons, as provided above, must still follow the face covering requirements in subsection (e). Nothing in this Order is intended to limit any Healthcare Facility's ability under applicable law to determine whether they are able to offer a reasonable accommodation to Personnel with an approved exemption.
- iii. Personnel who provide proof of recent COVID-19 infection as the basis for not being fully in compliance with the vaccination requirements listed in subsection (c) above may defer becoming Vaccinated with a Recent Dose for up to 90 days from the date of their first positive COVID-19 test or clinical diagnosis, which in some situations may extend the deadline for receipt of a vaccine dose. Personnel with a deferral due to a proven COVID-19 infection must be in compliance no later than 15 days after the expiration of their deferral.
- e. Face Covering Requirements. All Healthcare Facilities must require any Personnel who routinely work onsite and are exempt or who are otherwise have not received vaccine doses required by this Order to wear a Well-Fitted Mask when interacting with patients, clients, residents, or people who are incarcerated consistent with Health Officer Order No. 2023-01b, including as that order is amended in the future. Healthcare Facilities must provide such Personnel, on request, with a Well-Fitted Mask.
- f. Recordkeeping and Audit Requirements. All Healthcare Facilities must, consistent with applicable privacy laws and regulations, maintain records of employee vaccination or exemption status and the facility's program for requiring vaccination. All Healthcare Facilities must provide these records, documents, or other information to the Health Officer, DPH, or other public health authorities promptly upon request, and in any event no later than the next business day after receiving the request.
5. Obligation to Follow Health Officer Orders and Directives and Mandatory State and Federal Rules. In addition to complying with all provisions of this Order, all Personnel





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and Healthcare Facilities must also follow any applicable orders and directives issued by the Health Officer (available online at <https://sf.gov/healthrules>) and any applicable rules issued by state or federal authorities, including but not limited to Cal/OSHA's regulations. Based on local health conditions, this Order may include a limited number of health and safety restrictions that are more stringent or more detailed than those contained under other rules. Businesses and other entities must adhere to applicable Cal/OSHA regulations relating to COVID-19 health and safety measures in the workplace. In the event of a conflict between provisions of any Health Officer order and any other order or rule, the provision that is more protective of health controls over the conflicting provisions of the other order or rule.

6. Enforcement. Under Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
7. Effective Date. This Order is effective at 11:59 p.m. on February 28, 2023, and will continue, as updated, to be in effect until the Health Officer rescinds, supersedes, or amends it in writing. The changes made in the November 14, 2023 update are effective immediately.
8. Copies. The County must promptly provide copies of this Order as follows: (1) by posting on the County's website (<https://sf.gov/healthrules>); (2) by providing to any member of the public requesting a copy; and (3) by providing the opportunity for any member of the public to sign up for an email distribution list relative to changes to Health Officer orders and guidance (available at <https://sf.gov/healthrules>).
9. Severability. If a court holds any provision of this Order or its application to any person or circumstance to be invalid, then 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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Susan Philip, MD, MPH,  
Health Officer of the  
City and County of San Francisco

Dated: November 14, 2023