



CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH

**EMERGENCY ORDER
TEMPORARILY REINSTATING MASKING REQUIREMENTS
IN CERTAIN CIRCUMSTANCES TO PREVENT THE SPREAD OF
THE 2019 NOVEL CORONAVIRUS (COVID-19)**

WHEREAS, effective February 25, 2022, the Board of Health adopted the Third Consolidated and Restated Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Consolidated State Measures for Full Reopening and Delegation of Authority) which was amended effective March 11, 2022 (the “Amended Third Consolidated and Restated Emergency Regulation”) which, among other matters, provided for the relaxation of certain masking requirements under certain circumstances, subject to the reinstatement of such requirements by the Health Commissioner; and

WHEREAS, the introductory clauses from the Amended Third Consolidated and Restated Emergency Regulation are incorporated herein by reference; and

WHEREAS, the Department of Health has publicly stated that it would be necessary to require the use of masks in order to slow the spread of COVID-19 in the City when certain metrics have been met related to a rise in COVID-19 case counts, the average number of new COVID-19 cases, and the number of hospitalizations; and

WHEREAS, as of April 11, 2022, the average daily case count of reported COVID-19-cases for the prior seven (7) days was one hundred forty-two (142) COVID-19 cases and there were forty-six (46) hospitalizations related to COVID-19; and

WHEREAS, as of April 11, 2022, the average daily case count for reported COVID-19 cases has risen by 67.8 percent in the prior ten (10) days; and

WHEREAS, between April 1 and April 10, 2022 there were 1,162 new cases of COVID-19 in the City of Philadelphia; and

WHEREAS, data from other countries have shown that a surge from a subvariant of the Coronavirus known as BA.2 (“BA.2”), has imposed significant stress on the healthcare systems of those countries experiencing such a surge; and

WHEREAS, the Center for Disease Control (“CDC”) has estimated that BA.2 makes up more than 85% (percent) of new U.S. virus; and

WHEREAS, increases in hospitalizations in such countries, as well as neighboring states, suggest that without disease control intervention measures there is a significant risk that the City will experience a rise in hospitalizations and – if the trends in Philadelphia follow those in the United Kingdom– the rate of such hospitalizations could potentially even surpass the surge last seen in the City as a result of the Omicron variant; and

WHEREAS, it is well established that widespread mask use can prevent the spread of COVID-19, even against the new variants of concern, particularly indoors, and observational data has suggested that people who wear masks and become infected may be less likely to develop severe disease; and

WHEREAS, the CDC has cited the spread of BA.2 in its decision to extend its order requiring masking on modes of public transportation across the country; and

WHEREAS, the City has entered various orders imposing and rolling back restrictions as has been necessitated by the ebbs and flows of the pandemic, and has determined at this time that it is necessary to implement additional masking requirements in certain circumstances; and

WHEREAS, Sections 6-205 and 6-206 of The Philadelphia Code, the Disease Prevention and Control Law of 1955, 35 P.S. § 521.1 *et seq.*, and Board of Health regulations provide that the Department of Public Health may impose measures by emergency order as are necessary to prevent the spread of such disease;

NOW, THEREFORE, Dr. Cheryl Bettigole, Commissioner of the City of Philadelphia Department of Public Health, pursuant to all authority granted under The Philadelphia Code, the Regulations of the Board of Health of the City of Philadelphia and applicable state law, hereby **ORDERS** as follows:

SECTION 1: Definitions.

A. “**Approved COVID-19 Vaccine**” means a vaccine that has been authorized or approved by either the Food and Drug Administration or the World Health Organization to prevent COVID-19, whether for emergency use or otherwise.

B. “**Completed Vaccination Series**” means the second dose in a two-dose series of an Approved COVID-19 Vaccine or a single dose in a one-dose Approved COVID-19 Vaccine.

C. “**Consolidated Safety Measures**” means the Consolidated and Restated Safety Measures for a Continued Full Reopening to Prevent the Spread of 2019 Novel Coronavirus

(COVID-19) issued by the Board of Health at Attachment A to the Third Consolidated and Restated Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Consolidated State Measures for Full Reopening and Delegation of Authority), as it has been amended.

D. “**Essential Business**” means a grocery store, pharmacy, doctor’s office, emergency or urgent care medical facility, or similar facilities patronage of which is essential for daily living or needed on an emergency basis.

E. “**Indoor**” means a location enclosed by three or more walls or other non-permeable barriers and an overhead covering, such as a roof or a tent top. Tents with one side open are considered indoor spaces. In contrast, a space that is fully open on two or more sides is considered an outdoor space.

SECTION 2: Reinstatement of Masking Requirement in Indoor Places, Including Schools.

In addition to the current masking requirements set forth in Section 1(A) of the Consolidated Safety Measures, no business, organization, or other establishment shall allow an individual entrance into any indoor location identified below that is controlled by such business, organization or other establishment unless such individual is wearing a face mask or other face covering recommended by the Department of Health:

A. While indoors at all public and private schools (kindergarten through twelfth grade), camps, early childhood education, and other childcare settings operating in the City; including any transportation to and from such school provided by the school or childcare setting.

B. While at any indoor settings not otherwise specified in Section 1(A) of the Consolidated Safety Measures, other than private homes, unless a business, organization, or other establishment operating at the setting requires everyone on site to have received a Completed Vaccination Series; has instituted a reasonable procedure for confirming vaccination status of staff, customers, and any other individuals present; and is not an Essential Business.

C. The exceptions set forth in Section 1(B) (“Exceptions”) of the Consolidated Safety Measures shall apply in connection with these requirements.

SECTION 3: Interpretation and Implementation.

A. Except to the extent of a direct conflict, this Order shall be interpreted as consistent with applicable orders and requirements of the Commonwealth of Pennsylvania. In the event of a direct conflict, the most restrictive order or requirement controls. The City shall continue

reviewing inquiries and submissions regarding the applicability of the City's orders to businesses and activities.

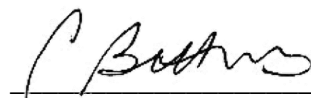
B. Consistent with prior emergency health orders of the City, this Order does not apply to government operations of the City of Philadelphia. Individuals interacting with government officers and employees must comply with the requirements of this Order and other City orders and guidance.

C. The failure of a business, organization, or other establishment to comply with this Order shall result in orders to cease operations and the imposition of penalties, fines, license suspensions, and other remedies as provided for by law, including such penalties and remedies set forth in the April 29, 2020, Emergency Regulation of the Board of Health Governing the Control and Prevention of COVID-19 Pertaining to Fines and Penalties. Fines and penalties shall not be applicable to individuals.

SECTION 4: Effective Period. This Order shall be effective April 18, 2022, at 12:01 a.m. and shall cease to be effective upon the Commissioner's determination and certification to the Board and the Mayor that Philadelphia has once again entered the "All Clear" COVID-19 response level because two (2) or more of the following three (3) metrics have been reached:

- The average daily case count of reported COVID-19-cases for the prior seven (7) days is less than 100.
- Hospitalizations related to COVID-19 cases are under 50.
- The average daily case count for reported COVID-19 cases has not risen by more than 50% in the prior ten (10) days.

Date: April 14, 2022



Cheryl Bettigole, MD, MPH
Health Commissioner
City of Philadelphia