

ORDINANCE NO. _____

An ordinance adding Article 10 to Chapter XX of the Los Angeles Municipal Code to require proof of full vaccination with a COVID-19 vaccine to enter certain indoor public locations, large events, and City buildings.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section. 1. Article 10 is added to Chapter XX of the Los Angeles Municipal Code to read as follows:

ARTICLE 10

**PROOF OF FULL VACCINATION WITH A COVID-19 VACCINE REQUIRED TO
ENTER CERTAIN PUBLIC LOCATIONS**

SEC. 200.120. PURPOSE.

The COVID-19 pandemic remains a significant challenge in the City of Los Angeles, particularly in light of the highly contagious delta variant. COVID-19 daily cases and community transmission remain high and, according to health experts, are likely to increase during the coming weeks because respiratory viruses spread more easily in the fall and winter months. The United States Centers for Disease Control and Prevention, California Department of Public Health, and County of Los Angeles Department of Public Health (DPH) uniformly recommend widespread vaccination in order to combat the spread of COVID-19, protect those who cannot be vaccinated by reason of age, safeguard the capacity of the local health care system, and prevent unnecessary and premature deaths. Although vaccines are widely available in the City, many eligible residents are not yet vaccinated. If there is not a significant increase in vaccination coverage, local health experts warn that there will be a cycle of repeated surges every few months. The City has an interest in increasing vaccination rates which, in turn, will help stem the spread of COVID-19 and protect its residents against a disease that threatens the health, safety, and wellbeing of everyone.

On August 24, 2021, the DPH issued a memorandum titled Evaluation of COVID-19 Vaccine Requirements for Indoor Public Spaces, which explained that “[b]ecause Los Angeles County is and has remained at a level of high community transmission, additional layers of protection in certain indoor settings where COVID-19 transmission is more likely to occur must be considered to avoid further negative impacts to the populous and business community.” DPH recommended a vaccination requirement for “indoor public settings that present a higher risk of transmission . . . because of exceptions to the universal indoor masking requirement, increased levels of physical exertion by customers, or large numbers of people at an establishment or the close proximity of employees and/or customers for long periods of time.” DPH allowed for municipalities to require more stringent measures.

On September 17, 2021, DPH issued an Order titled Responding Together at Work and in the Community (Order) with the stated goal of slowing the continuously high trends in and level of transmission of COVID-19. The Order advises “[t]he best way to reduce the current level of community transmission and to prevent future surges is for everyone who is eligible, including those who have recovered from a COVID-19 infection, to get fully vaccinated as soon as possible.” Specifically, the DPH Order mandates proof of vaccination or a negative COVID-19 test for Mega Events defined as event with large crowds, including indoor events with greater than 1,000 attendees and outdoor events with greater than 10,000 attendees. The DPH Order also requires proof of vaccination for all indoor spaces at bars, breweries, wineries, distilleries, nightclubs, and lounges. The locations covered under the DPH Order are required to follow the mandates of the Order. The Order also strongly recommends that operators of all restaurants verify the COVID-19 vaccination status of their patrons for indoor service. The Order does not supersede any stricter limitation imposed by a local public entity and, in announcing the Order, the DPH applauded cities across the County for creating additional safeguards in spaces where people are intermingling with the use of targeted vaccination mandates.

In light of the DPH’s guidance, requiring vaccination of all eligible individuals who frequent recreational indoor businesses that allow groups of unassociated individuals to interact for long periods of time where patrons remove their masks to eat or drink, engage in heavy physical exertion, or do not adequately physically distance, will provide the strongest protection to the health and safety of the City’s residents, including those who for reasons of age cannot be vaccinated. Requiring vaccination or proof of a negative COVID-19 test for large outdoor events between 5,000 and 9,999 attendees also will address several factors that increase the risk of transmission at those events, including crowding, prolonged duration, removal of masks for eating or drinking, and the increased likelihood contagious persons are present when a larger number of people are gathered. Additionally, requiring vaccination for individuals who enter City buildings will protect the health and safety of the City’s workforce who themselves must be vaccinated and will protect the public health at large. These requirements also offer an alternative approach to stringent public health measures such as complete business closures that have been implemented previously. The City of Los Angeles Department of Airports must follow federal regulations concerning air travel and should consider best practices employed by other large airports with respect to protecting its employees and travelers.

The City therefore seeks to promote the health, safety, and welfare of its residents, to protect its workers, and to encourage vaccination, by requiring proof of full vaccination with a COVID-19 vaccine to enter recreational locations and events within the City that routinely allow for higher-risk interaction, and City buildings where City workers put themselves at risk to provide services to the general public. On the premises of these establishments, implementation of a vaccination requirement is critical in order to protect the City’s employees, residents, visitors, and businesses, while also attempting to avoid future shutdowns and maintain the City’s economic

recovery. Nothing herein shall be interpreted to supersede or modify any Orders issued by the DPH, State Public Health Officer, or federal government.

SEC. 200.121. DEFINITIONS.

The following definitions shall apply to this article.

- A. **City** means the City of Los Angeles.
- B. **Citation** means an Administrative Citation issued pursuant to Article 1.2 of Chapter 1 of this Code.
- C. **City Building** means the Indoor Portion of any building, structure, or premises belonging to or under the control of the City.
- D. **Covered Location** means any of the following locations in the City:
 - 1. Establishments where food or beverages are served, including, but not limited to, restaurants, bars, fast food establishments, coffee shops, tasting rooms, cafeterias, food courts, breweries, wineries, distilleries, banquet halls, and hotel ballrooms;
 - 2. Gyms and fitness venues, including, but not limited to: gyms, recreation facilities, fitness centers, yoga, pilates, cycling, barre, and dance studios, hotel gyms, boxing and kickboxing gyms, fitness boot camps, and other facilities used for conducting indoor group fitness classes;
 - 3. Entertainment and recreation venues, including, but not limited to, movie theaters, music and concert venues, live performance venues, adult entertainment venues, commercial event and party venues, sports arenas, convention centers, exhibition halls, museums, malls, shopping centers, performing arts theaters, bowling alleys, arcades, card rooms, family entertainment centers, play areas, pool and billiard halls, and other recreational game centers;
 - 4. Personal care establishments, including spas, nail salons, hair salons, barbershops, tanning salons, estheticians, skin care and cosmetology services, body art professionals, piercing shops, and massage therapy, except as medically required.

A Covered Location does not include any location that does not have an Indoor Portion. A Covered Location does not include any location that is required by a DPH Order to check proof of COVID-19 vaccination status prior to providing indoor service.

Nothing in this article shall be interpreted to preclude locations in the City that are not included in the above list from issuing vaccination requirements. Nothing in this

article shall be interpreted to preclude Covered Locations from issuing more stringent requirements than required by this article.

E. **COVID-19** means coronavirus disease 2019, the infectious disease caused by the SARS-CoV-2 virus that resulted in a global pandemic, including variants thereof.

F. **COVID-19 Vaccine** means a vaccine authorized to prevent COVID-19 by the United States Food and Drug Administration (FDA), including by way of an emergency use authorization, or by the World Health Organization (WHO).

G. **Full Vaccination/Fully Vaccinated** means 14 or more days after completing the entire recommended series of vaccination with a COVID-19 Vaccine. Currently, an individual is considered Fully Vaccinated at least two weeks after receiving a second dose of the Pfizer or Moderna COVID-19 Vaccine or two weeks after receiving the single dose of the Johnson & Johnson Janssen COVID-19 Vaccine.

H. **Individual Eligible for a COVID-19 Vaccine** means a person for whom a COVID-19 Vaccine is authorized for use by the FDA, including by way of an emergency use authorization or, in the case of a foreign visitor or traveler, a person for whom a COVID-19 Vaccine is authorized by the WHO.

I. **Indoor Portion** means any part of a Covered Location or City Facility with a roof or overhang that is enclosed by at least three walls, except that the following will not be considered an Indoor Portion: (1) a structure on the sidewalk or roadway if it is entirely open on the side facing the sidewalk; and (2) an outdoor dining structure for individual parties, such as a plastic dome, if it has adequate ventilation to allow for air circulation.

J. **Non-resident Performer** means a non-resident performing artist, non-resident professional athlete or sports team, or non-resident individual accompanying a performing artist or sports team as part of their regular employment.

K. **Outdoor Large Event** means an outdoor event with between 5,000 and 9,999 attendees. An Outdoor Large Event includes conventions, conferences, expos, concerts, shows, nightclubs, sporting events, live events and entertainment, fairs, festivals, parades, theme parks, amusement parks, water parks, large private events or gatherings, marathons or endurance races, and car shows. Outdoor Large Events may have either assigned or unassigned seating, and may be either general admission or gated, ticketed, and permitted events.

L. **Patron** means an Individual Eligible to Receive a COVID-19 Vaccine who enters, patronizes, attends an event, or purchases goods or services at a Covered Location or Outdoor Large Event.

M. **Photo Identification** means an original or copy of an identification card, including:

1. Driver's license;
2. Government issued identification card;
3. School or work identification card; or
4. Passport.

N. **Proof of Negative COVID-19 Test** means a printed document, email or text message displayed on a phone, from a test provider or laboratory that shows results of a polymerase chain reaction (PCR) or antigen COVID-19 test that either has Emergency Use Authorization (EUA) by the U.S. Food and Drug Administration or is operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services, that was conducted within 72 hours before entry into a Covered Location, City Facility, or Outdoor Large Event. The printed document, email, or text message must include the person's name, type of test performed, date of the test, and negative test result.

O. **Proof of Vaccination** means one of the following demonstrating proof of Full Vaccination:

1. A vaccination card issued by the United States Centers for Disease Control and Prevention (CDC) COVID-19 vaccination card, which includes the name of the person vaccinated, type of vaccine provided, and date last dose administered, or similar documentation issued by another foreign governmental agency;
2. A photo of a vaccination card (both sides), compliant with Subsection O.1, above, as a separate physical photograph or stored on a phone or electronic device;
3. Documentation of vaccination from a licensed healthcare provider;
or
4. A personal digital COVID-19 vaccine record issued by the State of California or similar documentation issued by another state, local, or foreign governmental jurisdiction, or by a private company. California residents can visit the State of California's Digital COVID-19 Vaccine Record website at myvaccinerecord.cdph.ca.gov and download a QR Code on a phone.

SEC. 200.122. PROOF OF VACCINATION REQUIRED FOR A PATRON TO ENTER INDOOR PORTION OF A COVERED LOCATION.

A. Beginning on October 21, 2021, a Covered Location shall display prominently on its premises, visible to Patrons prior to entrance, an advisory notice informing Patrons that, beginning on November 4, 2021, Proof of Vaccination is required to enter any Indoor Portion of a Covered Location.

B. Beginning on November 4, 2021, a Covered Location shall require each Patron to provide Proof of Vaccination upon entering an Indoor Portion of a Covered Location. A Covered Location shall require Proof of Vaccination upon the Patron's first in-person interaction with staff. A Covered Location is required to cross-check Proof of Vaccination for each Patron who appears to be 18 years of age or older against Photo Identification. Subject to the exemptions below, a Patron shall not be permitted to enter an Indoor Portion of a Covered Location without Proof of Vaccination.

1. A Patron may be exempt from the requirements of this section if they are entitled under any applicable law to a reasonable accommodation for a medical condition or restriction or a sincerely held religious belief, as follows.

a. To be eligible for an exemption due to a medical condition or restriction, the Patron must provide the Covered Location with a self-attestation that the Patron has a medical condition or restriction that qualifies the Patron for the exemption.

b. To be eligible for an exemption due to a sincerely held religious belief, the Patron must provide the Covered Location with a self-attestation that the Patron has a sincerely held religious belief that qualifies the Patron for the exemption.

2. If a Covered Location determines a Patron has met the requirements of an exemption pursuant to this section because of a medical condition or restriction or sincerely held religious belief, the Covered Location shall require the Patron to use the portion of a Covered Location that is not an Indoor Portion. If such use is not available, the Patron may be permitted to enter an Indoor Portion of a Covered location by providing Proof of Negative COVID-19 Test and Photo Identification.

3. A Patron who does not provide Proof of Vaccination and who does not qualify for an exemption may use the portion of a Covered Location that is not an Indoor Portion. A Patron who does not provide Proof of Vaccination may be allowed to enter an Indoor Portion of a Covered Location for brief and limited periods of time to use the restroom, order, pick-up, or pay for food or drink "to-go," or perform necessary repairs, provided that the Patron wears a well-fitting mask at all times while in the Indoor Portion of the Covered Location. To the extent feasible, a Covered Location may offer service outside for a Patron who

does not provide Proof of Vaccination, including curbside pickup, drive thru, delivery, and outdoor seating and dining.

4. This section does not apply to a Non-resident Performer, who enters a Covered Location for purposes of performing or competing.

C. A Covered Location must develop and keep a written record describing the protocol for implementing and enforcing the requirements of this article.

SEC. 200.123. PROOF OF VACCINATION REQUIRED TO ENTER AN INDOOR PORTION OF A CITY FACILITY.

A. Beginning on October 21, 2021, a City Facility shall display prominently on its premises, visible to any persons upon entrance, an advisory notice that, beginning on November 4, 2021, Proof of Vaccination is required to enter any Indoor Portion of a City Facility.

B. Beginning on November 4, 2021, an Individual Eligible for a COVID-19 Vaccine shall provide Proof of Vaccination upon entering an Indoor Portion of a City Facility. A City employee at a City Facility is required to cross-check Proof of Vaccination for each individual who appears to be 18 years of age or older against Photo Identification.

C. An Individual Eligible for a COVID-19 Vaccine who does not provide Proof of Vaccination will be provided alternative arrangements for access to government services, to be determined on a case-by-case basis by each department, including, but not limited to, online or remote service, service outdoors, or providing Proof of Negative COVID-19 Test prior to entering any Indoor Portion of a City Facility.

D. This section does not apply to any individual City employee or contractor covered by the COVID-19 Vaccination Requirement for all Current and Future City Employees, Los Angeles Administrative Code Section 4.700 et seq. This section does not apply to a Non-resident Performer who enters a City Facility for purposes of performing or competing.

SEC. 200.124. PROOF OF VACCINATION OR PROOF OF NEGATIVE COVID-19 TEST REQUIRED TO ATTEND OUTDOOR LARGE EVENT.

Beginning on November 4, 2021, an operator of an Outdoor Large Event that is ticketed or held in a defined space with controlled points of entry must verify Proof of Vaccination or Proof of Negative COVID-19 Test for each Patron, prior to entry to the event. An Outdoor Large Event is required to cross-check Proof of Vaccination or Proof of Negative COVID-19 Test for each Patron who appears to be 18 years of age or older against Photo Identification. This section does not apply to a Non-resident Performer, who enters an Outdoor Large Event for purposes of performing or competing.

SEC. 200.125. COMPLIANCE.

A. An operator of a Covered Location or Outdoor Large Event may be issued a Citation for violation of any provision of this article and shall be subject to the following fines:

1. A warning and a notice to correct for a first violation;
2. An administrative fine of \$1,000 for a second violation;
3. An administrative fine of \$2,000 for a third violation;
4. An administrative fine of \$5,000 for a fourth and each subsequent violation.

B. This section shall be enforced beginning on November 29, 2021.

SEC. 200.126. RULES AND REGULATIONS.

The Economic and Workforce Development Department shall promulgate and update as necessary Rules and Regulations consistent with this article for further clarification of the provisions of this article.

SEC. 200.127. SEVERABILITY.

If any subsection, sentence, clause or phrase of this article, or its application to any person or circumstance, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article, including its application to other persons or circumstances. The City Council hereby declares that it would have adopted this article and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional.

SEC. 200.128. NO CONFLICT WITH FEDERAL OR STATE LAW.

Nothing in this article shall be interpreted so as to create any power or duty in conflict with any state or federal law.

SEC. 200.129. SUNSET.

This article shall sunset upon the lifting of the Declaration of Emergency declared by the Mayor of Los Angeles on March 4, 2020.

Sec. 2. Urgency Clause. The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: Establishing a vaccination requirement for patrons in certain higher-risk locations in the City of Los Angeles is a subject of imminent concern in light of the current and ongoing hazards of the COVID-19 pandemic, including the continuous high rate of community transmission, and the current data on the safety and efficacy of the COVID-19 vaccines. To promote the health and safety of the residents and employees of the City of Los Angeles, this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  for
DANIA MINASSIAN
Deputy City Attorney

Date 9-24-2021

File No. 21-0878

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____