

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: *November 04, 2021*

TO: Honorable Members of the City Council

FROM: Sharon M. Tso *smtso*
Chief Legislative Analyst

Council File No. 21-0878
21-0878-S2
Assignment No. 21-11-0821

Implementation Plan - Proof of a COVID-19 Vaccination Required to Enter Certain Public Locations

SUMMARY

On October 6, 2021, the City adopted an ordinance to require proof of a COVID-19 vaccination to enter the indoor portions of food establishments, gyms, entertainment and recreational locations, personal care establishments, and outdoor events within the City, as well as certain City facilities (Council File: 21-0878). This report provides information regarding ordinance implementation, requests funding for City departments responsible for outreach, enforcement, and administration, and responds to Council's inquiries during its consideration of the ordinance on October 6, 2021. This report also provides information regarding ordinance implementation by City departments, and the issuance of initial rules and regulations to assist with public compliance.

The proof of vaccination program was initiated under the title of "SafePass LA." This report recommends that the Council provide funding over a six-month period (November 2021 through April 2022) supported by the COVID-19 Emergency Response account, with funding or position authority for 1) outreach by the Economic and Workforce Development Department (EWDD); 2) public engagement and enforcement by the Department of Building and Safety (DBS); and, 3) administration of fines and hearings by the City Attorney's Office. In response to Motion (Martinez - O'Farrell, Harris-Dawson, Raman), this report also recommends funding for the VaxUpLA program, which is managed by the Community Investment for Families Department (CIFD), to encourage and promote community vaccination. Finally, this report responds to amending Motion (Kortez - Martinez), which instructs our Office to report on a) allowing malls to post signage at all entrances stating that a vaccination is required for entry and that failure to comply may be grounds to deny entry, and b) a provision that would require businesses who receive a notice to correct or an Administrative Citation Enforcement (ACE) violation to place that notice in a prominent location at the entrance of the establishment.

RECOMMENDATIONS

1. Request the City Attorney to amend Ordinance No. 187219 with an urgency clause to:
 - a. Authorize the Department of Building and Safety, or an authorized enforcement officer, to issue administrative citations pursuant to Los Angeles Municipal Code, Article 1.2 - Administrative Citation Enforcement program, for violations occurring at specified locations;

- b. Delete malls and shopping centers from the entertainment and recreation venues specified under Section 200.121 D. 3;
 - c. Add a provision that would require businesses who receive a notice to correct or administrative violation to place the notice in a prominent location at the entrance to their establishment for 30 days; and,
 - d. Revise the definition of “Individual Eligible for a COVID-19 Vaccine” in Section 200.121 H. to mean an individual 12 years or older.
- 2. Authorize the City Controller to transfer \$400,000 from the Unappropriated Balance, Fund No. 100, Department 58, Account No. 580350, COVID-19 Emergency Response to the Building and Safety Fund No. 100-88, Account No 001090 (Salaries Overtime) to undertake outreach and inspections by the Code Enforcement Bureau, with fund transfers based upon a schedule provided by the Chief Legislative Analyst.
 - 3. Transfer \$184,207 from the Unappropriated Balance, Fund No. 100, Department 58, Account No. 580350, COVID-19 Emergency Response to the Economic Workforce Development Department, General Fund Various Program Fund No. 551, to be appropriated under Account No. 22VXXX, titled "Safe Pass LA," of which \$174,207 is for salaries and \$10,000 for marketing materials and education.
 - 4. Authorize Resolution Authority without funding for one (1) Deputy City Attorney III and one (1) Paralegal I/II in the Office of the City Attorney for the Administrative Code Enforcement program to manage administrative appeals and related tasks.
 - 5. Authorize the City Attorney, in coordination with the Chief Legislative Analyst and Department of Building and Safety, to negotiate a Cooperative Agreement with the Los Angeles County Department of Public Health to provide outreach and enforcement of certain locations specified in Ordinance No. 187219, and report to Council for review and consideration.
 - 6. Transfer \$500,000 from the Unappropriated Balance, Fund No. 100, Department 58, Account No. 580350, COVID-19 Emergency Response to the Community Investment for Families Fund 100/21, Account No. 003040, Contractual Services for the VaxUp LA program.
 - 7. Instruct the Chief Legislative Analyst to report to Council if the Los Angeles County Department of Public Health lifts countywide requirements for vaccine verification as specified in the September 17, 2021 revised Health Order.

FISCAL IMPACT

There is no impact to the General Fund. The 2021-22 Adopted Budget included appropriations to address ongoing COVID-19 response efforts, including \$25 million in the Unappropriated Balance. On November 2, 2021, the Council approved a transfer of \$15 million from the

Unappropriated Balance for testing, vaccinations, and Federal Emergency Management Agency reimbursement support, leaving a balance of \$10 million in the COVID-19 Emergency Fund (Council File: 21-0600-S2).

The recommendations in this report total \$1,084,207. If the recommendations are approved, a balance of \$8,915,793 will remain in the Unappropriated Balance for COVID-19 response efforts.

DISCUSSION

On October 6, 2021, the City adopted an ordinance to require proof of a COVID-19 vaccination to enter the indoor portions of food establishments, gyms, entertainment and recreational locations, personal care establishments, and outdoor events within the City, as well as certain City facilities. Our Office has been collaborating with the EWDD, DBS, Emergency Management Department (EMD), and the Mayor's Office to ensure implementation of the program in a timely manner. Our Office has also been working regularly with the Los Angeles County Department of Public Health (DPH) to clarify aspects of the City and County's respective proof of vaccination requirements to the business community. The information provided below summarizes implementation activity since the City's adoption of the ordinance.

Public Outreach

On October 22, 2021, EWDD launched "SafePass LA," a webpage that will serve as a resource to educate the public, provide sample advisory notices for the business community, and offer additional details concerning the proof of vaccination requirement. Our Office coordinated with the City Attorney's Office and EWDD to release initial rules and regulations to assist with ordinance compliance (Attachment 1). The rules and regulations are in the form of a "Frequently Asked Questions" document so that it may be easily understood by the public and business community. Since the ordinance was adopted by Council and Mayor, our Office has conducted a significant amount of outreach, providing clarification on enforcement and application. The rules and regulations will be updated periodically to address issues that are not explicitly addressed in the ordinance.

EWDD will continue its outreach efforts through the Business Resource Unit and BusinessSource Centers. To effectively manage the program, our Office is recommending six-months funding in the amount of \$184,207, of which \$174,207 is for salaries and \$10,000 for marketing materials and education.

- **VaxUpLA**

Motion (Martinez - O'Farrell, Harris-Dawson, Raman), adopted by the Council on August 11, 2021, instructed CIFD to report on how to expand the VaxUpLA campaign and the resources necessary for a citywide outreach and education program for COVID-19 vaccinations. CIFD reports that they previously executed a contract with the Koreatown Youth and Community Center to undertake community based outreach and education in communities of color throughout the City (Council File: 21-0878-S2). The initial program was funded with supplemental Community Development Block Grant funds through the Coronavirus Aid, Relief, and Economic Security Act (Council File: 20-1515). VaxUpLA utilized a multi-channel, multilingual outreach and awareness strategy that included outdoor advertising, free media coverage, targeted social media and web ads, and print advertisement in ethnic newspapers across the City in nine languages: Armenian,

Chinese, English, Farsi, Korean, Russian, Spanish, Tagalog, and Thai. CIFD proposes to continue the program with an emphasis on reaching youth, including families with children between five to 11 years old as this age category was recently authorized to be vaccinated. CIFD reports that the program may also assist in educating the public concerning the SafePass LA program. This report recommends an appropriation of \$500,000 to continue the VaxUpLA program through the end of the fiscal year.

Enforcement

Beginning on November 8, 2021, a covered location is required to display an advisory notice informing patrons that a proof of vaccination is required to enter any indoor portion of a covered location. In addition, a covered location must develop and keep a written record describing the protocol for implementing the ordinance. In coordination with our Office and the City Attorney, EWDD is providing electronic versions of the advisory notice and will also provide a sample proof of vaccination protocol for download on the SafePass LA website. A printed copy of the Frequently Asked Questions document will also satisfy the obligation to maintain a business protocol for enforcing the ordinance.

Our Office, in coordination with the City Attorney's Office, discussed various enforcement options regarding the proof of vaccination requirement. The DBS Code Enforcement Division conducts residential and commercial inspections and maintains protocols that could be applied to the enforcement of the proof of vaccination ordinance. In addition, DBS noted that during the early stages of the COVID-19 pandemic, the Mayor's Office instructed the department to serve as business ambassadors to encourage compliance with the indoor mask requirement. Our Office recommends an amendment to the ordinance to authorize DBS to issue citations for the proof of vaccination requirement under the ACE program. Our Office further recommends that DBS be provided with six months of overtime funding from the Unappropriated Balance - COVID-19 Emergency Response for outreach and enforcement purposes.

The enforcement of the ordinance begins on November 29, 2021. However, to properly educate businesses of the new requirements, as well as to train and incorporate inspection protocols among DBS Code Enforcement staff, DBS will emphasize outreach and education activities during the months of December 2021 and January 2022. Our Office has held a number of coordination meetings with DBS to ensure a consistent enforcement approach, as well as coordination with existing DPH protocols and guidance. Therefore, DBS inspectors will encourage compliance through a complaint driven outreach process. DBS has coordinated with the 311 call center to appropriately address questions from the public and to refer complaints to a new portal that will be accessible on the DBS website.

In response to amending Motion (Koretz-Martinez), our Office also recommends that the Council request the City Attorney to add a provision that would require businesses who receive a notice to correct or an administrative violation to place the notice in a prominent location at the entrance to their establishment for 30 days. This additional requirement would be enforceable under the ACE program. Our Office will work with DBS to incorporate this provision into their inspection protocols.

- Supplemental Outreach and Enforcement

Due to the number of covered locations specified in the ordinance, our Office has been meeting regularly with DPH to discuss a potential Cooperative Agreement to assist with supplemental outreach and enforcement efforts. The City maintains an existing agreement with DPH that allows for enforcement of ordinances relating to public health, as well as specified cost reimbursement for inspection activities. The City Attorney's Office reports that DPH inspectors are authorized to issue ACE citations through a cooperative agreement with the City.

DPH Environmental Health inspectors regularly visit certain covered locations in which they issue permits, such as restaurants and movie theaters. These regular DPH inspections may provide an opportunity to further coordinate proof of vaccination outreach and enforcement efforts, which may include issuing citations or referring a non-compliant business to DBS for further review. Our Office recommends that the Council authorize the City Attorney, CLA, and DBS to negotiate a Cooperative Agreement with DPH and report to Council for consideration.

City Facilities and Essential Services

Ordinance Section 200.123 requires proof of vaccination to enter an indoor portion of a City facility. On October 14, 2021, our Office, in coordination with the Mayor's Office, City Attorney's Office, and EMD, conducted a briefing for all departments participating in the COVID-19 Public Safety Officer meeting. City departments with public facing facilities are responsible for developing protocols to enforce the proof of vaccination requirement. The department protocols will be incorporated into their reconstitution plans, which are coordinated by EMD.

City departments have been requested to work closely with their respective General Counsels to ensure the public has equal access to City services. City departments are encouraged to provide alternative service delivery options, if possible. If an alternative service delivery option is not viable, the patron will be educated about the proof of vaccination ordinance, and provided the service. As many City facilities are not currently open to the public, this will allow departments time to develop appropriate protocols.

Our Office has been working with the City Attorney's Office to review City services that are considered essential, and therefore, not subject to the provisions of the ordinance. These City facilities or activities include:

- Police Department facilities.
- Fire Department facilities.
- Housing solutions and services for people experiencing homelessness, such as A Bridge Home sites, Tiny Homes, Project Roomkey, Winter Shelters, and other facilities and activities that serve the homeless community, including food pantries and soup kitchens.
- Department of Recreation and Parks operated cooling centers, evacuation centers, and other locations and activities that respond to community health and safety.

Our Office, in coordination with the City Attorney's Office, will continue to work with City departments on appropriate compliance with the proof of vaccination ordinance.

Other Proposed Amendments to the Ordinance

The COVID-19 pandemic presents a number of changing circumstances, and the City's response activities should be flexible to match these conditions. Our Office recommends certain amendments to the proof of vaccination ordinance to properly implement the SafePass LA program, as detailed below:

- **Malls and Shopping Centers**

Amending Motion (Kortez - Martinez), adopted on October 6, 2021, instructs our Office to report on allowing malls to post signage at all entrancing stating that a vaccination is required for entry and that failure to comply may be grounds to deny entry. Our Office held a number of meetings with representatives from shopping mall operators. The ability for a mall operator to effectively manage and control each entryway into their facility presents a unique challenge. Therefore, this report recommends that the Council request the City Attorney to delete malls and shopping centers from the entertainment and recreation venues specified under Section 200.121 D. 3. However, food courts, as well as other food and drinking establishments within a mall will continue to be considered a covered location under the ordinance. To ensure that patrons are aware that the ordinance applies to certain establishments within malls, our Office recommends that the rules and regulations include a requirement for malls to post signage at all entrances stating that a vaccination is required for eating and drinking at food courts and other indoor dining locations.

Application to Individuals 12 Years or Older

On October 29, 2021, the United States Food and Drug Administration (FDA) authorized the emergency use of the Pfizer - BioNTech COVID-19 vaccine for children 5 through 11 years of age. The authorization was based on the FDA's evaluation of data and input from an independent advisory committee of experts who voted in favor of making the vaccine available to children in this age group. Currently, the proof of vaccination ordinance applies to all individuals for whom a COVID-19 vaccine is authorized for use by the FDA.

In consideration of the effort needed to educate and implement vaccinations to this age group, this report recommends that the Council request the City Attorney to revise the definition of "Individual Eligible for a COVID-19 Vaccine" in Section 200.121 H. to mean an individual 12 years or older, which is consistent with guidance provided by DPH.

Existing Laws to Protect Employees at Covered Locations

During the Council's deliberation of the ordinance, a concern was raised that there may be instances in which a patron may vigorously object to providing proof of a COVID-19 vaccination. The City Attorney's Office reports that criminal penalties exist for trespass and assault. If there is a situation in which a significant dispute arises, members of the public may wish to call 911 to request a response from the Los Angeles Police Department. EWDD's Frequently Asked Questions document published on the SafePass LA website notes that if there is a verbal or physical altercation that appears to threaten life or property, businesses should call 911 to report an emergency situation.

Liability Issues Regarding Equal Treatment – Unruh Act and Disability Access

During the Council's deliberation of the ordinance, our Office was requested to review how the ordinance will ensure equal treatment of patrons, particularly relating to the Unruh Act and

disability access. The Unruh Civil Rights Act provides protection from discrimination by all business establishments in California, which may include governmental and public entities as well. The language specifically outlaws discrimination in housing and public accommodations based on sex, race, color, religion, ancestry, national origin, disability, medical condition, sexual orientation, or immigration status, among other characteristics. The Unruh Act is meant to cover all arbitrary and intentional discrimination by a business establishment on the basis of personal characteristics as those listed above.

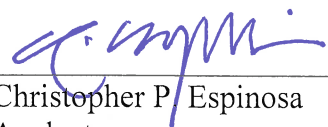
The Americans with Disabilities Act prohibits public accommodations from applying eligibility criteria that screen out or tend to screen out a person with a disability, or any class of people with disabilities, unless they qualify as legitimate safety requirements necessary for the safe operation of the facility. To meet this standard, the safety requirements must be based on actual risks, and not speculation, stereotypes or generalizations.

The City's proof of vaccination ordinance is consistent with health orders recently enacted by the DPH, and the cities of West Hollywood, San Francisco, New York, and Honolulu, among other municipalities. The goal of the SafePass LA program is to institute a set of reasonable rules to ensure the public's safety while the pandemic and particular COVID-19 variants continue to persist. The ordinance provides reasonable accommodations for patrons who do not or cannot provide proof of vaccination by allowing an exemption for a medical condition or a sincerely held religious belief, as specified under Section 200.122 (B). A patron may request an exemption by verbal self-attestation that they qualify. An employee of a covered location does not have to seek additional confirmation of the exemption. In the case of a restaurant, an exemption to the ordinance allows a patron to either dine in an outdoor area or, if an outdoor area is unavailable, to provide proof of a negative COVID-19 test taken 72 hours in advance of entry to the indoor area. To assist covered locations in navigating the rules specified in the ordinance, the DBS will continue to provide education and outreach activities during the months of December 2021 and January 2022.

Sunset Provision

During the Council's deliberation of the ordinance, a concern was raised about the sunset provision. Section 200.129 states that the ordinance will sunset upon the lifting of the Declaration of Emergency by the Mayor. Temporary emergency orders enacted by the Council since March 4, 2020 contain similar sunset provisions.

In consideration of the dynamic nature of the COVID-19 pandemic, this report recommends that our Office be instructed to report to Council if the DPH lifts its countywide requirements for vaccine verification as specified in the September 17, 2021 revised Health Order.



Christopher P. Espinosa
Analyst

ATTACHMENT 1

SafePass LA - Rules and Regulations, October 28, 2021

City of Los Angeles SafePass LA
Rules and Regulations - Frequently Asked Questions
As of October 28, 2021

This Frequently Asked Questions (FAQ) document is intended to assist covered locations in complying with SafePass LA (Ordinance No. 187219), which requires patrons of covered locations to demonstrate proof of full vaccination against COVID-19 before entering indoor spaces and large outdoor events within the City of Los Angeles.

SafePass LA only requires patrons of businesses to show proof of vaccination. Employees are not included in the SafePass LA program and therefore employers are not required to verify proof of vaccination for their employees, although they are strongly encouraged to do so. SafePass LA is effective November 8, 2021. Enforcement begins November 29, 2021.

Types of Establishments and Settings

1. What is SafePass LA?

SafePass LA is the set of requirements set forth in the Los Angeles Municipal Code, Section 200.120 et seq., which specifies that certain locations in the City of Los Angeles verify proof of a full COVID-19 vaccination prior to providing indoor service to patrons, and that outdoor large events verify proof of full vaccination or proof of a negative COVID-19 test.

2. What types of entities need to ask for proof of a COVID-19 vaccination under SafePassLA?

- The indoor portions of the following locations in the City of Los Angeles:
 - A. 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;
 - B. 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;
 - C. Entertainment and recreation venues, including, but not limited to, movie theaters, music and concert venues, live performances 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; and

D. 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.

- Outdoor events in the City of Los Angeles with an attendance between 5,000 and 9,999 individuals.

3. When does a covered location need to check for vaccination status?

Businesses must check for proof of vaccination upon the patron's first in-person interaction with staff. Outdoor events must check for proof of vaccination prior to entering the event.

4. What does fully vaccinated mean?

14 or more days after completing the entire recommended series of vaccination. 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.

5. What spaces are considered "indoors?"

"Indoor" spaces are those that have a roof or overhang and three or more walls. However, for purposes of SafePass LA, the following structures are considered outdoors, and operators do not need to check vaccination status at these locations:

- Structures on a sidewalk or roadway and entirely open on the side facing the sidewalk. (Warehouse type buildings with garage door openings facing the sidewalk are still considered indoor spaces.)
- An outdoor dining structure designed for individual parties (such as plastic domes) so long as the dome has adequate ventilation to allow for air circulation.

If a venue has both indoor and outdoor portions, only the indoor portion is covered by the SafePass LA requirements.

6. If my business is covered under SafePass LA, do I still have to require my patrons to wear masks when not actively eating or drinking?

Yes. SafePass LA does not modify any Health Orders issued by the Los Angeles County Department of Public Health.

7. If a covered location is being rented by a house of worship for a religious event, does the event organizer need to verify proof of vaccination?

No.

8. Does a house of worship need to require proof of vaccination at an indoor wedding reception or other gathering where food or drinks are being served?

Yes. The proof of vaccination requirement applies to indoor gatherings of all sizes hosted by houses of worship where food or drink are being served, such as a wedding reception. For clarity, proof of vaccination is not required where food or drink are served indoors briefly only as part of a religious ceremony (e.g., communion or kiddush).

9. What if the house of worship rents out its space to a non-religious event?

If the event qualifies as a covered location (for example, food or beverages are served indoors) then the event must follow SafePass LA guidelines.

10. I own a food service establishment that only offers take-out or delivery. Does my location have to comply with SafePass LA?

No.

11. My food service establishment only has outdoor dining, do I have to follow SafePass LA rules?

No.

12. My food service establishment offers both dine-in and take-out service. How do I comply with SafePass LA?

A covered location does not need to verify proof of vaccination for any individual ordering or picking up food to-go. However, they must wear a face mask while indoors. The covered location will need to verify proof of vaccination for any individual who wishes to dine in the indoor portion of the location.

13. Does a food retailer, such as a grocery store or other food market, need to check proof of vaccine?

SafePass LA applies to patrons who use an area for indoor dining. For example, a grocery store that provides table and chairs for patrons to sit and eat inside must check proof of vaccination for any patrons who use that area, if the business chooses to keep that area open for use.

14. Does SafePass LA apply to indoor dining, entertainment, personal care, and fitness settings in residences?

If the location is in a private residential building and only available to residents, SafePass LA does not apply.

15. Does SafePass LA apply to private clubs?

SafePass LA applies to any area inside the club that would qualify as a covered location, such as indoor areas where food or beverages are served or areas that contain an indoor gym or fitness venue.

16. What if an establishment has both indoor and outdoor areas?

If an establishment has both indoor and outdoor areas (for example, an indoor fitness center with an outdoor pool or a museum with indoor and outdoor spaces for patrons), only the indoor portion is covered by the SafePass LA requirements.

17. How does SafePass LA impact large outdoor events?

Outdoor events held at venues with a cumulative attendance over the period of the event between 5,000 and 9,999 are required to follow SafePass LA. Patrons are permitted to show a negative COVID-19 test taken within 72 hours of entry in lieu of proof of vaccination.

18. Are cafeterias and break rooms only accessible by employees covered by SafePass LA?

No.

19. What if an establishment is being used as a polling site for an election?

Polling sites do not require proof of vaccination of any individual who enters the establishment in order to vote, accompany a voter, or observe the election.

Verifying Proof of Vaccination

20. Can I pre-check my patrons before they arrive at the establishment?

No. Covered locations are required to check for vaccination status upon the first in-person interaction with staff. Outdoor event operators must verify proof of vaccination or a negative COVID-19 test in person, prior to entry to the event.

21. Who must display proof of a COVID-19 vaccination?

All individuals eligible for a COVID-19 vaccine. At the time this FAQ was prepared, only those 12 and older are eligible for a COVID-19 vaccine. An individual who turns 12 years old must show proof of a COVID-19 vaccination beginning 8 weeks after their 12th birthday.

22. Does SafePass LA require employees of covered locations to show proof of vaccination to their employer?

No.

23. Does SafePass LA require patrons who enter a covered location to pick up food “to-go” to show proof of vaccination?

Individuals who need to access the indoor portion of a covered location for a brief period of time do not need to show proof of vaccination for the following reasons:

- To use the restroom.
- To pick up a to-go order.
- To perform a service, such as check utilities, repairs, and deliveries.

These individuals must wear a face mask while indoors.

24. Do I need to check the identification of patrons along with their proof of vaccination?

Yes, but only if they appear over 18 years old. Acceptable forms of identification include the following:

- Driver's License
- Government Identification
- School or Work Identification
- Passport

Individuals may also show copies of their identification, including a photograph on their phone or by using an app that allows them to display a copy of their identification.

25. What about individuals enrolled in kindergarten through 12th Grade who are on a school trip (such as a museum) or participating in an after-school program?

Students enrolled in kindergarten through 12th Grade may enter an establishment without displaying proof of vaccination when on a field trip or participating in an after-school program.

However, these students must continue to follow the County Health Officer's Orders regarding vaccine verification at certain Indoor or Outdoor Mega Events. At the time this FAQ was prepared, only those 12 and older are eligible for a COVID-19 vaccine.

26. Are individuals allowed to use the bathroom or a locker room to change clothes without showing proof of vaccination?

Yes.

27. Do I need to check proof of vaccination for suppliers or vendors?

A covered location does not need to check proof of vaccination for individuals making deliveries or pickups, providing services or repairs, or for emergency or regulatory purposes. They must wear a face mask while indoors.

28. Do I need to check proof of vaccination for a customer picking up a to-go order?

A covered location does not need to check proof of vaccination for individuals entering an indoor facility for the sole purpose of getting to the outdoor portion of the facility, using the restroom, or picking up items such as food for takeout or delivery. Such individuals must wear a well-fitted mask.

29. Is vaccination verification required for private parties at a covered location?

Yes, vaccination verification and existing mask requirements apply to all indoor private parties that are held within any location covered by SafePass LA.

30. Will covered locations need to verify vaccination status for regulatory and repair service technicians entering the indoor area to perform a service? For example, water, and gas repair and maintenance contractors?

No. Temporary visitors that are in the facility to provide a regulatory or repair service will not be required to show proof of vaccination to enter indoor spaces of a facility. They must wear a face mask while indoors.

31. Will covered locations need to verify vaccination status for government workers entering a covered location?

No. Government employees who enter buildings for the purpose of performing official government duties are not covered by SafePass LA.

32. Does a covered location need to keep a patron's record of vaccine status or a record of the verification process?

No.

33. Do individuals need to show proof of vaccination to enter Los Angeles Police or Fire Department facilities?

No.

34. Do individuals need to show proof of vaccination to enter homeless facilities or food pantries?

No. Government agencies and other entities operating homeless shelters or similar facilities that house or provide meals or other necessities of life to individuals experiencing homelessness are not required to verify proof of vaccination.

35. Do individuals need to show proof of vaccination before entering LAX or any property controlled by Los Angeles World Airports, including Van Nuys Airport?

No.

36. What about nonresident performing artists, nonresident members of a professional athlete/sports team, and those nonresidents who are accompanying an artist, athlete/sports team. Do these individuals need to show proof of vaccination at the venue in which they are performing?

No.

Types of Proof of Vaccination

37. What types of proof of vaccination are sufficient?

1. A vaccination card issued by the U.S. Centers for Disease Control and Prevention (CDC), or similar documentation issued by another foreign governmental agency, such as the World Health Organization.
2. A photocopy of a vaccination card or a photograph stored on a phone or electronic device.
3. 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.

4. Documentation of a COVID-19 vaccination from a healthcare provider.

38. What if an individual refuses to show proof of vaccination?

An individual who refuses to show proof of vaccination may not enter the indoor area except for a quick and limited purpose, such as using the bathroom, picking up food, paying a bill, or changing in a locker room. The individual should also be wearing a mask.

39. What kind of proof must be shown to demonstrate a negative COVID-19 test?

Patrons can show a negative COVID-19 test in lieu of proof of vaccination to enter a large outdoor event with a cumulative attendance over the period of the event between 5,000 and 9,999. A negative COVID-19 test can also be used by patrons with a valid medical or religious exemption to enter an indoor area, if an outdoor space is not available.

Test results must be on a printed document, email, or text message displayed on a phone from a test provider or laboratory that shows results of a PCR or antigen COVID-19 test that was conducted within 72 hours before entry.

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.

Examples of a negative COVID-19 test result can be found [here](http://publichealth.lacounty.gov/media/Coronavirus/docs/HOO/Proof_neg_test.pdf).
(http://publichealth.lacounty.gov/media/Coronavirus/docs/HOO/Proof_neg_test.pdf)

A patron may not use a self-test/at-home test.

Required Signs and Documents

40. Is there any required signage for businesses to post?

Yes. An establishment covered by SafePass LA, must post a sign that notifies patrons about the vaccination requirement. An establishment may post a sign made available online at **SafePassLA.org**.

An establishment may also create its own sign, which must be at least 8.5 x 11 inches, use at least 20-point font, and include this text: "The City of Los Angeles requires you to be vaccinated against COVID-19 to enter this business. For more information regarding proof of vaccination, visit **SafePassLA.org**."

41. Where do I need to post the sign?

The sign must be posted in a location that is easily visible by patrons before they enter the indoor area.

42. Does SafePass LA require covered businesses to have a plan for how they will comply with checking for proof of vaccination?

Yes. SafePass LA requires businesses to keep a written record describing the protocol for implementing and enforcing the ordinance. A printed copy of this FAQ located at the business also satisfies this requirement.

Equitable Implementation & Reasonable Accommodations

43. Do I need to provide any reasonable accommodations to patrons?

A patron may be exempt from demonstrating proof of a COVID-19 vaccination if they are entitled to reasonable accommodation under an applicable law due to a medical condition or a sincerely held religious belief.

To be eligible for an exemption due to a medical condition or a sincerely held religious belief, a patron must provide the covered location with a verbal self-attestation that they qualify for the exemption. A covered location does not need to verify the validity of a self-attestation or ask for any documentation to confirm the exemption.

If the covered location determines that the patron has met the requirements of the exemption, the patron should be directed to use an outdoor area.

If an outdoor area is not available, the patron may be permitted to use an indoor area by providing proof of a negative COVID-19 test taken 72 hours prior to entry, along with photo identification.

Resources for Businesses

44. Is there any financing to help me with additional costs related to this ordinance?

The Economic and Workforce Development Department (EWDD) LA CARES Corps (<https://ewddlacity.com/index.php/lacarescorps>) has resources to assist your business with financing needs.

45. What if I need to hire additional staff?

EWDD's BusinessSource, WorkSource and YouthSource Centers are here to assist you. Find out more here. (<https://ewddlacity.com/index.php/employment-services>)

Enforcement

46. What should a restaurant or other private business do when a customer refuses to show proof of vaccination?

If a customer refuses to show their proof of vaccination, staff at a covered location should try to offer an alternative service method.

For example, a restaurant may offer the option to dine outdoors or to take the order to-go.

In the case of a gym, the operator may offer an outdoor fitness area, if available.

If there is a verbal or physical altercation that appears to threaten life or property, businesses should call 911 to report an emergency situation.

47. How will SafePass LA requirements be enforced?

Inspectors from the Department of Building and Safety, and any authorized agents, will enforce the ordinance beginning on November 29, 2021.

48. Are there any penalties for noncompliance?

An operator of a covered location or outdoor large event may be issued a citation for failure to comply with the ordinance. The Administrative Citation schedule is as follows:

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.

Getting Vaccinated

49. Where can I learn more about the COVID-19 vaccine?

The COVID-19 vaccine is safe, effective and free. Learn more by visiting the [Los Angeles County Department of Public Health](https://publichealth.lacounty.gov/media/Coronavirus/vaccine/) (<http://publichealth.lacounty.gov/media/Coronavirus/vaccine/>) or by calling (833) 540-0473.

50. The County has a proof of vaccination health order. How does that health order impact the City's ordinance?

The Los Angeles County Department of Public Health issued a Health Order that requires certain businesses to verify proof of vaccination. To find out more, please visit the Department of Public Health at publichealth.lacounty.gov.

SafePass LA does not cover any locations that are required by the County's Public Health Order to verify proof of vaccination.