



CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH

BOARD OF HEALTH:  
LAW DEPARTMENT:  
RECORDS DEPARTMENT:

**REVISED AMENDMENT TO THE FOURTH CONSOLIDATED AND RESTATED  
SUPPLEMENTAL REGULATION GOVERNING  
THE CONTROL AND PREVENTION OF COVID-19  
(REVISED SAFETY MEASURES AND DELEGATION OF AUTHORITY)**

**WHEREAS**, the Pennsylvania Disease Control and Prevention Act of 1955, 1956, April 23, P.L. 1510, 35 P.S. § 52.1 et seq., (the “DCPA”) and Chapter 6-200 of The Philadelphia Code authorize the Board of Health (“the Board”) to establish lists of reportable diseases and conditions, and further provide that the Board and the Department of Public Health are responsible for implementing appropriate disease control and prevention measures in order to limit the spread of disease in an epidemic emergency; and

**WHEREAS**, Sections 6-201 through 6-206 and 6-210 of The Philadelphia Code likewise vest the Board, and in times of emergency the Department of Public Health, with the authority to forbid the congregation of persons when necessary to prevent the further spread of a communicable and quarantinable disease to take such other measures as are necessary to prevent the spread of such disease; and

**WHEREAS**, the SARS-CoV-2 (“COVID-19”) can cause severe disease and death, particularly in older adult and other vulnerable populations; and

**WHEREAS**, to date there have been more than 26,000 COVID-19 hospitalizations and 5,400 COVID-19 deaths in Philadelphia since the beginning of the pandemic and

**WHEREAS**, on March 12, 2020, the Board by emergency regulation added COVID-19 to the City’s list of reportable and quarantinable diseases and subsequently has adopted a series of regulations, both adding and relaxing various restrictions and requirements, that were designed to prevent the spread of COVID-19 in Philadelphia; and

**WHEREAS**, on October 19, 2022 (effective November 19, 2022), the Board promulgated the Fourth Consolidated and Restated Supplemental Regulation Governing the Control and Prevention of COVID-19 (Consolidated Safety Measures for Full Reopening and Delegation of Authority) (the “Fourth Consolidated Regulation”), which included as Exhibit “A” the “Second Revised Consolidated and Restated Safety Measures for a Continued Full Reopening to Prevent the Spread of SARS-CoV-2 (COVID-19)”; and

**WHEREAS**, hospitalizations and deaths have remained either level or declined slightly since October 2022; and

**WHEREAS**, we have not seen the types of spikes in COVID-related hospitalization rates and deaths in the winter of 2022-23 that we saw in the previous two winters; and

**WHEREAS**, the Board has determined that it is appropriate to make further changes to City requirements, to eliminate certain masking requirements that are no longer necessary;

**NOW, THEREFORE**, pursuant to its authority under Philadelphia and Pennsylvania law, the Board of Health hereby adopts the following amendment to Exhibit “A” to the Fourth Consolidated Regulation, entitled the “Second Revised Consolidated and Restated Safety Measures for a Continued Full Reopening to Prevent the Spread of SARS-CoV-2 (COVID-19),” as follows (Deletions in ~~Strikethrough~~; Additions in **Bold**):

## CITY OF PHILADELPHIA BOARD OF HEALTH

### Second Revised Consolidated and Restated Safety Measures for a Continued Full Reopening to Prevent the Spread of SARS-CoV-2 (COVID-19)

#### Section 1. Generally Applicable Requirements for Masks.

All businesses, organizations, or other establishments that are operating within the City of Philadelphia must allow all individuals, including customers, and employees or other workers to wear masks coverings their nose and mouth, as clarified by any guidance issued by the Department, if they choose to do so. Nothing shall be interpreted to prohibit any establishment from implementing masking requirements for such establishment if they choose to do so, nor do these Second Revised Consolidated and Restated Safety Measures for a Continued Full Reopening to Prevent the Spread of SARS-CoV-2 (COVID-19) (the “Consolidated Safety Measures”) relax any face covering requirements mandated by the Commonwealth of Pennsylvania.

#### ~~(A) Face Coverings Required.~~

~~(1) No business, organization, or other establishment shall allow an individual entrance into any indoor location at a healthcare or congregate care facility, as further 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 regardless of vaccination status of the individual, unless otherwise expressly provided. Individuals are required to wear face coverings properly, which means in a manner that fully covers the mouth and nose, consistent with applicable guidance, at all times when they are at the following locations:~~

~~(a) Healthcare Institutions, as defined in the Emergency Regulation Governing the Control and Prevention of COVID-19 Mandating Vaccines for Healthcare Workers and In Higher Education, Healthcare, and Related Settings, as it has been or shall be further amended, (“Healthcare Vaccine Mandate”), including temporary indoor community healthcare events such as vaccine clinics and blood drives, except when in an area restricted~~

to only employees. Provided, however, that when an employee returns to work following a high risk exposure or testing positive for COVID such employee shall mask consistent with Center for Disease Control guidance in all areas, including those restricted to only employees.

~~(b) Congregate facilities such as prisons, shelters, and adult day programs.~~

~~(2) “Indoor” means a location enclosed by three or more walls or other nonpermeable 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.~~

~~(B) Exceptions.~~

~~(1) Section 1(A)(1) is not applicable with respect to the following individuals:~~

~~(a) Any child younger than 2 years of age.~~

~~(b) Any individual who has a physical disability that prevents easily wearing or removing a face covering.~~

~~(c) Any individual who is deaf and uses facial and mouth movements as part of communication.~~

~~(d) Any individual who has been advised by a medical professional that wearing a face covering may pose a risk to that individual for health-related reasons.~~

~~(e) Any individual who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.~~

~~(2) Other exceptions.~~

~~(a) Face coverings are not required to be worn when eating or drinking, provided that eating and drinking may only take place when seated, or when standing at a table with four or fewer people.~~

~~(b) Face coverings are not required when an individual is alone in an office or a similar location that is completely separated from other individuals by floor to ceiling physical barriers.~~

Section 2. Worker Isolation and Masking Recommendations for Businesses and Workers.

All businesses, organizations, and other establishments that are operating within the City of Philadelphia must comply with the following, as clarified by any guidance issued by the Department:

(A) Worker Isolation: Businesses and organizations shall permit any worker who is diagnosed with or tests positive for COVID-19 to remain absent from any in-person workplace during isolation in accordance with guidance from the Philadelphia Department of Public Health or a health care provider. The worker shall isolate in accordance with such guidance.

(B) Masking Recommendations for Close Contacts: Businesses, organizations, and other establishments should encourage any worker who is a close contact (within six feet for at least 15 minutes) with a person with COVID-19 from the period 48 hours before symptom onset (or 48 hours prior to test date if asymptomatic) of a person who is diagnosed with or tests positive for COVID-19 to consistently mask when around others in accordance with guidance from the Philadelphia Department of Public Health, which currently recommends the use of a high quality mask, as defined in applicable guidance, for ten (10) days following the date of the last exposure.

### Section 3. Additional Responsibility for Masking and Worker Isolation Requirements.

(A) The owner or operator of any business, organization, or other establishment shall also be liable and subject to fines and penalties under this Order for non-compliance by employees, customers, members, visitors and any other occupants of the business with the following, subject to fines and all other remedies under this Order:

~~(1) With respect to applicable masking requirements under Section 1 of these Consolidated Safety Measures, as clarified by any applicable guidance documents; and~~

~~(2)~~ (1) With respect to worker isolation requirements under Section 2(A), excluding the actual isolation requirements which are the responsibility of individual workers, and any other applicable guidance.

### Section 4. Interpretation and Implementation.

(A) Except to the extent of a direct conflict, these 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 and regulations to businesses and activities.

(B) The owners, operators, and individuals in possession of any business, organization, or other establishment subject to these Consolidated Safety Measures must allow inspection of ongoing operations as further clarified in any guidance issued by the Department of Health, as a condition of operation.