

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2021-148
December 22, 2021

SUBJECT: Vaccination Requirement for Entrance into Certain Indoor Establishments and Facilities

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.); section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code §§ 7-2304 and 7-2304.01 (2018 Repl.); and section 1 of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq.* (2018 Repl.); and in accordance with the Foreclosure Moratorium Extension, Scheduled Eviction Assistance, and Public Emergency Extension Emergency Declaration Resolution of 2021, R 24-0337, effective December 21, 2021, and any subsequently-enacted authorizations to extend the public emergency, it is hereby **ORDERED** that:

I. BACKGROUND

1. The COVID-19 pandemic, including the exponential spread of its Omicron variant, threatens the health and welfare of District residents, workers, and visitors and threatens to overwhelm our hospital capacity.
2. More than 21 months after the World Health Organization declared a pandemic and the Secretary of the U.S. Department of Health and Human Services and the Mayor of the District of Columbia declared a public health emergency for the 2019 novel coronavirus, more than 51.4 million persons in the United States have been diagnosed with COVID-19 and more than 807,146 have died from the disease. Locally, transmission stands at a seven-day average of 123.8 new daily cases per 100,000 persons; total infections in the District have risen to 76,137; and tragically, 1,207 District residents have lost their lives due to COVID-19.
3. On November 26, 2021, the Centers for Disease Control and Prevention (CDC) classified Omicron as a Variant of Concern. Since then, the variant has been detected in the District. In the past month, the daily case rate in the District has multiplied ninefold and is expected to rise further still. More than 1,000 Washingtonians per day are now contracting COVID-19, and it is uncertain how many of them will experience symptoms of “long COVID”.

4. The COVID-19 vaccines that are authorized for use have proven to be safe and have remained highly effective in preventing severe illness, hospitalization, and death among vaccinated persons, even with the emergence and spread of the Delta and Omicron variants. Boosters are increasingly proving to be important in protecting persons against the worst effects of COVID-19.
5. Nearly 100% of COVID-19 related hospitalizations in the District in the past week occurred in unvaccinated persons, and the percent of hospitalized persons with COVID-19 since January 2021 who were fully vaccinated stands at 2.8%. Death due to COVID-19 in fully vaccinated persons remains a rare event.
6. In the District, the virus is spreading most rapidly among those aged 25-34, and 80% of recent cases are among residents under the age of 44. This population also tends to go out most to venues such as restaurants and taverns, nightclubs, concert and sporting venues. Vaccine coverage is also lower among residents under the age of 40 compared to older age groups.
7. Vaccine requirements have resulted in more persons who were vaccine hesitant deciding to get vaccinated, thereby providing protection to themselves, those with whom they come in contact, and helping to maintain hospital capacity. Furthermore, subsequent increases in vaccine coverage help to reduce the amount of virus circulating in our community and protect those residents who remain at risk for severe disease despite getting vaccinated themselves, such as persons with immunosuppressive conditions or the elderly.
8. It is critically important that the District take immediate measures to mitigate the spread of COVID-19 and its health impacts to avoid further straining our health care facilities and hospitals and to avoid collateral health impacts on persons not suffering from COVID-19 but whose care is affected by COVID-19. Further, we must avoid overcrowding or any other deterrents to people seeking hospital and medical services, so that persons needing care do not delay care to the detriment of their own health.
9. In order to avoid resorting to the more drastic remedy of closing non-essential businesses or re-imposing capacity limits, we must implement a vaccine requirement to preserve life, health, and hospital capacity, and to help ensure continuity of operations of government and business operations by preventing the long absences that ensue when a person contracts a severe case of COVID-19.
10. Therefore, this Mayor's Order requires certain public venues to implement a vaccination entry requirement for guests, visitors, and customers by January 15, 2022, in conformity with guidance to be issued by December 30, 2021 and as specified below.

II. VACCINATION ENTRY REQUIREMENT FOR CERTAIN ESTABLISHMENTS AND FACILITIES

1. Establishments Subject to Vaccination Entry Requirement

Starting on January 15, 2022, the following establishments and facilities (the “covered establishments and facilities”) shall not permit a guest, visitor, or customer over twelve (12) years old to enter their indoor premises without displaying proof of vaccination against COVID-19:

- a. **Restaurants, bars and nightclub establishments**, including restaurants and taverns, coffee shops and fast-food establishments that have seating if guests choose to sit down; breweries, wineries and distillery tasting rooms; mixed-use facilities; food courts;
- b. **Indoor entertainment establishments**, including nightclubs, hookah bars, pool and billiard halls, and cigar bars; concert, live entertainment and sporting venues; movie theatres; adult entertainment venues; bowling alleys;
- c. **Indoor exercise and recreational establishments**, including exercise facilities, dance, yoga and pilates studios; any facilities used for group fitness classes;
- d. **Indoor event and meeting establishments**, including hotel common rooms, banquet halls, conference centers meeting facilities, convention centers, auditoriums; shared work facilities;
- e. Any other indoor establishment designated by the Director of the Department of Health.

2. Establishments Not Subject to Vaccine Entry Requirement

Except as specified in paragraph II.2.k, this proof of vaccine requirement imposed by paragraph II.1. does not apply to the following establishments or facilities:

- a. Houses of worship;
- b. Grocery stores, farmer’s markets, and food service establishments providing charitable food services;
- c. Pharmacies, medical offices, urgent care centers, or hospitals;
- d. Big box stores and retail establishments where people tend to be in motion and not standing or seated in close proximity to others for long periods of time;

- e. Private meeting spaces in residences or office buildings;
- f. Facilities relating to governmental regulation, licensing, administrative hearings, judicial proceedings, law enforcement, the provision of legal services, and the Department of Motor Vehicles;
- g. Facilities relating to essential human services such as warming and cooling centers, day service facilities for homeless persons, shelters serving homeless persons or victims of domestic violence;
- h. Polling places during elections;
- i. Such other facilities as exempted by the Department of Health.
- j. If an exempt facility under Section II.3 conducts a non-exempt activity, the vaccine requirement shall apply. For example, if a house of worship is rented for a non-religious purpose, the vaccine requirement applies. If a retail bookstore hosts a seated event, proof of vaccination shall be required to enter the area where people will be closely congregated for a prolonged time.

3. **Individuals Exempt from Vaccination Entry Requirement**

The proof of vaccination requirement imposed by Section II.1. of this Order does not apply to the following individuals:

- a. Individuals entering a covered establishment for a quick and limited purpose (for example, placing an order for takeout, picking up an order, or making a delivery); or
- b. A person entitled by law to a reasonable accommodation due to a medical condition or a sincerely held religious belief.

4. **Signage Requirement**

Covered facilities shall prominently post signage at their entrances notifying the public of the vaccination entry requirement.

5. **Timing**

Covered facilities shall post signs and verify that entrants aged twelve (12) years and older has had a first vaccination by Sunday, January 15, 2022. Proof of having had a full initial course of vaccination will be required effective Tuesday, February 15, 2022. On those dates, the requirements take effect at 6:00 a.m.

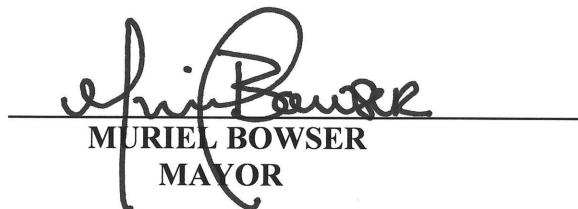
III. DELEGATION OF AUTHORITY

1. The Director of the Department of Health shall further specify the applicability of this Order and any reasonable accommodations that may be necessary including when a recent negative test may substitute for vaccination; the requirements for vaccination and any further phasing in of requirements for second shots or boosters; grace periods for children who recently turned twelve years old; acceptable proof of vaccination; signage requirements and where within a facility proof of vaccination must be verified.
2. The Deputy Mayor for Planning and Economic Development, in conjunction with the Department of Health, shall further outline a plan to help businesses understand, publicize, and enforce the vaccination requirements of this Order and provide for reporting complaints and violations;
3. The City Administrator or his designee shall be responsible for implementation and any necessary modification of the Order as it applies or does not apply to District government facilities;
4. Businesses and other entities may exclude persons and take appropriate employment actions against their employees who endanger themselves or others by being in violation of this Order or acting in violation of it, or in violation of a rule, order, or other issuance issued under the authority of this Order, other Mayor's Orders, or City Administrator's Orders relating to mitigating the spread of COVID-19 consistent with District and federal law.
5. All District government agencies that issue licenses, permits, certificates, endorsements, or other authorizations, including the Department of Consumer and Regulatory Affairs, the District Department of Transportation, the Alcoholic Beverage Regulation Administration, the Office of the State Superintendent of Education, the Department of For-Hire Vehicles, and the Department of Health may issue rules consistent with or take enforcement action directly under this Order or a rule, order, or other issuance issued under the authority of this Order to provide for the revocation, suspension, or limitation of a license, permit, certificate, endorsement, or other authorization of a person or entity that violates this Order.
6. Any individual or entity that knowingly violates this Order, or a rule, order, or other issuance issued under the authority of this Order, may be subject to civil and administrative penalties authorized by law, including sanctions or penalties for

violating section 8 of the District of Columbia Public Emergency Act of 1980, D.C. Official Code § 7-2307, which can result in civil fines of not more than \$1,000 or summary suspension or revocation of licenses.

IV. EFFECTIVE DATE AND DURATION

The first phase of implementation of this Order shall begin by January 15, 2022 at 6:00 a.m., and shall remain in effect until repealed, amended, or superseded.



MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA