

LEGISLATIVE DIGEST

[Emergency Ordinance - San Francisco COVID-19 Vaccination Plan]

Emergency ordinance requiring the Department of Public Health to prepare a COVID-19 Vaccination Plan and to make publicly available on its website information relating to the number and availability of COVID-19 vaccines in San Francisco, and the methods by which people who live or work in the City may access vaccines.

Existing Law

Charter Section 2.107 authorizes enactment of an emergency ordinance in cases of public emergency affecting life, health, or property, or for the uninterrupted operation of any department or office required to comply with time limitations established by law.

During a local health emergency, state law authorizes the local Health Officer to, among other things, take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during the local emergency. (Cal. Health & Saf. Code § 101040.) In addition, during an outbreak of communicable disease, state law authorizes the local Health Officer to request that health care providers and systems disclose to the health officer inventories of critical medical supplies, equipment, pharmaceuticals, vaccines, or other products that may be used for the prevention of the transmission of communicable disease, provided the Health Officer maintains the confidentiality of any proprietary information. (*Id.* § 120176.)

On January 19, 2021, the local Health Officer issued Order No. C19-18, requiring Large Healthcare Providers (defined to include specified hospitals and health systems) to “provide a written comprehensive vaccination plan to the Health Officer describing how the Large Healthcare Provider will timely and effectively vaccinate all of its primary care or, if applicable, specialty care patients in the City and how the Large Healthcare Provider will timely and effectively contribute to the shared goal of vaccinating all people who live or work in the City, regardless of their insurer.” The Health Order also established vaccine data reporting requirements.

Although the Health Officer’s January 19, 2021 Health Order requires the San Francisco Health Network to develop a written vaccination plan, there is currently no law requiring the Department of Public Health (“DPH”) to prepare a citywide vaccination plan outside of the San Francisco Health Plan, or to post information regarding the availability of COVID-19 vaccinations.

Amendments to Current Law

The proposed ordinance would require DPH to prepare and submit to the Board of Supervisors a written, comprehensive vaccination plan describing how DPH will timely and effectively contribute to the shared goal of vaccinating all people who live or work in the City, regardless of insurance, and how DPH will timely and effectively vaccinate all of the patients to whom DPH provides primary or specialty care. The ordinance would also require DPH to post on its website aggregated, de-identified vaccination data received from Large Healthcare Providers, to the extent that such disclosure is consistent with state and/or federal law.

Background Information

As of January 17, 2021, nearly 30,000 San Franciscans had tested positive for COVID-19, 266 of whom had died from a COVID-related death.

Although vaccinations for the novel coronavirus have been available to states and local jurisdictions since December 2020, the rate of vaccination administration, generally and in San Francisco, has been hampered by multiple barriers, including but not limited to staffing limitations, limitations of supply, inadequate coordination with the State and Federal governments, consideration of the timing of the second dose, and the limited availability of physical space for vaccinations.

As of January 18, 2021, the City was administering fewer than 2,000 doses of the COVID-19 vaccine per day, on average. At that rate, vaccination of all people who live or work in San Francisco would not be achieved until 2022. Vaccination at such a slow pace would severely undermine efforts to curb the pandemic.

On January 19, 2021, San Francisco launched an online tool for people to sign up to be notified when they are eligible for the COVID-19 vaccine. However, widespread questions remain about who is eligible for the vaccine, when they will be eligible, and how and when they will receive the vaccine.

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