

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

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

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

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12 Be it ordained by the People of the City and County of San Francisco:

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14 Section 1. Declaration of Emergency under Charter Section 2.107.

15 (a) Charter Section 2.107 authorizes enactment of an emergency ordinance in  
16 cases of public emergency affecting life, health, or property, or for the uninterrupted operation  
17 of any department or office required to comply with time limitations established by law. The  
18 Board of Supervisors hereby finds and declares that an actual emergency exists that requires  
19 the enactment of this emergency ordinance.

20 (b) On February 25, 2020, Mayor London Breed proclaimed a state of emergency in  
21 response to the COVID-19 pandemic. On March 3, 2020, the Board of Supervisors concurred  
22 in the February 25th Proclamation and in the actions taken by the Mayor to meet the  
23 emergency.

24 (c) On December 30, 2020, the San Francisco Health Officer extended the “Stay  
25 Safer At Home” Health Order, in recognition of the fact that “[l]ocal COVID-19 cases have

1 more than quadrupled since early November 2020” and “[t]he vast majority of the population  
2 remains susceptible to infection, and local conditions could rapidly worsen if people fail to  
3 safely modify their behavior, including wearing face coverings, adhering to social distancing  
4 requirements, and avoiding gatherings.” (Health Officer Order No. C19-17q.)

5 (d) On January 20, 2021, the Health Officer again updated the “Stay Safer at Home”  
6 Health Order, finding that “[a]bsent additional and immediate intervention to reduce the  
7 transmission of COVID-19, the County’s and Bay Area’s COVID-19 cases and hospitalizations  
8 will continue to rise and could overwhelm hospital capacity for the region.” (Health Officer  
9 Order No. C19-17r.)

10 (e) An effective vaccination plan and accessible data regarding vaccine inventories  
11 and vaccination opportunities are critical to ensuring efficient distribution of COVID-19  
12 vaccines. This emergency ordinance is necessary to reduce the spread of COVID-19 by  
13 requiring a timely and effective vaccination plan to guide the vaccination of all people who live  
14 or work in San Francisco.

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16 Section 2. Background and Findings.

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

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

1 (c) On December 15, 2020, San Francisco health care providers began  
2 administering the first doses of a COVID-19 vaccine. The COVID-19 vaccination program is  
3 the most significant strategy to prevent further transmission of COVID-19 and to bring an end  
4 to the current pandemic. Vaccines approved by the U.S. Food and Drug Administration have  
5 the potential to reduce the risk of severe illness or death from COVID-19, and widespread  
6 vaccination is necessary for the health and safety of San Francisco residents.

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

11 (e) As of January 19, 2021, COVID-19 vaccines had been administered to  
12 approximately 34,000 San Franciscans, out of a population of approximately 870,000.

13 (f) The Department of Public Health (“DPH”) and other city agencies have a key  
14 role to play in leading the coordination and collaboration of vaccination administration with  
15 numerous healthcare providers, residents, communities, and the State and Federal  
16 governments, to create options for all people who live and work in San Francisco to obtain the  
17 COVID-19 vaccine in a way that is safe, expeditious, and efficient for them.

18 (g) Initial public communications from the City and County of San Francisco (“City”)  
19 to the public instructed the public to seek access to the COVID-19 vaccine from private  
20 healthcare providers. City communications later shifted to advise the public of various options  
21 that San Franciscans may have to get the vaccine when they are eligible.

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

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

9 (j) As of January 20, 2021, the City had not yet released for patients served by  
10 DPH a plan containing categories of information that the January 19, 2021 Health Order  
11 requires Large Healthcare Providers to produce, including but not limited to a communication  
12 and appointment scheduling plan, a list of all vaccination sites, methods for preventing any  
13 vaccine “waste,” and other critical elements of a comprehensive vaccination plan.

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15 Section 3. Definitions.

16 Terms not defined in this emergency ordinance shall have the meaning given to them  
17 in Section 4 of Health Officer Order No. C19-18, as may be amended from time to time.

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19 Section 4. Preparation and Submission of San Francisco COVID-19 Vaccination Plan.

20 (a) No later than seven days after the effective date of this emergency ordinance,  
21 DPH shall submit to the Board of Supervisors a written, comprehensive vaccination plan  
22 describing how DPH will timely and effectively contribute to the shared goal of vaccinating all  
23 people who live or work in the City, regardless of insurance, and how DPH will timely and  
24 effectively vaccinate all of the patients to whom DPH provides primary or specialty care. (“SF  
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1 COVID-19 Vaccination Plan”). The SF COVID-19 Vaccination Plan shall include, but not be  
2 limited to, the following information and components:

3 (1) A description of the steps DPH will take to meet the goal of administering  
4 at least 10,000 COVID-19 vaccinations per day;

5 (2) All of the categories of information that Large Healthcare Providers are  
6 required to produce under Section 2 of Health Officer Order No. C19-18, as may be amended  
7 from time to time, with respect to DPH’s communication and scheduling plan, vaccination  
8 sites, capacity and schedule of daily vaccine appointments, timeline for achieving full  
9 vaccination, methods for vaccinating people who are not part of the DPH’s primary care  
10 population, approach to ensuring equitable access to vaccinations across patient populations,  
11 methods for preventing vaccination waste, adherence to federal and state law, and methods  
12 for retaining and storing data and meeting reporting requirements;

13 (3) Staffing, storage, and other resources needed to operate a large-scale  
14 vaccination program;

15 (4) The locations of possible mass vaccination centers and community pop-  
16 up vaccination sites, including the number of COVID-19 doses expected to be administered at  
17 each such location;

18 (5) A plan for how the City can accelerate vaccination activities in  
19 neighborhoods most impacted by COVID-19 and ensure that individuals at high risk of  
20 contracting COVID-19 in every neighborhood, including the west side of San Francisco, have  
21 direct access to public vaccination sites;

22 (6) A description of how the City will partner with City-contracted social  
23 service providers, the San Francisco Unified School District, and labor unions, to pre-register  
24 for COVID-19 vaccinations individuals employed in the education, childcare, and social  
25 services sectors who are at risk of exposure to COVID-19 at work, and ensure that individuals

1 who are not eligible to be vaccinated as part of the initial phase(s) of the vaccination plan will  
2 be vaccinated as soon as supply is available; and

3 (7) A plan for collaboration with Multi-County Entities and community health  
4 providers to operate mass vaccination centers.

5 (b) The SF COVID-19 Vaccination Plan shall take into account:

6 (1) Both current and maximal vaccine supply conditions;

7 (2) The possibility of a sudden, large influx of vaccines from the State and/or  
8 Federal government;

9 (3) Changes in vaccination operations associated with changes in the priority  
10 populations; and

11 (4) Strategies to ensure culturally-competent and linguistically appropriate  
12 outreach to individuals eligible for the vaccine.

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14 Section 5. Data Reporting.

15 (a) No later than seven days after the effective date of this emergency ordinance,  
16 DPH shall post the following information on its website, and shall update the information as  
17 necessary to ensure that it is accurate:

18 (1) The number of Covid-19 vaccine doses requested by DPH from the  
19 State, by date; the number of such doses approved for distribution by the U.S. Centers for  
20 Disease Control and Prevention; and the number of such doses received by DPH, by date;

21 (2) Vaccine Information submitted to DPH by Vaccine Providers, in  
22 aggregate form;

23 (3) The number of health care provider facilities in San Francisco receiving or  
24 administering the vaccine; and

1 (4) The number of COVID-19 vaccine doses allocated by DPH to non-DPH  
2 health care providers.

3 (b) Data concerning the administration of first and second doses of the COVID-19  
4 vaccine shall be de-identified and, to the extent possible, disaggregated by race, ethnicity,  
5 age, and neighborhood of residence.

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7 Section 6. Public Communications Strategy.

8 No later than seven days after the effective date of this emergency ordinance, DPH  
9 shall post and maintain on its website up-to-date information about how the public can access  
10 COVID-19 vaccines, including but not limited to:

11 (a) How eligible persons can make an appointment to be vaccinated at a City-  
12 operated or City-funded site;

13 (b) How eligible persons can make an appointment to be vaccinated by their private  
14 healthcare provider;

15 (c) Information about the populations that have been prioritized to be vaccinated  
16 and estimated dates that each priority population is expected to be able to be vaccinated.

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18 Section 7. Undertaking for the General Welfare.

19 In enacting and implementing this emergency ordinance, the City is assuming an  
20 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its  
21 officers and employees, an obligation for breach of which it is liable in money damages to any  
22 person who claims that such breach proximately caused injury.

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24 Section 8. Severability.

1           If any section, subsection, sentence, clause, phrase, or word of this emergency  
2 ordinance, or any application thereof to any person or circumstance, is held to be invalid or  
3 unconstitutional by a decision of a court of competent jurisdiction, such decision shall not  
4 affect the validity of the remaining portions or applications of the ordinance. The Board of  
5 Supervisors hereby declares that it would have passed this ordinance and each and every  
6 section, subsection, sentence, clause, phrase, and word not declared invalid or  
7 unconstitutional without regard to whether any other portion of this ordinance or application  
8 thereof would be subsequently declared invalid or unconstitutional.

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10           Section 9. Effective Date; Expiration.

11           Consistent with Charter Section 2.107, this emergency ordinance shall become  
12 effective immediately upon enactment. Enactment occurs when the Mayor signs the  
13 ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within  
14 ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the  
15 ordinance. Once enacted, it shall remain in effect for 60 days, unless reenacted as provided  
16 by Section 2.107. If not reenacted, it shall expire on the 61st day after enactment.

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