

EXECUTIVE ORDER



DISTRICT OF COLUMBIA

Subject: Coronavirus 2019: Vaccination Requirements for Indoor Establishments
Number EO-22-001
Effective Date January 14, 2022
Related to: GO-SPT-302.01 (Calls for Service) Mayor's Order No. 2021-148 (Vaccination Requirement for Entrance into Certain Indoor Establishments and Facilities), issued December 22, 2021

I. PURPOSE

The purpose of this executive order is to provide guidance to Metropolitan Police Department (MPD) members regarding calls for service they may respond to regarding vaccination requirements for certain indoor establishments and facilities. This guidance is being issued pursuant to Mayor's Order No. 2021-148 (Vaccination Requirement for Entrance into Certain Indoor Establishments and Facilities). MPD's primary goal remains to protect the health and well-being of everyone in the District. Accordingly, when members encounter or receive complaints about persons who fail to provide required proof of vaccination at a required establishment and who fail to leave after being asked to by the establishment, the goal shall be to maintain the peace and either facilitate voluntary compliance with the requirement or ensure the person leaves the premises.

To the extent the provisions in this executive order conflict with directives previously issued, the provisions of this executive order shall prevail.

II. PROCEDURES

A. Establishments Subject to Vaccination Entry Requirements

1. Beginning **January 15, 2022**, pursuant to Mayor's Order 2021-148, the following establishments and facilities shall not permit a guest, visitor, or customer over 12 years old to enter their indoor premises without displaying proof of vaccination against COVID-19:

Establishments and Facilities Subject to Vaccination Entry Requirements
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 theaters; 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 (DOH). Current DOH guidance can be found at: https://coronavirus.dc.gov/vaxdc

2. The proof of vaccination requirement **does not apply** to the following establishments or facilities:

Establishments NOT Subject to Vaccination Entry Requirements
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. Current DOH guidance can be found at: https://coronavirus.dc.gov/vaxdc

3. If an exempt facility listed under Part II.A.2 of this order 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.

B. Individuals Exempt from Vaccination Entry Requirement

1. The proof of vaccination requirement **does not apply** to:
- 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. Individuals entitled by law to a reasonable accommodation due to a medical condition or a sincerely held religious belief.

NOTE: Pursuant to DOH guidance, documentation of a medical exemption may include a note from a medical provider. Documentation of a religious exemption may include an attestation from the patron that they have a sincerely held religious belief. Patrons who have and show documentation of medical or religious

exemptions from the COVID-19 vaccine must provide a negative PCR or antigen test within the last 24 hours.

C. Signage Requirement and Timing

1. Covered establishments and facilities are required to prominently post signage at their entrances notifying the public of the vaccination entry requirement.
2. Covered establishments and facilities are required to post signs and verify that entrants aged 12 years and older have 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.

D. Enforcement

1. MPD's focus during this time continues to be maintaining the peace. Accordingly, when observing or receiving a complaint regarding a person who has failed to comply with providing proof of vaccination at a required establishment and who is refusing to leave after having been asked to leave by the establishment, members shall:
 - a. Whenever practical, encourage the person to leave the premises voluntarily.
 - b. If the person continues to fail to comply, warn them that they may be subject to arrest (e.g., for unlawful entry).
2. While arrests can be made if supported by probable cause, arrests should be limited to only those situations where persons will not voluntarily comply or leave the premises after all reasonable efforts to obtain voluntary compliance have been made.
3. Members **shall not** make an arrest for a violation of this order without approval from a lieutenant or above.
4. Failure to Enforce for Businesses that Serve Alcohol – Notify ABRA
 - a. Members who observe violations by businesses of the requirements to verify vaccination status are **not** responsible for closing establishments, but shall contact the on-call ABRA hotline (202-329-6347) for notification purposes, complete an incident report for "ABC Violation or Incident", and notify the Command Information Center (CIC) of the violation and provide the central complaint number (CCN). Timelines for follow-up by ABRA may be delayed due to the ongoing emergency.

b. Members unsure of the nature of the license of the establishment can contact the ABRA hotline or view the list at <https://abra.dc.gov/node/1415756>.

5. Violations for Businesses that Do Not Serve Alcohol – Notify DCRA

Members who observe violations by businesses of the requirements to verify vaccination status are **not** responsible for closing establishments, but shall contact the Department of Consumer and Regulatory Affairs (DCRA) at dcra@dc.gov and include the establishment's name and address, an explanation of the alleged violation, and the associated CCN. Members shall also complete an incident report for "Miscellaneous Report," and notify the CIC of the violation and provide the CCN.



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Chief of Police

RJC:KDO:MOC