

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, 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 to prohibit certain establishments and facilities from permitting guests, visitors, or customers over 12 years of age from entering their indoor premises without displaying proof of vaccination against COVID-19.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public Health Protections Emergency Amendment Act of 2022”.

Sec. 2. 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.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-132) is amended by adding new paragraphs (3), (4), (5), (6), and (7) to read as follows:

“(3) “Indoor entertainment establishment” means:

“(A) A “nightclub” as defined in D.C. Official Code § 25-101(33);

“(B) A “legitimate theater” as defined in D.C. Official Code § 25-101(30);

“(C) A venue at which “nude performances,” as defined in D.C. Official Code § 25-101(34), takes place; or

“(D) A hookah bar, pool and billiard hall, cigar bar, live entertainment or sporting venue, adult entertainment venue, bowling alley, or substantially similar establishment.

“(4) “Indoor event and meeting establishment” means a hotel common room, banquet hall, or conference center, including meeting facilities, convention centers, auditoriums, or shared work facilities, including co-working facilities.

“(5) “Indoor exercise and recreational establishment” means a gym, dance studio, pilates studio, yoga studio, or facility used for group fitness classes.

“(6) “Proof of vaccination against COVID-19” means any paper or electronic documentation sufficient to demonstrate the receipt of either two doses of an mRNA vaccine, such as those distributed by Pfizer and Moderna, or one dose of the vaccine distributed by Johnson & Johnson.

“(7) “Restaurant” means a restaurant as defined in D.C. Official Code § 25-101(43), and any other establishments licensed by the District in the business of preparing or serving food or alcohol to the public. The term “restaurant” shall include taverns, coffee shops, and fast-food establishments that have seating if guests choose to sit down, but shall not include sidewalks, terraces, or space used by restaurants to provide outdoor facilities.

(b) A new section 7a is added to read as follows:

“Sec. 7a. Persons unvaccinated against COVID-19;prohibition on entering certain establishments and facilities.

57           “(a) The following establishments and facilities shall not permit a guest, visitor, or  
58 customer over twelve (12) years old to enter their indoor premises without displaying proof of  
59 vaccination against COVID-19:

60                   “(1) Indoor entertainment establishments;

61                   “(2) Indoor event and meeting establishments;

62                   “(3) Indoor exercise and recreational establishments;

63                   “(4) Restaurants;

64                   “(5) Any other indoor establishment designated by the Director of the Department  
65 of Health; and

66                   “(6) Any other establishment or facility previously governed by Mayor’s Order  
67 2021-148.

68           “(b) The proof of vaccination against COVID-19 requirement established by this section  
69 shall not apply to the following establishments or facilities:

70                   “(1) Houses of worship;

71                   “(2) Grocery stores and farmer’s markets;

72                   “(3) Pharmacies, medical offices, urgent care centers, or hospitals;

73                   “(4) Big box stores and retail establishments where people tend to be in motion  
74 and not standing or seated in close proximity to others for long periods of time;

75                   “(5) Private meeting spaces in residences or office buildings;

76                   “(6) Facilities relating to government, regulation, licensing, administering  
77 hearings, judicial proceedings, law enforcement, the provision of legal services, and the  
78 Department of Motor Vehicles; and

79                   “(7) Polling places during elections.

80 “(c) If a facility or establishment that is exempt under paragraph (b) conducts a non-  
81 exempt activity, such as renting out a house of worship for a non-religious purpose, the proof of  
82 vaccine against COVID-19 requirement shall apply.

83 “(d) If an otherwise-exempt retail store holds a seated event, proof of vaccination shall be  
84 required to enter the area where people will be closely congregated for a prolonged period of  
85 time.

86 “(e) Individuals entering a covered establishment for a quick and limited purpose such as  
87 picking up an order of food or alcohol placed for takeout, and any person entitled by law to a  
88 reasonable accommodation due to a medical condition or sincere religious belief, shall be exempt  
89 from the proof of vaccination requirement established by this section.”.

90 Sec. 3. Fiscal impact.

91 The Council adopts the fiscal statement of the Budget Director as the fiscal impact  
92 statement required by section 4(a) of the General Legislative Procedures Act of 1975, approved  
93 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47(a)).

94 Sec. 4. Effective date.

95 This act shall take effect following approval by the Mayor (or in the event of veto by the  
96 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
97 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
98 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
99 D.C. Official Code § 1-204.12(a)).