



**Response to Public Comments on Proposed Rule:
Public Health Requirements for Seattle Businesses 03-2020**

Thank you to everyone who provided feedback regarding the proposed Director's Rule PUBLIC-HEALTH-REQUIREMENTS-FOR-SEATTLE-BUSINESSES-03-2020. We appreciate your interest and engagement, and your comments were carefully considered as the rule was finalized. The [final rule](#), available on the [FAS website](#), became effective on September 9, 2020.

In July, the [Department of Finance and Administrative Services](#) (FAS) issued a temporary measure that requires businesses to follow state-mandated public health requirements, including the use of protective face coverings, social distancing and adhering to capacity limits. FAS issued the temporary measure following a dramatic increase in COVID-19 cases. The measure was developed in partnership with King County and created through use of an Emergency Director's Rule. Under Seattle Municipal Code, the Director of FAS is authorized to adopt, publish and enforce all rules necessary to implement, interpret, administer and enforce city code for the purpose of licensing and regulating businesses.

As COVID-19 cases continue to increase throughout the state, the department is making this temporary measure a permanent rule through the duration of the pandemic. As part of this process, FAS sought input from businesses on how it can support them in implementing the rule requirements. Public comments were accepted by phone, email and regular mail until 5 p.m. on Friday, Aug. 28. No changes were made between the proposed and final rule. The following is a brief summary of the comments we received:

- All commenters were generally supportive of the public health requirements, including the use of protective face coverings, social distancing and adhering to capacity limits.
- One commenter advocated for more forcefully enforcing the requirements on businesses, while four commenters argued that businesses should not be required to enforce these requirements at all; instead, responsibility for enforcement should fall entirely on government offices.

Response: "This rule is about public health and protecting the health and safety of our community," said Calvin W. Goings, Director of the Department of Finance and Administrative Services. "We view Seattle businesses as partners in this work and our focus has been and will remain on outreach and education to ensure patrons and employees stay safe and healthy."

As part of its education and outreach efforts, the department has distributed one-page flyers in seven languages to businesses, [launched a web page](#) and partnered with the Office of Economic Development on an e-mail campaign to help reinforce the state-mandated business requirements created to help protect employees and business patrons.

Businesses with repeated and/or egregious offenses face having their City of Seattle business license suspended and may be charged with a crime that carries a maximum penalty of up to 364 days in jail and a \$5,000 fine.

Anyone concerned about backlash that may occur when businesses or employers attempt to enforce policies and practices to help minimize the spread of COVID-19 among employees and customers is encouraged to visit the guidance released by the [Centers for Disease Control and Prevention](#) (CDC) entitled "[Limiting Workplace Violence Associated with COVID-19 Prevention Policies in Retail and Services Businesses.](#)"

September 10, 2020

- One commenter asked for additional guidance for retail businesses regarding how to handle customers who claim an exemption to the protective face covering requirement for medical reasons.

Response: Businesses should not ask for proof or details if a customer claims they are exempt from the protective face covering requirement due to medical reasons. Businesses should offer alternative service options, like curbside delivery or allowing a person to wear a full face shield instead of a face mask, to keep workers and customers safe.

For more information to help support businesses in enforcing these requirements, including information on medical exemptions to the protective face covering requirement, please visit the [FAS webpage on Business and Restaurant Requirements During COVID-19](#) and the [Washington State Department of Health's Cloth Face Covering and Masks FAQ](#).