



DEPARTMENT NOTICE

24-004

Published: 01/03/24

Expires: 01/03/27

Enforcement of Specimen Collection Sites in Violation of Health Order Number 2023-03

On October 11, 2023, the Health Officer issued Health Order Number 2023-03 (Health Order) which establishes safety requirements for private operations that collect and handle clinical specimens for infectious disease testing, such as COVID-19 tests. This Health Order applies to “Specimen Collection Sites” which do not have an on-site clinical laboratory. For example, COVID-19 “pop-up” sites appearing on City streets that are only collecting and handling clinical specimens and sending them off-site for testing are considered “Specimen Collection Sites.”

Specimen Collection Sites must comply with a number of requirements. Failure to adhere to any of these requirements is a misdemeanor punishable by fine, imprisonment, or both.

Partnership Written Agreement

The Health Order requires Specimen Collection Sites to partner with certain local entities, meaning that the local entity endorses the Specimen Collection Site’s activities. Members may request personnel at a Specimen Collection Site to demonstrate evidence of the partnership with one of the below listed entities by producing a written agreement, memorandum, letter, or similar document that shows the entity endorses the Specimen Collection Site’s collection of specimens. The written agreement can be as simple as “I endorse this Pop-Up tent’s COVID-19 test collection activities.” The partnerships must be with one of the following entities:

1. Governmental entity
2. Licensed health care provider located in the City; or
3. Educational or academic institutions (including but not limited to licensed child care providers, preschools, public and private schools, colleges, universities, and similar institutions of higher learning).

For clarity, Specimen Collection Sites are also required to have proof that a physician or other health care provider has prescribed and ordered the COVID-19 test. A document of the ordering prescriber’s standing order is not sufficient evidence of a partnership. Members should consult with the Department of Public Health Environmental Health Branch if the documentation is vague, ambiguous, or otherwise unclear.

Failure to provide this documentation is a violation of the Health Order.

Members should coordinate with Department of Public Health Environmental Health Branch personnel to determine whether a violation of any of the following safety requirements occurred or is occurring:

1. Wearing Personal Protective Equipment (i.e., mask, eye protection, gloves, gown)
2. Sanitation and Hygiene (i.e., disinfecting the collection surface)
3. Informed Consent (i.e., people giving sample must consent to the test)
4. Written Policies and Procedures
5. Use of Human Biological/Viral Specimens (i.e., labs can only use samples for testing or quality control)
6. Documentation of Ordering Prescriber (i.e., physician or other prescriber needs to authorize the tests)
7. Documentation regarding Lab for Clinical Processing (i.e., need to prove that the receiving lab is licensed)
8. Adherence to Privacy Requirements (i.e., sites must protect people's privacy)

DPW Permit

Specimen Collection Site must also obtain a DPW Permit under Public Works Code Article 5.5 “for the distribution of free merchandise or free sample goods for the purpose of advertising any merchandise, commodity, property, trade, business, service, art or skill, on any street, sidewalk or public right-of-way in the City and County of San Francisco.”

Failure to obtain a permit is a misdemeanor under Public Works Code Article 5.5, Section 184.54.

Enforcement Procedures

The goal is to mitigate health and safety violations, and only use enforcement as a last resort. If a member believes the Health Order has been or is being violated, members shall first provide the Specimen Collection Site with a copy of the Health Order and provide them with an opportunity to operate in compliance with the law or cease operating.

If an admonishment was given for compliance, members may issue citations as appropriate. Members shall cite California Health and Safety Code 120295; California Penal Codes 69 or 148(a)(1). If the member provides an admonishment, the member should document it in the CAD or write an incident report.

If the Specimen Collection Site does not have a DPW permit, members may cite Public Works Code Article 5.5, Section 184.54.

Reference:

[2023.10.11 FINAL Order No. 2023-03 Collection Sites-signed.pdf \(sf.gov\)](#)

AC 
WILLIAM SCOTT
Chief of Police

Per DN 23-152, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS within (30) thirty calendar days of issuance. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be sent to sfpd.writtendirectives@sfgov.org, who will provide additional information.