COVID-19 Preparedness Plan Requirements for Restaurants and Bars

5/18/2021

This guidance applies to all business and places of public accommodation (“businesses”) – as defined by Executive Orders 21-11 as amended by EO 21-21 and EO 21-23 (“EO”) – operating restaurants, bars, hookah, vaping, or cigar lounges, and similar food, beverage, or tobacco service establishments. This guidance applies from Friday, May 7, 2021, at 12 p.m. (noon) through May 27, 2021. Businesses must continue to follow all other applicable Stay Safe Industry Guidance found on the Stay Safe Guidance website (staysafe.mn.gov/industry-guidance/index.jsp). The EO requires all businesses to have and implement a written COVID-19 Preparedness Plan that addresses EO requirements and applicable Stay Safe Industry Guidance. For more information about Plan requirements, refer to the applicable Stay Safe Guidance for All Business Entities webpage (staysafe.mn.gov/industry-guidance/all-businesses.jsp).

This guidance has been updated to align with EO 21-11, 21-21, and 21-23, a CDC transmission of COVID-19 update (5/13/2021), and removal of face covering EO requirements (5/14/2021).

Recommendations to prevent the spread of COVID-19

COVID-19 spreads when an infected person breathes out droplets and very small particles that contain the virus. These droplets and particles can be breathed in by other people; land in their eyes, nose, or mouth; or land on surfaces that people touch. The risk of COVID-19 transmission increases when people gather with other households. Several key strategies can reduce the risk of getting sick or transmitting COVID-19:

- Wear a face covering when recommended by MDH or CDC.
  - There is no longer a statewide requirement to wear face coverings in most settings. However, other federal, state, and/or local laws may require face coverings in some settings, and
businesses may set their own requirements. Additionally, Minnesota’s Safe Learning Plan, along with the existing face covering guidance for schools and childcare settings, remains in effect.

- For more information about face covering recommendations, visit Face Covering Requirements and Recommendations (www.health.state.mn.us/diseases/coronavirus/facecover.html).

- If you are not vaccinated:
  - Keep at least 6 feet of physical distance from other households and follow the face covering recommendations in the above MDH resources.

- Vaccinated or not vaccinated, MDH strongly recommends that everyone:
  - Wash their hands often.
  - Follow guidance on staying home (quarantine) if you were exposed to someone who has COVID-19. People who are fully vaccinated may not need to quarantine in many situations. Visit Quarantine Guidance for COVID-19 (www.health.state.mn.us/diseases/coronavirus/quarguide.pdf) for more details.
  - Stay home if they are sick. Visit If You Are Sick: COVID-19 (www.health.state.mn.us/diseases/coronavirus/sick.html).

- Follow testing recommendations for when they travel, have COVID-19 symptoms, or are exposed to COVID-19. Visit COVID-19 Testing (www.health.state.mn.us/diseases/coronavirus/testsites/index.html) for information about who should get tested and how to get a test.

- Work from home if possible. Employers must provide reasonable accommodations as required under existing federal and state law. Employers are strongly encouraged to provide reasonable accommodations to employees with one or more members of their household who have underlying medical conditions and who are unable to be vaccinated.

EO 21-21 requirements for restaurants and bars

Restaurants and bars must operate under the following provisions governing occupancy and social distancing, in addition to other requirements provided in this document and applicable Stay Safe Guidance for All Business Entities (staysafe.mn.gov/industry-guidance/all-businesses.jsp), which have different requirements for indoor and outdoor settings.

Key requirements

- No more than 10 customers may be seated together at any one time indoors.

- Social distancing of 6 feet must be maintained between parties when indoors.

Indoor occupancy limits

Restaurants with a rated indoor occupant capacity of 333 people or less:

- To calculate maximum allowable indoor occupancy, restaurants must start with their normal indoor occupant capacity as established by state or local authorities (e.g., fire marshal) in accordance with established codes and requirements.
If that number is less than or equal to 333, occupancy for all indoor restaurant areas cannot exceed 75% of the normal rated occupant capacity (rounding to the nearest whole number).

Social distancing of 6 feet must be maintained between parties at all times, and restaurants must further reduce occupancy to the extent needed to maintain social distancing.

Restaurants with a rated indoor occupant capacity of more than 333 people:

A Venue Occupancy Calculator and a COVID-19 Venue Capacity Guide are tools available to determine occupant capacity on Stay Safe Guidance for Entertainment and Meeting Venues (staysafe.mn.gov/industry-guidance/entertainment.jsp).

Restaurant spaces with rated indoor occupant capacity of more than 333 may increase their occupancy according to the following calculation:

<table>
<thead>
<tr>
<th>Indoor Calculation Steps</th>
<th>Indoor Space Example</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Step 1:</strong> Start with the rated indoor occupant capacity for</td>
<td>An indoor sports bar has a normal occupant capacity of 3,000 patrons.</td>
</tr>
<tr>
<td>the entire venue and subtract 333.</td>
<td>3,000-333 = 2,667</td>
</tr>
<tr>
<td><strong>Step 2:</strong> Take the difference and multiply it by 25% (0.25).</td>
<td>2667 x 0.25 = 666.75</td>
</tr>
<tr>
<td><strong>Step 3:</strong> Take the product number and add 250, and round</td>
<td>666.75+ 250 = 916.75</td>
</tr>
<tr>
<td>to the nearest whole number.</td>
<td>Round up to 917. The maximum indoor occupancy for this establishment is 917.</td>
</tr>
</tbody>
</table>

Outdoor occupancy limits

Restaurants and bars are not required to restrict their capacity in outdoor dining areas under this Executive Order, but state and local building codes, fire codes, and zoning requirements for occupancy and egress continue to apply. Restaurants and bars are responsible for knowing and complying with any applicable state or local restrictions.

Indoor and outdoor areas

A space is “indoors” if the space is:

- Between the ground or other natural surface or a floor or similar surface and an overhead barrier, including but not limited to: a canopy, cap, awning, ceiling, roof, retractable barrier, or similar structure, whether opened or closed, and
- Bounded by a physical barrier, including but not limited to: walls, partitions, retractable dividers, doorways, garage doors or windows, whether opened or closed, that cover more than 50% of the combined surface area of the vertical planes constituting the perimeter of the space.

Indoor space may be temporary or permanent, finished or unfinished. A physical barrier bounding a space may be made of natural and manufactured materials. A 0.011 gauge window screen with an 18 by 16 mesh count is not a barrier.
Examples of spaces that are or can be indoor spaces include, but are not limited to: buildings, towers, stadiums, arenas, theaters, rotundas, domes, tents, pavilions, gazebos, igloos, trailers, and other enclosures.

For example, the following spaces would be considered “indoors”:

**Example 1**

- More than 50% of the vertical planes between the floor and ceiling are enclosed by solid material.
- Half walls on 3 sides
- This space is “indoors”

**Example 2**

- More than 50% of the perimeter space between the floor and ceiling is enclosed by solid material.
- This space is “indoors”

By contrast, the following spaces would be considered “outdoors” because less than 50% of the perimeter space between the floor and ceiling are enclosed by solid material:

**Example 3**

- Less than 50% of the vertical planes between the floor and ceiling are enclosed by solid material.
- Open wall on 3 sides
- This space is “outdoors”

**Example 4**

- The space between the floor and ceiling has no walls.
- This space is “outdoors”


### Single-party enclosures

Dining in an indoor structure, such as an igloo or ice fishing shelter, carries an increased risk for virus transmission due to the lack of ventilation. A single-party enclosure such as an igloo, ice fishing shelter, or other similar structure may only be used by members of the same party (as stated in this guidance, parties must be limited to 10 people).

Restaurants/bars may not permit customers to set up their own temporary indoor dining areas (e.g., tents, ice houses, “igloos,” or similar structures) on any areas of the restaurant/bar premises (including parking areas).
Other state and local regulations may also impact diners on restaurant property. For example, alcohol-related statutes and permit requirements may restrict service or consumption outside of established outdoor dining areas. Restaurants and bars are responsible for knowing and complying with any applicable state or local restrictions.

**Required plan guidance**

1. **Health screening**
2. **Maintain social distance of at least 6 feet in indoor settings**
3. **Events**
4. **Hand hygiene**
5. **Cleaning and disinfecting**
6. **Food safety**
7. **Live entertainment**
8. **Games and amusement devices**
9. **Businesses that have been closed or operating at reduced capacity**

### 1. Health screening

**Requirements**

- Follow the requirements in the applicable [Stay Safe Guidance for All Business Entities](staysafe.mn.gov/industry-guidance/all-businesses.jsp).
- Continue following requirements for reporting food worker illness and exclusion. [Illness Reporting for Food Establishments](www.health.state.mn.us/people/foodsafety/dwi/empillfs.pdf).

### 2. Maintain social distance of at least 6 feet in indoor settings

**Requirements**

- When indoors, follow the indoor requirements at [Stay Safe Guidance for All Business Entities](staysafe.mn.gov/industry-guidance/all-businesses.jsp), except where modified by this section.
- Require customers to be seated in indoor areas of the business, including at counters and bars.
- Configure seating arrangements to allow for physical distancing between parties.
  - In indoor settings, a minimum of 6 feet of physical distance must be maintained between customers in different parties. Indoor dining parties must be limited to a maximum of 10 customers.
- Require reservations for indoor on-site seating.
  - On-site reservations may be taken as long as adequate physical distancing is maintained between parties and occupancy limits are not exceeded.
If reservations are impractical for shared seating areas designated for customers of food businesses in mixed-use retail settings such as malls (e.g., food court or food hall seating), the business or entity responsible for overseeing the seating area must institute alternative measures to control capacity and ensure social distancing. For example, the business or entity could cordon off seats to maintain adequate distance between seats and control the number of available seats, and use ropes, stanchions, or similar measures to direct people moving throughout the seating area. A single-party enclosure such as an igloo, ice fishing shelter, or other similar structure may only be used by members of the same party.

Recommendations

- Barriers may be installed in seating areas between back-to-back booths or other immovable, back-to-back seating arrangements in lieu of providing 6 feet of separation between parties indoors.
  - Barriers should take into account the tallest user, and the anticipated behavior of users within the partitioned area.
  - Barriers or partitions used should be of sufficient dimension and appropriate material, e.g., plexiglass or taut heavy plastic curtains stretched and secured, as necessary.
  - Avoid using wood, fabric, or laminate as the primary materials for barriers.
  - Barriers should be fixed installations where possible and must not impede emergency exit for staff or patrons or fire protection sprinkler systems.
  - If barriers are installed, additional requirements for barriers and partitions are found in Minnesota Department of Safety State Fire Marshal Division: Rigid Partitions & Barriers for COVID-19 Protection (dps.mn.gov/divisions/sfm/Documents/Rigid-barriers-COVID-19-protection.pdf).

- Discourage guests from congregating in checkout and waiting areas, self-service food and beverage areas, restrooms or at counters and bars.
  - Use floor markers or other methods to indicate and maintain a minimum of 6 feet of physical distance between customers who are waiting.

3. Events

Requirements

- Restaurants and bars may host entertainment events, parties, receptions, and similar events if the event adheres to the requirements applicable to entertainment events on Stay Safe Guidance for All Business Entities (staysafe.mn.gov/industry-guidance/all-businesses.jsp), including lower indoor percentage occupancy limits.
  - If a restaurant or bar hosts an event and continues to offer food service to those not attending the event, attendees of the event are considered occupants of the establishment for the purposes of maximum indoor occupancy caps.
4. Hand hygiene

Requirements
- Follow the requirements in the applicable Stay Safe Guidance for All Business Entities (staysafe.mn.gov/industry-guidance/all-businesses.jsp).
- Train and remind workers, using visual reminders, of required hand hygiene practices, including handwashing procedure and frequency, restricting bare hand contact with ready-to-eat food, proper glove use, and COVID-19 precautions.
- Ensure handwashing sinks are accessible and fully stocked with soap, paper towels, handwashing sign, and trash bins.

5. Cleaning and disinfecting

Requirements
- Follow the requirements in the applicable Stay Safe Guidance for All Business Entities (staysafe.mn.gov/industry-guidance/all-businesses.jsp).
- A single-party enclosure such as an igloo, ice fishing shelter, or other similar structure must be aired out for a minimum of 30 minutes between parties.

6. Food safety

Requirements
- Follow the requirements included in the Universal Plan Guidance for COVID-19 Preparedness Plans found at Stay Safe Guidance for All Business Entities (staysafe.mn.gov/industry-guidance/all-businesses.jsp).
- Follow the requirements of the Minnesota Administrative Rules Chapter 4626, Food Code; Food Managers (www.revisor.mn.gov/rules/4626/).

Recommendations
- Consider offering prepackaged food in self-service areas.
  - Allow self-service food and beverage areas only if the COVID-19 plan addresses customer protections such as oversight of the self-service area to ensure physical distancing and hand hygiene.
- If providing a “grab and go” service, stock coolers to no more than minimum levels.

7. Live entertainment

Requirements
- Follow the requirements in the applicable Stay Safe Guidance for All Business Entities (staysafe.mn.gov/industry-guidance/all-businesses.jsp).
- Performers may only perform at a designated space within the restaurant or bar.
When indoors, performers must be separated from any patrons or audience by a distance of at least 12 feet. Additionally, when indoors, performers must maintain at least 6 feet of social distance from each other.

For additional requirements and recommendations to keep performers and patrons safe during live musical performances, refer to Music Activities and Performances During COVID-19 (www.health.state.mn.us/diseases/coronavirus/musicguide.pdf).

Bars and restaurants (or any portions of bars and restaurants) that are operating under this guidance and that are open for regular food and beverage service may not allow customers to dance indoors.

8. Games and amusement devices

This section addresses games and amusement devices including, but not limited to: pool tables, dartboards, cornhole boards, jukeboxes, and arcade games.

Requirements

- Follow the requirements in the applicable Stay Safe Guidance for All Business Entities (staysafe.mn.gov/industry-guidance/all-businesses.jsp).

- Lawful gambling (Minnesota Statutes 2019, section 349.12).
  - The sale and play of lawful gambling as provided under Minnesota Statutes 2019, section 349.12 must comply with guidance issued by the Minnesota Gambling Control Board (mn.gov/gcb).
  - Customers in indoor queuing areas must maintain physical distancing of at least 6 feet from other customers, and queuing areas must be marked to provide for physical distancing (for example, by using floor markings, lane lines, and/or marking of adjacent areas where customers may be waiting for service).

- Indoor games and amusement devices must be spaced at least 6 feet apart from adjacent games and amusement devices.

- Indoor games and amusement devices must be located at least 6 feet from seating areas for eating and drinking.

- Participants must maintain social distance of 6 feet from adjacent parties while playing games and amusement devices indoors. Parties are limited to 10 people.

- Participants must not consume food or beverages while in an indoor game play area.

9. Businesses that have been closed or operating at reduced capacity

Requirements

- Follow the requirements in the applicable Stay Safe Guidance for All Business Entities (staysafe.mn.gov/industry-guidance/all-businesses.jsp).

- Check expiration dates and discard all food items that are out of date or spoiled.

- Verify that refrigeration and freezers are operating at the required temperatures.
- Verify your warewashing machines are operating at the required wash and rinse temperatures and with the appropriate detergents and food contact surface sanitizers.
- Flush water lines, including equipment water lines and connections, according to the manufacturer’s instructions.
- Clean and sanitize ice machines and ice bins.

Appendix A – Guidance for restaurants and bars

**Minnesota Food Code**

Minnesota Administrative Rules: Chapter 4626, Food Code; Food Managers (www.revisor.mn.gov/rules/4626)

**Food service employee health and hygiene**

MDH: Illness Reporting for Food Establishments (www.health.state.mn.us/people/foodsafety/dwi/empillfs.pdf)

**Food service employee reopening training**

ServSafe: Free COVID-19 Training and Resources (www.servsafe.com/Landing-Pages/Free-Courses)

**Food establishment reopening guidance**


FDA: Best Practices for Re-Opening Retail Food Establishments During the COVID-19 Pandemic–Food Safety Checklist (www.fda.gov/media/137867/download)

FDA: Best Practices for Re-Opening Retail Food Establishments During the COVID-19 Pandemic Infographic (www.fda.gov/media/137868/download)


Cleaning, Disinfecting and Sanitizing


MDH: Cleaning and Sanitizing: Requirements for Equipment Food-Contact Surfaces (www.health.state.mn.us/communities/environment/food/docs/fs/cleansanfs.pdf)