

COVID-19 Preparedness Plan Requirements for Restaurants and Bars

5/6/2021

This guidance applies to all business and places of public accommodation (“businesses”)—as defined by Executive Order 21-11, as amended by Executive Order 21-21 (“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 12:00 p.m. (noon) through May 27, 2021. Businesses must continue to follow all other applicable [Stay Safe Industry Guidance \(staysafe.mn.gov/industry-guidance/index.jsp\)](https://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, visit applicable [Stay Safe Guidance for All Business Entities \(staysafe.mn.gov/industry-guidance/all-businesses.jsp\)](https://staysafe.mn.gov/industry-guidance/all-businesses.jsp).

Recommendations to prevent the spread of COVID-19

COVID-19 is primarily spread through respiratory droplets, so 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 well-fitting face covering. Visit [Frequently Asked Questions About the Requirement to Wear Face Coverings \(www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html\)](https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html).
- Keep at least 6 feet of physical distance from other households and wash hands often.
- Get tested. Visit [COVID-19 Testing \(www.health.state.mn.us/diseases/coronavirus/testsites/index.html\)](https://www.health.state.mn.us/diseases/coronavirus/testsites/index.html) for information about who should get tested and how to get a test.
- Stay home if you are sick or were exposed to COVID-19. Visit [If You Are Sick: COVID-19 \(www.health.state.mn.us/diseases/coronavirus/sick.html\)](https://www.health.state.mn.us/diseases/coronavirus/sick.html) and [Quarantine Guidance for COVID-19 \(www.health.state.mn.us/diseases/coronavirus/quarguide.pdf\)](https://www.health.state.mn.us/diseases/coronavirus/quarguide.pdf).
- Get vaccinated. Visit [COVID-19 Vaccine \(www.health.state.mn.us/diseases/coronavirus/vaccine/index.html\)](https://www.health.state.mn.us/diseases/coronavirus/vaccine/index.html).

- Work from home. Working from home is strongly recommended and businesses are strongly encouraged to allow employees to work from home when 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 \(staysafe.mn.gov/industry-guidance/all-businesses.jsp\)](https://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 \(staysafe.mn.gov/industry-guidance/entertainment.jsp\)](https://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:

Indoor Calculation Steps	Indoor Space Example
<p>Step 1: Start with the rated indoor occupant capacity for the entire venue and subtract 333.</p>	<p>An indoor sports bar has a normal occupant capacity of 3,000 patrons. $3,000 - 333 = 2,667$</p>

Indoor Calculation Steps	Indoor Space Example
Step 2: Take the difference and multiply it by 25% (0.25).	$2667 \times 0.25 = 666.75$
Step 3: Take the product number and add 250, and round to the nearest whole number.	$666.75 + 250 = 916.75$ Round up to 917. The maximum indoor occupancy for this establishment is 917.

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.

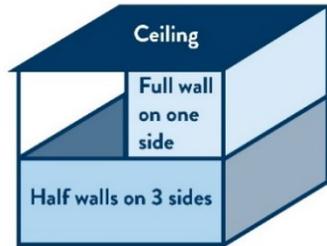
Indoor space may be temporary or permanent, finished or unfinished. A physical barrier bounding a space may be made of natural and manufactured materials. A 0.011 gauge window screen with an 18 by 16 mesh count is not a barrier.

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.



This space is “indoors”

Example 2

More than 50% of the perimeter space between the floor and ceiling is enclosed by solid material.

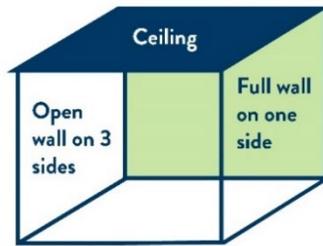


This space is “indoors”

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

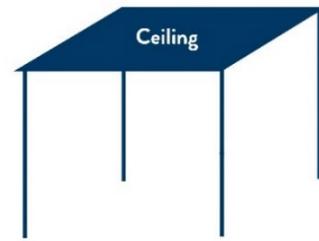
Less than 50% of the vertical planes between the floor and ceiling are enclosed by solid material.



This space is “outdoors”

Example 4

The space between the floor and ceiling has no walls.



This space is “outdoors”

Refer to [Minnesota Department of Public Safety State Fire Marshall Division: Temporary Use of Tents & Membrane Structures \(dps.mn.gov/divisions/sfm/fire-code/Documents/Fire-Code-Information-Sheets/Temporary-tents.pdf\)](https://dps.mn.gov/divisions/sfm/fire-code/Documents/Fire-Code-Information-Sheets/Temporary-tents.pdf) for additional requirements.

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. [Use of face coverings](#)
6. [Cleaning and disinfecting](#)
7. [Food Safety](#)
8. [Live entertainment](#)
9. [Games and amusement devices](#)
10. [Businesses that have been closed or operating at a 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 \(dps.mn.gov/divisions/sfm/Documents/Rigid-barriers-COVID-19-protection.pdf\)](https://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 \(staysafe.mn.gov/industry-guidance/all-businesses.jsp\)](https://staysafe.mn.gov/industry-guidance/all-businesses.jsp), including lower indoor percentage occupancy limits and indoor and outdoor face covering requirements.
 - 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 \(staysafe.mn.gov/industry-guidance/all-businesses.jsp\)](https://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. Use of face coverings

Requirements

- Follow the requirements in the applicable [Stay Safe Guidance for All Business Entities \(staysafe.mn.gov/industry-guidance/all-businesses.jsp\)](https://staysafe.mn.gov/industry-guidance/all-businesses.jsp).
- All workers must wear face coverings as required by this guidance. As of July 25, 2020, people in Minnesota are required to wear a face covering in all indoor businesses and public indoor spaces, per Executive Order 20-81 (as amended by Executive Order 21-11). Additionally, the Executive Order requires workers to wear a face covering when working outdoors in situations where social distancing cannot be maintained.
- Require all workers in bars and restaurants to wear a face covering that covers their mouth and nose when in any part of the restaurant or bar—whether indoors or outdoors—unless a worker is working alone in an office or other enclosed or separated area where food is not stored, handled, or prepared.
- Workers may wear face shields when a cloth face covering cannot be worn—such as when working in hot kitchens.
- Require customers to wear face coverings in indoor areas of restaurants and bars. In addition, require customers to wear face coverings outdoors when more than 500 customers are present in outdoor areas of a restaurant or bar.
 - Executive Order 20-81 allows for temporary removal of a face covering when eating or drinking if at least 6 feet of physical distance can be maintained between parties.
 - Businesses are allowed to require customers to wear face coverings even when not required by Executive Order 20-81—for example, when in outdoor seating areas of a bar or restaurant.
- Refer to Executive Order 20-81 and the following guidance documents for additional information about exemptions for people who are unable to wear or tolerate a face covering due to medical or other reasons, situations in which a face covering may be temporarily removed, and other information about what businesses are required or permitted to do with respect to worker and customer face coverings: [Face Covering Requirements and Recommendations \(www.health.state.mn.us/diseases/coronavirus/facecover.html\)](https://www.health.state.mn.us/diseases/coronavirus/facecover.html) and [Frequently Asked Questions about the Requirement to Wear Face Coverings \(www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html\)](https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html).

6. Cleaning and disinfecting

Requirements

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

7. 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 \(staysafe.mn.gov/industry-guidance/all-businesses.jsp\)](https://staysafe.mn.gov/industry-guidance/all-businesses.jsp).
- Follow the requirements of the [Minnesota Administrative Rules Chapter 4626, Food Code; Food Managers \(www.revisor.mn.gov/rules/4626/\)](http://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, hand hygiene, and face coverings for customers.
- If providing a “grab and go” service, stock coolers to no more than minimum levels.

8. Live entertainment

Requirements

- Follow the requirements in the applicable [Stay Safe Guidance for All Business Entities \(staysafe.mn.gov/industry-guidance/all-businesses.jsp\)](https://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 \(www.health.state.mn.us/diseases/coronavirus/musicguide.pdf\)](https://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.

9. 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 \(staysafe.mn.gov/industry-guidance/all-businesses.jsp\)](https://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 \(mn.gov/gcb\)](https://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.
- Face coverings must be worn by participants indoors.
- Participants must not consume food or beverages while in an indoor game play area.

10. Businesses that have been closed or operating at a reduced capacity

Requirements

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

CDC: Considerations for Restaurant and Bar Operators (www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html)

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)

National Restaurant Association: Reopening & Recovery (restaurant.org/Manage-My-Restaurant/Business-Operations/Covid19/Recovery)

FDA: Food Safety and the Coronavirus Disease 2019 (COVID-19) (www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19)

Cleaning, Disinfecting and Sanitizing

EPA About List N: Disinfectants for Coronavirus (COVID-19) (www.epa.gov/coronavirus/about-list-n-disinfectants-coronavirus-covid-19-0)

CDC: Cleaning and Disinfecting Your Facility (www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html)

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