COVID-19 Preparedness Plan
Requirements for Restaurants and Bars

4/15/2021

Executive Order 21-11 took effect Monday, March 15, 2021, at 12 p.m. (noon) and does not have an end date. Effective March 31, 2021, at 11:59 p.m., larger venues, restaurants, gyms, and pools are able to expand their occupancy per the Stay Safe Industry Guidance (staysafe.mn.gov/industry-guidance/index.jsp). Effective April 14, 2021, at 11:59 p.m., the requirement to work from home shifts to a strong recommendation.

The Stay Safe MN website may be updated with frequently asked questions about the Governor’s Executive Orders and related industry guidance. These frequently asked questions may also include clarifications to the requirements and recommendations in Executive Orders and guidance. See Frequently Asked Questions about Stay Safe MN (mn.gov/covid19/stay-safe/faq/index.jsp) or Stay Safe Industry Guidance (staysafe.mn.gov/industry-guidance/index.jsp).

Updates include: “Work from home” update (page 2) and updates to occupancy (page 2-4).

Executive Order (EO) 21-11

The full executive order (EO) with all requirements can be found at Executive Orders from Governor Walz (mn.gov/governor/news/executiveorders.jsp).

- **Social gatherings limited.** Social gatherings are limited as described on Stay Safe in Social Gatherings (staysafe.mn.gov/individuals-families/social-gatherings.jsp). Most commercial activities are not considered social gatherings, so these limitations will not impact most industries.

- **Masks and face coverings required.** EO 20-81, requiring face coverings in certain settings, remains in full force and effect, except as amended by EO 21-11. See Face Covering Requirements and Recommendations (www.health.state.mn.us/diseases/coronavirus/facecover.html). In addition, Executive Order 20-81 allows industry guidance to establish additional face covering requirements for each sector, so businesses must comply with additional face covering requirements set forth in this document and other applicable industry guidance.
**People at higher risk.** All people currently living in Minnesota who are at higher risk of severe illness from COVID-19, as defined by Executive Order 20-55, are strongly urged to stay at home or in their place of residence and follow the provisions of Executive Order 20-55.

**Work from home.** Effective April 14, 2021, at 11:59 p.m., 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.

**Businesses and activities are affected differently.** For a full listing of all business and activity requirements and limitations, see the full executive order at [Executive Orders from Governor Walz](mn.gov/governor/news/executiveorders.jsp). Please review the guidance below for industry-specific requirements and applicable COVID-19 Preparedness Plan Requirements Guidance.

### EO 21-11 requirements for restaurants and bars

Restaurants and bars must operate under the following provisions governing occupancy, hours of operation, and social distancing, in addition to other requirements provided in this document.

**Key requirements**

- On-site dining must be closed between 11:00 p.m. and 4:00 a.m. Takeout, delivery, and other service for off-site consumption may continue during the hours that on-site dining is closed.
- No more than six customers may be seated together at any one time.
- In a bar or counter area, no more than four customers may be seated together at any one time.
- Social distancing of 6 feet must be maintained between parties at all times.

**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) or 250 people at any time, whichever is less.
- 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 up to a maximum of 3,000, but cannot exceed the maximum occupancy limits 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 the entire venue and subtract 333.</td>
<td>An indoor sports bar has a normal occupant capacity of 3,000 patrons. 3,000-333 = 2,667</td>
</tr>
<tr>
<td><strong>Step 2</strong>: Take the difference and multiply it by 15% (0.15).</td>
<td>2667 x 0.15 = 400.05</td>
</tr>
</tbody>
</table>
| **Step 3**: Take the product number and add 250, and round to the nearest whole number. | 400.5 + 250 = 650.5
Round up to 651 |
| **Step 4**: If the sum is less than 3,000, then the resulting calculation is the maximum number of people allowed within the indoor restaurant space at any given time. If the sum is greater than 3,000, then the maximum number of people may not exceed 3,000 at any given time. | 651 is less than 3000, so maximum indoor occupancy for the bar is 651 patrons indoors at any one time. |

**Outdoor occupancy limits**

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

- To calculate maximum allowable outdoor occupancy, restaurants must start with their normal outdoor 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 of any outdoor space must be limited to the number for whom physical distancing of 6 feet can be maintained between parties at different tables, not to exceed 250 people.

**Restaurants with a normal outdoor 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).
- Outdoor restaurant spaces with a rated occupancy of greater than 333 must follow the same steps as indoor, substituting the multiplier in Step 2 with 25% (.25) and the maximum occupancy cap in step 4 with 10,000.
Outdoor Calculation Steps | Outdoor Space Example
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**Step 1:** Start with the rated outdoor occupant capacity for the entire venue and subtract 333. | A large outdoor patio maintains a normal occupant capacity of 2,000. 2,000 - 333 = 1,667

**Step 2:** Take the difference and multiply it by 25% (0.25). | 1667 x 0.25 = 416.75

**Step 3:** Take the product number and add 250, and round to the nearest whole number. | 416.75 + 250 = 666.75  Round up to 667

**Step 4:** If the sum is less than 10,000, then the resulting calculation is the maximum number of people allowed within the outdoor restaurant space at any given time. If the sum is greater than 10,000, then the maximum number of people may not exceed 10,000 at any given time. | 667 is less than 10,000, so they may have 667 patrons on the patio at any one time.

**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**

**Example 2**
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 1**

![Diagram of Example 1]

**Example 2**

![Diagram of Example 2]

Refer to the [Minnesota Department of Public Safety State Fire Marshall Division Guidance on Temporary Use of Tents & Membrane Structures](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 6 people). These structures must be allowed to air out for a minimum of 30 minutes between parties. Staff must not enter the structure during the 30-minute airing-out period.

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).

**Heaters, fireplaces, and other attractions**

Restaurants may provide heaters, fireplaces, seating, or accommodations or attractions in designated outdoor restaurant/bar seating areas that comply with this restaurant and bar guidance or designated outdoor venue areas that comply with the [Stay Safe Guidance for Entertainment and Meeting Venues](staysafe.mn.gov/industry-guidance/entertainment.jsp). Such accommodations or attractions are not permitted outside of these designated and controlled areas as they encourage uncontrolled gatherings.

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.

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**Prevent the spread of COVID-19**

The requirements and recommendations in preparedness plans will help reduce the spread of COVID-19 and are based on the core principles below. Following the requirements and recommendations will
reduce the risk of exposure to COVID-19 but will not eliminate it. COVID-19 is primarily spread through respiratory droplets produced when an infected person coughs, sneezes, or talks. Anytime people gather, the risk of spreading COVID-19 increases for everyone.

The best way to reduce your risk of getting sick from or spreading COVID-19 is to:

- Wear a well-fitting face covering.
- Keep at least 6 feet of physical distance from people not in the same household.
- People who are sick or exposed to someone with COVID-19 must stay home.
- Wash hands often.

COVID-19 vaccine is being administered across Minnesota. Get vaccinated when it is your turn. Even after a person has recovered from COVID-19 or is fully vaccinated they should still continue to stay distanced, wear a mask that fits well, wash their hands often, and follow other precautions. For more information, visit [COVID-19 Vaccine](www.health.state.mn.us/diseases/coronavirus/vaccine/index.html).

COVID-19 preparedness plans

As required by the Executive Orders (also referred to as “EOs”) issued by Governor Tim Walz under the Peacetime Emergency, all businesses, both critical or non-critical, and other entities identified in the EO, are legally required to develop and implement COVID-19 preparedness plans (also referred to as “plan” or “plans”). Under the EO, a “business” and “businesses” include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments. “Worker” and “workers” are broadly defined by the EO to include owners, proprietors, employees, contractors, vendors, volunteers, and interns.

For purposes of this plan guidance, “other entities” includes those entities identified in the EO that are not covered by the definition of a “business” but are also required by an EO to develop and implement plans. Other entities include places of public accommodation, establishments, institutions, facilities, venues, and organizers identified in the EO. Plan guidance is designed to protect workers, customers, and other members of the public from the transmission of the virus that causes COVID-19.

This plan guidance constitutes the “plan guidance” referred to in EO 21-11 and applies to all identified businesses and other entities. **Businesses and other entities must develop and implement COVID-19 preparedness plans that address the following:**

- The requirements of EO 21-11,
- 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), and
- The requirements included in the Plan Guidance that are applicable to their business or entity.
Unless clearly indicated that an action is recommended and included under “Recommendations,” businesses and other entities should understand that the plan guidance imposes legally enforceable requirements. In instances where a requirement uses language “to the extent possible,” the action is required, to the extent it is possible for the business or entity to implement the requirement.

Depending on the activities engaged in by a business or other entity, it may be required to comply with additional industry or activity specific plan guidance, such as plan guidance applicable to bars and restaurants, if the facility serves food and beverages or plan guidance applicable to businesses that provide personal services, if the facility has a hair salon.

Frequently Asked Questions about Stay Safe MN (mn.gov/covid19/stay-safe/faq/index.jsp) have been posted to respond to questions about provisions of Executive Orders and plan guidance.

Required plan guidance

1. Health screening
2. Maintain social distance of at least 6 feet
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 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/).
- 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

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), except where modified by this section.
- Require customers to be seated in all areas of the business, including at counters and bars.
- Configure seating arrangements to allow for physical distancing between parties.
  - A minimum of 6 feet of physical distance must be maintained between customers in different parties.
- Require reservations for 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.
- Do not allow guests to congregate 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.
- Customers may order food or beverages at a service counter if social distancing is maintained between all staff and customers.
  - Customers in queuing areas must maintain social distancing of at least 6 feet from other customers, and queuing areas must be marked to provide for social distancing (for example, by using floor markings, lane lines, and/or marking of adjacent areas where customers may be waiting for service).
- A single-party enclosure such as an igloo, ice fishing shelter, or other similar structure may only be used by members of the same household.

Recommendations

- Instruct servers to stand to the side or behind the customer as much as possible.
- Instruct servers not to approach the table unless all parties have replaced their face coverings, if they were removed.
- 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.
▪ 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.

3. Events

Requirements
▪ Restaurants and bars may host entertainment events, parties, receptions, and similar events if the event adheres to the requirements applicable to non-seated entertainment events on the Stay Safe Guidance for All Business Entities (staysafe.mn.gov/industry-guidance/all-businesses.jsp), including lower percentage occupancy limits 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 occupancy caps.

4. Hand hygiene

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).
▪ 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 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).
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.

- 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) and [Frequently Asked Questions about the Requirement to Wear Face Coverings](www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html).

### 6. Cleaning and disinfecting

**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).

- Clean and sanitize food contact surfaces according to the Minnesota Food Code.
  - Follow the manufacturer’s label to ensure that appropriate products are used to sanitize food contact surfaces. Not all disinfectants are appropriate for food contact surface sanitizing.
  - Clean and sanitize food contact surfaces, food preparation surfaces, and beverage equipment after each use.
  - Follow the manufacturer’s instructions for all cleaning and disinfection products. For example, concentrations, application method, contact and drying time, and the use of personal protective equipment, and do not mix products together.
Clean and disinfect reusable menus after each use. If using disposable paper menus, discard them after each customer use.

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. Staff must not enter the enclosure during the airing-out period.

**Recommendations**

- Consider providing cleaning and disinfection kits (sprays or buckets, hand sanitizers, or other cleaning supplies) that are readily accessible throughout the establishment for areas that will be cleaned and disinfected frequently.

### 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).
- 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, 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 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).
- Performers may only perform at a designated space within the venue, separated from any patrons or audience by a distance of at least 12 feet.
- 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.

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 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).
- 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 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).
- Games and amusement devices must be spaced at least 6 feet apart from adjacent games and amusement devices.
- 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.
- Face coverings must be worn by participants at all times.
- Participants must not consume food or beverages while in the game play area.

Recommendations

- Players are encouraged to provide their own darts, pool cues, chalk, or other equipment required to play.
- Implement a scheduling or reservation system for play of games and amusement devices.

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

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).
- 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)