COVID-19 Preparedness Plan
Requirements for Restaurants and Bars

1/21/2021

Executive Order 21-01 will go into effect Sunday, Jan. 10 at 11:59 p.m. and does not have an end date. Restaurants and bars must comply with the requirements set forth in EO 21-01 and the requirements provided in this document, to mitigate the risk of transmission of COVID-19.

Frequently asked Questions about all Executive Orders may have additional clarifications about requirements and recommendations. See Frequently Asked Questions about Stay Safe MN (https://mn.gov/covid19/for-minnesotans/stay-safe-mn/faq.jsp) or Stay Safe Guidance for Businesses and Organizations (https://staysafe.mn.gov/industry-guidance/index.jsp).

Updates since Jan. 6, 2021, include:

- Clarifications around guidelines for capacity and seating areas (page 2).
- Rules relating to temporary indoor dining areas (e.g., tents, ice house, “igloos,” or similar structures) and outdoor attractions that encourage gathering (page 4).
- Requirements for shared seating areas in mixed-use retail settings such as malls, food courts, and food halls (page 7).
- Recommendations for use of partitions (page 8).

Executive Order (EO) 21-01

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

- **Social gatherings limited.** Social gatherings are limited as described on Stay Safe in Social Gatherings (https://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. See Face Covering Requirements and Recommendations under Executive Order 20-81 (https://www.health.state.mn.us/diseases/coronavirus/facecover.html).
People at higher risk. All people currently living within the State of 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. All people who can work from home must continue to do so.

Business 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 (https://mn.gov/governor/news/executiveorders.jsp). Please review the guidance below for industry-specific requirements and applicable COVID-19 Preparedness Plan Requirements Guidance.

EO 21-01 requirements and COVID-19 Preparedness Plans for restaurants and bars

For the duration of Executive Order 21-01, Restaurants and Bars must operate under the following provisions, in addition to other requirements provided in this document:

Capacity and hours of operation

- Capacity in indoor and outdoor areas is limited as follows:
  - The number of customers at any one time is limited to the number for whom social distancing of 6 feet can be maintained between customers in different parties.
  - Occupancy of any indoor space must not exceed 50% of the normal occupant capacity, up to a maximum of 150 people.
  - 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 150 people.
  - Individual seating areas designated for shared use by customers of food businesses in mixed retail settings such as malls, food courts, and food halls are limited to 50% of their normal occupant capacity, with a maximum of 150 seats.
  - No more than six customers may be seated together at any one time.
  - In a bar area, no more than two customers may be seated together at any one time. Social distancing of 6 feet must be maintained between parties seated at bars or counters.
  - Onsite dining must be closed between 10:00 p.m. and 4:00 a.m. Takeout, delivery, and other service for offsite consumption may continue during the hours that onsite dining is closed.
  - Reservations are required for onsite dining.
  - Customers present for onsite dining must be seated at all times.
  - Lawful games (Minnesota Statutes 2019, section 349.12)
    - The sale and play of lawful games as provided under Minnesota Statutes 2019, section 349.12 must comply with guidance issued by the Minnesota Gambling Control Board (https://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).

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**

**Example 2**

**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 household. 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 (https://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.

---

**COVID-19 Preparedness Plans: Requirements for restaurants and bars**

**Your health and COVID-19**

Any time individuals are gathering with other people, they are at risk of exposure to SARS-CoV-2, the virus that causes COVID-19. COVID-19 is spread through respiratory droplets produced when an infected person coughs, sneezes or talks. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. People with symptoms and without symptoms can spread the virus.

COVID-19 can lead to serious medical conditions and even death for people of all ages. We cannot predict who will become severely ill, although we know that older people and people with underlying health conditions are at higher risk. We do not yet know what the long-term effects of infection from COVID-19 are; even people with mild cases may experience long-term complications.
The best way to prevent illness is to avoid being exposed to this virus. The masking, physical distancing, and other safety precautions included in these requirements reduce the risk of spreading COVID-19, but do not eliminate the risk entirely. We can all take these actions to protect ourselves, our families, and others throughout our communities. This applies to people who have already been vaccinated, too.

- Stay home when sick.
- Stay at least 6 feet apart from other people.
- Wear face coverings in indoor businesses and public indoor spaces and outdoors when 6 feet of social distancing cannot be consistently maintained.
- Wash your hands often.
- Cover your mouth and nose when you cough or sneeze.

**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 EOs, are legally required to develop and implement COVID-19 Preparedness Plans (also referred to as “Plan” or “Plans”). Under the EOs, 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 EOS to include owners, proprietors, employees, contractors, vendors, volunteers, and interns.

For purposes of this Plan Guidance, “other entities” includes those entities identified in the EOs 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 EOs. 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 21-01 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 21-01,
- The requirements included in the Universal Plan Guidance for COVID-19 Preparedness Plans found at [Stay Safe Guidance for All Business Entities](https://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 have been posted to respond to questions about provisions of Executive Orders and Plan Guidance. The following is a link to current Frequently Asked Questions about Stay Safe MN (https://mn.gov/covid19/for-minnesotans/stay-safe-mn/faq.jsp).

**Required plan sections**

1. Health screening – [requirements and recommendations](#)
2. Maintain social distance of at least 6 feet – [requirements and recommendations](#)
3. Private events – [requirements and recommendations](#)
4. Hand hygiene – [requirements and recommendations](#)
5. Use of face coverings – [requirements and recommendations](#)
6. Cleaning and disinfecting – [requirements and recommendations](#)
7. Food safety – [requirements and recommendations](#)
8. Live entertainment – [requirements and recommendations](#)
9. Games and amusement devices – [requirements and recommendations](#)
10. Businesses that have been closed or operating at a reduced capacity – [requirements and recommendations](#)

**Requirements and recommendations**

**1. Health screening**

**Requirements**

- 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


✓ 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 advance reservations for onsite seating.
  ▪ Onsite 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, food courts, and food halls, 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 queueing areas must maintain social distancing of at least 6 feet from other customers, and queueing 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.


BACK TO REQUIRED PLAN SECTIONS

3. Private events

Requirements


✓ A bar or restaurant may offer an exclusive and physically separated space (such as a ballroom or other private room) for customers to host a celebration, reception, private party, or other social gatherings, including but not limited to those connected to weddings, funerals, life milestones (such as birthdays and retirements), family reunions, planned religious services, and other similar occasions must follow the requirements for capacity, dancing, and other activities found in the Gathering Requirements for Celebrations and Significant Life Events (www.health.state.mn.us/diseases/coronavirus/safeevents.pdf). Any celebration, reception, private party or similar gathering that offers food or beverages (including alcoholic beverages) for on-premises consumption or that permit food or beverages to be consumed on premises must be limited to members of no more than two households indoors (up to a maximum of 10 people) and no more than three households outdoors (up to a maximum of 15 people). Physical separation of six feet must be maintained between people from different households.

✓ Restaurants or bars establishing a separated event space must ensure persons attending the event remain separated from other patrons who are not attending the event, and areas or activities not associated with the event. Workers hired specifically for the event, such as an outside caterer or entertainer, must also be separated from other workers, patrons, or activities not associated with, staffing, or attending the event.

▪ If a restaurant hosts an event under the Guidance for Safe Celebrations, the combined total of the event attendees and other patrons of the restaurant and bar still must not exceed the maximum restaurant capacity established in EO 21-01.
Reservations for the event must be made in advance of the date of the event as to allow the restaurant or bar to plan for the event and address necessary requirements, including capacity, access, and social distancing.

The restaurant or bar, event organizer, and other entities responsible for the event must develop a written COVID-19 Preparedness Plan prior to the event that is specific to the event and can be effectively implemented throughout the event.

4. Hand hygiene

Requirements

- 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

- 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. 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 EO 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 under Executive Order 20-81 (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


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

Recommendations

Remove high-touch self-service containers and items requiring frequent hand contact from use (e.g., condiments such as ketchup bottles and salt/pepper shakers, straws, napkin holders, etc.). Use single-use items when possible.

- Use wrapped silverware and do not preset tables.
- Offer a fresh glass or cup for refills, and remove used glasses from the table or bars frequently.
- Have customers box their own leftovers.
- Remove shared board games, cards, and toys from the seating area.
- 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.

BACK TO REQUIRED PLAN SECTIONS

8. Live entertainment

Requirements


✓ 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.

✓ Live music and other live entertainment is only permitted by performers who are designated by the business. Karaoke singing and open microphone events involving performances by patrons and visitors are not permitted. 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 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

- A scheduling or reservation system must be used for play of games and amusement devices.
- 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.
- Face coverings must be worn by participants at all times.
- Participants must not consume food or beverages while in the game play area.

League play of games and amusement devices

- League play, tournaments, or other organized events must limit the number of participants to 6 per team.
- The restaurant or bar must provide for 6 feet of physical distancing between participants at all times, including while waiting to play.
- Only the active player is permitted to be at the game station. Other players must remain seated in the waiting area.
- Participants are counted towards the business’s overall occupancy limit.

Recreational play of games and amusement devices

- Recreational use of games and amusement devices is limited to 2 participants per party, per game.

Recommendations

- Maintaining the required player capacity and social distancing may slow down games, so plan for this and communicate distancing requirements, changes in play patterns, or movement of players clearly with everyone involved prior to each event.
- Players are encouraged to provide their own darts, pool cues, chalk, or other equipment required to play.
**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](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**


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

EPA List N: Disinfectants for Use Against SARS CoV-2 (www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2)


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