

Frequently Asked Questions about Executive Orders Related to Bars, Restaurants, and Other Places of Public Accommodation

INFORMATION FOR THE HOSPITALITY INDUSTRY AND REGULATORY AGENCIES

The COVID-19 pandemic presents an unprecedented challenge

As a result of the pandemic, Governor Walz has issued the following executive orders that apply to the hospitality industry and regulatory agencies:

[Executive Order 20-04: Providing for the Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation \(PDF\)](http://www.leg.state.mn.us/archive/execorders/20-04.pdf) [www.leg.state.mn.us/archive/execorders/20-04.pdf] issued on March 16, 2020.

[Executive Order 20-08: Clarifying Public Accommodations Subject to Executive Order 20-04 \(PDF\)](http://www.leg.state.mn.us/archive/execorders/20-08.pdf) [www.leg.state.mn.us/archive/execorders/20-08.pdf] issued on March 18, 2020.

[Executive Order 20-18: Continuing the Closure of Bars, Restaurants, and Other Places of Accommodation \(PDF\)](http://www.leg.state.mn.us/archive/execorders/20-18.pdf) [www.leg.state.mn.us/archive/execorders/20-18.pdf] issued on March 25, 2020.

[Executive Order 20-33: Extending Stay at Home Order and Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation \(PDF\)](http://www.leg.state.mn.us/archive/execorders/20-33.pdf) [www.leg.state.mn.us/archive/execorders/20-33.pdf] issued on April 8, 2020.

[Executive Order 20-38: Allowing for Safe Outdoor Recreation \(PDF\)](http://www.leg.state.mn.us/archive/execorders/20-38.pdf) [www.leg.state.mn.us/archive/execorders/20-38.pdf] issued on April 17, 2020.

[Executive Order 20-48: Extending and Modifying Stay at Home Order, Continuing Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation, and Allowing Additional Workers in Certain Non-Critical Sectors to Return to Safe Workplaces](http://www.leg.state.mn.us/archive/execorders/20-48.pdf) [www.leg.state.mn.us/archive/execorders/20-48.pdf] issued on April 30, 2020.

The following types of establishments under the jurisdiction of Minnesota Department of Health (MDH), Minnesota Department of Agriculture (MDA), and their delegated programs are affected by Executive Order 20-04, Executive Order 20-08, Executive Order 20-18, Executive Order 20-33, Executive Order 20-38, and Executive Order 20-48. The order requires some services at these establishments to be closed to the public beginning at **5:00 p.m., March 17, 2020**.

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Employee Illness

Should businesses screen employees for COVID-19 symptoms?

We recommend that you screen all employees prior to allowing them to enter your business. The following questions or the [Visitor and Employee Health Screening Checklist \[www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf\]](http://www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf) can be used to screen for COVID-19. If an employee answers “**YES**” to either of these questions, **they should not report to work.**

1. Have you had close contact with someone who was diagnosed or suspected to have COVID 19 within the last 14 days?

Close contact means:

- A person has been within 6 feet of a COVID-19 case or suspected COVID-19 case for a period of time. Close contact can occur while caring for, living with, or visiting with a COVID-19 case OR
- A person has had direct contact with body fluids of a COVID-19 case or suspected case from being coughed on, while being intimate, or during any such situation involving direct contact.

2. Did you start to have ANY of the following in the past 7 days?

- Fever (100.4 degrees F or higher)
- New or increased cough
- Shortness of breath
- Chills
- New headache
- New muscle pain
- New sore throat
- New loss of taste or smell

If an employee answers “**YES**” to either of these questions, **they should not report to work.**

Employees with symptoms including fever, cough, or shortness of breath must **STAY HOME and NOT REPORT TO WORK** until:

- Respiratory symptoms including fever, cough, or shortness of breath have improved **AND**
- At least 10 days have passed since symptoms first appeared **AND**
- Fever (100.4°F or higher) has been gone for at least 3 days without the use of fever-reducing medicine.

Once all of these conditions are satisfied, the employee may return to work.

What should businesses do if an employee tests positive for COVID-19?

Employees with a confirmed COVID-19 test **or** employees with symptoms including fever, cough, or shortness of breath must **STAY HOME and NOT REPORT TO WORK** until:

- Respiratory symptoms including fever, cough, or shortness of breath have improved **AND**
- At least 10 days have passed since symptoms first appeared **AND**
- Fever (100.4°F or higher) has been gone for at least 3 days without the use of fever-reducing medicine.

Once all of these conditions are satisfied, the employee may return to work.

The employee's healthy household members and intimate contacts need to incorporate precautions in the home and monitor for symptoms. They also should limit activities in public for 14 days after their last contact with the ill person. For additional guidance, please refer to the [Interim Recommendations for Critical Infrastructure Workers Who Have Had Exposure to a Person with Suspected or Confirmed COVID-19 document](https://www.health.state.mn.us/diseases/coronavirus/guidebusiessential.pdf) [www.health.state.mn.us/diseases/coronavirus/guidebusiessential.pdf].

Wearing Masks at Work

CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies). For additional information, please visit the [Use of Cloth Face Coverings to Help Slow the Spread of COVID-19](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html) [www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html].

Food and beverage establishments

On-site consumption is prohibited

The following establishments must stop all food and beverage service for **on-site consumption**:

- Restaurants, food courts, cafes, coffeehouses, and other businesses or charitable establishments.
- Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, clubs, and other businesses or charitable establishments.

These establishments may offer food and beverages using delivery services, window service, walk-up service, drive-through service, or drive-up service, so long as social distancing precautions are taken.

Off-site consumption is allowed

Retail establishments that sell food to be **consumed off-site** are not included in this suspension as long as there is no on-site food consumption. Nevertheless, the direct order and pick-up of product to help prevent the spread of COVID-19 is encouraged.

- Farmers' markets
- Grocery stores
- Pharmacies

- Hardware stores
- Retail outlets
- Bakeries

Certain facilities that serve food are not affected

The restrictions imposed by the applicable executive order do not apply to the following:

- Health care facilities, child care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.
- Crisis shelters, soup kitchens, and other emergency feeding locations.
- Restaurants and food courts inside of secure areas of airports.

Frequently asked questions

Are self-service beverage dispensers allowed in take-out restaurants?

Yes, they are allowed. Encourage operators to minimize this practice if possible, and provide guidance on cleaning and disinfecting the high-touch surfaces frequently.

What restrictions are there for outdoor dining/patio seating at restaurants, ice cream shops, or other establishments with outdoor seating?

On-site consumption of food and beverages is not allowed. This includes both indoor and outdoor areas. Walk-up shops and establishments with outdoor seating need to discourage on-site consumption. This may mean removing seating options, where feasible.

Can restaurants sell meal kits that include raw animal foods?

This is likely allowed, but the food establishment should consult with their licensing authority to ensure that proper precautions are taken to protect food safety. The licensing authority should also consult with both MDH and MDA to ensure that requirements are being met (including labeling, as needed).

Can food service in long-term care facilities stay open?

Yes. In Executive Order 20-04, the governor encourages Minnesotans to continue to maintain essential activities, including providing nutritious, safe, and appropriate meals for residents of long-term care facilities.

Consider changing how meals are delivered to residents, such as providing meals in private living quarters rather than in a communal dining space.

Where can I find information about what food schools can provide and requirements about how to provide that food?

The Minnesota Department of Education has posted [Food and Nutrition COVID-19 Resources \(https://education.mn.gov/MDE/dse/health/covid19/fnscovid19/MDE032397\)](https://education.mn.gov/MDE/dse/health/covid19/fnscovid19/MDE032397) on their website.

Can feeding sites stay open and serve food to their clients?

Yes. The applicable executive order does not apply to shelters, soup kitchens, or similar institutions.

Can hospital cafeterias and corporate cafeterias stay open?

Yes. The executive order allows institutional or in-house cafeterias to stay open to employees. Consider discontinuing self-service food operations in these facilities.

Can buffets and salad bars stay open?

No. Restaurant buffets and salad bars are not allowed to operate.

Can self-service operations in grocery stores and convenience stores stay open?

Yes. Customer self-service for off-site consumption is allowed in grocery and convenience stores.

Can mobile food units operate?

Yes. Mobile food units and seasonal temporary food stands (“food trucks”) can operate.

- Staff should follow social distancing recommendations to keep at least 6 feet apart, so trucks may have to operate with a limited number of staff.
- Discontinue offering self-serve condiments.
- Encourage online and electronic payment transactions.

Local zoning and ordinances may apply.

Are any customers allowed inside of restaurants and coffee shops if they are picking up an order to-go, instead of remaining outside?

Yes. Up to 5 customers or guests may be in the establishment at one time, as long as those individuals are at least 6 feet apart from one another while on the premises.

Drive-through and curbside delivery service are good options.

Are people allowed to order a drink to consume while they wait for their food?

No. On-site consumption of food and beverages is not allowed.

Do take-out containers need to be tamper-resistant?

Food establishments should use their discretion in choosing appropriate packaging and containers for take-out food. Single-service and single-use articles must be safe and clean. This includes items such as carry-out utensils, bags, containers, or wrappers. Tightly close or seal all food items prepared for pick-up or delivery to keep them safe from tampering.

It is the duty of the person in charge to ensure safe food, including food security. One way to ensure food security is to limit access to the food establishment, including food preparation and staging areas.

Are credit card payments and online orders required?

Not at this time. Payments should be made electronically whenever possible.

What if there is a sick employee in the food establishment?

See the information in the “Employee Illness” section at the beginning of this document and follow the guidance below.

All of MDH’s standard requirements apply regarding reporting employee illness and exclusion. See [Illness Reporting for Food Establishments \(PDF\)](#) [www.health.state.mn.us/people/foodsafety/dwi/empillfs.pdf].

Sore throat and fever must be reported to the Person in Charge. Respiratory illnesses should be recorded on the [Employee Illness Log \(PDF\)](#) [www.health.state.mn.us/people/foodsafety/dwi/empillog.pdf].

Like other food establishments, golf courses are able to sell food and alcohol for take-out. Can the alcohol be consumed on the golf course?

On premises consumption of alcohol is not allowed on a golf course. For additional information see the [COVID-19 Outdoor Recreation, Facilities and Public Guidelines page](#) [www.dnr.state.mn.us/aboutdnr/covid-19-outdoor-recreation-guidelines.html].

Lodging establishments

Room rental is allowed

- Lodging establishments are allowed to continue offering lodging rooms to guests, and may provide food to be consumed away from common areas.
- Hotel management and staff should discourage gatherings in common areas of hotels, such as lobbies, lounges, breakfast areas, or meeting rooms.
- Follow proper cleaning procedures provided in the [Interim Guidance for Hotel Managers and Owners document](#) [www.health.state.mn.us/diseases/coronavirus/lodgingcleaning.pdf].

Food service in lodging establishments may operate with restrictions

- Continental breakfast and other self-service dining operations are not allowed. Dining rooms must be closed. Hotel staff may offer food in take-out containers or covered trays for guests to bring to their rooms.
- Room service is allowed. Food should be delivered to rooms in wrapped containers or on covered trays.
- Guests may purchase prepackaged items, such as granola bars, crackers, or canned or bottled beverages and take them to their rooms.

Swimming pools, spas, and fitness rooms must close

- Swimming pools and spas in hotels must be closed.
- Fitness rooms in hotels must be closed.

Frequently asked questions

Can hotels have self-service coffee/water in their lobby?

Yes, this is allowed. Encourage operators to minimize this practice if possible, and provide guidance on frequent cleaning and disinfecting of high-touch surfaces.

Public swimming pools and spas

Public swimming pools and spas must be closed

- Swimming pools and spas at fitness centers, recreation centers, and municipal pools must be closed.
- Swimming pools and spas at apartment buildings, condominiums, and homeowners associations must be closed.

Some therapy pools may remain open

Pools used exclusively for rehabilitation or medical care under the direction of a physical therapist or other licensed medical professional may remain open.

Manufactured home parks

Swimming pools, spas, and fitness rooms must close

- Swimming pools and spas at manufactured home parks/recreational campgrounds must be closed.
- Fitness rooms at manufactured home parks/recreational campgrounds must be closed.
- Arcades, game rooms, and other similar recreational or entertainment facilities must be closed.

Retail food stores may remain open

- Encourage social distancing in common areas such as coin-operated laundry, retail operations, and front-counter operations.

Storm shelters must remain open

Manufactured home parks with 10 or more manufactured homes that are required to have a storm shelter must continue to provide access to the shelter.

Recreational campgrounds

Recreational campgrounds must be closed.

- All private and public campgrounds and dispersed camping sites must be closed to recreational camping.
- Campsites at private and public campgrounds that serve as a primary residence, or that serve seasonal renters who maintain personal property at their site, may remain available for occupancy, by members of the same immediate household, provided they do not host overnight guests.

Swimming pools, spas, and fitness rooms must close

- Swimming pools and spas at campgrounds must be closed.
- Fitness rooms at campgrounds must be closed.
- Arcades, game rooms, and other similar recreational or entertainment facilities must be closed.

Retail food stores may remain open

- Encourage social distancing in common areas such as coin-operated laundry, retail operations, and front-counter operations.

Youth camps

Youth camps must close as defined in the applicable executive order as a “place of public accommodation.”

For purposes of this Executive Order, "place of public accommodation" means business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Closures in effect through May 17, 2020, 11:59 p.m.

The closures will be in effect beginning no later than March 17, 2020, at 5:00 p.m. and continuing until May 17, 2020, at 11:59 p.m.

Because the COVID-19 pandemic is changing rapidly, it is important to keep up to date with new guidance. Please follow the most current information found on these websites:

- [Minnesota Department of Health: Coronavirus Disease 2019 \(COVID-19\)](http://www.health.state.mn.us/diseases/coronavirus/index.html)
[\[www.health.state.mn.us/diseases/coronavirus/index.html\]](http://www.health.state.mn.us/diseases/coronavirus/index.html)
- [U.S. Centers for Disease Control and Prevention: Coronavirus \(COVID-19\)](http://www.cdc.gov/coronavirus/2019-nCoV/index.html)
[\[www.cdc.gov/coronavirus/2019-nCoV/index.html\]](http://www.cdc.gov/coronavirus/2019-nCoV/index.html)
- [U.S. Food and Drug Administration: Coronavirus Disease 2019 \(COVID-19\) – Food Products](http://www.fda.gov/emergency-preparedness-and-response/mcm-issues/coronavirus-disease-2019-covid-19-frequently-asked-questions#food)
[\[www.fda.gov/emergency-preparedness-and-response/mcm-issues/coronavirus-disease-2019-covid-19-frequently-asked-questions#food\]](http://www.fda.gov/emergency-preparedness-and-response/mcm-issues/coronavirus-disease-2019-covid-19-frequently-asked-questions#food)

Law enforcement and public health agencies will monitor and enforce the closures

The executive order directs local law enforcement and public health authorities to monitor and enforce the executive orders in accordance with the law.

Pursuant to Minnesota Statutes 2019, section 12.45, a person who willfully violates the executive order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or imprisonment for not more than 90 days.

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MAY 4, 2020

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