

Frequently Asked Questions about Executive Order 20-04: Providing for the Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation

INFORMATION FOR THE HOSPITALITY INDUSTRY AND REGULATORY AGENCIES

The COVID-19 pandemic presents an unprecedented challenge

Executive Order 20-04: Providing for the Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation (<https://www.leg.state.mn.us/archive/execorders/20-04.pdf>) (PDF) was issued on March 16, 2020 and Executive Order 20-08: Clarifying Public Accommodations Subject to Executive Order 20-04 (<https://www.leg.state.mn.us/archive/execorders/20-08.pdf>) (PDF) was issued on March 18, 2020.

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

- [Food and beverage establishments](#)
- [Lodging establishments](#)
- [Public swimming pools and spas](#)
- [Manufactured home parks/recreational campgrounds](#)
- [Youth camps](#)

Food and beverage establishments

On-site consumption is prohibited

These 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 who sell food to be **consumed off-site** are not included in this suspension so long as there is no on-site food consumption. Nevertheless, we want to encourage the direct order and pickup of product to help prevent the spread of Coronavirus and COVID-19.

- Farmers' markets
- Grocery stores
- Pharmacies
- Hardware stores
- Retail outlets
- Bakeries

Certain facilities that serve food are not affected

The restrictions imposed by the 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.

Other businesses that sell or serve food must close

These establishments must be **closed to the public**:

- Theaters, cinemas, indoor and outdoor performance venues, and museums.
- Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, and spas.
- Amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities.
- Country clubs, golf clubs, boating or yacht clubs, sports or athletic clubs, and dining clubs.

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.

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 place 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.

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/recreational campgrounds

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.

Campsites and retail food stores may remain open

- Encourage social distancing in common areas such as toilets and shower facilities, coin-operated laundry, retail operations, and front-counter operations.
- Encourage online registration and payment to promote social distancing.

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.

Youth camps

Youth camps must close as defined in the 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 March 27, 2020, 5:00 p.m.

The closure will be in effect beginning no later than March 17, 2020 at 5:00 p.m. and continuing until March 27, 2020 at 5:00 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 \(COVID-19\)](https://www.health.state.mn.us/diseases/coronavirus/index.html)
(<https://www.health.state.mn.us/diseases/coronavirus/index.html>)
- U.S. Centers for Disease Control and Prevention: [Coronavirus \(COVID-19\)](https://www.cdc.gov/coronavirus/2019-nCoV/index.html)
(<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>)
- U.S. Food and Drug Administration: [Coronavirus Disease 2019 \(COVID-19\) – Food Products](https://www.fda.gov/emergency-preparedness-and-response/mcm-issues/coronavirus-disease-2019-covid-19-frequently-asked-questions#food)
(<https://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 closure

The executive order directs local law enforcement and public health authorities to monitor and enforce this Executive Order 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.

Frequently asked questions

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

Yes. In EO 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.

Can adult day cares stay open and serve food to their clients?

Yes. In EO 20-04, the governor encourages Minnesotans to continue to maintain essential activities, including providing nutritious, safe, and appropriate meals for clients and employees of adult day cares.

Local ordinances may apply.

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

Yes. The 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 six 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, or do they need to remain outside?

Yes. You may allow up to five customers or guests in the establishment at one time, so long as those individuals are at least six 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 it safe from tampering.

It is the duty of the person in charge (PIC) 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?

All of MDH's normal employee illness requirements for reporting and exclusion apply. See [Illness Reporting for Food Establishments \(PDF\)](https://www.health.state.mn.us/people/foodsafety/dwi/empillfs.pdf) (<https://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](https://www.health.state.mn.us/people/foodsafety/dwi/empilog.pdf) (<https://www.health.state.mn.us/people/foodsafety/dwi/empilog.pdf>).

Employees who have symptoms of acute respiratory illness should stay home and not come to work until they are free of fever (100.4°F or greater using an oral thermometer), signs of a fever, cough, and

any other symptoms for 7 days, and at least 3 days without the use of fever-reducing or other symptom-altering medicines such as cough suppressants.

FDA has provided additional guidance about employees with fevers and respiratory illness on their website [Coronavirus Disease 2019 \(COVID-19\) Frequently Asked Questions](https://www.fda.gov/emergency-preparedness-and-response/mcm-issues/coronavirus-disease-2019-covid-19-frequently-asked-questions#food) (<https://www.fda.gov/emergency-preparedness-and-response/mcm-issues/coronavirus-disease-2019-covid-19-frequently-asked-questions#food>).

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