Ohio | Department of Health

Mike DeWine, Governor
Jon Husted, Lt.Governor

Lance D. Himes, Interim Director

DIRECTOR'S ORDER

Re: Director's Order that Provides Mandatory Requirements for Entertainment Venues

I, Lance Himes, Interim Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to "make special orders…for preventing the spread of contagious or infectious diseases" **Order** the following to prevent and minimize the spread of COVID-19 in the State of Ohio:

1. Purpose: COVID-19 continues to present a substantial risk to Ohioans. As recognized by the Centers of Disease Control and Prevention and other authorities, the more people an individual interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading. The risk of spread also increases when people from outside the local area or state travel to an event. The lowest risk is where an event is virtual. The global response to the pandemic prompted the shutdown of Entertainment Venues. However, the performing arts provide substantial benefits for youths and adults, including the promotion of mental health, stress relief, and encouraging civic engagement. These benefits must be balanced as Ohio continues to limit certain activities in minimizing the spread of COVID-19. This Order is intended to adopt a balance between these competing interests. However, the more COVID-19 spreads in a community, the higher risk there is to performers and patrons and their respective communities as a whole. Public officials must continually reassess the risks and benefits of Entertainment Venues in their community, and nothing in this Order prevents or discourages local public officials from imposing additional and more restrictive limitations on gatherings at Entertainment Venues, including adopting rules that provide for capacity limits stricter than this Order.

By this Order, the Ohio Department of Health is adopting the minimum mandatory standards that must be complied with by all whom perform, work or are patrons of Entertainment Venues.

2. Entertainment Venues are permitted to present and host entertainment events. Subject to their full compliance with all provisions of this Order, Entertainment Venues are permitted to present and host entertainment events within the State. Performers, employees and patrons shall comply with this Order, including compliance with the Social Distancing Requirements. For purposes of this Order only, "Entertainment Venues" shall include auditoriums, stadiums, arenas, concert and music halls, theaters, ballrooms, gymnasiums, convention centers, arcades, bingo halls, adult and child skill or chance games, laser tag facilities, and interactive game facilities hosting non-Sports events. This order covers only Entertainment Venues that have not been otherwise addressed in other director of health orders, including venues encompassed by the Director's Order that Provides Mandatory Requirements for Youth, Collegiate, Amateur, Club and Professional Sports signed August 19, 2020. Also, for purposes of this Order only, "Patrons" shall include spectators, customers, interactive participants, game players, clients, or other individuals

that are in attendance at Entertainment Venues.

4. Social Distancing Requirements for Entertainment Venues: For purposes of this Order, Social Distancing Requirements include maintaining at least six-foot social distancing from other individuals (including by maintaining six-foot social distancing for performers except when performing), employees and patrons and when any individuals are standing in line), washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not into the hands), regularly cleaning high-touch surfaces, and not shaking hands. Nothing in this Order requires performers to socially distance during performances and, although not required, it is recommended that performers socially distance when possible during a performance. Entertainment venues must take proactive measures to ensure compliance with Social Distancing Requirements, including:

A. Designating six-foot distances with signage, tape, or by other means six- foot spacing for performers (except when performing), employees and patrons in line to maintain appropriate distance;

B. Having hand sanitizer and sanitizing products readily available for performers, employees and patrons; and

C. Posting online whether the Entertainment Venue is open and how best to approach the facility consistent with the Social Distancing Requirements.

5. Enforcement:

A. Performers, employees and patrons must comply with the requirements of this Order. Each Entertainment Venue has an obligation to comply with this Order. The venue manager has an affirmative duty to ensure that this Order and all other relevant Director of Health orders are followed by all performers, employees and patrons. Each Entertainment Venue manager shall designate, in writing and prior to an event, a compliance officer whose responsibility it is to ensures that the requirements of this Order are followed. That designated person shall also be the contact person for the local health department, sheriff's department, and any other local law enforcement agency that has jurisdiction over the event.

B. This Order may be enforced by State and local law enforcement to the extent set forth in Ohio law. Specifically, pursuant to R.C 3701.352 "[n]o person shall violate any rule the director of health or department of health adopts or any order the director or department of health issues under this chapter to prevent a threat to the public caused by a pandemic, epidemic, or bioterrorism event." R.C. 3701.56 provides that "[b]oards of health of a general or city health district, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and other officers and employees of the state or any county, city, or township, shall enforce quarantine and isolation orders, and the rules the department of health adopts." A person found guilty of a violation of R.C. 3701.352 is guilty of a misdemeanor of the second degree, which can include a fine of not more than $750 or not more than 90 days in jail, or both.

C. The Director of Health hereby delegates to the local departments of health the authority to answer, in writing, any questions a local public official enforcing this Order has regarding compliance. This does not require ODH or a local health department to provide advisory opinions to nongovernmental entities.

6. Limitation on Patrons at Entertainment Venues. Patrons are permitted to attend Entertainment Venues, with exceptions and limitations as set forth in this Order. The maximum number of patrons permitted in an outdoor Entertainment Venue is the lesser of 1500 patrons or 15 percent of fixed, seated capacity. For indoor facilities the maximum number of patrons permitted in an indoor entertainment venue shall be the lesser of 300 patrons or 15 percent of fixed seating capacity. However, Social Distancing must be maintained throughout the venue, and seating must be arranged and assigned to allow for six feet of space between groups of: a) no more than four patrons, or b) members of a single household. In addition, Entertainment Venues, whether currently open or those that will open in the future, shall abide by each of the following requirements A through H:

A. Patron Pathway: Venues must develop a patron pathway that allows for physical distancing as patrons move from parking, through box office lines, ticket scanning, and security screening to their seats.

i. One-way entries, exits, and aisles; patrons to enter and exit gates or doors closest to assigned seats.
ii. Markings or signage to indicate social distancing in lines and throughout venue.
iii. Elevators and escalators monitored by attendants to ensure compliance with social distancing standards. This includes limiting the number of people in an elevator and leaving steps empty between passengers on escalators, where possible, to maintain social distancing.
iv. Where a box office/will call window does not already have a glass partition between ticketing staff and patrons, install a physical barrier to maintain social distancing.
v. A plan to assure social distancing when patrons leave, including inclement weather for outdoor venues.
vi. Seating must be assigned in groups of no more than four people who know one another, but members of the same household may be seated together even if there are more than four people.
vii. Each seating group must be separated from the next group by at least six feet in each direction.
viii. Seating groups must be assigned in staggered rows and sections to prevent contact between groups.
ix. Patrons must sit in the assigned seats or spaces.
x. No congregating before or after performances is permitted.
xi. General admission (e.g., lawns, standing room, in-fields) is allowable only to the extent six feet of distance between groups of patrons can be clearly marked and strictly maintained.
xii. Venues must limit entrance to hospitality suites to ensure that Social Distancing can be maintained for both indoor and outdoor viewing sections.

xiii. Dressing rooms and other spaces shared by performers should be cleaned and sanitized frequently. Individuals must maintain social distancing while in these rooms, and facial coverings must be worn at all times.
xiv. It is recommended that, if possible, contact-free ticketing be utilized to eliminate box office congestion.
xv. It is recommended that, if possible, institute assigned arrival times.
xvi. It is recommended that, if possible, block off unused seats.
xvii. It is recommended that, if possible, block off the front rows of the venue to avoid contact between performers and patrons.
xviii. It is recommended that, if possible, block off the last row of each section and the aisle seats to prevent contact with people walking to and from seats.
xix. A set back of the audience from the performers must be developed in conjunction with and approved by local health officials that is sufficient for the nature of the live entertainment and the event space to assure required social distancing throughout the performance. At a minimum, there must be at least twelve (12) feet between performers/stage and audience.
xx. It is recommended that intermissions be eliminated or limited in duration to discourage patrons from congregating, and no congregating is permitted.

B. Signage and Education

i. Communicate with patrons before each event ("know before you go") the importance of staying home if sick, face covering requirement, need to maintain physical separation.
ii. Install signage concerning hygiene, physical separation, and face covering.
iii. Communicate reminders of physical separation, face coverings, hygiene, and health symptoms through public announcements throughout the event.

C. Facial Covering

i. Patrons, employees, staff, and volunteers must wear a cloth face covering at all times.
ii. Patrons must wear a cloth face covering at all times except for one of the reasons stated in the Director's Order for Facial Coverings throughout the State of Ohio, signed July 23, 2020, or as it may thereafter be amended.
iii. Performers are not required to wear facial coverings during performances, but otherwise are subject to the same facial covering requirements as patrons, employees, staff, and volunteers. Nothing in this Order prohibits a performer from wearing a facial covering while performing if it is practical to do so.
iv. The only exceptions to facial coverings requirement are the reasons stated in the Director's Order for Facial Coverings throughout the State of Ohio, signed July 23, 2020, or as it may thereafter be amended. The Order's exceptions include, but are not limited to: 1. The individual is under 10 years of age; 2. The individual has a medical condition, including respiratory conditions that restrict breathing, mental health conditions, or disabilities that contraindicate the wearing of a facial covering; 3. The individual is communicating or seeking to communicate with someone who

is hearing-impaired or has another disability, where the ability to see the mouth is essential for communication; 4. The individual is seated and actively consuming food or beverage in a restaurant or bar; or 5. Facial coverings are prohibited by law or regulation; or 6. The individual is actively participating in broadcast communications. Written justification must be provided to local health officials, upon request, explaining why patrons, employees, staff, volunteers or performers (when not performing) are not wearing facial coverings. At minimum, facial coverings (masks) should be cloth/fabric and cover an individual's nose, mouth, and chin.

v. It is recommended that, if possible, the face covering requirement is reinforced with signage and announcements throughout the venue/event.

D. Cleaning and Hygiene

i. Frequent cleaning of high-touch areas (railings, ATMs, elevators, bathrooms).
ii. Allow adequate time between events to allow for cleaning.
iii. Follow protocol for cleaning and disinfecting if a COVID-19 case is identified at the venue.
iv. Use all available restrooms with one-way entry and exit to allow for frequent handwashing without crowding.
v. Make hand sanitizer readily available throughout the venue.
vi. It is recommended that, if possible, hand hygiene is promoted through signage.
vii. It is recommended that, if possible, every-other sink in restrooms be used to allow for physical separation.

E. Handling Sick/Symptomatic People

i. Any person with symptoms consistent with COVID-19 must be instructed to return home or be taken to a dedicated isolation area.
ii. Develop a plan for handling sick/symptomatic individuals, covering how the following will be addressed:
    a. Immediately isolate the sick person.
    b. Refer to medical care.
    c. Notify the local public health department.
    d. Cooperate with the local health department in contact tracing.

F. Flexibility and Accountability

i. Each Entertainment Venue is required to have a written operations plan, prepared in consultation with the local health department.
ii. The venue manager is responsible for ensuring and enforcing compliance with the venue's operations plan and all current Orders of the Ohio Department of Health.
iii. Entertainment Venues must designate an individual responsible for the compliance with this Order.
iv. Venue operators must cooperate with the local health department related to any case investigation.

v. Failure to comply may result in a venue being shut down.

G. Concessions and Retail Vendors

i. Follow Responsible RestartOhio Guidance for Bars & Restaurants.
ii. Follow Responsible RestartOhio guidance for Consumers, Retail, Services & Entertainment guidance.

H. Indoor Venues

i. Patrons shall be seated in a socially-distance manner, consistent with the requirements for outdoor seating.
ii. It is recommended that, if possible, ushers should actively monitor social distancing practices and encourage additional distance between patrons as appropriate.
iii. Increase the times between use of the facility from one event to another to allow for more thorough cleaning of individual areas, as well as staggered arrivals/departures of patrons.
iv. Limit the number of people in lines and use cues/floor markings to assist with social distancing of six feet.
v. Increase frequency of cleaning and sanitizing per CDC Environmental Cleaning and Disinfection guidance on high contact areas/hard surfaces, including snack counters, door handles/hinges, etc. https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html.
vi. Increase cleaning and sanitizing of restrooms.
vii. Sanitize seats and flat surface, including tray tables between uses of the facility.
viii. Make available additional opportunities throughout the facility for persons to reduce the spread of the virus through hand washing or sanitizing stations.
ix. Train, implement, and enforce hygiene and handwashing with staff.
x. It is recommended that, if possible, optimize HVAC to blend additional outside air and open fire doors and loading doors so that outside air can circulate.
xi. It is recommended that indoor venues follow American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) guidance and resources (https://www.ashrae.org/technical-resources/ resources).
xii. If an event has multiple performances during a day, plan when possible for patrons to enter and exit the performances so that the venue may be cleaned between performances and that the exiting patrons are at all times separated from the entering patrons.

7. Variance: An Entertainment Venue may submit a plan that differs from the capacity requirements in this Order, in writing, to their local health department for review and also to the Ohio Department of Health. The submission must include a written justification as to why the circumstances of the venue or event justify different required capacity limitations and how the submitted plan will adequately achieve similar results as the requirements and guidance in this Order. Approval of the plan is not valid unless stated in writing from both the local health department and the Ohio Department of Health and the submitted plan is deemed denied if there is no response. Any decision issued by the Director of the Ohio Department of Health is final and

not subject to appeal.

8. At-risk parents, grandparents, siblings and others who are vulnerable as a result of illness should take additional precautions: The parents, grandparents, siblings, and other loved ones of performers and volunteers who are at high risk of severe illness from COVID-19, including elderly people and those who are immunocompromised, are urged to stay home to the extent possible except as necessary to seek medical care. According to CDC, the risk of severe illness from COVID-19 increases as people grow older and those at high-risk for severe illness from COVID-19 also include people of all ages with underlying medical conditions, particularly if not well controlled including:

A. People with chronic lung disease or moderate to severe asthma;
B. People who have serious heart conditions;
C. People who are immunocompromised;
D. People with severe obesity (body mass index [BMI] of 30 or higher);
E. People with diabetes;
F. People with chronic kidney disease undergoing dialysis;
G. People with liver disease; and
H. Women who are pregnant.

9. Duration: This Order shall be effective at 11:59 p.m. on August 25, 2020 for all Entertainment Venues.

Accordingly, I hereby **ORDER** that all Entertainment Venues are permitted to present and host entertainment events within the State, in accordance with requirements of this Order, as long as all safety standards outlined in this Order are complied with. This Order shall remain in full force and effect until the Director of ODH rescinds or modifies this Order at a sooner time and date.

August 25, 2020

Lance D. Himes
Interim Director Health