Ohio | Department of Health

Mike DeWine, Governor
Jon Husted, Lt.Governor

Lance D. Himes, Interim Director

DIRECTOR'S DINE SAFE OHIO ORDER

Re: Director's Third Amended Order that Reopens Restaurants, Bars, Banquet and Catering Facilities and Services to Dine-in Service, with Exceptions

I, Lance D. 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 the spread of COVID-19 into the State of Ohio:

1. **Preamble:** The sacrifices and incredible efforts that Ohioans have undertaken, make it possible to begin to lift the mandatory requirements and restrictions that were needed during the initial phase of the COVID-19 Pandemic. The adjustment of these orders is able to proceed based upon the facts and the science existing at this time in Ohio, however if the situation continues to improve, then more restrictions will be lifted, and if the situation deteriorates additional targeted restrictions will need to be made. While government can set the baseline, it should be understood that these orders set forth the minimum acts that must be taken and if people do more than the minimum to act safely, it will benefit everyone.

2. **Restaurants, Bars, Banquet and Catering Facilities and Services to reopen**. All restaurants, bars, banquet and catering facilities and services and other like businesses and operations in the State, which have the onsite consumption of food, beer, wine and liquor, are permitted to reopen for full, dine-in service within the State so long as all workplace safety standards are met. These businesses and operations are encouraged to either reopen or remain open if they have not ceased operation during the prior Stay at Home or other ODH Orders. Businesses and operations shall continue to comply with Social Distancing Requirements as defined in this Order, including by maintaining six-foot social distancing for both employees and members of the public when possible, including, but not limited to, when any customers are standing in line. Tables are to be limited to no more than 10 persons. Banquet and Catering Facilities and Services are to be limited to no more than 300 persons. Live entertainment is permitted. Customers must be seated when consuming food, beer, wine and liquor on the premises of the business. The open congregate areas in restaurants, bars, banquet and catering facilities (billiards, card playing, pinball games, video games, arcade games, dancing, entertainment) are permitted to open but businesses must follow all social distancing guidelines as well as sanitation guidelines as provided in this and other orders.

3. **Retail Food Establishments.** All retail food establishments that are regulated by the Ohio Department of Agriculture are permitted to resume use of their self-service food stations in accordance with guidance from the Department of Health.

4. **Facial Coverings (Masks).** Businesses must require all customers, patrons, visitors, contractors, vendors and similar individuals to use facial coverings, except for specifically documented legal, life, health or safety considerations and limited documented security considerations. Businesses must require all employees to wear facial coverings, except for one of the following reasons:

a. Facial coverings in the work setting are prohibited by law or regulation;
b. Facial coverings are in violation of documented industry standards;
c. Facial coverings are not advisable for health reasons;
d. Facial coverings are in violation of the business's documented safety policies;
e. Facial coverings are not required when the employee works alone in an assigned work area; or
f. There is a functional (practical) reason for an employee not to wear a facial covering in the workplace.

Businesses must provide written justification, upon request, explaining why an employee is not required to wear a facial covering in the workplace. At a minimum, facial coverings (masks) should be cloth/fabric and cover an individual's nose, mouth, and chin.

5. **Social Distancing Requirements.** For purposes of this Order, Social Distancing Requirements includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

   a. **Required measures.** Businesses and Operations and businesses must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:

      i. **Designate six-foot distances.** Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;

      ii. **Hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and customers; and

      iii. **Online and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

6. **General COVID-19 Information and Checklist for Businesses/Employers.** Business and employers are to take the following actions:

   a. Strongly encourage as many employees as possible to work from home by implementing policies in areas such as teleworking and video conferencing, subject to the discretion of the employer;

   b. Actively encourage sick employees to stay home until they are free of fever (without the use of medication) for at least 72 hours (three full days) AND symptoms have improved for at least 72 hours AND at least seven days have passed since symptoms first began. Do not require a healthcare provider's note to validate the illness or return to work of employees sick with acute respiratory illness; healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way;

   c. Ensure that your sick leave policies are up to date, flexible, and non-punitive to allow sick employees to stay home to care for themselves, children, or other family members. Consider

encouraging employees to do a self-assessment each day to check if they have any COVID-19 symptoms (fever, cough, or shortness of breath);

d. Separate employees who appear to have acute respiratory illness symptoms from other employees and send them home immediately. Restrict their access to the business until they have recovered;

e. Reinforce key messages — stay home when sick, use cough and sneeze etiquette, and practice hand hygiene — to all employees, and place posters in areas where they are most likely to be seen. Provide protection supplies such as soap and water, hand sanitizer, tissues, and no-touch disposal receptacles for use by employees;

f. Frequently perform enhanced environmental cleaning of commonly touched surfaces, such as workstations, countertops, railings, door handles, and doorknobs. Use the cleaning agents that are usually used in these areas and follow the directions on the label. Provide disposable wipes so that commonly used surfaces can be wiped down by employees before each use;

g. Be prepared to change business practices if needed to maintain critical operations (e.g., identify alternative suppliers, prioritize customers, or temporarily suspend some of your operations); and

h. Comply with all applicable guidance from the U.S. Centers for Disease Control and Prevention and the Ohio Department of Health regarding social distancing.

7. **Sector Specific COVID-19 Information and Checklist for Restaurant, Bars, Banquet and Catering Services Facilities.** Businesses and employers, whether currently open or reopening, are to take the following actions:

   a. Employees:

      i. Where possible, ensure a minimum of 6 feet distance between workers and where not possible, utilize barriers if applicable and increase the frequency of surface cleaning, handwashing, sanitizing and monitor compliance;
      ii. Businesses must allow all customers, patrons, visitors, contractors, vendors and similar individuals to use facial coverings, except for specifically documented legal, life, health or safety considerations and limited documented security considerations;
      iii. Face coverings (per CDC guidelines) must be worn at all times unless exceptions apply, see Section 4 of this Order for guidance;
      iv. Employees must perform a daily symptom assessment that should include taking temperature with a thermometer, monitoring for fever and watching for coughing or trouble breathing;
      v. Require employees to stay at home if symptomatic and perform daily symptom assessment before returning to work;

vi. Provide ServSafe, or other approved COVID-19 education, as soon as possible. Add COVID-19 symptoms to the current standard Health Agreement required by the food safety code;
vii. Require regular handwashing (soap and water for at least 20 seconds) a minimum of every 2 hours or more often as necessary;
viii. Comply with person in charge certification requirements and manager certification requirements as set forth in Ohio Admin. Code Sections 3701-21-25 and 3717-1-02.4, as applicable;
ix. Maintain compliance with ODH sanitation and food safety regulations;
x. Limit number of employees allowed in break rooms at the same time. Maximum to be the group size limitation set forth in the Stay Safe Ohio Order dated April 30, 2020 or as thereafter amended (currently 10 persons);
xi. It is recommended that third party delivery services be required to wait outside or in non-congested areas while adhering to the social distancing guidelines;
xii. It is recommended that third party delivery services be required to wear face coverings (per CDC guidelines) at all times unless exceptions apply, see Section 4 of this Order for guidance;
xiii. It is recommended that employees be educated on the proper use, disposal and maintenance of face coverings and update and enhance the education on proper glove use pursuant to the relevant administrative code;
xiv. It is recommended that health checks include temperature assessments, questionnaires, employee self-checks, screening apps or other tools. Files should be updated with a file of "Health Checks";
xv. It is recommended that telephone symptom assessments be conducted for employees that were ill and are now planning to return to work;
xvi. It is recommended that as the rehiring of employees commences, interviews and onboarding occur virtually;
xvii. It is recommended that education be reinforced on when to wash hands pursuant to current food safety regulations, that ODH handwashing posters be placed at sinks and workstations and that set times for periodic handwashing be established; and
xviii. It is recommended that employees avoid switching tasks when possible to reduce cross contamination concerns and increase handwashing if changing tasks is necessary.

b. Customers and Guests

i. Where possible, ensure minimum of 6 feet between parties waiting and when dining, and where not possible, then utilize barriers and other protective devices;
ii. Post a list of COVID-19 symptoms in a conspicuous place;
iii. Ask customers and guests not to enter if symptomatic;

iv. Provide access to hand sanitizing methods while in the food service establishment and, if possible, place approved hand cleansing/sanitizing methods in high-contact areas;
v. Food service establishments offering dine-in service must take affirmative steps with customers to achieve safe social distancing guidelines;
vi. Customers and guests must wear face coverings at all times, except when dining;
vii. It is recommended that health questions for symptoms be posted at the entrance and follow current guidelines of the CDC and ODH;
viii. It is recommended that, if possible, separate, dedicated entrances and exit doors be identified;
ix. It is recommended that, where possible, enhance dining room ventilation (open doors and windows);
x. It is recommended that, where possible, encourage customers to make dine-in reservations or use drive through, pick-up, call-in, curbside or delivery options; and
xi. It is recommended that at-risk customers be encouraged to utilize options other than dine-in.

c. Physical spaces

i. Establish and post maximum dining capacity using updated COVID-19 compliant floor plans and with a maximum reservation or party size limitation as set forth in Stay Safe Ohio Order dated April 30, 2020 or as thereafter amended (currently 10 persons);
ii. Post a kitchen floor plan establishing safe social distancing guidelines and following established ODH guidance for masks and gloves;
iii. Perform daily cleaning (front and back of facility). Clean and sanitize tabletops, chairs, and menus between seatings. Clean all high touch areas (door handles, light switches, phones, pens, touch screens) every two hours or more frequently as needed;
iv. Provide approved hand cleansing/sanitizing methods in common areas;
v. Where appropriate, establish ordering areas and waiting areas with clearly marked safe distancing and separations per individual/social group for both restaurant and bar service;
vi. Remove self-service, table, and common area items (examples: table tents, vases, lemons, straws, stir sticks, and condiments);
vii. Salad bars and buffets are permitted if served by staff with safe 6 feet of social distancing between parties;
viii. Private dining and bar seating areas within a foodservice establishment must follow all approved social distancing guidelines;

ix. The open congregate areas in restaurants and bars (billiards, card playing, pinball games, video games, arcade games, dancing, entertainment) may be open but are required to follow social distancing and sanitation guidelines;
x. It is recommended that barriers be utilized in high volume areas;
xi. It is recommended that, if possible, workstations be staggered so employees avoid standing directly opposite or next to each other and, if not possible, then that the frequency of surface cleaning, handwashing, and sanitizing be increased and compliance monitored;
xii. It is recommended that entry and exit options be limited while still maintaining compliance with all applicable administrative code requirements;
xiii. It is recommended that weekly deep cleaning checklists be updated and enhanced;
xiv. It is recommended that, where possible, disposable menus be utilized;
xv. It is recommended that ODH "Best Practices" be posted that illustrate and highlight continuous cleaning and sanitizing of all food equipment and common surfaces;
xvi. It is recommended that employee education and compliance hand washing, glove use, employee health and food handler training continue to be emphasized;
xvii. It is recommended that, if possible, HVAC systems receive updated air filtration improvements; and
xviii. It is recommended that designated curbside pickup zones for customers be continued and encouraged.

d. Confirmed cases

i. Immediately isolate and seek medical care for any individual who develops symptoms while at work;
ii. Contact the local health district about suspected cases or exposures;
iii. Shutdown area for deep sanitation if possible;
iv. It is recommended that businesses work with local health department to identify potentially infected or exposed individuals to help facilitate effective contact tracing/ notifications;
v. It is recommended that once testing is readily available, businesses test all suspected infections or exposures; and
vi. It is recommended that following testing, businesses contact the local health department to initiate appropriate care and tracing.

8. **Duration.** This Order shall be effective at 12:01 a.m. on September 24, 2020 and remains in full force and effect until the Director of the Ohio Department of Health rescinds or modifies this Order.

Accordingly, I hereby **ORDER** that restaurants and bars may continue to operate as set forth in this Order. This Order shall remain in full force and effect until the Director of the Ohio Department of Health rescinds or modifies this Order. To the extent any public official enforcing this Order has questions regarding what services are prohibited under this Order, the Director of Health hereby delegates to local health departments the authority to answer questions in writing and consistent with this Order.

September 23, 2020

Lance D. Himes
Interim Director of Health