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*Governor*

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*Lt. Governor*

JUDITH M. PERSICHILLI, RN, BSN, MA
*Commissioner*

**EXECUTIVE DIRECTIVE NO. 20-014**

# COVID-19 PROTOCOLS FOR FOOD OR BEVERAGE ESTABLISHMENTS OFFERING SERVICE IN OUTDOOR AREAS PURSUANT TO EXECUTIVE ORDER NO. 150

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), Coronavirus disease 2019 (COVID-19) is a respiratory illness caused by a virus called SARS-CoV-2; and

WHEREAS, COVID-19 is thought to spread mainly through close contact from person to person through respiratory droplets produced when an infected person coughs, sneezes or talks; and

WHEREAS, because COVID-19 is also known to spread by people who do not show any symptoms, it is crucial that all retail establishments follow good personal hygiene practices and take necessary steps to promote a healthy work environment to assist in lowering the further spread of COVID-19; and

WHEREAS, to promote healthy hygiene practices and healthy environment, at minimum, employers should provide training in handwashing, cleaning/disinfection, social distancing, use of face coverings, and monitoring for signs and symptoms of COVID-19 in the workplace; and

WHEREAS, if there is a confirmed case of COVID-19 among employees, food or beverage establishments should immediately notify and cooperate with their local public health departments on next steps, while maintaining confidentiality; and

WHEREAS, on June 3, 2020, Governor Murphy, moving the state forward into phase 'Stage 2', issued Executive Order No. 150 (2020), allowing service by food or beverage establishments at outdoor areas; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App A:9-33 et seq., in the State of New Jersey for COVID-19; and

WHEREAS, the Public Health Emergency was extended by Governor Murphy under Executive Orders 119 and 138; and

WHEREAS, under the declared Public Health Emergency, the Commissioner of the Department of Health is empowered, pursuant to N.J.S.A. 26:13-12, to take all reasonable and necessary measures to prevent the transmission of infectious disease and apply proper controls for infectious disease; and

NOW, THEREFORE, I, JUDITH PERSICHILLI, Commissioner of the Department of Health, pursuant to the powers afforded to me under the Emergency Health Powers Act, hereby ORDER and DIRECT the following:

1. Food or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 (2020) must adhere to the protocols listed below:
    a. Obtain all required municipal approvals and permits before offering food and/or beverage consumption at outdoor areas;
    b. Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 should enter the food or beverage establishment;
    c. Limit seating to a maximum of eight (8) customers per table and arrange seating to achieve a minimum distance of six feet (6 ft) between parties;
    d. Rope off or otherwise mark tables, chairs and bar stools that are not to be used;
    e. Demarcate 6 feet of spacing in patron waiting areas;
    f. Provide physical guides, such as tape on floors, sidewalks, and signage on walls to ensure that customers remain at least 6 ft apart in line for the restroom or waiting for seating;
    g. Eliminate self-service food or drink options such as buffets, salad bars, and self-service drink stations;
    h. Disinfect all tables, chairs and any other shared items (menus, condiments, pens) after each use;
    i. Install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of 6 ft is difficult;
    j. Ensure 6 ft of physical distancing between workers and customers, except at the moment of payment and/or when employees are servicing the table;
    k. Require infection control practices, such as regular handwashing, coughing and sneezing etiquette, and proper tissue usage and disposal;
    l. Require frequent sanitization of high-touch areas like credit card machines, keypads, and counters to which the public and workers have access;
    m. Place conspicuous signage at entrance alerting staff and customers to the required 6 ft of physical distance; and
    n. Require all food or beverage establishments to have an inclement weather policy that, if triggered, would require the food or beverage establishment

to adhere to Executive Order No. 125 (2020) and offer takeout or delivery service only.

2. Food or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 (2020) must impose the following requirements on employees:
    a. Require employees to wash and/or sanitize their hands when entering the food or beverage establishment;
    b. Conduct daily health checks (e.g. temperature screening and/or symptom checking) of employees safely and respectfully, and in accordance with any applicable privacy laws and regulations;
    c. Require employees with symptoms of COVID-19 (fever, cough, or shortness of breath) be sent home;
    d. Require all employees to wear face coverings, except where doing so would inhibit the individual's health, and require employees to wear gloves when in contact with customers and when handing prepared foods or serving food, utensils, and other items to customers;
    e. Provide all employees with face coverings and gloves;
    f. Provide employees break time for repeated handwashing throughout the workday; and
    g. Provide sanitization materials, such as hand sanitizer and sanitizing wipes to staff.

3. Food or beverage establishments offering service at outside areas pursuant to Executive Order No. 150 (2020) must institute the following policies with respect to customers:
    a. Inform customers that safety measures such as social distancing, wearing face coverings when they are away from their table and unable to social distance or when they are inside the indoor portion of the premises of the food or beverage establishment (unless the customer has a medical reason for not doing so or is a child under two years of age), and hygiene practices must be adhered to while in the food or beverage establishment;
    b. Encourage reservations for greater control of customer traffic/volume;
    c. Require customers to provide a phone number if making a reservation to facilitate contact tracing;
    d. Recommend customers wait in their cars or away from the food or beverage establishment while waiting for a table if outdoor wait area cannot accommodate social distancing;
    e. Alert customers via calls/texts to limit touching and use of shared objects such as pagers/buzzers;
    f. Encourage the use of digital menus;
    g. Decline entry to the indoor portion of the establishment to a customer who is not wearing a face covering, unless the customer has a medical reason for not doing so or is a child under two years of age; and

h. Provide a hand sanitizer station for customers.

This Directive shall take effect immediately. The provisions of this Directive shall remain in force and effect for the duration of the public health emergency originally declared in Executive Order No. 103 (2020), and as extended by Executive Order, unless otherwise modified, supplemented and/or rescinded.

Judith Persichilli

Judith Persichilli, R.N., B.S.N., M.A.
Commissioner

6/3/2020
Date

**NJ DEPARTMENT OF HEALTH**
**PUBLIC HEALTH AND FOOD PROTECTION PROGRAM**

https://www.nj.gov/health/ceohs/food-drug-safety/

**Resources available from US Food & Drug Administration, Center for Disease Control and Prevention and EPA.**

FDA Best practices for Re-opening Retail Food Establishments During the COVID-19 pandemic checklist

FDA Food Safety and COVID-19 Questions and Answers for Industry: Food Supply Chain; Social Distancing, Disinfecting & Other Precautions; Workers Testing Positive
CDC Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a person with Suspected or Confirmed COVID-19

CDC Interim Guidance Resuming Operations for Restaurants and Bars

CDC Considerations for Restaurants and Bars

List of EPA registered surface disinfectants for use against COVID-19