



**Effective Date:** March 19, 2021

## Sector Guidance — Eating and Drinking Establishments

**Authority:** Executive Order No. 20-66, ORS 433.441, ORS 433.443, ORS 431A.010

**Applicability:** This guidance applies to food and drink establishments, including but not limited to restaurants, bars, breweries, brewpubs, wineries, tasting rooms and distilleries statewide. For capacity limits, please refer to county of operation risk level matrix [here](#).

**Note:** Hookah bars and senior centers are not allowed to operate regardless of the designated risk level of the county in which the establishment is located.

**Enforcement:** To the extent this guidance requires compliance with certain provisions, it is enforceable as specified in Executive Order No. 20-66, paragraph 10.

**Definitions:** For purposes of this guidance, the following definitions apply:

- “Eating and drinking establishments” means food and drink establishments, including but not limited to, restaurants, bars, breweries, brewpubs, taverns, wine bars, cafes, food courts, coffee shops, wineries, tasting rooms and distilleries.
- “Individual dining pod” means an enclosed dining structure with more than fifty percent of the square footage of its sides closed to airflow including but not limited to greenhouses, tents, bubbles and yurts.
- “Outdoor” means any open-air space including any space which may have a temporary or fixed cover (e.g. awning or roof) and at least fifty percent of the square footage of its sides open for airflow such that open sides are not adjacent to each other.”

### Operations:

**Eating and drinking establishments are required to:**

- Review and implement [Statewide Mask, Face Covering, Face Shield Guidance](#).
  - Allow customers to remove masks or face coverings **only when actively** eating and drinking.
- Review and implement [General Guidance for Employers and Organizations](#).

- Comply with closure times and party size limits for eating and drinking establishments based on the [designated level of risk for the county](#) in which the establishment is located.
- Ensure that any one space that is intended for outdoor dining meet the definition for “outdoor”. **Any space that is intended as an outdoor space that does not meet the definition of outdoor must comply with the requirements and guidance for indoor operations or individual dining pods operations.**
- Adhere to guidance outlined in this document, as well as all applicable statutes and administrative rules to which the business is normally subject.
- Provide condiments, such as salt and pepper, ketchup, hot sauce and sugar, in single-service packets or from a single-service container. Disinfection must be done in a way that does not contaminate the food product. For example, do not use a spray device on a saltshaker.
- Comply with ORS chapter 471 and any rules adopted thereunder for any sale of alcoholic beverages for off-premises consumption.
- Comply with the [Self-Service Operations Guidance](#).
- Use menus that are single-use, cleanable between customers (laminated), online, or posted on a whiteboard or something similar in order to avoid multiple contact points.
- For operations of individual dining pods:
  - Limit capacity to one household and four people maximum per pod.
  - Post [signs](#) that pods can only be occupied by members of the same household.
  - Ensure the pod door or entrance remains open at all times while in use.
  - Prohibit employees from entering the pod while customers are inside and for at least 15 minutes after customers leave the pod.
  - Establish plans for customers to order and receive food and drink outside of dining pods.
  - Open as many sides of the pod as possible for at least 15 minutes after customers depart.
  - Follow cleaning and disinfection requirements in this guidance.
  - Comply with [Oregon State Fire Marshal Oregon Fire Code Joint Policy Bulletin](#) for requirements in these structures.

**Eating and drinking establishments should, but are not required to:**

- For operations of individual dining pods:
  - Open as many sides and vents in the dining pod as possible while in use.
  - Consider requiring customers to order at a window, counter or via a mobile application to minimize physical proximity to employees.

- Consider fitting the pod with fans that draw air to the outside to help increase the air changes in the pod and help reduce the amount of human-generated aerosol inside.

## Employees:

### Eating and drinking establishments are required to:

- Ensure employees are complying with the [Statewide Mask, Face Covering, Face Shield Guidance](#).
- Have employees wear appropriate protective equipment when performing cleaning, sanitizing, or disinfecting activities. See [OHA Food Code Fact Sheet #1-Minimizing Bare Hand Contact](#) or [ODA No Bare Hand Contact Fact Sheet](#).
- Minimize or eliminate employee bare-hand contact with ready to eat foods through use of utensils.
- Reinforce that meticulous hand hygiene (frequent and proper handwashing) is of utmost importance for all employees, including chefs, line cooks and waitstaff.

### Additional requirements for facilities licensed by the Oregon Department of Agriculture (ODA):

- No bare-hand contact with food is permitted per ODA's licensing requirements.

## Distancing and occupancy:

### Eating and drinking establishments are required to:

- Limit maximum capacity, which includes staff, based on the [designated level of risk for the county](#) in which the establishment is located.
- Ensure customers/parties remain at least six (6) feet apart when ordering, waiting or in line, or sitting.
  - Customers must remain in designated sitting or standing areas when eating or drinking.
- Comply with the party size limits for eating and drinking establishments based on the [designated level of risk for the county](#) in which the establishment is located.
- Not combine parties/guests at shared seating situations who have not chosen to be in a party together.
- Post signs as necessary to ensure that customers meet the requirements of this guidance.
- Mark designated spots on the floor where customers will wait in line.
- Ensure staff remain at least six (6) feet apart, when possible.

**To the extent possible, eating and drinking establishments should, but are not required to:**

- Install plexiglass (acrylic) or other nonpermeable physical barrier that is easily cleaned, in front of cashiers or customer service counters, or in other places where maintaining six (6) feet of physical distance between employees and customers is more difficult.
- Assign a designated greeter or host to monitor distancing while waiting in line or ordering, and during the entering and exiting process. Do not block egress for fire exits.
- Assign employee(s) to monitor customer access to common areas such as restrooms to ensure that customers do not gather.
- Post clear signs (available at [healthoregon.org/coronavirus](https://healthoregon.org/coronavirus)) listing COVID-19 symptoms, asking employees and customers with symptoms to stay home, and listing who to contact if they need assistance.

## **Cleaning and disinfection:**

**Eating and drinking establishments are required to:**

- Frequently clean and sanitize work areas, high-traffic areas, and commonly touched surfaces in both customer/public and employee areas of the business. For example, wipe down payment machines and counter tops between each customer use. Use disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19.
- Disinfect customer-contact surfaces including counters, menus, condiment containers and all other touch points.
- Frequently disinfect all common areas and touch points, including payment devices.

**To the extent possible, eating and drinking establishments should, but are not required to:**

- Consider providing hand-washing facilities for customer use in and around the business. Hand sanitizer is effective on clean hands. Businesses may make hand sanitizer (60-95% alcohol content) available to customers. Hand sanitizer must not replace hand washing by employees.

## **Video Lottery Terminal (VLT) operations:**

**Eating and drinking establishments are required to:**

- In high, moderate and lower risk counties:
  - Ensure VLTs are spaced at least six (6) feet apart so that at least six (6) feet between players is maintained. If VLTs cannot be spaced at least six (6) feet apart, businesses may install plexiglass (acrylic) or other nonpermeable physical barrier that is easily cleaned, between VLTs in lieu of having six (6) feet of distance, if the barrier is at least one (1) foot higher than head level for customers seated and at least three (3) feet wide or at least the width of the VLT if wider than three (3) feet.

- Require individuals to request VLT access from an employee before playing; an employee must then clean and disinfect the machine to allow play. A business must not allow access to VLTs or change VLTs without requesting access from an employee.
- Limit one player at or around a VLT.
- In extreme risk counties:
  - Offer outdoor dining, takeout or delivery in order to operate VLTs.
  - Ensure there are no more than six (6) people total at VLTs inside the establishment.
  - Comply with capacity limits for outdoor dining, which includes VLT players, as stated in the Sector Risk Level Guidance Chart.
  - Require individuals to request VLT access from an employee before playing; an employee must then clean and disinfect the machine to allow play. A business must not allow individuals to access VLTs or change VLTs without obtaining permission from an employee.
  - Limit one (1) player at or around a VLT.
  - Establishments may operate up to six (6) VLTs and are required to:
    - ♦ Ensure a minimum of six (6) feet of distance between players.
    - ♦ Ensure a minimum of six (6) feet between enabled VLTs. Establishments are strongly encouraged to configure VLTs in a way that maximizes space between players.
  - VLT players must wear masks or face coverings at all times following the [Statewide Mask, Face Covering, Face Shield Guidance](#).
  - VLT players are prohibited from eating or drinking indoors.
- Review and implement [General Guidance for Employers and Organizations](#).

**Note:** Oregon Lottery will not turn on VLTs until the agency is satisfied that all conditions have been met.

### Additional resources:

- [Signs you can post](#)
- [Statewide Mask, Face Covering, Face Shield Guidance](#)
- [OHA General Guidance for Employers and Organizations](#)
- [Food Code Fact Sheet #1-Minimizing Bare Hand Contact](#) (applies to county licensed facilities only)
- [ODA No Bare Hand Contact Fact Sheet](#) (applies to all ODA licensed facilities)

**Document accessibility:** For individuals with disabilities or individuals who speak a language other than English, OHA can provide information in alternate formats such as translations, large print, or braille. Contact the Health Information Center at 1-971-673-2411, 711 TTY or [COVID19.LanguageAccess@dhsosha.state.or.us](mailto:COVID19.LanguageAccess@dhsosha.state.or.us)