



COVID-19 GUIDANCE FOR RESTAURANTS AND ESTABLISHMENTS THAT MEET THE DEFINITION OF A “BAR” PER O.C.G.A. § 3-1-2(2.1)

On September 30th, 2020, Governor Kemp issued Executive Order 09.30.20.02 “Empowering a Healthy Georgia,” which provides guidance to the operating guidelines for restaurants and dining facilities, bars, banquet facilities, private event facilities, and private reception venues where food is served.

The Order requires that **all** facilities that meet the definition of “food service establishment” per O.C.G.A. § 26-2-370(2), as well as banquet facilities, private event facilities, and private reception venues where food is served, **shall** implement certain measures to mitigate the exposure and spread of COVID-19 among their patrons and workforce. Bars with food service establishment permits are included in these requirements.

The Order also includes several provisions that apply only to bars, which are specifically noted below. “Bar” is defined in O.C.G.A. § 3-1-2(2.1) to mean “any premises at which a retailer licensed pursuant to this title to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises.”

Executive Order 09.30.20.02 does not apply to dine-in services provided in hospitals, health care facilities, nursing homes, or other long-term care facilities. However, the Order directs these excepted facilities to implement the Order’s operating guidelines to the extent possible.

The specific directives of the Order are reproduced below in plain text. Additional recommendations and clarification from the Georgia Department of Public Health’s Food Service Program are provided in italics.

WORKER HEALTH & SAFETY MEASURES

- Screen and evaluate workers who exhibit symptoms of COVID-19. *Symptoms of COVID-19 may include a fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. While it is strongly recommended that each restaurant have an infrared thermometer on hand to screen workers, it is not required. Workers may screen themselves for fever with their own thermometers prior to arriving at work.*
- Require workers who exhibit signs of illness to not report to work or to seek medical attention. Per existing U.S. Food and Drug Administration Food Code and Department of Public Health requirements, workers who are sick should remain home. If a worker becomes ill or presents signs of illness at work, the operator should identify the worker’s condition during a pre-work screening and send the worker home. *Restaurant workers are considered “Critical Infrastructure” Workers. If a Restaurant Worker has been exposed to someone diagnosed with or suspected of having Covid-19, they are allowed*



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to continue working per CDC guidance, and additional requirements, unless the worker is showing signs or symptoms of Covid-19: <https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html>.

- Restaurants and bars shall create, maintain, and follow established policies regarding when workers who have become ill are permitted to return to work. A worker with known or suspected COVID-19 must follow Centers for Disease Control and Prevention guidelines to self-isolate for at least ten (10) days after symptom onset and end isolation only after symptoms have improved and the worker has been fever-free and/or symptom-free for 24 hours without medication before returning to work. *If a worker is diagnosed with COVID-19, it is highly recommended that the Person-In-Charge notify the health department as soon as possible. Timely reporting of diagnosed cases will assist with contact tracing measures to help isolate and contain the spread of COVID-19.*
- Ensure the Food Safety Manager certification of the person in charge is up-to-date and provide food handler training to refresh workers. *Food handler certification is not required per the Georgia Food Service Rules and Regulations, Chapter 511-6-1; however, it is a requirement that the Person-In-Charge ensure that employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties.*
- Implement teleworking for all possible workers.
- Implement staggered shifts for all possible workers.
- Where possible, stagger workstations to avoid workers standing adjacent to one another or next to each other. Where six (6) feet of separation is not possible, consider spacing options that include other mitigation efforts with increased frequency of cleaning and sanitizing surfaces. *Remind third-party delivery drivers and any suppliers of your internal distancing requirements.*
- Hold all meetings and conferences virtually, whenever possible.
- Train all workers on the importance and expectation of increased frequency of handwashing, the use of hand sanitizers with at least 60% alcohol, and provide clear instruction to avoid touching hands to face. *Food service workers are required to wash their hands according to the Georgia Food Service Rules and Regulations, Chapter 511-6-1-.03(5)(b)&(c). “Hand sanitizer,” for purposes of Executive Order 09.30.20.02 means “any hand antiseptic, hand rub, soap, or agent applied to the hands for the purpose of removing common pathogens.” Hand antiseptics and hand sanitizers must meet the criteria for the US Food and Drug Administration’s food additive definition of Generally*



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Recognized as Safe (GRAS) if food will be touched after using. Otherwise, hands should be thoroughly rinsed in clean water prior to handling food after the use of any hand antiseptics or hand sanitizers that do not meet the GRAS requirements. Bare hand contact with ready-to-eat foods is prohibited.

- For establishments meeting the definition of a “bar” per O.C.G.A. § 3-1-2(2.1), workers are required to wash or sanitize their hands upon entering the establishment and between interactions with patrons. *For any bar which has a food service permit, it is a requirement that workers wash their hands prior to entering the kitchen or working with food. Food employees are not allowed to sanitize their hands in lieu of handwashing. Food employees may sanitize their hands after they have properly washed their hands.*
- For Restaurants and Caterers: require workers to wear face coverings while interacting with patrons. *(e.g., waitstaff, counter staff, drive through, etc.) Workers may also wear face shields in addition to their face coverings. Such face coverings and face shields shall be cleaned or replaced daily. Face coverings and face shields are not the same thing. Face shields are clear plastic barriers that do not contact the face but are worn as a way to protect the full face from spray aimed at the individual wearing the shield. Face shields do not protect others from contaminated airborne particles expelled from the person wearing the face shield. Face coverings are made of cloth or fabric and must cover the nose and mouth while being worn. Workers will not be allowed to work unless they have a face covering. Instructions for making face coverings can be found on the CDC’s website: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-covering-instructions.pdf> Third-party delivery drivers should also wear face coverings while in the restaurant and when interacting with any customers at the delivery location.*
- For establishments meeting the definition of a “bar” per O.C.G.A. § 3-1-2(2.1), require all workers to wear face coverings at all times. Workers may also wear face shields in addition to their face coverings. Such coverings or face shields shall be cleaned or replaced daily. *Face coverings and face shields are not the same thing. Face shields are clear plastic barriers that do not contact the face but are worn as a way to protect the full face from spray aimed at the individual wearing the shield. Face shields do not protect others from contaminated airborne particles expelled from the person wearing the face shield. Face coverings are made of cloth or fabric and must cover the nose and mouth while being worn. Workers will not be allowed to work unless they have a face covering. Instructions for making face coverings can be found on the CDC’s website: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-covering-instructions.pdf>.*



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- Discourage workers from using other workers' phones, desks, offices, or other work tools and equipment (*such as pens, pencils, check holders, etc.*). *Clean registers or Point of Sale machines between worker use.*
- Establish a limit for the maximum number of workers permitted in worker breakrooms to reduce contact.
- Prohibit handshaking and other unnecessary person-to-person contact in the workplace.
- Increase physical space between workers and patrons, and limit contact between workers and patrons.
- Implement procedures to increase cleaning and sanitizing frequency of surfaces, including in the back-of-house. For Restaurants and Caterers, avoid all food contact surfaces when using disinfectants. *Only use disinfectants on food contact surfaces that are labeled specifically for food contact use. Always follow manufacturer’s label instructions when using disinfectants and sanitizers.*

CUSTOMER & PATRON SAFETY:

- Post signage on entrances that no one with a fever or symptoms of COVID-19 is permitted in the facility. *Signage should be designed in such a manner as to be easily seen and read by any patrons approaching the restaurant.*
- For establishments meeting the definition of a “bar” as per O.C.G.A. § 3-1-2(2.1), the occupancy shall be limited to 50 persons or 35% of total listed fire capacity occupancy of the entire bar, whichever is greater.
- Thoroughly detail, clean, and sanitize the entire facility regularly, focusing such cleaning and sanitation on high contact areas that would be touched by workers and/or patrons. *Dining tabletops are considered food contact surfaces, per the Georgia Food Service Rules and Regulations, Chapter 511-6-1. Always follow manufacturer’s labels when applying disinfectants to dining tabletops and verify their use for food contact surfaces.*
- Establishments defined as “bars” per O.C.G.A. § 3-1-2(2.1) shall be sanitized at least twice daily before opening and after closing.



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- Limit party size at tables to no more than six (6) at establishments meeting the definition of a “bar” per O.C.G.A. § 3-1-2(2.1).
- For establishments defined as “bars” per O.C.G.A. § 3-1-2(2.1), enforce Social Distancing of non-cohabitating persons while present on such entity's leased or owned property.
- In establishments that meet the definition of a “bar” per O.C.G.A. § 3-1-2(2.1), service shall only be provided to seated patrons, or, if not applicable, to patrons in designated areas that are practicing Social Distancing. Bars shall establish seating areas for patrons to discourage loitering at the bar or in commonly trafficked areas and shall establish pathways for patrons’ ingress and egress and ensure that they are clear and unobstructed.
- For Restaurants and Bars: Do not allow patrons to congregate on premises or the curtilage thereof. Design a process to ensure patron separation at while waiting to be seated that can include floor markings, outdoor distancing, or waiting in cars.
- For establishments meeting the definition of a “bar” per O.C.G.A. § 3-1-2(2.1), prevent activities that enable close human contact.
- Redesign seating arrangements to ensure at least six (6) feet of separation from seating to seating or utilize physical barriers to separate groups of seating within six (6) feet. *Currently, there are no recommendations available from the U.S. Food and Drug Administration or Center for Disease Control and Prevention on the size or height of a physical barrier. Each restaurant and bar must use its own judgement when determining dimensions of physical barriers that will afford patrons adequate protection from the virus that causes COVID-19. Physical barriers should be as large as practicable and should be impermeable to respiratory droplets and aerosols.*
- The use of disposable paper menus is strongly encouraged, which should be discarded after each patron use. Otherwise, businesses subject to this Section shall clean and sanitize reusable menus between each use by a patron. Non-touch menus are also acceptable for use.
- Between diners, clean and sanitize table condiments, digital ordering devices, check presenters, self-service areas, tabletops and commonly touched areas, and discard single-use items. *Dining table - tops are considered food contact surfaces, per the Georgia Food Service Rules and Regulations, Chapter 511-6-1. Always follow*



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manufacturer’s labels when applying disinfectants to dining table-tops and verify their use for food contact surfaces.

- Use rolled silverware and eliminate table presets.
- Remove items from self-service drink, condiment, utensil, and tableware stations and have workers provide such items to patrons directly wherever practicable. *Customers can still utilize self-service drink stations provided social distancing is maintained.*
- If providing salad bars and buffets, use cafeteria style service where a worker is responsible for serving the patron, handling the utensils and ensuring proper distancing in lines; or, if patrons are allowed to serve themselves, provide hand sanitizer at the buffet or salad bar, ensure that a sneeze guard is properly in place, that Social Distancing is enforced, and that utensils are replaced regularly. *It is recommended that an employee be stationed at the buffet or salad bar to ensure Social Distancing is being maintained as well as monitoring the utensils for replacement. Hand sanitizer must be provided if patrons are allowed to serve themselves and should be placed at the beginning of the buffet or salad bar line so that patrons can access it prior to selecting their plate or other tableware. Containers of Hand Sanitizer shall not be placed on the buffet or salad bar counters, as it could cause direct contamination if placed near food.*
- If providing a "grab and go" service, stock coolers to no more than minimum levels.
- Clean and sanitize restrooms regularly, check restrooms based on the frequency of use, and always ensure adequate supply of soap and paper towels. *Some restaurants may not be equipped with paper towel dispensers, since it is not required by the Georgia Food Service Rules and Regulations, Chapter 511-6-1; however, it is strongly recommended that paper towels be provided.*
- Where practicable, physical barriers such as partitions or plexiglass at registers should be used.
- Use technological solutions where possible to reduce person-to-person interaction: mobile ordering, mobile access to menus to plan, text on arrival for seating, and contactless payment options. *If PIN pads are used, they should be sanitized between patrons.*
- Where practical, considering a reservations-only business model or call-ahead seating.



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- Provide hand sanitizer for use by patrons, including contactless hand sanitizing stations when available. *Hand sanitizer must be provided; however, it is also recommended to use the contactless hand sanitizing stations if possible. Hand sanitizer wipes are an acceptable form of sanitizer to provide for both patrons and workers.*
- For establishments meeting the definition of a “bar” per O.C.G.A. § 3-1-2(2.1), set up hand sanitizing stations at every entrance to the establishment and encourage patrons to use hand sanitizer upon entering. *If hand sanitizer, as defined by the Executive Order, is not available, the bar will not be allowed to open.*
- If possible, use an exit from the facility separate from the entrance.
- Mark ingress/egress to and from restrooms to establish paths that mitigate proximity for patrons and staff.
- All restaurant or dining room playgrounds shall be cleaned and sanitized regularly if in use. *If playgrounds are located indoors, it is highly recommended to ensure adequate ventilation in those areas to reduce the risk of aerosolized transmission of COVID-19.*
- Discard all food items that are out of date.
- Verify that ware-washing machines are operating at the required wash and rinse temperatures and with the appropriate detergents and sanitizers.

RECOMMENDATIONS FROM THE CDC ON VENTILATION FOR RESTAURANTS AND BARS:

Ensure that ventilation systems operate properly and increase circulation of outdoor air as much as possible, for example by opening windows and doors and prioritizing outdoor seating. Do not open windows and doors if doing so poses a safety or health risk to customers or employees (e.g., risk of falling or triggering asthma symptoms, or allowing the entrance of insects or other pests).

RECOMMENDATIONS AND REQUIREMENTS FOR CATERERS:

If catering a private event, the best option is to deliver the food and any equipment to the customer at the designated time, and then return after the event has concluded to retrieve the equipment.

If catering a private event where it is required that the caterer stay on site for the event to provide set-up and service, the following additional measures should be implemented to the extent practicable:



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- *If the event is at the home of a person who meets the criteria for higher risk of severe illness as defined by the Centers for Disease Control and Prevention (CDC), to the extent practicable under the circumstances, the caterer should not enter the person’s home and should conduct the catering service outside if possible.*
- *Social Distancing of at least 6 feet should be maintained between the catering staff and attendees at the event.*
- If the caterer is responsible for providing tables and chairs at the event, seating shall be arranged in accordance with the Executive Order.
- If the caterer is contracted to remain on site to serve the food items, food shall be plated or served by the catering staff or served in compliance with the Executive Order’s requirements regarding patron self-service at buffets and salad bars.

TEMPORARY EVENTS:

Temporary outdoor fairs, festivals, or other events may be held so long as they comply with the following requirements of Executive Order 09.30.20.02:

- *The event organizer must ensure that the event adheres to the Order’s guidelines for non-Critical Infrastructure.*
- *If more than fifty (50) persons are present in a Single Location during the event, the organizer must ensure that Social Distancing is maintained between groups of non-cohabitating persons.*
- *If fifty (50) or fewer persons are present in a Single Location, then Social Distancing between groups of non-cohabitating persons is recommended, but not required.*
- *All food vendors at the event must follow the requirements for food service establishments outlined in Executive Order 09.30.20.02. Food vendors must also comply with the provisions of Chapter 511-6-1 of the Georgia Food Service Rules and Regulations applicable to temporary food service establishments.*

HANDLING OF COMPLAINTS & ENFORCEMENT OF EXECUTIVE ORDER REQUIREMENTS:

The local health departments will investigate any complaints at restaurants, bars, or against temporary event food service workers under their jurisdiction for compliance with the Executive Order requirements. A written warning will be issued for non-compliance with the Executive Order for the first complaint. Repeated violations of the Executive Order for the same restaurant, bar, or temporary event food service worker will be turned over to local law enforcement or the Georgia State Patrol for enforcement measures. Note, however, that all law enforcement is authorized to enforce the provisions of Executive Order 09.30.20.02,



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regardless of the local health department’s involvement. The local health department will enforce the requirements of the Georgia Food Service Rules and Regulations, Chapter 511-6-1 at all food service establishments.

INSPECTION GUIDANCE:

The routine inspection timeline under Chapter 511-6-1-.10(2) may be extended by 120 days for any permit holder of a food service establishment maintaining an “A” food safety grade which was scheduled to have a routine inspection at any time between March 14th, 2020 and September 10th, 2020. *This is to allow the regulatory agency flexibility in prioritizing high risk establishments. However, any new restaurant that opened within 60 days prior to or after March 14th, 2020 is still required to have its initial routine inspection, even if its opening score was an “A.” Any foodservice establishment with a history of fluctuating scores that received a score of an “A” on the previous inspection should be included on the list of high risk prioritization. A virtual non-scored inspection may be carried out at the option of the regulatory agency for any highly susceptible population facility as long as the State of Emergency is in place.*