



## Health and Safety Guidelines for Indoor and Outdoor Dining

May 28, 2021

This document presents best practices for food and beverage establishments that have opened their premises to the public. Note that a portion of the listed protocols are mandatory for food and beverage establishments pursuant to Executive Order No. 192.

Executive Orders No. 241 and 242 recently amended masking and social distancing requirements for these establishments. Individuals, including staff and customers, are no longer required to wear masks in these public settings, though unvaccinated individuals are strongly encouraged to continue doing so. These facilities are now permitted to operate at full capacity, without regards to six feet of distance between tables or bar seats.

Dance floors, indoor bar seating, buffets and self-service food stations, ancillary activities such as karaoke, and standing service are now all permitted.

Establishments must continue to ensure that all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations.

### **ESTABLISHMENT**

**Food and beverage establishments should consider implementing the following measures to promote social distancing, educate staff and customers, and generally reduce the potential for transmission of the virus:**

- Establish a written, worksite-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas, and designate a person to implement the plan.
- Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 should enter the establishment.
- Consider spacing tables to accommodate six feet of distance between customers. Where six feet of distance is not feasible between tables, consider use of physical barriers. If barriers are used, they should be a minimum of five

feet (5 ft) in height, but no higher than six feet (6 ft) in height and must not be within 18 inches of a sprinkler head or block emergency and/or fire exits. Physical barrier options include plexiglass or other non-porous dividers or partitions and must comply with current requirements regarding wall finishes. Establishments must ensure that such barriers do not restrict air flow throughout the restaurant.

- Consider spacing individuals or groups (i.e. a single party of eight or fewer individuals) seated at a bar area six feet (6 ft) apart. If six feet of distance is not feasible at the bar area, establishments may use physical barriers, as described above, to accommodate bar seating. Establishments may also utilize such barriers as an alternative to the required spacing if they elect to utilize bar seating.
- Install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of 6 ft is difficult
- Provide physical guides, such as tape on floors and signage on walls to remind customers/visitors to remain at least 6 ft apart in line and/or in common areas.
- Self-service food, such as buffets and salad bars, and drink stations are permitted. Self-service stations must be provided with hand sanitizer for patrons and monitored for social distancing. All shared equipment and serving utensils must be routinely and effectively cleaned and disinfected and/or replaced. Establishments are encouraged to keep food behind plexiglass or a similar barrier and have an attendant serve customer.
- Though not prohibited, consider limiting ancillary amenities and activities such as children's recreational/play areas, dance floors, and karaoke that would encourage close person to person interaction. If opened, establishments are encouraged to promote masking and physical distancing for those activities, and to regularly clean and disinfect shared equipment.
- Games, including darts and billiards, are permitted. Shared equipment should be properly cleaned and sanitized.
- When menus cannot be sanitized, consider use of digital menus, single-use disposable menus (e.g., paper) and discard after each customer, or utilize a written posting such as a chalkboard or whiteboard to relay menu information.
- Consider using single-use condiments and table items.
- Launder all reusable linen napkins and/or tablecloths after each customer or party's use.
- Use touchless payment options as much as possible, if available.

- Implement a restroom use policy to limit the number of customers inside the restroom.
- Ensure that live performers remain at least 6 ft from patrons and staff.
- Conduct health checks for all live performers and encourage the use of masks when feasible.
- Establishment owners and staff are expected to work with and provide the local health authority and/or contact tracers with information requested related to positive cases.

Concession stands, including but not limited to those in large sports and entertainment venues as defined in Executive Order No. 234 (2021) and any subsequent Order, are permitted to operate pursuant to the protocols outlined herein. Venues may permit walking vendors to offer concessions to customers.

### **Cleaning and Disinfection**

#### **Establishments are encouraged to implement the following protocols:**

- Disinfect all tables, chairs, table dividers, and any other shared items (menus, condiments, pens) after each use.
- Clean commonly touched surfaces in restrooms (e.g., toilet seats, doorknobs, stall handles, sinks, paper towel dispensers, soap dispensers) frequently and in accordance with CDC guidelines.
- Conduct frequent disinfecting of heavy transit areas and high-touch surfaces (e.g., doorknobs, staircases, credit card machines, keypads, and counter areas to which employees and customers have access).
- Implement procedures to increase cleaning and disinfection in the kitchen areas. Avoid all food contact surfaces when using disinfectants. Food contact surfaces must be cleaned and sanitized before use with a sanitizer approved for food contact surfaces. Non-food contact surfaces must be frequently cleaned.
- Maintain cleaning logs that include date, time, and scope of cleaning.
- In the event of a positive COVID-19 case of a worker, patron, or vendor, close off areas visited by the ill persons. Open outside doors and windows and use ventilating fans to increase air circulation in the area. Wait 24 hours or as long

as practical before beginning cleaning and disinfection. Should thorough cleaning occur after the individual has visited the establishment but prior to notification of illness, then no additional closure/cleaning/disinfection needs to occur. Refer to current CDC guidance for additional information.

### **Indoor Air/ Ventilation**

#### **Consider utilizing the following measures to increase air flow and ensure proper ventilation within the facility:**

- Keep doors and windows open where possible and utilize fans to improve ventilation.
- Inspect and evaluate the heating, ventilation, and air conditioning (HVAC) unit to ensure that the system is operating within its design specifications and according to existing building code standards.
- Conduct routine maintenance as recommended by the manufacturer or HVAC professional.
- Within the design specification of the HVAC unit:
  - Increase the volume of outdoor air to the maximum capacity while the facility is occupied.
  - Reduce the volume of recirculated air being returned to the indoor spaces.
  - Increase the volume of air being delivered to the indoor spaces to the maximum capacity.
  - Select maximum filtration levels for the HVAC unit.
  - Run the HVAC unit continuously while the facility is occupied.
  - Run the HVAC unit for at least two hours before and two hours after the facility is occupied.
- Consider installing portable air cleaners equipped with a high efficiency particulate air (HEPA) filter to increase the amount of clean air within the facility.
- Review and follow the latest CDC guidance for ventilation requirements.

### **EMPLOYEES**

- Establishments should encourage unvaccinated staff to continue wearing masks and practicing social distancing to the extent possible. Establishments are permitted to require employees to wear masks.

- Establishments **must** follow the requirements of Executive Order No. 192 (2020), including the health and safety protocols outlined in Paragraph 1, to protect their employees, customers, and other visitors at the worksite, which require establishments to abide by the following requirements:
  - Provide sanitization materials, such as hand sanitizer that contains at least 60% alcohol and sanitizing wipes that are approved by the United States Environmental Protection Agency for SARS-CoV-2 virus to employees, customers, and visitors at no cost to those individuals.
  - Ensure that employees practice regular hand hygiene, particularly when such employees are interacting with the public, and provide employees break time for repeated handwashing throughout the workday and access to adequate hand washing facilities. Employers may adopt policies that require employees to wear gloves in addition to regular hand hygiene. Where an employer requires its employees to wear gloves while at the worksite, the employer must provide such gloves to employees.
  - Routinely clean and disinfect all high-touch areas in accordance with DOH and CDC guidelines, particularly in spaces that are accessible to employees, customers, or other individuals, including, but not limited to, restrooms, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched surfaces including employee used equipment, and ensure cleaning procedures following a known or potential exposure are in compliance with CDC recommendations;
  - Prior to each shift, conduct daily health checks of employees, such as temperature screenings, visual symptom checking, self-assessment checklists, and/or health questionnaires, consistent with CDC guidance, including latest CDC guidance regarding COVID-19 symptoms, consistent with the confidentiality requirements of the ADA, NJLAD and any other applicable laws, and consistent with any guidance from the Equal Employment Opportunity Commission (“EEOC”) and the New Jersey Division on Civil Rights.
  - Immediately separate and send home employees who appear to have symptoms, as defined by the CDC, consistent with COVID-19 illness upon arrival at work or who become sick during the day. Employers subject to the New Jersey Earned Sick Leave Law, New

Jersey Family Leave Act, N.J.S.A. 34:11D-12 and/or federal leave laws must continue to follow the requirements of the law, including by allowing individuals to use accrued leave in the manner permitted by law and employer policy, when requiring employees to leave the workplace in accordance with the provisions of this subparagraph;

- Promptly notify all employees of any known exposure to COVID-19 at the worksite, consistent with the confidentiality requirements of the ADA and any other applicable laws, and consistent with guidance from the EEOC.
  - Clean and disinfect the worksite in accordance with CDC guidelines when an employee at the site has been diagnosed with COVID-19 illness; and
  - Continue to follow guidelines and directives issued by the New Jersey DOH, the CDC and the Occupational Safety and Health Administration, as applicable, for maintaining a clean, safe, and healthy work environment.
- In addition to the requirements above, establishments are encouraged to:
- Require employees to wash and/or sanitize their hands when entering the food or beverage establishment
  - Require all customer-facing employees (e.g. servers, bus staff) to minimize time spent within 6 ft of customers.
  - Place tables in break rooms six feet apart and encourage outdoor breaks.
  - Prohibit the use of small spaces (e.g. freezers, storage rooms) by more than one individual at a time.
  - Conduct health checks for all live performers and require the use of masks when feasible.

## **CUSTOMERS**

- Consider conducting health surveillance assessment for customers (e.g. temperature screening and/or COVID-19 symptom checking). Refuse entry if customer is found with any COVID-19 symptoms.
- Inform customers of COVID-19 safety measures such as social distancing,

wearing face coverings when they are away from their table and unable to social distance and hygiene practices must be adhered to while in the food or beverage establishment.

- Unvaccinated customers are strongly encouraged to wear masks on the premises, except where the individual is under two years of age or when the individual is eating or drinking. Establishments are permitted to set a stricter policy on masking of customers on-site.
- Consider requiring reservations for greater control of customer traffic/volume. Recommend customers to provide a phone number if making a reservation to facilitate contact tracing.
- Recommend customers wait in their cars or away from the food or beverage establishment while waiting for a table if wait area cannot accommodate social distancing.
- Consider alerting customers via calls/texts to limit touching and discourage the use of shared objects such as pagers/buzzers.

## **OUTDOOR AREAS**

In addition to the protocols outlined above, food or beverage establishments offering service in outdoor areas, defined as open air spaces that either 1) have no roof or cover or 2) have a fixed roof or temporary or seasonal awning or cover, with at least two open sides that would comprise over 50 percent of the total wall space if the space were fully enclosed, must continue to obtain all required municipal approvals and permits before offering food and/or beverage consumption at outdoor areas.

An outdoor area also includes an outdoor enclosed structure, such as a plastic dome, that seats an individual party. Such structures should be ventilated for a minimum of 15 minutes, then cleaned and sanitized in accordance with CDC guidance and the recommendations outlined in this document between separate seating. The structure and use of the structures must otherwise comply with all other applicable codes and regulations, including the provisions of the Fire Safety Code, and the establishment must obtain any necessary municipal approvals and permits before offering food and/or beverage consumption in the outdoor enclosed structure.

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

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

**Resources available from NJ Department of Health (NJDOH), US Food and Drug Administration (FDA), Center for Disease Control (CDC) and Environmental Protection Agency (EPA):**

CDC Considerations for Restaurants and Bars <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html>

CDC Restaurants and Bars Decision Tool <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/restaurants-and-bars-decision-tool.html>

CDC Implementing Safe Practices for Critical Infrastructure Workers Who May Have Had Exposure to Person with Suspected or Confirmed COVID  
<https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html>

EPA List of Disinfectants for use against COVID-19 <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19> FDA Best Practices for Re-opening Retail Food Establishments During COVID- 19 pandemic checklist <https://www.fda.gov/food/food-safety-during-emergencies/bestpractices-re-opening-retail-food-establishments-during-covid-19-pandemic>