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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE NO. 20-019

COVID-19 PROTOCOLS FOR FOOD OR BEVERAGE ESTABLISHMENTS OFFERING SERVICE IN OUTDOOR AND INDOOR AREAS PURSUANT TO EXECUTIVE ORDERS NOS. 150 AND 157

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, on March 9, 2020, Governor Philip D. 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, 138 and 151; 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, including those serving food and/or beverages, follow good personal hygiene practices and take necessary steps to promote 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 June 26, 2020, Governor Murphy issued Executive Order No. 157 (2020), allowing service by food or beverage establishments at indoor areas, beginning July 2, 2020; 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 and treatment for infectious disease; and

NOW, THEREFORE, I, JUDITH PERSICHILLI, Commissioner of the DOH, 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 must adhere to the protocols listed below:

    a. 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;
    b. Limit seating to a maximum of eight (8) customers per table (unless they are from an immediate family or from the same household) and arrange seating to achieve a minimum distance of six feet (6 ft) between parties;
    c. Rope off or otherwise mark tables, chairs and bar stools that are not to be used;
    d. Demarcate 6 feet of spacing in patron waiting areas;
    e. Provide physical guides, such as tape on floors and sidewalks, and signage on walls, to ensure that customers remain at least 6 feet apart in line for the restroom or waiting for seating;
    f. Eliminate self-service food options such as buffets and salad bars. Limit self-service drink stations to those that are able to be routinely and effectively cleaned and disinfected;
    g. Consider alternatives to paper/physical menus (whiteboards, electronic menus);
    h. Disinfect all tables, chairs and any other shared items (menus, condiments, pens) after each use;
    i. Consider using single-use condiments and table items.
    j. Install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of 6 feet is difficult;
    k. Ensure 6 feet of physical distancing between workers and customers, except at the moment of payment and/or when employees are servicing the table;

l. Require infection control practices, such as regular handwashing, coughing and sneezing etiquette, and proper tissue usage and disposal;
m. Require frequent sanitization of high-touch areas like credit card machines, keypads, and counters to which the public and workers have access; and
n. Place conspicuous signage at entrance alerting staff and customers to the required 6 feet of physical distance.

2. Food or beverage establishments offering service 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, or if it would create an unsafe condition in which to operate equipment or execute a task (i.e. cooks that work near open flames).
    e. Provide all employees with face coverings and gloves free of charge;
    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.
    h. Encourage employees to obtain COVID-19 testing.

3. Food or beverage establishments offering service pursuant to Executive Order No. 150 (2020) must institute the following policies with respect to customers:

    a. Inform customers of all required social distancing and hygiene practices;
    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. Prohibit customers waiting for a table in the outdoor dining area from waiting inside the interior premises of the food or beverage establishment;
    e. Recommend that 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;
    f. Alert customers via calls/texts to limit touching and use of shared objects such as pagers/buzzers;
    g. Encourage the use of digital menus or alternatives to physical or paper menus; and

h. Provide a hand sanitizer station for customers.

4. In addition to the requirements in Paragraphs 1 through 3, food or beverage establishments offering service must institute the following policies with respect to their outdoor areas, which are defined as open-air spaces without a fixed roof, besides a temporary or seasonal awning or cover:

    a. Obtain all required municipal approvals and permits before offering food and/or beverage consumption at outdoor areas;
    b. Require customers who wish to enter the indoor portion of the establishment to wear a face covering, unless the customer has a medical reason for not doing so or is a child under two years of age; and
    c. Require that groups stay 6 ft apart even in areas where groups are not assigned seating.

5. In addition to the requirements in Paragraphs 1 through 3, food or beverage establishments offering service must institute the following policies with respect to their indoor areas, when permitted to open on July 2, 2020:

    a. Limit customers being served in indoor areas to a number equaling to 25 percent of the establishment's indoor capacity or as updated and amended by Executive Order, Administrative Order, or Executive Directive;
    b. Customers must wear face coverings at all times except when seated at their table;
    c. Food or beverage establishments with table service must require that customers be seated in order to place orders;
    d. Food or beverage establishments with table service must require that wait staff bring food or beverages to seated customers; and
    e. Customers may only consume food or beverages while seated.

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.

June 26, 2020

Judith Persichilli

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

NJ DEPARTMENT OF HEALTH
PUBLIC HEALTH AND FOOD PROTECTION PROGRAM

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

Resources available from U.S. Food & Drug Administration (FDA), Centers for Disease Control and Prevention (CDC) and the U.S. Environmental Protection Agency (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