Guidance FAQs
Eating and Drinking Establishments (Updated 05-03-2021)

Below are answers to frequently asked questions about the Oregon Health Authority’s (OHA) Sector Guidance for Eating and Drinking Establishments. The guidance and these FAQs apply to eating and drinking establishments statewide. OHA provides these FAQ to help the public understand the guidance, to respond to stakeholder questions, and to clarify how the guidance may apply in specific scenarios. These FAQ may be intermittently updated. The FAQ is not intended to take the place of the guidance, but rather to interpret, supplement and help fill in the details of the guidance.

Operations

Q1: Can eating and drinking establishments stay open past the required closing time if they are only doing take out or delivery after the closing time?
A1: Yes. All eating and drinking establishments must end all on-site consumption of food and drink at the required closing time. These businesses must be closed to the public at the required time except for the purposes of take-out service. Restaurants should organize the last seating to ensure compliance.

Q2: What are the recommendations for heating and ventilation for outdoor dining?
A2: The outdoor space may have a temporary or fixed cover (e.g. awning or roof) and must have at least fifty percent of the square footage of its sides open for airflow such that open sides are not adjacent to each other. Establishments may choose heating that works for them and their customers following the Oregon State Fire Marshal Oregon Fire Code Joint Policy Bulletin. If an establishment decides to use fans outdoors, they should not consistently direct air in one direction from one person or group to another.

Q3: Are people required to be seated for on-site food and beverage consumption?
A3: Yes. Customers must remain in designated sitting or standing areas when eating or drinking and must not walk around while eating or drinking. Counter, bar and table seating are permitted for on-site food and beverage consumption either indoors or outdoors based on the designated risk level of the county where the eating and drinking establishment is located. Customers must keep their masks, face coverings or face shields on at all times when not actively eating or drinking.
Q4: What guidance do weddings follow if they are held at an eating or drinking establishment?

A4: Weddings are considered indoor or outdoor entertainment and are required to follow either the Indoor Entertainment Establishments Guidance or the Outdoor Entertainment Establishments Guidance including the capacity limits for the designated risk level in the county where the wedding takes place.

Q5: Are customer self-service operations, such as beverage refilling stations (growlers and soda) and yogurt machines prohibited?

A5: No. Self-service operations, such as beverage refilling stations and yogurt machines, are allowed and must follow the Self-Service Operations guidance. Multiple touch-point self-service operations, such as buffets and continental breakfast operations are allowed in eating and drinking establishments as long as food is distributed from the buffet by employees to customers.

Q6: If an eating and drinking establishment is not providing on-site consumption of food and drink and only offering takeout and delivery, is the establishment required to provide restrooms for customers?

A6: No. Specifically, 6-402.11 in the Food Sanitation Rules say “(D) Food establishments limited to drive-in or handout service are not required to provide toilet rooms facilities for the customer.” Restaurants that offer onsite consumption are required to have restrooms available for the public.

Q7: If I have more than one indoor restaurant or bar on my property (one licensed premises), does the indoor capacity limit apply to each of those areas or all indoor areas, combined?

A7: If the separate restaurants and bars have their own entrances, exits, restrooms, hallways and enclosed spaces, then the indoor capacity limits would apply to each area. If those areas share any of the common spaces (entrances, exits, hallways, restrooms, enclosed spaces) then the indoor capacity limit would apply to the entire space.

Q8: Are fraternal organizations required to follow the eating and drinking establishments guidance if they only allow members into the premises?

A8: Yes. Fraternal organizations that serve food and drink comply with the Eating and Drinking Establishments Guidance and the requirements for designated risk level of the county where the organization is located. There is no exemption if the organization is a membership only establishment.

Fraternal lodge organizations that are exempt from restaurant licensing under ORS 624.038 because they only serve food to members and their guests may offer on-site consumption of food and drink in compliance with the Eating and Drinking Establishments Guidance.
Q9: Do restaurants have to require customers to wear face coverings?
   A9: Yes, all restaurants must comply with the Statewide Mask, Face Covering, Face Shield Guidance. Customers and visitors must wear a mask, face covering or face shield when in a restaurant, except for when actively eating or drinking.

Q10: What is the guidance for adult entertainment clubs?
   A10: Adult entertainment club operators must comply with the Indoor Entertainment Establishments Guidance. Adult entertainment clubs that offer or serve food or alcohol must comply with the Sector Guidance for Eating and Drinking Establishments and follow the capacity limits based on the designated risk level for the county where the entertainment club is located. Adult entertainers and other staff, including employees, volunteers and contractors, must maintain at least six (6) feet of physical distance from each other and from customers at all times.

Q11: Are there different regulations for those with Oregon Department of Agriculture (ODA) enforced food programs and Oregon Health Authority (OHA) enforced food programs?
   A11: Generally, the only difference is in relation to employee handling of ready to eat foods. Employees at ODA regulated retail facilities are not allowed to handle ready to eat foods, such as sandwiches, salads, and bread with bare hands. Food workers must use "suitable" utensils, such as deli tissues, tongs, or non-latex, single-use gloves when handling ready to eat foods (ODA No Bare Hand Contact Fact Sheet). OHA regulated facilities are required to minimize bare hand contact with these types of foods. OHA regulated facilities should follow Food Code Fact Sheet #1 – Minimizing Bare Hand Contact.

Q12: Is Karaoke allowed in Eating and Drinking Establishments?
   A12: Karaoke is considered indoor entertainment and operators of karaoke are required to follow the Indoor Entertainment Establishments Guidance. Karaoke operators and customers performing karaoke are required to follow the Statewide Mask, Face Covering, Face Shield guidance and cannot remove their face coverings when singing. Operators must clean all sound gear, including microphones, between use by different parties.

Q13: Does the closing time for on-site food and beverage consumption apply to restaurants or cafes inside of hospitals or other health care facilities?
   A13: No. The restrictions for on-site consumption do not apply to food service in health care facilities (including hospitals).

Q14: My business has ping pong tables, as well as a full bar and restaurant. Can I operate in the extreme risk category?
   A14: Ping pong is considered indoor or outdoor entertainment and operators of ping pong are required to follow the indoor or outdoor entertainment establishments guidance. In extreme risk counties, indoor on-site consumption of
food and beverage is prohibited, however, the establishment may offer ping pong in accordance with the indoor or outdoor entertainment establishments guidance and Sector Risk Level Guidance Chart.

Q15: I have a liquor license. Where can I find OLCC guidance about reopening?
A15: OLCC information related to reopening or operating a liquor licensed business while the risk-level framework is in effect can be found here.

Q16: I would like to extend the premises of my business into a public or private space and serve alcohol, while maintaining physical distancing. Can I do this?
A16: The OLCC offers different options for expanding your liquor licensed premises on either a limited (short-term) basis or a permanent basis. Go to the OLCC’s COVID-19 Business Continuity—Alcohol page and navigate to the “Extension of Premises” section for more information.

Q17: Are customers going through drive-thrus required to wear face coverings?
A17: Yes. Individuals in their personal vehicles must wear a face covering when interacting with an individual outside of their vehicle in accordance with the Statewide Mask, Face Covering, Face Shield Guidance.

Q18: What if I have more than one discrete outdoor area that I use as a part of my business in an extreme risk county? Does the 50-person limit apply to each outdoor area or all my outdoor areas, combined?
A18: If the separate outdoor areas have their own entrances, exits and restrooms, then the outdoor capacity limits would apply to each area. If those outdoor areas share any of the common spaces (entrances, exits, restrooms) then the outdoor capacity limit would apply to the entire outdoor space.

Q19: There are different capacity limits for indoor and outdoor dining. What is the definition of an “outdoor space” for purposes of the Eating and Drinking Establishments Guidance?
A19: For the purposes of the Sector Guidance for Eating and Drinking Establishments, “outdoor space” 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.

Q20: If a retail business opens a food cart in their parking lot with outdoor seating, does OHA restaurant guidance apply?
A20: Yes. The food cart is considered a restaurant and must follow the Eating and Drinking Establishments Guidance.
Q21: What is the guidance for darts and shuffleboard?

A21: Darts and shuffleboard are considered indoor entertainment and operators of darts and shuffleboard would be required to follow the Indoor Entertainment Establishments Guidance and, if applicable, Eating and Drinking Establishments Guidance. Operators must clean all shared equipment such as darts and shuffleboard discs, between uses between different parties.

Q22: What should I do if a customer that is showing symptoms of COVID-19 comes to my restaurant? Can I ask that person to leave?

A22: Restaurants and bars may post signs listing COVID-19 symptoms, asking employees and customers with symptoms to stay home, and listing who to contact if they need assistance. Restaurants and bars should consult with legal counsel about its policies for refusing service. A restaurant cannot refuse service based on a person’s race, color, gender, sexual orientation, gender identity, religion, ability or national origin. COVID-19 can infect anyone who is exposed to it, and anyone can spread COVID-19.

Q23: Are wineries or tasting rooms required to gather customer information for contact tracing purposes in the case of a positive test result?

A23: No. Eating and drinking establishments are not required to gather customer information but it is strongly recommended for contact tracing purposes.

Q24: What does the employer need to do if a restaurant employee shows signs of COVID-19?

A24: An employer should follow the General Guidance for Employers and Organizations. An employer should instruct sick employees to stay home or to go home if they become sick while at work. Employees should not be physically present at a workplace if they have any of the following new symptoms:

- Fever
- Cough
- Sudden loss of taste or smell
- Sore throat
- Vomiting or diarrhea

Employers should provide clear communication to employees that if they have COVID-19 symptoms they are required to stay home, and if they develop COVID-19 symptoms while at work they must go home and isolate and/or seek medical attention.

If an employee develops symptoms of COVID-19 infection at the workplace, or an employee who tests positive for COVID-19 has been physically present at the workplace:

- Cooperate with their Local Public Health Authority and/or the Oregon Health Authority on contact tracing.
- Notify other employees who have been in close contact with the sick employee that possible exposure has occurred, in a manner that protects the identity of the COVID-19 positive employee, as required by law.
- Ensure that an employee who is required to be in quarantine or isolation in accordance with state and local public health authority guidance, does not return to work during the quarantine or isolation period, regardless of whether the employee has COVID-19 symptoms.

**Q25:** Do employee temperatures need to be taken prior to each shift?

**A25:** No, temperatures do not need to be taken before each shift, but employers may want to consider requesting regular health checks (e.g., temperature and respiratory symptom screening) or symptom self-report of employees, if job-related and consistent with business necessity.

**Q26:** May bars offer or host Texas Hold’em, Bingo or Bunco events?

**A26:** Yes. Texas Hold’em, Bingo or Bunco events are considered indoor entertainment and operators of those events are required to follow the Indoor Entertainment Establishments Guidance.

**Q27:** If a business wants to know whether its space falls within the definition of an outdoor space, who can it contact?

**A27:** Businesses may send requests for site-specific consultations to OR-OSHA.

**Q28:** May a restaurant in an Extreme Risk county allow its employees to be seated and eat in the dining room six (6) feet apart from one another if there is no break room?

**A28:** Restaurants located in Extreme Risk counties are not allowed to offer indoor dining. However, employees of the facility may eat meals inside in break rooms or areas designated for staff only (including a dining room). To avoid potential invalid complaints from the public who see indoor dining, employees should dine in break rooms or designated areas that are not visible to the public. It is strongly recommended that employee break times and mealtimes be staggered and all employees are required to follow the physical distancing measures as stated in the Eating and Drinking Establishments Guidance.

**Q29:** Are airports allowed to provide seating areas for travelers and employees to eat and drink on-site?

**A29:** Yes, airports may provide seating for travelers. However, the airport should arrange the seating areas to comply with physical distancing requirements. In addition, the airport should not assign seating areas to specific eating and drinking establishments and eating and drinking establishments should not claim any seating areas specifically for their customers only.
Q30: Is eating and drinking allowed in airports in common seating areas?

A30: Yes. OHA requires and recommends the following for eating and drinking while in the airport to minimize risk of spreading COVID-19 and increase safety for all individuals:

- When eating or drinking, individuals should sit in an area away from other individuals. Individuals must maintain at least six (6) feet from others in different households in all sitting areas.
- If eating in boarding areas, individuals should leave three or more empty seats between them and the nearest person from different households, even if they are travelling together. This includes seats to the side, in front, and behind the individual.
- Individuals should take their mask or face covering off only to eat and drink. When not actively eating and drinking, individuals must put their mask or face covering back on.
- During eating or drinking, individuals should cover the nose and mouth for any coughs, sneezes, and throat clearing.

Distancing and Occupancy

Q1: Do staff count towards the maximum capacity limit for restaurants and bars?

A1: Yes, staff are included in the maximum capacity limit for an eating and drinking establishment.

Q2: Do I need to keep track of indoor occupancy even if I am not serving food or beverages indoors?

A2: Yes. Eating and drinking establishments are required to post maximum capacity information in a location visible to all employees, contractors, volunteers, visitors and customers using the maximum capacity sign.

Q3: How do you determine “maximum occupancy” as required under OHA guidance?

A3: Your general occupant load shall include both staff members and business customers. For additional assistance on how to determine what your business’s general occupant load is, prior to incorporating and determining what the COVID-19 “maximum capacity limit” is, please review the Maximum Occupancy Resource for COVID-19 and reach out to the local fire agency with jurisdiction in your area. To determine the required percentage maximum capacity limit based on the designated risk level for the county in which the business is located, please refer to the Sector Risk Level Guidance Chart.
Q4: Do delis and seating areas for food consumption in grocery stores have to follow the same OHA guidance for eating and drinking establishments?

A4: Yes.

Q5: Does the accommodation for plexiglass (acrylic), non-permeable material apply only to separation between booths, or may it be installed between tables or seats at a counter to allow for groups or individuals to be closer than six (6) feet apart?

A5: In extreme risk counties, barriers do not replace the physical distancing requirement for players at video lottery terminals (VLT). The guidance of installing plexiglass applies to all types of seating for on-site consumption of food and beverage and VLT use in high, moderate and lower risk counties. The barrier must be non-permeable, easy to clean, and at least one (1) foot higher than head level for seated customers and at least three (3) feet wide or at least the width of the seat if wider than three (3) feet. Please note that physical barriers do not replace the requirement to wear a mask, face shield or face covering in accordance with the Statewide Mask, Face Covering, Face Shield Guidance. Businesses are required to follow the maximum capacity limits for the designated level of risk for the county where the business is located, and physical barriers do not change the maximum capacity limits listed in the Sector Risk Level Guidance Chart.

Q6: What is the guidance for sidewalk seating? Is this allowed with six (6) feet between parties? What about restaurant patios that touch a sidewalk - can tables be placed on the patio even if it’s not six (6) feet away from the sidewalk edge?

A6: Customers must be able to maintain six (6) feet of distance from others not in their party. That includes individuals who may be walking down the street or sidewalk. If a business is unable to maintain at least six (6) feet of distance, except for brief interactions (for example, to deliver food to a table), it may operate only as pick up/to go service. Staff and customers must follow the Statewide Mask, Face Shield, Face Covering guidance. This applies to both indoor and outdoor seating.

Q7: Does a restaurant need to restrict access to sinks, urinals or toilets to ensure that customers meet the six-foot physical distancing requirements?

A7: No. However, to the extent possible, eating and drinking establishments should assign an employee(s) to monitor customer access to common areas, such as restrooms, to ensure that customers do not gather.
Q8: For guests that sit and are served outside of a restaurant, are there any distance limitations from the building for guest seating?

A8: The OHA guidance does not include a minimum or maximum distance between a building and guest seating. Eating and drinking establishments should check with their local city or county about code requirements for outdoor seating.

Q9: Does the seating have to be set up so that customers walking through the restaurant to a table must maintain (6) feet distance between themselves and other customers?

A9: There should be six (6) feet of distance between any area where a customer is likely to linger (e.g., just inside the entrance or waiting for the restroom). If possible, the dining room should be set up to allow at least six (6) feet of distance at all times. However, it is acceptable for customers and staff to briefly pass within six (6) feet of seated customers as they move to or from their table.

Q10: Does an employee have to stand six (6) feet away when taking an order?

A10: For the safety of employees and customers, six (6) feet of physical distance between employees and customers must be maintained as much as possible, but the OHA guidance recognizes that for the purposes of ordering and serving food at a table, six (6) feet will not always be able to be maintained.

Q11: Can eating and drinking establishments have music outdoors?

A11: Yes, as long as musicians maintain at least six (6) feet physical distance from customers and from each other. If musicians are playing brass or woodwind instruments, OHA recommends increasing the distance (beyond 6 feet) between the musicians and between musicians and customers to reduce the spread of droplets when using the instrument.

Q12: If a table faces a wall (or other barrier), and therefore the customer’s back is to the room, do we still need six (6) feet behind the customer?

A12: Yes.

Q13: What are the rules for events in banquet spaces of hotels?

A13: Community meetings that take place in banquet spaces of hotels are required to follow the community meeting section in the General Guidance for Employers and Organizations. For other events that take place in banquet spaces of hotels, those events would be required to follow the Indoor Entertainment Establishments Guidance and follow the requirements based on the designated risk level for the county where the event is located.

Q14: If an eating and drinking establishment is only allowed outdoor on-site consumption, would customers be allowed to enter the building to use the restroom?

A14: Yes.
Q15: If an eating and drinking establishment is only allowed outdoor on-site consumption, could customers order inside and then take a seat outside or would they need to place their orders outside?

A15: Customers can place their orders inside, following the Eating and Drinking Establishments Guidance and would need to sit down outside once done ordering or receiving their food and drinks.

Q16: Can we seat more than one group at a large picnic table or common table?

A16: No. At shared seating situations, eating and drinking establishments are not allowed to combine parties/guests. People in the same party seated at the same table do not have to be six (6) feet apart.

Q17: What is a “party?”

A17: A party refers to a group of people who came together or who have chosen to sit together at the establishment. Party size limits are based on the designated level of risk for the county where the business is located.

Cleaning and Disinfection:

Q1: How should restaurants and bars clean the tables after customers depart?

A1: Eating and drinking establishments are required to frequently clean high-touch surfaces in customer/public and employee areas of the business. Examples of high-touch surfaces are payment machines, menus, condiment containers, door handles and counter tops.

Disinfecting surfaces after cleaning is recommended if certain conditions apply, such as the space having been occupied by an individual with COVID-19. Use disinfectants that are included on the Environmental Protection Agency (EPA) approved list for the SARS-CoV-2 virus that causes COVID-19.

- Establishment operators may consider following the disinfection practices recommended by the Pediatric Environmental Health Safety Units.

Q2: How should I clean food contact surfaces?

A2: Cleaning and sanitizing of food contact surfaces must be done as specified in the Food Sanitation Rules (OAR 333-150) or Retail Food Code (OAR 603-025-0030; 4-602.11). Not all disinfectants are approved for use on food contact surfaces.

Q3: Will my dishwasher, when run on its usual cycle, kill the COVID-19 virus?

A3: Yes, dishwashers that meet the current standards in food code by using chlorine or a high temperature at 160F at the dish rack are effective in killing viruses.
Q4: Are restrooms required to be disinfected between each customer use?
   A4: No. Commonly touched surfaces in restrooms should be cleaned frequently, but cleaning is not required between uses by customers.

Q5: Are customer seats upholstered with fabric or other porous material required to be disinfected between customers?
   A5: No. There is no requirement to clean or disinfect fabric upholstered seating between customers.

Q6: Why should employees use utensils instead of bare hands when handling food?
   A6: Handwashing with plain soap and water is an essential step but may not be adequate by itself to prevent the transmission of microorganisms that cause foodborne illness. Studies have found that bare hand contact with ready-to-eat foods is responsible for 30% of foodborne illness outbreaks. ODA licensed facilities are not allowed to use bare hands when handling food per regulation of the ODA Food Code requirement section: 3-301.11 Preventing Contamination from Hands. OHA regulated facilities are required to minimize bare hand contact with ready-to-eat foods under Food Sanitation Rules.

Q7: How should restaurants and bars clean the to-go counters and takeout windows after customers depart?
   A7: Businesses are required to frequently clean work areas, high-touch surfaces in both customer/public and employee areas of the business. For example, counter tops must be cleaned frequently.

Employees

Q1: Restaurant workers are concerned about wearing masks all day in a hot kitchen and buildup of carbon dioxide (CO2). Is there any data about risk of CO2 and cloth face masks?
   A1: People need to breathe in oxygen and breathe out carbon dioxide. Oxygen and carbon dioxide are small molecules that pass through most face coverings easily. Studies of the effects of face coverings on oxygen and CO2 levels have typically focused on health care workers wearing N95 respirators or other medical-grade face masks. These studies have found that there may be a slight increase in CO2 levels with medical-grade face masks, but not close to a level that would pose any risk to a person.

Q2: Restaurant workers are concerned about wearing masks all day in a hot kitchen. What should workers do to prevent overheating, heat exhaustion or trouble breathing if they are required to wear a face covering?
   A2: Workers should wear a face covering that they can freely breathe in and take breaks during the work hours to leave the hot kitchen. Businesses are required to
provide masks, face shields or face coverings for employees following Statewide Mask, Face Covering, Face Shield Guidance.

Q3: Are all employees required to wear face coverings or only front of the house employees that interact directly with customers? Are employees required to wear a mask or can they wear cloth face coverings instead?

A3: All food service employees, regardless of job task, are required to wear face coverings except when actively eating/drinking in accordance with the Statewide Mask, Face Covering, Face Shield Guidance. Descriptions of allowable masks, face coverings and face shields can be found in the Statewide Mask, Face Covering, Face Shield Guidance and in the Statewide Mask, Face Covering, Face Shield Guidance FAQ.

Video Lottery Terminal (VLT) Operations

Q1: The restaurant VLT guidance says “place VLTs at least six (6) feet apart.” Can I move the machines myself to comply with this requirement?

A1: VLTs are inspected by Oregon State Lottery (OSL). If an eating and drinking establishment needs to have them moved, they should contact OSL who will dispatch assistance from the closest field office. Before OSL can turn the machines back on, they have to be satisfied that the physical distancing requirements of six (6) feet have been met.

Q2: Does the closing time apply to Video Lottery Terminals (VLTs)?

A2: Yes, the closing time applies to Video Lottery Terminals (VLTs) based on the designated risk level for the county where the VLT is located.

Q3: In extreme risk counties, are employees included in the maximum capacity limit for indoor VLT operations?

A3: No.

Q4: Are eating and drinking establishments required to offer food and drink in order to operate VLTs?

A4: Yes, eating and drinking establishments are required to offer takeout or delivery, at a minimum, in order to operate VLTs in compliance with Oregon Administrative Rules (OAR) 177-045-0030(2)(f).

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@dhsoha.state.or.us.