Effective Date: May 20, 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: The Interim Guidance for Fully Vaccinated Individuals applies to this Sector Guidance. Eating and Drinking Establishment operators may permit fully vaccinated individuals to enter without masks or face coverings in accordance with the Interim Guidance for Fully Vaccinated Individuals.

Note: The Statewide Masks, Face Covering, Face Shields Guidance was revised on May 18, 2021, loosening some mask requirements. Eating and drinking establishment operators are not required to comply with mask, face covering, or face shield restrictions in this Sector Guidance to the extent they are more restrictive than the requirements in the revised Statewide Masks, Face Covering, Face Shields Guidance. For example, if this Sector Guidance refers to a requirement to wear a mask outdoors, the requirement has been superseded by the Statewide Masks, Face Covering, Face Shields Guidance and is no longer effective.

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:

- “Clean” or “Cleaning” means the use of soap or detergents and water on surfaces to reduce or remove germs from surfaces.
- “Disinfect” or “Disinfecting” means the use of disinfectants following cleaning, to kill germs that may remain on surfaces after cleaning.
- “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.”

“Sanitize” or “Sanitizing” means the cleaning required by applicable local and state food sanitation requirements.

**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.
- Frequently clean the exterior of multi-use containers of condiments. You may choose to sanitize after cleaning by wiping the container with freshly prepared sanitizer solution (e.g., one (1) Tablespoon of bleach per gallon of water).
- 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](#).
- 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 requirements in this guidance including cleaning table surfaces between parties.
- 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.
- Minimize or eliminate employee bare-hand contact with ready to eat foods through use of utensils. See OHA Food Code Fact Sheet #1-Minimizing Bare Hand Contact or ODA No Bare Hand Contact Fact Sheet
- 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) listing COVID-19 symptoms, asking employees and customers with symptoms to stay home, and listing who to contact if they need assistance.

Cleaning:

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.
- Clean and sanitize food contact surfaces as specified in the Food Sanitation Rules (OAR 333-150) or Retail Food Code (OAR 603-025-0030; 4-602.11).

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 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 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
- Interim Guidance for Fully Vaccinated Individuals
- 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)
- CDC Guidance: Cleaning and Disinfecting Your Facility

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