



# FAQs for Foodservice Establishments during the COVID-19 Pandemic

*Revised December 22, 2020*

This guidance is for foodservice establishments in Maryland, including restaurants, convenience and grocery stores, bars, nightclubs, banquet and catering halls, and other similar establishments that sell and/or serve food or beverages. Foodservice establishments must comply with the Governor's [executive orders](#), [MDH directives and orders](#), as well as any applicable local orders. Additional resources are listed at the bottom.

If you have additional questions, please visit <https://phpa.health.maryland.gov/oehfp/ofpchs/pages/home.aspx> to submit your question using the [Questions form](#) and the Office of Food Protection staff will work to provide you an answer.

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## **Employee Illness**

**One of our employees was told they might have been exposed and should self-quarantine. If our foodservice establishment is following all the guidelines, can they come to work anyway?**

No, any employee who has [symptoms](#) of COVID-19 (fever, cough, shortness of breath, chills, muscle pain, headache, sore throat, and new loss of taste or smell) or was informed they were a close contact of someone with COVID-19 (or suspected of having COVID-19) may not return to work until they meet the [CDC and MDH criteria for ending isolation or quarantine](#). While there are many things foodservice establishments can do to reduce the risk of transmission, there is always some risk in any environment with person to person contact. In order to protect the health and safety of all workers, as well as customers, foodservice establishments are required to direct employees who are sick or might have been exposed to the virus to stay home.

**What are foodservice establishments doing to prevent COVID-19 transmission?**

Foodservice establishments should develop, implement, and train workers on clear policies to reduce the spread of COVID-19, including:

- Hand hygiene
- Cleaning protocols, using [EPA-approved products](#) that are safe for food contact surfaces
- Daily screening process for workers, including [CDC](#) or MDH recommended health questions
- Use and disposal of personal protective equipment (PPE)
- Required use of face coverings unless it is not safe to do so
- Prohibition on working if sick or potentially exposed to COVID-19

**What should a foodservice establishment do if one of their employees is diagnosed with COVID-19?**

Foodservice establishments are not required to close if an employee tests positive for COVID-19, unless directed to do so by a State or local agency. They are also not required to report individual COVID-19 illnesses to the State or local health department. If the foodservice establishment is concerned about the possibility of transmission within their facility, they may contact their local health department to determine if additional measures could be taken.

**What are the requirements for cleaning in a foodservice establishment?**

Foodservice establishments are required to clean and disinfect each table between each seating in accordance with CDC and MDH guidelines, using cleaning products that meet the criteria of the [U.S. Environmental Protection Agency for use against COVID-19](#). **Check the product label guidelines for if and where these disinfectant products are safe and recommended for use in foodservice establishments.** Follow the manufacturer's instructions

for all cleaning and disinfection products (e.g., concentration, application method and contact time, etc.). Clean soft goods (such as napkins and tablecloths) after each use by removing them from the table, storing in a tote, and laundering in the warmest appropriate water.

The CDC is encouraging routine environmental cleaning for businesses. [Click here for more guidance and information](#). Additional sanitation steps are not recommended in the event of an employee that appears ill. The CDC provides general cleaning and disinfection guidelines [here](#). The FDA has emphasized the need to maintain clean and sanitized facilities, including food contact surfaces, and food facilities may want to consider a more frequent cleaning schedule.

## **Foodservice Establishment Operations**

### **Why do foodservice establishments need to close at 10 PM?**

The Governor's executive order ([20-11-17-01](#)) requires that foodservice establishments close to the public between the hours of 10 PM and 6 AM, except for carry-out, drive-through, or delivery services. The purpose of this order is to discourage social gatherings. Bars, restaurants, and social gatherings are some of the most common places where transmission occurs. This may be due to several reasons, including limited use of face coverings, prolonged and close contact with non-household members, and diminished judgment with alcohol. The Department, along with local health departments and law enforcement, has seen significant non-compliance with social distancing and use of face coverings at bars, restaurants, nightclubs, banquet halls, catering halls, and similar foodservice establishments after 10 PM.

### **Can customers finish their meal or drink after 10 PM?**

Foodservice establishments cannot allow the general public into the facility for indoor/outdoor dining after 10 PM. Patrons may not be seated or order food or beverages for dine-in after 10 PM. Patrons who are already seated may finish their food or beverage promptly and then leave the premises (it is recommended that foodservice establishments set a reasonable cut-off time prior to 10 PM, after which no additional patrons will be seated and/or no additional food orders will be taken, to minimize the number of patrons who remain seated at 10 PM). After 10 PM only carry-out, drive-through, or delivery services are allowed, so long as the food is promptly taken from the premises.

### **Does this apply to private events and gatherings too?**

Any social gatherings or events at foodservice establishments (including restaurants, bars, nightclubs, banquet and catering halls, and other similar establishments that sell and/or serve food or beverages) must stop serving drinks and food in accordance with the 10 PM - 6 AM restrictions as stated in the executive order.

**Does this apply to other facilities that also have a food and beverage service, such as bowling alleys, gaming facilities, and other entertainment establishments?**

Patrons may not be seated in dining areas or order food or beverages after 10 PM. Unless the other activity the business engages in is specifically limited by the executive order or a local order, it may continue. No food and drink may be served to patrons on the premises for dine-in purposes after 10 PM. The food service portion can serve delivery or carry-out for patrons that promptly leave the premises.

**Who needs to wear a face covering in a foodservice establishment?**

Face coverings are required for all employees and guests, including children older than 5 years of age, except while consuming food or beverages.

For exceptions to this requirement, please see [Executive Order 20-11-17-01](#). Customers with disabilities who are unable to wear a face covering must be provided with an opportunity to receive the same goods and services as customers without disabilities. For more information, please see the [FAQ on Face Coverings](#).

Examples of reasonable accommodation include, but are not limited to, providing take-out, curbside pick-up, or delivery in lieu of seated dining. Provide signage with ADA-accessible ways to contact the facility to request reasonable accommodations. Do not require proof or documentation of an individual's disability.

Staff are only required to use gloves to prevent bare-hand contact with ready to eat foods.

**Can staff in foodservice establishments wear a face shield instead of a face covering?**

In the Governor's [Executive Order 20-11-17-01](#), face coverings include cloth face coverings and full-face shields. Cloth face coverings are recommended by both CDC and the Maryland Department of Health to prevent the spread of COVID-19. Face shields are acceptable face coverings. However, MDH strongly recommends, but does not require, also wearing a cloth face covering if using a face shield.

Employees or staff that cannot wear a face covering due to a disability may request reasonable accommodations in accordance with the employer's disability policies and procedures (ADA Title I - [https://www.ada.gov/ada\\_title\\_i.htm](https://www.ada.gov/ada_title_i.htm)).

For more information, please see the [FAQs on Face Coverings](#).

**Can customers bring food or beverages into a retail store or other facility and consume those items while shopping?**

Facilities may adopt policies requiring customers to continuously wear a face covering or to not consume food or beverages while within the facility, even if the food or beverage was purchased within the facility (such as a coffee shop located within a retail or grocery store). If

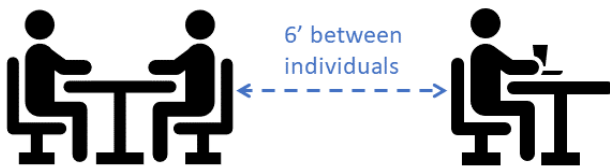
consuming food and beverages is allowed within the facility (or designated area of the facility), the face covering can be removed briefly to take a sip or bite but cannot be removed for the entire duration while in the facility.

### **Can foodservice establishments provide live entertainment?**

Dinner theaters and other live entertainment at foodservice establishments must adhere to the capacity restrictions for foodservice establishments *or* theaters, whichever is more stringent (Sections III(f) and (j) of the executive order, respectfully).

### **What should foodservice establishments do to maintain physical distancing?**

Patrons must be seated at least 6 feet away from each other, except for households or groups seated together, regardless of the use of physical barriers. This is the distance between patrons - tables may need to be spaced further apart based on the seating arrangement. Patrons must be seated at least 6 feet away from each other in the bar area.



Indoors, every other booth must be closed if six feet distancing between patrons cannot be maintained. Outdoor booths may, as an alternative to closing every other booth, install a plexiglass shield (or similar impermeable physical barrier) between booths. The plexiglass shield must be able to prevent persons in adjacent booths from any physical contact while either seated or standing (height of at least 6 feet from the floor to the top of the shield).

No more than six people may be seated together as a group at a table.

Establish a six foot marking system to visually demonstrate the recommended distancing at all locations where customers and staff congregate, including immediately outside the facility where lines may form and at carry-out pick up areas. If the bar area is used to fulfill carry-out orders, designate an area that is at least six feet away from seated patrons at the bar.

The total capacity of an indoor foodservice establishment may not exceed 50% of the maximum capacity, as defined in [Executive Order 20-11-17-01](#), including staff. The capacity may be additionally limited in order to maintain physical distancing. Outdoor seating is not limited so long as physical distancing requirements are met.

**Can our foodservice establishment use plexiglass barriers, UV lights, or other technologies or controls to increase capacity?**

The use of physical barriers is not prohibited in the dining areas of foodservice establishments in Maryland. However, the use of physical barriers (or other devices or technologies) does not change the facility's obligation to adhere to all state and local regulations and orders applicable to foodservice establishments, including, but not limited to, overall seating capacity limits and ensuring customers are seated at least 6 feet away from each other, except for households or a group seated together ([MDH Order 2020-11-17-03](#)). Outdoor booths may, as an alternative to closing every other booth, install a plexiglass shield (or similar impermeable physical barrier) between booths. If you are installing ultraviolet light-emitting devices, physical barriers, or making other significant changes to your foodservice establishment, MDH recommends contacting your local health department to determine if a plan review is necessary.

**What counts as "indoor" versus "outdoor"? Can tents be used? What about buildings with large garage doors that can be opened?**

Overhead tents, canopies, and coverings may be used so long as they do not constitute an "indoor area," as defined in [COMAR 10.19.04.02B\(9\)](#):

"Indoor area" means all space in a structure or building with a ceiling that is enclosed on all sides by any combination of permanent or temporary walls, windows, or doorways, whether open or closed, or other physical barriers extending from floor to the ceiling.

**Can the street outside a restaurant be closed to provide more outdoor seating area?**

Contact your local department of public works and/or local law enforcement to inquire about road closures. Do not set up outdoor seating on any public space (including parks, public parking spaces, roads, or sidewalks) without the express permission of your local government authorities.

**My restaurant did not previously have outdoor seating. Can I add outdoor seating now?**

The Governor's [Executive Order 20-11-17-01](#) does not prohibit restaurants, bars, and social clubs from adding new outdoor seating. If you are adding outdoor seating, check with your [local health department](#) and other local authorities first to ensure compliance with all requirements, including any applicable licenses or permits. Local jurisdictions may expand opportunities for outdoor dining by allowing for the closing of streets and expanding into parking lots and public outdoor spaces.

**Can food be self-served in a buffet or soup or salad bar?**

No, food may not be served in a buffet format where the customers are serving themselves. This includes, but is not limited to, hot/cold bars, salad bars, soup bars, and toppings bars.

**Can a buffet-style line or station be used if employees are serving the food?**

Food may be served in a buffet-style line or station (also called cafeteria style) when:

- food is served directly by the employee,
- a procedure is in place to ensure customers in line are at least 6 feet away from each other and wearing a face covering,
- a barrier is provided to protect the serving employee(s) from the customers if social distancing cannot be maintained, and
- the food is taken immediately to a table to be eaten

Food and beverages may not be served within a foodservice establishment to customers or guests for consumption not at a seated table (this does not apply to carry-out services).

Foodservice establishments should provide signage of proper procedures for customers, including face covering use when not at their table eating or drinking and visiting the restrooms. Signage should be provided in appropriate languages.

**Are there any restrictions for catered events?**

Catered foodservice events are allowed. Caterers must comply with the applicable occupancy restrictions, social distancing requirements, and table limits for the venue. Please see [Executive Order 20-11-17-01](#) and any other applicable local or Executive Orders in effect for that type of venue. For more information, please see the [Social Gathering Limit FAQs](#).

All venues are strongly recommended to follow the most current guidance from CDC and MDH regarding social distancing, including avoidance of large gatherings and crowded places. In addition, please also check with the local health department for any additional restrictions or requirements.

**Are caterers restricted as to how food may be served at an event?**

Yes. Caterers must follow the same requirements for serving food as all other foodservice establishments, including not serving food in a self-serve buffet format. Instead, consider serving food plated, cafeteria style, or to a table family style.

**Are foodservice establishments required to use disposable utensils and servingware?**

This is not a requirement in the Executive Order. The Department recommends that when possible, employees should place the table settings after the party is seated and wear gloves when removing foodservice items and wash their hands immediately afterwards. Foodservice establishments should limit multi-use items, especially if they are difficult to clean and sanitize between use. Provide condiments in either single use containers or disinfected manufacturer



packaging, and use menu boards, disposable menus, or mobile apps for ordering. If a facility uses reusable menus, they should be cleaned and sanitized between each customer's use.

**Can foods and beverages be self-served from a display case or beverage station?**

Yes. Pre-packaged foods may be sold in grab-and-go or display cases to eliminate the need for shared serving utensils. For foods not prepackaged, deli tissue or other food grade single-use service items must be provided. High touch surfaces should be cleaned frequently, and disinfecting wipes can be provided to customers. Provide single-use deli tissues, napkins, etc. for customers to use when opening displays, handling carafes and other items at beverage stations, or for other high-touch surfaces that cannot be eliminated. Consider providing signage for customers on how to safely serve themselves.

**Will temporary foodservice facility licenses be issued?**

Vendors should contact the local health department for information regarding temporary events and temporary foodservice facility licensure. All events should follow CDC and MDH guidance regarding COVID-19 precautions.

**Can mobile food trucks continue to operate?**

Yes. [Executive Order 20-11-17-01](#) does not prohibit food truck operation. However, food truck operators must be careful to avoid clustering multiple food trucks together, provide instructions for social distancing for their customers, maintain social distancing in any line that results from their foodtruck (contact local law enforcement for help if the line tends to spill over onto public sidewalks), reduce the opportunity for gatherings of more than 10 people, and prevent crowds. Example signs and additional resources may be found [here](#).

**Can cottage food businesses operate during COVID-19?**

Yes. [Executive Order 20-11-17-01](#) does not prohibit cottage food business operation.

**Are farmers markets allowed to continue to operate?**

Yes. Farmers markets are allowed to operate. Guidance and requirements for the safe operation of farmers markets can be found on the Maryland Department of Agriculture website: <https://news.maryland.gov/mda/category/covid-19/>

## **Resources**

Maryland Department of Health Office of Food Protection:

- <https://phpa.health.maryland.gov/OEHFP/OFPCHS/Pages/Food-Safety-andCovid19.aspx>

Governor Hogan's COVID-19 Response:

- <https://governor.maryland.gov/coronavirus/>

Maryland Department of Health COVID-19:

- <https://coronavirus.maryland.gov/>

MDH Directives and Orders:

- <https://coronavirus.maryland.gov/pages/cdc-resources>

Visit the FDA's website for more information and FAQs for food products:

- [Coronavirus Disease 2019 \(COVID-19\) Frequently Asked Questions](#)
- [Food Safety and the Coronavirus Disease 2019](#)
- [Retail Food Protection: Employee Health and Personal Hygiene Handbook](#)

Additional information for retail food establishments, including a fact sheet in English and Spanish, can be found on the National Restaurant Association's website:

- [Coronavirus Information and Resources](#)

Guidance from CDC for businesses:

- <https://www.cdc.gov/coronavirus/2019ncov/community/organizations/businesses-employers.html>

Guidance from WHO for businesses:

- <https://www.who.int/docs/default-source/coronaviruse/getting-workplaceready-for-covid-19.pdf>

Additional information for businesses on planning for and responding to coronavirus disease is available on Maryland's Business Express website:

- <https://businessexpress.maryland.gov/coronavirus>

Resources for businesses, including example signage:

- <https://coronavirus.maryland.gov/pages/business-resources>

Maryland Back to Business (guidance and best practices)

- <https://open.maryland.gov/backtobusiness/>