



Health and Safety Standards for Indoor Dining

May 7, 2021

On August 31, 2020, Governor Murphy issued Executive Order No. 183 allowing indoor dining at retail food and beverage establishments. On November 9, 2020, the Governor issued Executive Order No. 194, which required food and beverage establishments to close indoor dining between 10:00 p.m. and 5:00 a.m. each day, restricted the seating at bar areas at food and beverage establishments and permitted the use of enclosed structures such as plastic domes for outdoor dining.

On February 3, 2021, Governor Murphy issued Executive Order No. 219 which increased indoors capacity limits from 25 percent to 35 percent for food or beverage establishments, including restaurants, cafeterias, private non-profit clubs, and food courts, with or without a liquor license, and bars. The order became effective on Friday February 5, 2021.

The Order also rescinded the previous statewide requirement that food and beverage establishments close their indoor areas to in-person service between the hours of 10:00 p.m. and 5:00 a.m. each day. The Order continues to maintain municipal and county authority under Executive Order 195 to impose hours of operation restrictions on food or beverage establishments between the hours of 8:00 p.m. and 5:00 a.m. each day. However, food and beverage takeout and delivery services remain exempt from local restrictions.

On March 11, 2021, Governor Murphy issued Executive Order No. 230 which increased indoors capacity limits from 35 percent to 50 percent for food or beverage establishments, including restaurants, cafeterias, private non-profit clubs, and food courts, with or without a liquor license, and bars. The order became effective on Friday, March 19, 2021.

Establishments offering indoor dining are to adhere to these revised protocols. Indoor private catered events, as defined in Executive Order No. 234 (2021) and most recently addressed in Executive Order No. 238 (2021), are similarly required to follow the protocols contained herein.

On May 3, 2021, Governor Murphy issued Executive Order No. 238, which permitted the resumption of seated bar service and the use of buffets and other self-service food stations.

ESTABLISHMENT

- Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations.
- 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.
- Limit the number of patrons in indoor areas to 50 percent of the food or beverage establishment's indoor capacity, excluding the food or beverage establishment's employees. Ensure that the new maximum occupancy limits are posted.
- Post signage at the entrance that states that no one with a fever or symptoms of COVID-19 should enter the establishment.
- Ensure that tables where individuals or groups are seated are six feet (6 ft) apart in all directions from any other table or seat.
- Where six feet of distance is not feasible between tables, use physical barriers between tables. The barriers must 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.
- Limit seating to a maximum of eight (8) customers per table (unless they are from a family from the same household).
- Customers are not permitted to stand in a bar area unless making payment or receiving food and/or beverage to return to table seating.
- Customers may be seated at a bar area. Ensure that individuals or groups (i.e. a single party of eight or fewer individuals) are seated six feet (6 ft) apart. If six feet of distance is not feasible at the bar area, establishments shall 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.
- Establishments with bar seating must place tables at least 6 feet from that bar seating, unless physical barriers are in place. If the establishment elects not to offer bar seating, the establishment may place tables closer than 6 feet to the bar but must abide by other spacing requirements included in this guidance document or erect a physical barrier at the bar.

- Install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of 6 ft is difficult
- Rope-off or otherwise mark tables, chairs and bar stools that are not to be used.
- 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 customers.
- Where the primary business is the operation of a bar or restaurant, eliminate ancillary amenities and activities such as children's recreational/play areas, dance floors, and karaoke that would encourage close person to person interaction. Games, including darts and billiards, are permitted if participants wear masks, as otherwise required by this Directive, social distancing is maintained and equipment is properly sanitized.
- Catered events, as defined in Executive Order No. 238, are limited to 50% of the capacity of the room in which they are held, up to 250 individuals. Dance floors are permitted at such events pursuant to the requirements of that Order.
- When menus cannot be sanitized, use 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.
- Require all reusable linen napkins and/or tablecloths to be laundered 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 shall 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 in this Directive. Customers purchasing items at concession stands must remain seated while consuming food and/or drink in an indoor establishment. Venues shall not permit walking vendors to offer concessions to customers.

Cleaning and Disinfection

- 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

- 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 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:
 - Require that individuals at the worksite maintain at least six feet of distance from one another to the maximum extent possible, including but not limited to during worksite meetings, orientations and similar activities that would traditionally require individuals to be present in a single room or space and in close proximity, in common areas such as restrooms and breakrooms, and when individuals are entering and exiting the workplace. Where the nature of an employee's work or the work area does not allow for six feet of distance to be maintained at all times, employers shall

ensure that each such employee wears a mask as provided below and shall install physical barriers between workstations wherever possible.

- Require employees, customers, visitors, and other individuals entering the worksite to wear cloth or disposable face masks while on the premises, in accordance with CDC recommendations, except where the individual is under two years of age or where it is impracticable for an individual to wear a face mask, such as when the individual is eating or drinking, where doing so would create an unsafe condition in which to operate equipment or execute a task (i.e. cooks that work near open flames), or where a service being provided by the employer cannot be performed on an individual who is wearing a mask;
 - Masking requirements specific to employees:
 - Employers may permit employees to remove face masks when the employees are situated at their workstations and are more than six feet from other individuals at the workplace, or when an individual is alone in a walled office;
 - Employers must make available, at their expense, such face masks to their employees;
 - Nothing in this subsection shall prevent employees from wearing a surgical-grade mask or other more protective face mask, or interfere with the employer's obligation to provide employees with more protective equipment if it is otherwise required because of the nature of the work involved; and
 - Employers may deny entry to the worksite to any employee who declines to wear a face mask, except when doing so would violate State or federal law. Where an employee cannot wear a mask because of a disability, an employer may, consistent with the Americans with Disabilities Act ("ADA") and/or New Jersey Law Against Discrimination ("NJLAD"), be required to provide the employee with a reasonable accommodation unless doing so would be an undue hardship on the employer's operations. An employer may require employees to produce medical documentation supporting claims that they are unable to wear a face mask because of a disability.

- Masking requirements specific to customers and visitors:
 - Employers may deny entry to the worksite to any customer or visitor who declines to wear a face mask, except when doing so would violate State or federal law. The employer may be required to provide a customer or visitor who declines to wear a mask due to a disability with services or goods via a reasonable accommodation, pursuant to ADA and NJLAD, unless such accommodation would pose an undue hardship on the employer's operations; and
 - Where a customer or other visitor declines to wear a face mask on the premises due to a disability that inhibits such usage, neither the employer nor its employees shall require the individual to produce medical documentation verifying the stated condition, unless production is otherwise required by State or federal law.
- 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, establishments must:
- 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.
- Customers must wear face coverings at all times, pursuant to the provisions of Executive Order No. 192 (2020) and Executive Order No. 183 (2020), except where the individual is under two years of age. When seated at their table or their individual seat, indoor patrons shall wear face coverings until their food or drinks arrive, and after individuals have finished consuming their food or drinks, they shall put their face coverings back on.
- Decline entry to a customer who is not wearing a face covering, pursuant to the provisions of Executive Order No. 192 (2020), unless the customer is a child under two years of age or as otherwise noted in that Order.
- 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.
- Alert customers via calls/texts to limit touching and discourage the use of shared objects such as pagers/buzzers.
- Food or beverage establishments with table service must require that customers be seated in order to place orders and must require that wait staff bring food or beverages to seated customers except when receiving food at buffets as described elsewhere in this guidance. Indoor dining at food or beverage establishments without table service, such as those that provide counter service or ordering, is permitted subject to the provisions of this document. Regardless

of the type of service, customers may only consume food or beverages while seated.

**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>