

## Food Establishment COVID-19 Guidelines

### Glove Use

Gloves are not mandated. Per the food code gloves are to be used once hands are washed when they are touching ready to eat foods like sandwiches.

### Face Coverings

Executive Order 14 FY 20/21 requires eating establishments, bars, tasting rooms, social clubs and lodging operations and accommodations to implement measures requiring customers and employees to wear face coverings in publicly accessible areas. Such measures may include denial of entry or service. The establishment's responsibility under this section is in addition to compliance with all other applicable Executive Orders, State of Maine guidance and the Restarting Maine's Economy COVID-19 Prevention Checklists, including requirements governing the use of signage.

### Patrons

A person not wearing a required face covering who seeks to enter an establishment shall first be informed of the face covering requirements and given a chance to comply by putting on either a cloth face covering or plastic face shield. If that person continues to refuse and asserts a medical condition as the reason for the refusal, the operator of the establishment may offer alternative means of service at curbside or delivery if available as an accommodation but may not permit the person to enter without a face covering. The establishment operator shall not ask for the nature of the medical condition, or as for proof.

### ADA Employee Accommodation

When discussing face coverings with an employer and the employer states either they or their staff have medical conditions and cannot wear a face covering, let them know a face shield is required then. However, there may be a mental health condition or other disability, which would preclude a person from wearing a mask or face shield. Please do not get into a discussion about an individual's disability with the employer. We cannot ask about details of medical conditions, mental health issues or disabilities, except to learn whether there is one. If the employer insists someone cannot wear a face shield, then our guidance is to simply refer them to the ADA Coordinator ([Eric.Dibner@Maine.gov](mailto:Eric.Dibner@Maine.gov)) who will advise them on a reasonable accommodation under the Americans with Disabilities Act. The employer will need to let you know what the corrective action plan is. It is also our understanding that if the employee cannot be reasonably accommodated, then they might be unable to conduct the duties of that position.

Eric Dibner's contact info:

150 State House Station

Augusta, ME 04333

(207) 592-2087 cell

(207) 623-7950 desk

(207) 287-5292 fax

TTY users call Maine Relay 711

### Indoor/Outdoor Gatherings

Establishments must comply with the following occupancy limits for indoor and outdoor seated food and drink service:

1. For indoor seated gatherings, the total number of people at any one time must be no more than 50% capacity or 100 people total, whichever is less. This includes front-of-house staff. Tables should be spaced to ensure that guests of separate parties are no less than 6 feet apart when seated.
2. For outdoor seated gatherings, the occupancy limit is 100 people. This includes front-of-house staff. Establishments with outdoor seating should ensure that they have a back-up plan for outdoor seating that adheres to physical distance requirements in case of inclement weather.
3. Total occupancy of an establishment (combining indoor maximum of 100 and outdoor maximum of 100) must not exceed 200 people.
4. The amount of space needed to safely seat patrons will vary based on a number of factors, including the layout of the establishment. Establishments need to include six feet of physical distancing, room for seating and patron ability to sit and stand, room on the sides for patrons to be able to reach their seats, and central aisles or egress routes.
5. If an establishment cannot accommodate the maximum occupancy limit and the physical distance requirements, occupancy must be further limited to allow for compliance with physical distance requirements.

### **Enforcement**

Consistent or repeated violations of a restaurant not enforcing employees and customers wearing a face covering or face shield or non-compliance with the Executive Orders and Department of Economic and Community Development (DECD) Prevention Checklists will result in the issuance of an IHH if the violation is substantiated and temporary license suspension for repeated substantiated violations.

EO 14 (FY20/21)

<https://www.maine.gov/governor/mills/sites/maine.gov.governor.mills/files/inline-files/An%20Order%20to%20Implement%20Phase%20Four%20of%20the%20Restarting%20Maines%20Economy%20Plan.pdf>

Here is the link to the DECD Seated Food and Drink Service Checklist for more information:

<https://www.maine.gov/decd/checklists/seated-service>

Please contact Lisa Silva at [lisa.silva@maine.gov](mailto:lisa.silva@maine.gov) or Rebecca Walsh at [rebecca.walsh@maine.gov](mailto:rebecca.walsh@maine.gov) if you have any further questions or need assistance.