

# COVID-19 Restaurant/Foodservice and Retail Establishment Re-opening Considerations: Trends and Observations

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There are numerous regulatory and practical issues borne out of COVID-19 that are facing the food industry, many of which are increasingly playing out at the state level. As states grapple with so-called “re-opening” of retail establishments, including restaurants and foodservice operators (including retailers offering ready-to-eat foods), some noteworthy trends and insight into requirements and recommendations are emerging, which will be of interest to the food industry as a whole. This Update reflects a review of a number of states’ procedures and highlights a few noteworthy trends, as well as unique approaches that may be useful for businesses to consider for purposes of planning their own re-openings or in modifying internal foodservice practices. This Update provides a single “snap-shot” in time. References may be or could soon be outdated as regulations and recommendations continue to change.

## Re-opening approval

Many states provide pre-opening consultations, inspections, or checklists, rather than affirmative pre-opening approval requirements. Some tie re-opening to meeting specific requirements while more states have framed specific practices as “recommended.” Massachusetts requires self-certification that the establishment is in compliance with all applicable rules.

## Monitoring and screening for symptoms

Many states recommend monitoring of employee and/or customer symptoms, with varying degrees of specificity in how this goal should be accomplished. Some states recommend specific screening practices when a reservation is made or upon arrival. For example, Iowa advises that patrons should be asked whether anyone in a party has tested positive, has experienced symptoms, is under quarantine or been exposed to COVID-19. New Mexico, with an eye towards contact tracing, encourages use of a daily log that is retained for at least four weeks and records the date, name, and contact for all customers and employees. New Mexico has also requested that restaurants encourage their workers to be tested for COVID-19, and the state has established dedicated hours to offer free tests to foodservice workers. Colorado instructs that any confirmed case of COVID-19 among customers or employees must be reported to their local health department. Many states have also adopted specific parameters related to workplace/worker monitoring that are not specific to any establishment type and should be consulted.

## Seating / occupancy

Seating and occupancy recommendations vary by state and by phase of a given “re-opening” plan. Such requirements provide insight into various notions around “social distancing” in practical settings. Some current seating and occupancy restrictions include:

- **Limiting dine-in occupancy.** Occupancy restrictions are varied both in terms of quantity and calculation. Some states like Florida, Michigan, and Virginia limit occupancy to 50% of the indoor posted occupancy code. Texas, on the other hand, permits up to 75% occupancy. Georgia’s occupancy limitations are tied to square feet of public space and permit not more than 10 patrons per 300 square feet of public space. In Washington, phasing is conducted on a county-by-county basis with different occupancy limits in each phase and therefore potentially different limits across counties. For example, King County recently entered Phase 2 of the state’s reopening plan, which permits 50% outdoor and indoor dining capacity.
- **Modify waiting and notification practices.** Several states suggest discontinuing the use of handheld buzzers to notify patrons their table or order is ready. Instead establishments are encouraged to use no-touch methods such as audio announcements, text messages, or notices on fixed video screens or blackboards. These recommended practices target both the issue of congregating and concerns about disinfecting high touch surfaces like re-usable buzzers. Alabama, Colorado, and Georgia, among others, recommend using a reservations-only business model or call-ahead seating, where practical, to reduce the need for patrons to wait. North Carolina suggests requiring patrons to wait outside, with markings to ensure 6 feet apart for social distancing, or having people wait in their cars and alerting them by phone when their table is ready.
- **Installing physical barriers.** A number of states like California, Illinois, Massachusetts, and Oregon suggest installing physical barriers between tables or booths in lieu of distancing tables six feet apart. It is recommended that the barrier be made from plexi-glass (acrylic) or other nonpermeable construction that is easily cleaned. Oregon specifies the barrier should be at least one foot higher than the head level for customers seated and at least three feet wide, or the width of the booth/table if it is wider than three feet. Massachusetts specifies the barrier should be at least 6 feet tall. In Iowa, barriers between tables is not an alternative to distancing tables six feet apart.
- **Other.** Additional considerations include limiting party sizes to a maximum number of people (usually 6-10); keeping different households at separate tables; discontinuing bar seating; and evaluating restroom facilities to maintain social distancing.

As localities transition into phases of re-opening at different times, the variety of seating and occupancy considerations could contribute to considerable confusion among customers. Clear and continuous communication with staff and customers will be essential to successfully implementing phase-appropriate seating and occupancy standards. More broadly, as the food industry continues to refine “best practices” state re-opening requirements and recommendations provide a useful guide.

## Table preparation and serving

Most states recommend discontinuing buffet and self-service foods, though some states are beginning to loosen restrictions in this area. California recommends discontinuing tableside food

preparation and presentation, such as guacamole preparation or food item selection carts and conveyor belts. Several states recommend suspending shared foodservice items such as condiment bottles, salt and pepper shakers, and recommend instead offering those items in single serve containers, if possible. States suggest that tables should not be set in advance of customers being seated. Instead, tables should be sanitized and dishes and pre-rolled silverware should be brought to the table after the party has been seated. Additionally, Illinois recommends that customers should handle their own leftover food.

## Limiting contact at the point of transaction

States offer a variety of recommendations for minimizing contact at point of sale. For example, use of contactless payment options and erecting barriers in areas where social distancing is difficult to maintain like the cash register are suggested. Michigan advises that cash transactions be limited to self-checkout kiosks, when possible. Additional recommendations include eliminating the practice of leaving out after-meal mints, candies, or toothpicks. California suggests restaurants instead offer these items with the check or provide them only upon request.

## Cleaning and disinfection protocols

There is a notable difference in the scope and specificity of cleaning and disinfecting protocols. For example California enumerates high touch surface areas (such as stairwells, escalators, handrails, waiting chairs, credit card terminals). California also highlights high contact areas for children, such as vending machines, as priority cleaning zones. Some states do not offer restaurant-specific cleaning considerations. Other states provide only general recommendations for cleaning and sanitation practices, and/or cross-reference federal recommendations.

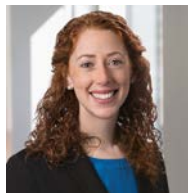
## COVID-19 prevention plans

Increasingly, some states, such as California and Pennsylvania, are recommending each establishment draft a written, workplace-specific COVID-19 prevention plan following a comprehensive risk assessment of all work areas. The plan should address the risk areas and identify the individual tasked with implementing the plan. In addition, California emphasizes that prevention plan training should not be limited to full time staff. Rather, establishments should ensure temporary and contract workers are also properly trained. Illinois, too, emphasizes the importance of communicating prevention strategies to contractors. These recommendations are in line with the developing nature of COVID-19 best practices, acknowledging the importance of clearly and regularly communicating responsibilities and risks among the teams working at each establishment.

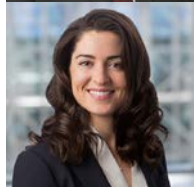
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