



FAQs for Foodservice Establishments during the COVID-19 Pandemic

Revised March 15, 2021

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.

This guidance supplements the following State orders:

1. [Governor Hogan's Executive Order No. 21-03-09-01](#), "Amending and Restating the Order of February 23, 2021, Regulating Certain Businesses and Facilities and Generally Requiring Use of Face Coverings"
2. [MDH Order No. 2021-03-09-01](#), "Directive and Order Regulating Certain Businesses and Facilities & General Directives Concerning Limiting the Spread of COVID-19"

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

Local orders and directives issued under the authority of Section I(d) of the Governor's [executive order](#) will be abrogated and become null and void effective at 5:00 p.m. on March 12, 2021. Local orders, requirements, or restrictions that are not issued under this authority are not affected. Local health officers are still authorized to require a facility to modify its operations if it is not complying with social distancing guidance or is otherwise operating as an Unsafe Facility ([No. 20-04-05-02](#)). Please check with your local health department if you have any questions.

For questions on vaccine eligibility and distribution to foodservice establishment employees, please visit <http://covidvax.maryland.gov/>.

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Employee Illness

One of our employees may have been exposed and were told to self-quarantine. If our facility 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. Fully vaccinated individuals are not required to quarantine due to a potential exposure.

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:

- Maintaining social distancing of at least 6 feet
- 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 (unless fully vaccinated) 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 as well as all high touch surfaces. **Cleaning products should be appropriate for food contact surfaces** that still meet [U.S. Environmental Protection Agency criteria for use against](#)

[COVID-19](#). 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

When does our license or permit need to be renewed?

The Governor's [Executive Order 21-03-09-03](#) extends the expiration date of all licenses, permits, registrations, and other authorizations to June 30th, 2021. This applies to licenses and permits that would otherwise expire by June 30, 2021 and be renewable.

Do foodservice establishments need to close at 10 PM?

No, foodservice establishments are not required to close to the public between the hours of 10 PM and 6 AM.

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 21-03-09-01](#). 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 21-03-09-01](#), 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).

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?

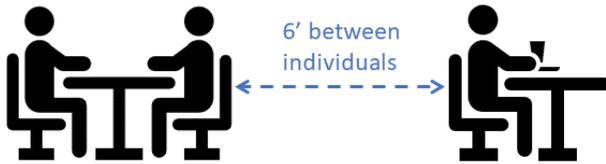
Yes. Dinner theaters and sections of foodservice establishments where there is live entertainment must adhere to the 50% occupancy limit for Indoor Venues (Section III(b) of [Executive Order 21-03-09-01](#)).

Do customers need to be seated?

Foodservice establishments shall not serve customers who are not seated, and standing in the bar area is not permitted. Customers may stand in line while waiting for or picking up food from a buffet or carryout service to be taken off premise (such as carryout orders or food ordered from a food truck).

What should foodservice establishments do to maintain physical distancing?

Patrons at tables or in a bar area 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.



Booths in both indoor and outdoor seating areas 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). Because larger barriers may affect overall ventilation indoors, care should be taken in installation.

For indoor dining facilities, no more than ten people may be seated together as a group at a table. There is not a limit on the group size for outdoor dining facilities, but no more than one group may be seated at a table together.

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.

Effective 5:00 p.m. March 12, 2021, there are no longer any capacity restrictions 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, ensuring customers are seated at tables at least 6 feet away from each other, except for households or a group seated together ([MDH Order 2021-03-09-01](#)). Booths in indoor and outdoor seating areas may, as an alternative to closing every other booth, install a plexiglass shield (or similar impermeable physical barrier) between booths to prevent persons in adjacent booths from any physical contact while seated or standing (i.e., a height of at least 6 feet from the floor to the top of the barrier).

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 21-03-09-01](#) 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?

Yes, buffets may reopen, provided the establishment clearly requires physical distancing of at least six feet between individuals and masking of customers who are not seated, particularly in the buffet area. Also, individuals standing in buffet lines must wear masks.

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 21-03-09-01](#) and any other applicable local or Executive Orders in effect for that type of venue. Convention and banquet facilities (convention facilities, conference facilities, banquet and catering facilities, community halls, social clubs, and hotel ballrooms) are currently limited to 50% of the facility’s maximum occupancy.

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 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 21-03-09-01](#) 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 food truck (contact local law enforcement for help if the line tends to spill over onto public sidewalks), and prevent crowds. Example signs and additional resources may be found [here](#).

Can cottage food businesses operate during COVID-19?

Yes. [Executive Order 21-03-09-01](#) 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/>