



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Andy Beshear
Governor

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Eric C. Friedlander
Secretary

ORDER

May 22, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, and Executive Orders 2020-215 and 2020-323, the Cabinet for Health and Family Services, Department for Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. The March 16, 2020 Order of the Cabinet for Health and Family Services concerning restaurants (the “March 16 Food and Beverage Order”) and the March 17, 2020, Order of the Cabinet for Health and Family Services concerning public-facing businesses (the “March 17 Public-Facing Businesses Order”) are hereby amended as follows.
2. Effective May 22, 2020, the March 16, 2020 Food and Beverage Order no longer prohibits restaurants holding a food service permit in good standing and having table seating from providing food and beverage sales for onsite consumption. Restaurants must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet, implement and follow the Requirements for Restaurants, which are attached hereto and incorporated by reference herein. The Requirements for Restaurants and the minimum requirements are available online at: <https://healthyatwork.ky.gov>.
3. For the purposes of this Order, a restaurant is an entity that stores, prepares, serves, vends food directly to the consumer or otherwise provides food for human consumption, and must hold a food service permit in good standing and have table seating. The March 16, 2020 Food and Beverage Order remains in effect for establishments that are not restaurants.

4. Food service in health care facilities and any congregate living facilities, such as long-term care facilities as defined by KRS 216.510 and similar locations, remain exempt from the requirements of this Order and the March 16, 2020 Food and Beverage Order.

5. Liquor, beer and wine sales in the Commonwealth of Kentucky at establishments that are not restaurants remain restricted to carry-out, delivery and drive-thru services only, to the extent permitted by law. Onsite consumption remains prohibited at establishments that are not restaurants.

6. Establishments and public-facing businesses that encourage public congregation or that, by the nature of the service to the public, cannot comply with CDC guidelines concerning social distancing, ordered to cease all in-person operations under the March 17 Public-Facing Businesses Order shall continue to cease all in-person operations unless otherwise provided in this Order.

7. Effective May 25, 2020, the March 17, 2020 Public-Facing Businesses Order shall no longer apply to the following businesses or entities: (1) Cosmetology businesses; (2) Hair salons and barbershops; (3) Massage therapy businesses; (4) Nail salons; (5) Tanning salons; and (6) Tattoo parlors. The businesses or entities identified in this paragraph must, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky attached to and incorporated by reference in the May 11, 2020 Order of the Cabinet, implement and follow the specific Requirements for each respective business or entity, which are attached hereto and fully incorporated by reference herein. The specific Requirements for each business identified in this paragraph and the minimum requirements for all entities are available online at: <https://healthyatwork.ky.gov>.

8. The March 17, 2020 Public-Facing Businesses Order otherwise remains in effect unless amended herein.

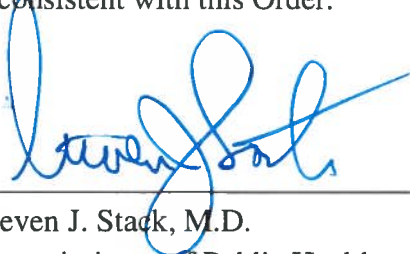
9. For the avoidance of doubt, all public facing-businesses permitted to operate must to the extent practicable implement Centers for Disease Control guidance, including:

- maintaining a distance of 6 feet between persons;
- ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing;
- ensuring that employees who are sick remain home; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

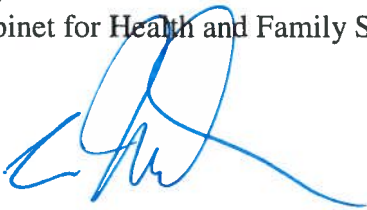
10. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A, and could subject businesses to closure or additional penalties as authorized by law.

11. The Department for Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency. The Cabinet for Health and Family Services will continue to provide information and updates during the duration of this Public Health Emergency. Prior orders of the Cabinet for Health and Family Services remain in effect unless inconsistent with this Order.



Steven J. Stack, M.D.
Commissioner of Public Health
Department for Public Health
Cabinet for Health and Family Services



Eric Friedlander
Secretary
Governor's Designee

Requirements for Restaurants

In addition to the Healthy at Work [Minimum Requirements](#), **restaurants¹** must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Restaurants that have provided food and beverage service via curbside, takeout, and delivery services should continue to do so, to the greatest extent practicable, in order to minimize the number of persons in the restaurant and contacts between them.
- Restaurants should provide services and conduct business via phone or Internet to the greatest extent practicable. Any restaurant employees who are currently able to perform their job duties via telework (e.g., accounting staff) should continue to telework.
- Restaurants should limit party size to ten (10) people or fewer. Persons not living within the same household should not be permitted to sit at the same table.
- Restaurants must limit the number of customers present in any given restaurant to 33% of the maximum permitted occupancy of seating capacity, assuming all individuals in the restaurant are able to maintain six (6) feet of space between each other with that level of occupancy. This means no person can be within six (6) feet of a person seated at another table or booth. If the restaurant is not able to maintain six (6) feet of space between tables at 33% of capacity, the restaurant must limit the number of individuals in the restaurant to the greatest number that permits proper social distancing. Restaurants should consider installation of portable or permanent non-porous physical barriers (e.g., plexiglass shields) between tables.
- Restaurants should maximize use of outdoor seating. Restaurants must be able to arrange seating so as to maintain six (6) feet of space between seated customers. This means no person can be within six (6) feet of a person seated at another table.
- Restaurants should ensure social distancing by limiting customer movement through the restaurant to the greatest extent practicable. Restaurants should inform customers that they may travel to entries, exits, and the restroom, unless circumstances (e.g. healthy and safety) require otherwise. Restaurants should to the greatest extent practicable, modify the office's traffic flow to minimize contacts.

¹ For purposes of these requirements, a “restaurant” is an entity that stores, prepares, serves, vends food directly to the consumer or otherwise provides food for human consumption, and must hold a food service permit in good standing and has table seating.

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- If a restaurant has more customers wishing to enter their business than is possible under the current social distancing requirements of six (6) feet between all individuals, the restaurant should establish a system for limiting entry and tracking occupancy numbers. Once a restaurant has reached its capacity, it should permit a new customer inside only after a previous customer has left the premises on a one-to-one basis. Restaurants experiencing lines or waits outside their doors should establish a safe means for customers to await entry, such as asking customers to remain in their car and notifying them via phone when they are able to enter the restaurant or demarking spots six (6) feet apart where customers can safely stand without congregating.
- Restaurants should close children's play areas.
- Restaurants should update floor plans for common dining areas, redesigning seating arrangement to maximize the ability to social distance to the greatest extent practicable.
- Restaurants should consider a reservations-only business model or call-ahead seating to better space households and individuals.
- Restaurants should ensure employees wear face masks for any interactions with customers, co-workers, or while in common travel areas of the business (e.g., aisles, hallways, loading docks, breakrooms, bathrooms, entries and exits). Restaurant employees are not required to wear face masks while alone in personal offices, while more than six (6) feet from any other individual, or if doing so would pose a serious threat to their health or safety.
- Restaurants should use disposable menus, napkins, table cloths, disposable utensils, and condiments to the greatest extent practicable. Restaurants are encouraged to use electronic menus.
- Restaurants should discontinue use of tablecloths and cloth napkins.
- Restaurants should discontinue use of any self-service drink stations to the greatest extent practicable. Restaurants continuing self-service drink stations should remove any unwrapped or non-disposable items (e.g. straws or utensils), as well as fruit (e.g. lemons), sweeteners, creamers, and any condiment containers that are not in single-use, disposable packages.
- Restaurants should discontinue use of salad bars and other buffet style dining to the greatest extent practicable. If a restaurant cannot discontinue buffet style dining, the restaurant must ensure that employees provide buffet service. Restaurants should not permit customer self-service. Restaurants providing buffet service should ensure appropriate sneeze guards are in-place and that employees are equipped with gloves and other PPE as appropriate.

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- Restaurants should ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.
- Restaurants should, to the greatest extent practicable, modify internal traffic flow to minimize contacts between employees and customers.
- Restaurants should, to the greatest extent practicable, demarcate six feet of distance between customers and employees except at the moment of payment and/or exchange of food and drink.
- Restaurants should implement contactless payment options, pickup, and delivery to the greatest extent practicable.
- Restaurants should ensure, to the greatest extent practicable, that any receipts can be completed electronically by using e-signature technology for signatures or by creating a procedure whereby restaurant employees can complete the receipt for the customer within the customer's view.
- Restaurants should reduce, to the greatest extent practicable, the number of employees and customers entering, exiting, or gathering at one time. One suggested method to accomplish this is by staggering the beginning and end times of employee shifts. In addition, for customers, one possible method to limit gathering is to allow only one individual or household unit to enter the restaurant at a time.
- Restaurants that require employees to operate equipment or vehicles must, to the greatest extent practicable, limit the number of employees riding in the vehicle together. If riding in separate vehicles is not practicable then employees should maximize social distancing and wear face masks in the vehicle. Thorough cleaning and disinfecting vehicles after each trip is required.
- Restaurants must restrict access to common areas, to the greatest extent practicable, in order to maximize social distancing and reduce congregating. These common areas include, but are not limited to, break rooms, waiting areas, and bars.
- Restaurants with warehouses and loading docks must ensure minimal interaction between drivers at loading docks, doorsteps, or other locations.
- Restaurants should, to the greatest extent practicable, limit the number of individuals in a restroom to ensure proper social distancing and ensure that frequently touched surfaces are appropriately disinfected (e.g., door knobs and handles).
- Restaurants should provide hand sanitizer, handwashing facilities, and tissues in convenient locations to the greatest extent practicable.
- Restaurants should prohibit gatherings or meetings of employees of ten (10) or more

during work hours.

- Restaurants should discourage employees from sharing workstations or other work-related items and utensils, to the greatest extent practicable (e.g., ink pens and aprons).
- Restaurants should, to the greatest extent practicable, install floor decals in cashier and queuing areas to establish safe waiting distance.
- Restaurants should remind third-party delivery drivers and any suppliers of the social distancing requirements.
- Restaurants providing “grab and go” service should stock coolers to no more than minimum levels to prevent excess touching of items.

Cleaning and Disinfecting Requirements

- Restaurants should ensure workstations and seating areas are properly cleaned and ventilated.
- Restaurants should encourage employees to frequently wash their hands or use hand sanitizer, which should be provided by the restaurant.
- Restaurants must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces or items, include all seating, table-tops, and other table-top items, door handles, phones, pens, and keypads. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol. Restaurants must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
- Restaurants should ensure employees wipe their workstations/cash registers down with disinfectant at the end of their shift or at any time they discontinue use of their workstations/cash register for a significant period of time.
- Restaurants should ensure disinfecting wipes or other disinfectant are available near shared equipment (e.g. in kitchen, wait stations, and hostess stations).
- Restaurants should encourage customers to use hand sanitizer or wipes prior to dining in the restaurant and immediately following their meal.
- Restaurants should ensure employees do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning

chemicals.

Personal Protective Equipment (PPE) Requirements

- Restaurants must ensure appropriate face coverings and other personal protective equipment (PPE) is used by employees whenever they are near other employees or customers so long as such use does not jeopardize the employees' health or safety. Restaurants shall provide PPE at no cost to employees and should offer instruction on proper use of masks and PPE.
- Restaurants must require contractors, vendors, and drivers to wear face coverings or masks while at the location.
- Restaurants should establish a policy as to whether to serve customers who do not adhere to the business's policy on requiring masks while in common areas. While customers of course will have to remove their masks in order to eat and drink, restaurants may choose not to serve those customers who refuse to wear a mask while away from their booth/table (i.e. entering, exiting, going to the restroom) in order to protect their employees and other customers.
- Restaurants must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Restaurants must ensure, to the greatest extent practicable, that employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.
- Restaurants must ensure gloves are available to employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn.
- Restaurants must ensure, to the greatest extent practicable, that employees wear gloves while handling products delivery.
- Restaurants must ensure, to the greatest extent practicable, that employees wear protective face coverings and gloves during any delivery.

Training and Safety Requirements

- Restaurants must place conspicuous signage at entrances and throughout the restaurant alerting staff and customers to the required occupancy limits, six feet of physical distance, and policy on face coverings. Signage should inform employees and customers about good hygiene and new practices.
- Restaurants should establish procedures for disinfecting table tops, seating, and dining

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ware (plates, bowls, utensils).

- Restaurants should post signage on entrance door that no one with a fever or symptoms of COVID-19 is to be permitted in the restaurant.
- Restaurants should, to the greatest extent practicable, implement hours where service can be safely provided to customers at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Restaurants should ensure employees are informed that they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.