

Moving Forward to the "New Normal": Guidance for Massachusetts Restaurants Reopening for Outdoor Dining on June 8

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Monday, June 8, marked the first day of Phase 2, Step 1 under the Commonwealth's phased plan to reopen Massachusetts. For restaurants, this means permission to open for outdoor table service. Additionally, beer gardens, breweries, wineries, and distilleries may open in Phase 2 if they provide seated food service under retail food permits issued by municipal authorities (if not, these establishments can open in Phase 4). Indoor table service is expected to resume at a later date, dependent on continued positive progression in public health data. In the meantime, restaurants opening for outdoor service must bring their facilities and practices in compliance with the detailed sector-specific guidance and safety standards set forth under the "Reopening Massachusetts" plan.

The guidance and standards focus primarily on the following key areas: Social Distancing, Hygiene Protocols, Staffing and Operations, and Cleaning and Disinfecting. Restaurant owners and operators should consult the resources at the links below to review and implement the detailed requirements. Some highlights are included below:

- Social Distancing
 - Tables must be positioned to maintain at least a six-foot distance from all other tables and any high foot traffic areas (tables may be positioned closer if separated by protective, non-porous barriers)
 - Patrons must be seated and seated parties cannot exceed six people per table
 - Employee workspaces should be redesigned and work schedules should be staggered, to ensure physical distancing
 - Customers may remove face coverings when seated at tables
- Hygiene Protocols
 - Workers must wash their hands frequently and table servers must wash their hands or apply hand sanitizer between each table interaction
 - Alcohol-based hand sanitizers with at least 60% alcohol should be made available at entrances, exits, and in the dining area

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- Self-service (unattended) buffets, topping bars, drink stations, and other communal serving areas must remain closed
- Condiments should not be pre-set on tables. Condiments should be provided only upon request and either in single-service portions or in containers that can be sanitized between each use
- Menus must be either: (1) single-use paper menus; (2) displayed menus (i.e., digital, whiteboard, chalkboard); or (3) electronic menus viewed on patrons' mobile devices
- Utensils must be single use or sanitized after each use
- Tables and chairs must be cleaned between each seating
- Staffing and Operations
 - Buzzers or other devices to provide alerts that seating is available or orders are ready should not be distributed —no-touch methods should be used instead
 - Visitors and vendors on-site should be limited—shipping and deliveries should be completed in designated areas
 - Workers must be screened to ensure:
 - That the worker is not experiencing any symptoms of COVID-19
 - That the worker has not had close contact with an individual who has been diagnosed with COVID-19
 - That the worker has not been asked to self-isolate or quarantine
 - If the employer is notified of a positive case, the employer shall notify the local Board of Health (LBOH) in the city or town where the workplace is located
 - Designate the Person in Charge for each shift to oversee implementation of the guidelines
 - Retain the phone number of a member of each party in case contact tracing is needed
- Cleaning and Disinfecting
 - Clean commonly touched surfaces in restrooms frequently
 - Maintain a cleaning log that includes the date, time, and scope of each cleaning
 - Disinfect frequently-touched surfaces often (i.e., doorknobs, railings, elevator buttons)
 - Implement back-of-house cleaning procedures
 - Shut down restaurant immediately for 24 hours upon learning of a presumptive or actual positive COVID-19 case of a worker, patron, or vendor

Additional Resources

Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19

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MA Safety Standards for Restaurants

MA COVID-19 Checklist for Restaurants

What's Next?

If you have questions about how to navigate this guidance as Massachusetts continues to reopen, please do not hesitate to reach out.

This advisory was prepared by Michael E. Kushnir in Nutter's Food and Beverage group and Natalie M. Cappellazzo in Nutter's Labor, Employment and Benefits practice group. For more information, please contact Mike, Natalie, or your Nutter attorney at 617.439.2000.

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