

800 NE Oregon Street, Suite 640  
Portland, OR 97232  
Phone: (971) 673-0440  
Fax: (971) 673-0457  
TTY Nonvoice: (971) 673-0372

## **COVID-19 Food, Pool and Lodging Facilities Questions and Answers, 03/17/2020**

### **General guidance:**

- Based upon the Governor's Executive Order, restaurants and other facilities that provide food to the public will only be allowed to provide food through takeout or delivery. The Oregon Department of Justice is preparing a document that can be used if a facility refuses to comply with the order.
- Oregon Revised Statute 624.020 (6) prohibits refunds of license fees and there is no expectation the counties refund any money to food service operators during this situation.

### **Questions:**

- 1) Q: How long does the governor's order limiting food facilities to take out or delivery last?  
A: The order remains in effect through April 14, 2020 although that date may change.
- 2) Q: Are LPHA's required to continue to conduct food, pool and lodging inspections during the Covid-19 restrictions?  
A: No. LPHA's will need to determine if inspections should continue to occur based on county capacity, workload and staffing. Food service, public pool and tourist facilities will still be in operation and counties will need to determine whether inspections should continue or whether other priorities take precedence during this situation. OHA understands the need for flexibility during incidents like this and discussions are underway to address inspections frequencies during triennial reviews. Additional guidance on this topic will be provided soon.
- 3) Q: What about gatherings of 25 people at Mobile Food Unit Pods or in a mall food court?  
A: Mobile food units located in pods and food service facilities located in a mall food court may continue to operate if service is limited to takeout or delivery. Pod, mobile unit and mall owners and employees should assure that social distancing of 3 feet is maintained for customers and employees (if practical) and that no public seating be provided. Removal of seating is not required. There is no expectation that inspectors assure that the 25-person limit is adhered to in these situations.

- 4) Q: Does the prohibition of eating food inside the facility apply to outdoor seating area as well?  
A: Yes. Customers cannot order takeout food and sit in outdoor seating areas and eat the food. It must be consumed off the premises.
- 5) Q: Can a consumer buy a beer or soda and drink it while waiting for their food order?  
A: No. The Governor's order prohibits consumption of food or beverages on the premises of the facility and only takeout or delivery of food items may occur. The dining area must be closed.
- 6) Q: What are acceptable takeout/grab-and-go methods?  
A:  
a) Food service facilities can take customer orders by phone or in person.  
b) Customers may stand in line inside or outside of the facility (Subway, Chipotle, McDonald's) or at the host station (most sit down restaurants) if staff monitor the line and assure social distancing of at least three feet between customers is maintained prior to ordering and while they wait for their order.  
c) Providing signage for customers to support this requirement is recommended but not required.  
d) Customers cannot congregate inside of the facility or sit to eat after receiving their food.  
e) **No consumption of any food or beverage may occur on the premises of the food service facility.**  
f) Single use items like napkins and condiments should be provided directly to the consumer rather than placed in a self-service area. Self-service beverage operations should be discontinued, and beverages filled by employees. Refilling of beverage containers by the public is not allowed.
- 7) Q: Are continental breakfast operations subject to the prohibition as well?  
A: Yes. Tourist facilities can offer and deliver food via room service, but the dining area must close. The facility could also have employees prepare and package the food for take-out service as long as customer social distancing of three feet is maintained during the ordering and dispensing process.
- 8) Q: Will the food service ban be extended to hotel buffets? Will hotels need to remove tables/chairs or block them off so that people don't sit there to consume food?  
A: The Governor has prohibited food service operations from providing dining room service. Hotel buffets are in person dining and are not allowed. There is no expectation that chairs or tables be removed or cordoned off.
- 9) Q: Does this order apply to shelters, schools and childcare facilities?  
A: No. The Governor's order specifically exempts food service at shelters (even if they are licensed restaurants in your county), schools and childcare facilities from the prohibition.

- 10) Q: Are Senior Centers required to close their dining areas?  
A: Yes. The Governor's announcement applies to licensed food service facilities and does not exempt Senior Centers. Since these facilities serve a population that needs food but is also especially vulnerable to COVID-19, options for safe packaging and take out or delivery of food should be discussed with the facility staff.
- 11) Q: Can bed and breakfast operator still serve food to guests at a dining table?  
A: The Governor's announcement applies to all food service operations that provide dining in the facility, so bed and breakfast operations are included. Food may be delivered to the customer's room for consumption.
- 12) Q: Can a facility keep the Oregon Lottery machine area open and continue to operate.  
A: The governor's order is specific to food provided to the public. The Oregon Lottery will need to be consulted to determine whether the lottery machines can continue to be used by customers.
- 13) Q: Can a customer order food from inside their car while parked in an outdoor stall (Example, Sonic)?  
A: Yes, this can be considered the equivalent of food delivery.
- 14) Q: If a customer purchases food from the drive-thru and eats in their car, can they come inside the facility and re-fill their beverage?  
A: No. Once the customer has been served a beverage container, refilling should not be allowed. The food establishment might choose to provide subsequent beverages in new containers.
- 15) Q: If the facility has customer seating for less than 25 people can they continue to operate their dining area?  
A: No. The governor's order prohibits any on-site food service regardless of the size of the facility. Only takeout or delivery of food is allowed.
- 16) Q: Are there any specific requirements for delivery vehicles?  
A: No. Food should be packaged for delivery in a manner that protects it from contamination and in a way that maintains the food hot or cold. The vehicle should also be clean. Children and animals should not be transported in the car during use as a delivery vehicle. However, in general, we do not inspect delivery vehicles and there is no expectation that you do so now.
- 17) Q: Should counties no longer issue temporary restaurant licenses while the Governor's order limiting gatherings to no more than 25 people?  
A: At this time, it is hard to imagine a public event that requires a temporary restaurant license would be limited to 25 people. However, each event is unique and so a blanket recommendation to not issue temporary restaurant licenses in any case is not warranted.
- 18) Q: Are cash transactions prohibited?  
A: No.

19) Q: Can self-service operations such as yogurt shops or buffet/salad bars continue to allow customers to serve themselves?

A: No. Food must be prepared and packaged by employees for takeout or delivered to customers.

20) Q: Can a school or restaurant receive whole fruit and commercial intact peanut butter, jelly, bread and other non-PHF to make the sandwiches on site from donations and provide them to children or anyone who may need a meal?

A: If members of the public (or a grocery store) donate unopened/sealed food from commercial sources to a school or a restaurant, then the school/licensed facility could prepare the food for people to pick up. Fruit must be whole and washed. There cannot be any homemade foods brought into the school/licensed facilities or used for these activities. Ultimately ODE will have jurisdiction over the school and the students they are serving, so they could choose to do something different.