COVID-19 and Food, Pool and Lodging Facilities:
Questions and Answers for LPHAs on Governor’s Orders in Response to the COVID-19

NOTE: This guidance was updated on March 30, 2020 to include additional questions and answers as well as to extend the social distancing guideline from three (3) to six (6) feet. Establishments should take steps to implement social distancing of at least six feet as soon as possible.

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: 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 facilities located in a mall food court may continue to operate if service is limited to takeout or delivery. Pod, mobile unit, and food courts must implement social distancing protocols. They should assure that social distancing of six (6) 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.

3) 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.
4) 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 or drinks may occur. The dining area may not be used for on-site consumption of food or drink.

5) Q: What are tips for acceptable takeout/grab-and-go methods?

A:
   a) Food service facilities may take customer orders by phone or in person. Social distancing protocols must be implemented for customers order in person.
   b) Customers may stand in line inside or outside of the facility (e.g., 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 six (6) feet between customers is maintained at all times while on the premises.
   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 facility.
   f) OHA recommends that single use items like napkins and condiments 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.

6) 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 six (6) feet is maintained during the ordering and dispensing process.

7) 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.
8) 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.

9) Q: Are Senior Centers required to close their dining areas?
   A: Yes. The Governor’s announcement 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.

10) 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 or taken to-go to the customer’s room for consumption.

11) Q: Can a food facility keep the Oregon Lottery machine area open and continue to operate?
    A: The Governor’s order is specific to food and drink. The Oregon Lottery will need to be consulted to determine whether the lottery machines can continue to be used by customers.

12) 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.

13) 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.
14) 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 consumption of food or drink regardless of the size of the facility. Only takeout or delivery of food or drink is allowed if in accordance with social distancing protocols.

15) 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.

16) 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.

17) Q: Are cash transactions prohibited?

A: No.

18) 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.

19) 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.
20) Q: Executive order 20-12 states, under the heading “Outdoor Recreation and Travel. “I authorize the immediate closure of all pools, skate parks, outdoor sports courts, and playground equipment areas.” Does this closure only apply to outdoor pools, or are all indoor pools also required to close?

A: Executive Order 20-12 applies to all public pools statewide, both indoor and out.

21) Q: Are restaurants offering drive through and take out required to offer restroom access to their customers?

A: No. Since the Oregon Food Sanitation Rules exempt takeout-only facilities from providing customer restrooms they do not need to allow access. The restaurant may choose to allow restroom use by customers. Restaurants that allow restroom use must implement protocols for social distancing while customers wait in line.

22) Q: Can a restaurant on a golf course offer food to go and allow patrons to take the food onto the fairway or greens and eat while they play golf?

A: Yes, however, social distancing of six (6) feet is still required on the course.

23) Q: Can a restaurant continue to provide takeout orders if they are not able to meet the recommendation of six (6) feet of social distancing mentioned in Executive Order 20-07?

A: Executive Order 20-07 prohibits on-premises consumption of food and drink at restaurants. It requires establishments offering off-premises consumption to implement a social distancing protocol of at least six (6) feet between customers ordering, waiting or in line. It also requires establishments to implement similar social distancing protocols for staff “whenever possible.” There are times when maintaining six (6) feet of separation between staff may not be possible. The facility may choose to close if it is not possible to maintain six (6) feet of social distancing for staff, but they are not required by the Executive Order to do so.

24) Q: Can a customer bring in a used growler and refill it with beer or Kombucha in a bar or restaurant?

A: Oregon Administrative Rules 333-003-1020 prohibits self-serve operations in restaurants, bars, cafes, food trucks and similar food service establishments. Refilling a growler that a customer brings into the establishment is not recommended at this time due to the risk of cross contamination. Exchanging the used growler for a new or sanitized growler may be an option.