



Relative to Durham Licensees and the Enforcement of Emergency Order #52 – Safer at Home Guidelines for the Food Service and Retail Industry

Relative and Applicable Statutes and Rules: **RSA 178:18; 178:20, 178:21, 178:22,
179:56, 179:50,**

1. Purpose.

To educate licensees in the town of Durham of the Safer At Home – Food Industry and Retail Guidelines set forth by Emergency Order #52.

2. Discussion of the Issue.

In preparation of students returning to the University of New Hampshire, The New Hampshire Liquor Commission Division of Enforcement is looking forward to partnering with our licensees to ensure this year is a success. The Covid-19 pandemic has created unique circumstances for licensees to navigate as they prepare for the students return. Public health and safety is paramount during this time and will be taken seriously.

The Division is focused on educating our licensees on the Food Service Industry and Retail Guidelines as outlined by Governor Sununu’s Emergency Order #52. The Division of Enforcement will focus our educational and enforcement efforts on compliance with Emergency Order #52.

Education of your staff is critical for licensees to ensure they comply with the guidelines. Below are key points from Emergency Order #52, relative to the Food Service Industry. The Division will strictly enforce compliance of these guidelines as students return to school and start to visit the licensed establishments.



NEW HAMPSHIRE LIQUOR COMMISSION

Division of Enforcement, Licensing and Education

Industry Circular

Number 2020- 13

Issued September 1, 2020

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- Indoor *seated dining* is allowed however, seated dining areas are limited in capacity to the number of people/tables where table spacing is able to be maintained as outlined below.
 - Table spacing shall be maintained so people sitting at adjacent tables are more than 6ft apart and servers and waiters/waitresses should be able to maintain social distance while interacting with tables.
 - Limit tables to no more than six (6) adults per table and no more than ten (10) individuals total.
 - Customers are not allowed to stand/mingle in the bar/restaurant area and **MUST BE SEATED.**
 - We will not tolerate patrons standing and co-mingling in indoor or outside areas.
 - Indoor bands and entertainment is prohibited. Small group bands and solo music artists are allowed to perform in OUTDOOR areas as long as they can maintain social distance of 6 feet apart from each other and any table.
 - Emphasis shall be placed on the requirement of all direct customer contact employees to wear a mask over their mouth and nose when at work and where social distancing is difficult.

Retail licensees shall familiarize themselves, and implement the guidelines outlined in Executive Order #52 – Reopening Guidelines – Retail.

A copy of the full Reopening Guidelines for both the Food Service Industry and Retail establishments is included with this circular.

FAILURE TO COMPLY with the provisions of Emergency Order #52 - Reopening Guidelines will result in administrative action against the licensee. The violation of an emergency order,



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rule, or regulation issued by the Governor may also lead to criminal charges, pursuant to RSA 21-P:47. RSA 179:50 Unlawful Purpose states no licensee shall use, or allow to be used, his or her premise for any purpose contrary to law. RSA 179:56 Hearings; Investigations; False Statement; Enforcement Policy allows for the Commission to suspend a license, for a period of not more than 24 hours, **if a risk to public health, safety, or welfare constitutes an emergency requiring such suspension.**

The Commission will not hesitate to suspend the license of any licensee who fails to properly adhere to the reopening guidelines and creates a risk to public health and safety.

If you have questions about the interpretation of these statutes beyond what has been provided in this circular you are encouraged to contact the Division of Enforcement, Licensing and Education at 603-271-3521.

Safer at Home

FOOD SERVICES INDUSTRY

COVID-19 REOPENING GUIDANCE

GOVERNOR'S ECONOMIC REOPENING TASKFORCE

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FOOD SERVICES INDUSTRY

This document has been updated and modified from the original Food Service guidance issued on May 18, 2020 to allow expanded access and functioning of restaurants and other food service industry establishments.

Safeguarding Guidance:

- 1) Review and follow the NH [Universal Guidelines](#).
- 2) Review and follow the CDC [guidance for cleaning and disinfection](#)
- 3) Provide [ServSafe COVID-19](#) training or its equivalent as soon as possible to all employees.
- 4) Business owners, managers, and all employees should familiar themselves with the [symptoms of COVID-19](#) and general [information about COVID-19](#).
- 5) Educate, inform, and instruct employees and customers about new policies and procedures related to hand hygiene, cloth face covering use, social distancing, cleaning and disinfection, illness policies, etc.
- 6) Build social distancing into food service operations to maintain a safe distance of at least 6 feet between employees and customers when feasible.
- 7) Direct customer contact employees shall [wear cloth face coverings](#) over their nose and mouth when at work and around others in settings where social distancing may be difficult (e.g. serving clients, greeting, etc.).
 - a. Cloth face masks/coverings should be worn and managed according to CDC guidance about [use of cloth face coverings](#).
 - b. People wearing face coverings must not touch their eyes, nose, mouth, or face, or adjust their face mask without first sanitizing hands. After touching face or adjusting mask, hands must be sanitized.
- 8) Customers should be asked to bring and wear a cloth face covering when entering and exiting a facility to protect other patrons and employees during the seating and exiting process, or when getting up to use the restroom. Cloth face coverings are not necessary while a customer is seated and dining outdoors.
- 9) Train all employees on the importance of frequent hand washing and the use of hand sanitizers with at least 60% alcohol content
- 10) Conduct employee health screening as outlined in the Universal Guidelines for All New Hampshire Employers and Employees.
- 11) Prohibit employee(s) with COVID-19 symptoms or those who report a risk of exposure for COVID-19 from entering the work place:
 - a. Person(s) with any COVID-19 symptoms, those who report close contact with someone suspected or confirmed with COVID-19, or those reporting travel risk factors outlined above should **not** be allowed into the facility:
 - i. [Symptomatic](#) persons should be instructed to leave the premise immediately and contact their health care provider to be tested for COVID-19 and [self-isolate](#) at home.
 - ii. [Asymptomatic](#) persons reporting close contact with someone suspected or confirmed with COVID-19, or who report one of the traveled-related risk factors should [self-quarantine](#) for 14 days from



their last exposure or return from travel.

- iii. **NOTE:** Healthcare workers caring for COVID-19 patients while wearing appropriate personal protective equipment should answer “no” to this question

- 12) Require all employees to report any symptoms of COVID-19, or close contact to a person with COVID-19 to a supervisor. Employees who are sick or not feeling well must stay home or, if at work already, must leave work immediately, isolate at home, and contact their healthcare provider for COVID-19 testing. Persons who do not have a primary care provider should seek out COVID-19 testing through one of the many local [COVID-19 testing options](#). Person(s) with suspect or confirmed COVID-19 must stay home until symptom-based criteria are met for [discontinuation of isolation](#):
 - a. At least 10 days have passed since symptoms first appeared
AND
 - b. At least 3 days (72 hours) have passed since recovery (recovery is defined as resolution of fever off any fever reducing medications plus improvement in other symptoms)

Consumer Protection:

- 1) As an extension of the curbside and delivery model, permit outdoor dining. Restaurants are permitted to expand outside wherever an outdoor area can be set up safely, such as parking spaces close to entrances, sidewalks, existing patios, lawn areas. Outdoor areas must be able to be cleaned and disinfected, as appropriate. The outdoor space must be clearly delineated and distanced from people walking by. If expansion is in a shared space, coordinate and seek approval from local authorities.
- 2) Indoor seated dining is allowed in Belknap, Coos, Carrol; Cheshire, Sullivan and Grafton Counties; however, seated dining areas are limited in capacity to the number of people/tables where table spacing is able to be maintained as outlined below and congregating in other locations is avoided (e.g. lobby and reception areas, bathrooms, etc.).
- 3) Indoor seated dining is allowed in Rockingham, Hillsborough, Merrimack and Strafford County; however, seated dining at 50 percent capacity occupancy based on New Hampshire’s Building and Fire Code. Additionally, seated dining areas in these counties are limited in capacity to the number of people/tables where table spacing is able to be maintained as outlined below and congregating in other locations is avoided (e.g. lobby and reception areas, bathrooms, etc.).
- 4) Limit tables to no more than six (6) adults per table and no more than ten (10) individuals total.
- 5) Tables spacing (both indoors and outdoors) should be maintained so people sitting at adjacent tables are more than 6 feet apart, and servers and waiters/waitresses should be able to maintain social distance while interacting with tables (e.g. taking orders). People moving between tables (e.g. customers going to the restroom) should also have adequate space to move between tables.



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- 6) Reservations or call ahead seating is recommended to promote social distancing and prevent groups of guests waiting for tables. Establishments may use a text alert system to alert guests of available seating, an intercom system for guests waiting in their vehicles, or only one member of the party being allowed to wait in the waiting area for their table to be ready.
- 7) Reservations should be staggered to prevent congregating in waiting areas. Waiting areas should build in social distancing so customers and employees are spaced at least 6 feet apart (either through spacing of seating while waiting, or demarcation's on the floor).
- 8) Bar areas can open while following social distancing protocols between groups or individuals seated at the bar (capacity may be affected to maintain the appropriate social distancing). Customers are not allowed to stand/mingle in the bar area and must be seated (no groups interacting with each other). Games and other bar functions (e.g. pool/billiards, darts, arcade games, etc.) are not allowed.
- 9) Small group bands and solo music artists are allowed to perform in outdoor areas as long as they can maintain social distance of 6 feet apart from each other and any table.
- 10) Signage must be prominently posted throughout the venue to ask customers if they are experiencing COVID-19 symptoms, including:
 - a. Fever
 - b. Respiratory symptoms such as sore throat, runny nose, nasal congestion, cough, or shortness of breath
 - c. General body symptoms such as muscle aches, chills, and severe fatigue
 - d. Changes in a person's sense of taste or smell
 - e. If you answered yes to any of these questions, please do not put our employees and other guests at risk and come back another day when you feel better.

Business Process Adaptations:

- 1) Ordering food and alcohol orders to go are still allowed per Emergency Order 6 and Emergency Order 40 Restaurant Guidance.
- 2) Place hand sanitizer stations in restaurant lobby, reception, cashier stations, bathrooms, and other frequently used areas throughout the establishment.
- 3) Restrooms should be monitored and routinely cleaned and disinfected, and soap dispensers should be regularly filled.
- 4) Clean and disinfect all front-of-house surfaces including door handles, screens, phones, pens, keyboards and other areas of hand contact every two hours, at a minimum.
- 5) To the extent possible, use menus that are disposable or sanitized between each use. A disposable ordering system is also advisable when possible to limit guest interaction with wait staff.



- 6) Use of 'self-serve' utensils, plates or napkins, are not allowed. Consider using rolled silverware and eliminating table presets.
- 7) Sanitize all tabletop items, including condiments, after each table turns (or use disposables).
- 8) Disinfect chairs, especially where contact occurs, after each table use.
- 9) No self-serve buffets, appetizers, condiments on a counter for use by multiple tables, or beverage station re-use are allowed.
- 10) Employee-staffed buffets are allowed so that staff only are touching serving utensils and serving customers; social distancing in serving lines must be maintained. Barriers (e.g. Plexiglas barriers, sneeze guards, etc.) are recommended for employee-served buffets to protect employees and customers. Employees serving and customers going through a buffet line must wear cloth face coverings while waiting in line, serving/being served, walking to/from the buffet.
- 11) Evaluate building ventilation system to increase room and overall building ventilation, increase the number of air exchanges, increase outdoor air ventilation, limit internal air circulation, improve central air filtration, and routinely replace filters and perform other necessary maintenance.

Wedding, Catering & Function Hall:

The following guidance applies to weddings and other function hall associated events. This guidance applies to events that bring individuals together for a planned event or celebration.

Group social gatherings, such as weddings, receptions and other celebrations, bring individuals from many communities together. In addition to guidance set forth in the universal, food service and places of worship guidance, the State of New Hampshire sets forth the following guidance to reduce exposure to COVID-19 to protect individuals attending and working at these events and the wider community.

Considerations:

When planning these events, please consider the following: crowd density, nature of contact between participants, number of participants coming from states or areas that are currently heavily impacted by COVID-19 within 14 days of the event, age or health of the participants, duration and mode of travel of participants, and that the length of the event may increase the risk of transmission.

For wedding ceremonies, organizers should follow the universal guidance and places of worship guidance.

For post-wedding celebrations and meals, organizers must follow the food service guidance as well as the following:



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- 1) Outdoor events are preferable to indoor events to reduce the risk of exposure and spread to attendees. All organizers, staff, volunteers and attendees are strongly encouraged to follow physical distancing guidelines. This includes maintaining a distance of at least 6 feet between individuals and a distance of 6 feet between household groups. Outdoor venues may operate within any existing occupancy limits, as long as social distancing can be maintained.
- 2) Indoor events in venues may operate at 50 percent of their normal operating seating capacity. **This 50 percent capacity limit applies statewide notwithstanding the Food Service Guidance that allows for 100% capacity in restaurants in certain counties.** There should be a limit of 6 individuals at a single table. Other applicable provisions of the Food Service Guidance must be followed.
- 3) Crowding should be minimized, and organizers should consider using distancing measures to reduce close contact among people during the gathering. This includes staggering of arrivals and departures and minimizing congregation at sanitary stations, rest rooms, and water/drink distribution areas.
- 4) Dancing within 6 feet of another individual is discouraged, with the exception of family members and individuals from the same household.
- 5) Face coverings should be worn when social distancing is not possible between household groups.
- 6) Consider displaying posters and signs around the venue to remind attendees and staff to take steps to prevent the spread of COVID-19.





Safer at Home

RETAIL

COVID-19 REOPENING GUIDANCE

GOVERNOR'S ECONOMIC REOPENING TASKFORCE



Safeguarding Guidance:

The intent of these recommendations is to reduce transmission of COVID-19 among employees and customers; support healthy business operations; and maintain a healthy work environment.

In addition to strict adherence to [U.S. Centers for Disease Control and Prevention \(CDC\)](#), [Equal Employment Opportunity Commission \(EEOC\)](#) and [Occupational Safety and Health Administration \(OSHA\)](#) guidance, and [US Food and Drug Administration \(FDA\)](#), the State of New Hampshire recommends policies and procedures to protect consumers and employees, including.

Effective on May 11, 2020, all retail establishments may open their physical facilities to workers, customers, and the public and resume in person operations if they operate in accordance with the following guidelines. Retail establishments who are currently open due to provision of Essential Services must begin operating in accordance with these guidelines immediately.

Employee Protection:

1. All staff must wear cloth face coverings at all times when in the retail facility and in public locations or shared staff areas (e.g. break rooms), even if other individuals are not immediately present.
2. Provide training on cloth face coverings based on CDC guidance for [Use of Cloth Face Coverings](#).
3. People wearing face coverings must not touch their eyes, nose, mouth, or face, or adjust their facemask without first sanitizing hands. After touching face or adjusting mask, hands must be sanitized.
4. Alcohol-based hand sanitizer must be made readily available for both staff and consumers at entrances and exits to the retail facility, at checkout locations, and in staff breakrooms and other commonly used staff areas.
5. Stagger shifts, breaks, and meals, in compliance with wage and hour laws and regulations to maintain social distancing.
6. Provide regular updates and training for employees about personal COVID-19 mitigation and store safeguards based on CDC guidelines.
7. Require all employees to report any symptoms of COVID-19 or close contact to a person with COVID-19 to supervisor.
8. Staff must be screened (questioned about) for symptoms of COVID-19 before each shift. Staff with any symptoms must not be allowed to work.
9. Staff should be instructed to maintain a distance of at least 6 feet from others (staff and customers) at all times. Prohibit congregating in break rooms or common areas and limit capacity of such areas to allow for a safe social distancing of at least 6 feet whenever possible.



10. Restrict interaction between employees and outside visitors or delivery drivers; implement touchless receiving practices if possible.

Consumer Protection:

1. Develop a process for limiting the number of customers inside a store at a given time, excluding employees and representatives of third-party delivery companies, to 50 percent or less of store occupancy based on New Hampshire's Building and Fire Code.
2. Ensure any waiting line outside the store has demarcations spacing customers at least 6 feet apart.
3. Customers should wear cloth face coverings at all times when inside the store. Signage and staff should request this before customers enter the store.
4. Consider dedicated shopping hours or appointment times for the elderly and medically vulnerable persons.
5. If feasible and reasonable, establish one-way aisles for social distancing.
6. Where appropriate and possible, implement pay-ahead and curbside pickup and/or delivery service options to minimize contact and maintain social distancing.
7. Assign dedicated staff (i.e. a safety officer) to monitor social distancing and compliance with protective actions, and to prompt customers and other staff about the importance of social distancing, hand hygiene, and use of cloth face coverings.
8. Add social distancing reminder signage, personal and floor stickers in key areas in the store (e.g. check-out counters)
9. Offer self-checkout and/or self-bagging options when possible

Business Process Adaptations:

1. Services should preferably be paid for electronically, but retailers may accept cash or check.
2. Establish enhanced cleaning protocols that follow [CDC guidance](#) relating to cleaning and disinfection for COVID-19. This includes cleaning and disinfecting shared resources and frequently touched surfaces every two hours. Check-out lanes should be wiped down and cleaned between each customer.
3. When possible, use a clearly designated entrance and a separate clearly designated exit to maintain social distancing.
4. Use plastic shields or barriers between customers and clerks at service counters and clean them frequently.
5. Adjust store hours to allow time for enhanced cleaning.
6. Continue to prohibit the use of reusable bags.
7. Suspend the sampling of food and personal hygiene products.
8. Task management-level employees within a store to monitor compliance.
9. Respect the right of business owners to have requirements over and above these recommendations.

