



**Restaurant, Bar, Spa, and Public Accommodation Operations Following Governor
Tim Walz's Shelter In Place Order**

March 27, 2020

This publication is a summary of the recent executive orders by Minnesota Governor Tim Walz regarding an extension of a closure of places of public accommodation and ordering Minnesotans to shelter-in-place as a result of the COVID-19 Pandemic. The Governor's recent orders do not require restaurants and other places of public accommodation which are providing carry-out or delivery services of food to cease operations. As set out below, such services might continue to provide food to Minnesotans by complying with the requirements of the Governor's orders.

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On March 16, 2020, Governor Walz issued Executive Order 20-04, temporarily closing restaurants, bars, and places of public accommodation. This Order was extended to spas by Executive Order 20-08. On March 25, 2020, Governor Walz issued Executive Order 20-18, which extended the closure of restaurants, bars, spas, and places of public accommodation to 5:00 p.m. on May 1, 2020.

Executive Order 20-04 specifically allows public accommodation providers to serve food by drive-through, carry-out, or delivery services. Many restaurants chose to begin carry-out services and offer delivery. Executive Order 20-18 did not further restrict those services, although it does require such establishments to remain closed for "dine-in" services until May 1, 2020.

On March 25, 2020, Governor Walz also issued Executive Order 20-20, which ordered Minnesotans to shelter-in-place until April 10, 2020. Executive Order 20-20 specifies that certain "Critical Sectors" may remain operating. One of these Critical Sectors is "Food and Agriculture." The Department of Homeland Security CISA guidelines state

this sector includes “Restaurant carry-out and quick serve food operations - Carry-out and delivery food employees.” Public accommodations providing carry-out and quick serve food operations are considered part of a Critical Sector.

Employees of a Critical Sector business who cannot perform their duties remotely are permitted to leave their homes to go their jobs. Executive Order 20-20 allows Minnesotans to leave their home to get food, including to take carry-out food orders.

Accordingly, restaurant, bars, and places of public accommodation might continue to provide carry-out and delivery services. Given the scope of the Governor’s shelter-in-place order, it seems likely that many Minnesotans will be seeking out those services while otherwise remaining at home. Establishments that choose to keep operating must be mindful to use best practices to prohibit the spread of COVID-19 – including but not limited to as social distancing and online ordering – to protect both employees and customers.

Chestnut Cambronne PA remains ready, willing, and able to assist restaurant, bar, and spa owners, and public accommodation providers with their legal needs. **If you want to discuss whether your establishment might continue operating or any other matters, please do not hesitate to contact Emeric Dwyer of Chestnut Cambronne PA at 612-336-2914 to discuss.**