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June 9, 2020

Return for New Jersey Restaurants

New Jersey restaurants have been limited to take-out or delivery since March 16. In Governor Murphy's recent executive order, however, restaurants and bars will be allowed to offer outdoor dining beginning June 15 as the state enters Stage 2 of its "Road Back" plan. This exciting development is not as simple as it seems though. It is important for restaurants to be prepared both for this reopening and for the eventual reopening of full dine-in service to ensure the safety of their patrons and staff.

The gradual reopening of restaurants will hopefully begin on June 15, with outdoor service added to take-out and delivery services. For restaurants to provide outdoor service, they must comply with state Department of Health requirements and municipal requirements. There are a few procedural requirements and the most important of these is for the restaurant to make sure that it has all state and municipal permits and approvals to offer food and beverage in outdoor areas. The state Division of Alcoholic Beverage Control has implemented a short term policy allowing restaurants to apply for a license permitting the sale of alcohol outdoors in areas close to their premises. These applications opened June 5 and will run from June 15 to November 14.

In addition to the procedural requirements, restaurants also have to follow safety protocol established by the state Department of Health. Many of the requirements are what we would expect in the "new normal" like marking six feet spacing in waiting areas, limiting seating to eight customers per table and keeping at least six feet between parties, requiring employees to wear masks and gloves, thoroughly sanitizing all utensils, menus, chairs, and tables etc. between uses, and the complete elimination of buffets and other self-service food or drink options. Additionally, restaurants will have to install physical barriers and partitions at cash registers, bars, host stands, and other areas where maintaining six feet distance is not possible or practical, place signage at various places including the entrance, conduct daily health checks of all employees, and require customers to provide contact information to facilitate contact tracing. Although not all, these are some of the important requirements that restaurants will have to comply with to keep its patrons safe. This should be documented by clear and comprehensive written policies and procedures, and adequate training for all employees.

Many restaurants have been waiting for this day for quite some time and will be thrilled to begin outdoor service until indoor service can resume. Before providing outdoor service and in anticipation of indoor service, it is imperative for restaurants to have clear policies and procedures in place that comply with all state and municipal guidelines and the advice from medical professionals.

For any questions or concerns about specific situations, please feel free to contact **Adam Kanji** at akanji@mdmc-law.com.

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