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State of Minnesota
HOUSE OF REPRESENTATIVES
First Subcommittee Engrossment

NINETY-SECOND SESSION

H. F. No. 1514

02/25/2021 Authored by Sandstede, Lislegard and Ecklund
The bill was read for the first time and referred to the Committee on Rules and Legislative Administration

Subcommittee Action

Referred by Chair to the Subcommittee on Legislative Process Reform

03/05/2021 *Returned to the Committee on Rules and Legislative Administration as Amended*

1.1 A bill for an act
1.2 relating to state government; modifying COVID-19 business restrictions;
1.3 appropriating money for payments to certain bars and restaurants.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **COVID-19 BUSINESS RESTRICTIONS.**

1.6 Subdivision 1. **Effect.** Notwithstanding any conflicting provision in an emergency
1.7 executive order, this act governs the operation of certain industries in the state during the
1.8 COVID-19 peacetime emergency. Businesses may implement additional or more stringent
1.9 measures than those required under this act. Until rescinded by the governor or terminated
1.10 by the proper authority, all provisions of an emergency executive order not in conflict with
1.11 this act remain in effect.

1.12 Subd. 2. **Statewide COVID-19 risk level.** No later than one week after the effective
1.13 date of this section and every two weeks thereafter, the commissioner of health must utilize
1.14 the nonprofit Covid Act Now framework and certify the current COVID-19 risk level for
1.15 the state as severe (maroon), critical (red), high (orange), medium (yellow), or low (green).

1.16 Subd. 3. **Enforcement.** This act may be enforced as provided in Minnesota Statutes,
1.17 section 12.45.

1.18 Subd. 4. **Other law.** In addition to this act, businesses are subject to other applicable
1.19 state and local laws and ordinances.

2.1 Sec. 2. **BARS AND RESTAURANTS.**

2.2 Subdivision 1. Definition. For purposes of this act, "bars and restaurants" means bars,
2.3 restaurants, and other places of public accommodation that offer food, beverages, or tobacco
2.4 products for on-premises consumption.

2.5 Subd. 2. General restrictions and requirements. In addition to the restrictions in this
2.6 section, bars and restaurants are subject to the general business restrictions and requirements
2.7 in section 7.

2.8 Subd. 3. Severe risk status. When the state COVID-19 risk status is severe, bars and
2.9 restaurants must close and remain closed.

2.10 Subd. 4. Critical risk status. When the state COVID-19 risk status is critical, bars and
2.11 restaurants are subject to the following restrictions:

2.12 (1) bars and restaurants are encouraged to limit service to takeout and delivery; and

2.13 (2) if a bar or restaurant offers dine-in service:

2.14 (i) occupancy is limited to 50 percent of normal capacity with physical barriers or a
2.15 minimum spacing of six feet between parties;

2.16 (ii) outdoor seating must be encouraged to the extent practicable, and physical barriers
2.17 or a minimum of six feet of space must be maintained between outdoor tables;

2.18 (iii) standing room is prohibited and all food, beverage, and tobacco products must be
2.19 consumed while seated;

2.20 (iv) bar seating is prohibited unless a physical barrier separates staff from customers
2.21 and seating is limited to no more than two guests per group with at least six feet of space
2.22 between groups;

2.23 (v) indoor or outdoor waiting areas must be marked for social distancing, with only one
2.24 member of a party allowed in the waiting area at a time;

2.25 (vi) self-service is prohibited except for prepackaged items; and

2.26 (vii) dance floors, as well as pool tables, dart boards, shuffleboard, arcades, and other
2.27 gaming areas should be closed.

2.28 Subd. 5. High risk status. When the state COVID-19 risk status is high, bars and
2.29 restaurants are subject to the following restrictions:

2.30 (1) bars and restaurants may offer dine-in, takeout, and delivery;

2.31 (2) occupancy is limited to 70 percent of normal capacity;

3.1 (3) physical barriers or a minimum of six feet of space must be maintained between
3.2 indoor tables, but back-to-back booth seating is allowed;

3.3 (4) outdoor seating must be encouraged to the extent practicable, and physical barriers
3.4 or a minimum of six feet of space must be maintained between outdoor tables;

3.5 (5) standing room is prohibited and all food, beverage, and tobacco products must be
3.6 consumed while seated;

3.7 (6) bar seating is limited to no more than two guests per group with physical barriers or
3.8 at least six feet of space between groups;

3.9 (7) indoor or outdoor waiting areas must be marked for social distancing with only one
3.10 member of a party allowed in the waiting area at a time;

3.11 (8) self-service, including buffets and salad bars, are allowed only if pre-portioned
3.12 servings are offered or portions are served by an employee;

3.13 (9) beverage stations that are not touch-free must be cleaned after each use; and

3.14 (10) dance floors, as well as pool tables, dart boards, shuffleboard, arcades, and other
3.15 gaming areas should be closed.

3.16 Subd. 6. **Medium risk status.** When the state COVID-19 risk status is medium, bars
3.17 and restaurants are subject to the following restrictions:

3.18 (1) bars and restaurants may offer dine-in, takeout, and delivery;

3.19 (2) occupancy is limited to 90 percent of normal capacity with physical barriers or a
3.20 minimum spacing of six feet between parties;

3.21 (3) standing room is allowed if the bar or restaurant monitors social distancing; and

3.22 (4) pool tables, dart boards, shuffleboard, arcades, and other gaming areas may be open
3.23 if gaming equipment is not shared by customers or is cleaned and disinfected between
3.24 customers.

3.25 Subd. 7. **Low risk status.** When the state COVID-19 risk status is low, bars and
3.26 restaurants may resume normal occupancy and activity but remain subject to the requirements
3.27 for all bars and restaurants in subdivision 8 and section 7.

3.28 Subd. 8. **All levels; actions required and encouraged.** (a) All bars and restaurants
3.29 must:

3.30 (1) ensure that menus and drink coasters are single-use or of a material that can be
3.31 sanitized after each use; and

4.1 (2) remain closed at least four hours each day for cleaning.

4.2 (b) All bars and restaurants are encouraged to implement the COVID-19 Preparedness
4.3 Plan Requirements for Restaurants and Bars document dated February 12, 2021, and posted
4.4 on the Department of Health's website.

4.5 **Sec. 3. VENUES.**

4.6 Subdivision 1. **Definition.** For purposes of this act, "venues" means private businesses
4.7 that offer space for celebrations, receptions, ceremonies, private parties, or other social
4.8 gatherings or meetings.

4.9 Subd. 2. **General restrictions and requirements.** In addition to the restrictions in this
4.10 section, venues are subject to the general business restrictions and requirements in section
4.11 7.

4.12 Subd. 3. **Severe risk status.** When the state COVID-19 risk status is severe, venues
4.13 must close and remain closed.

4.14 Subd. 4. **Critical risk status.** When the state COVID-19 risk status is critical, venues
4.15 are subject to the following restrictions:

4.16 (1) occupancy is limited to 25 percent of normal room capacity with physical barriers
4.17 or a minimum spacing of two empty seats or six feet between parties;

4.18 (2) every other row of chairs, bleachers, or similar seating must be closed;

4.19 (3) a minimum of ten feet of space must be maintained in all directions between all
4.20 booths, activities, entertainment, and tables to allow for social distancing and attendee flow;

4.21 (4) lines and waiting areas must be marked or posted to maintain social distancing;

4.22 (5) ingress and egress must be one-way to the extent practicable;

4.23 (6) standing room must not be allowed and entry area standing should be minimized by
4.24 encouraging attendees to quickly access their seats or viewing area; and

4.25 (7) bar seating is prohibited unless a physical barrier separates staff from customers and
4.26 seating is limited to no more than two guests per group with physical barriers or at least six
4.27 feet of space between groups.

4.28 Subd. 5. **High risk status.** When the state COVID-19 risk status is high, venue occupancy
4.29 is limited to 50 percent of normal room capacity.

4.30 Subd. 6. **Medium risk status.** When the state COVID-19 risk status is medium, venue
4.31 occupancy is limited to 75 percent of normal room capacity.

5.1 Subd. 7. **Low risk status.** When the state COVID-19 risk status is low, venues may
5.2 resume normal occupancy and activity but remain subject to the requirements in section 7.

5.3 Subd. 8. **All levels; actions encouraged.** All venues are encouraged to implement the
5.4 COVID-19 Stay Safe Guidance for Entertainment and Meeting Venues dated February 12,
5.5 2021, and posted on the Department of Labor and Industry's website.

5.6 Sec. 4. **FITNESS CENTERS.**

5.7 Subdivision 1. **Definition.** For purposes of this act, "fitness centers" means private
5.8 exercise facilities, gymnasiums, indoor sports facilities, climbing facilities, martial arts
5.9 facilities, and dance and exercise studios.

5.10 Subd. 2. **General restrictions and requirements.** In addition to the restrictions in this
5.11 section, fitness centers are subject to the general business restrictions and requirements in
5.12 section 7.

5.13 Subd. 3. **Severe status.** When the state COVID-19 risk status is severe, fitness centers
5.14 must close and remain closed.

5.15 Subd. 4. **Critical status.** When the state COVID-19 risk status is critical, fitness centers
5.16 are subject to the following restrictions:

5.17 (1) if members or customers engaged in high-intensity activities are unable to wear a
5.18 face covering, the activity must be conducted outdoors or in a location with enhanced
5.19 ventilation and air exchange;

5.20 (2) high-intensity group classes are not recommended;

5.21 (3) fitness centers must prohibit or deter use of fitness equipment where a minimum of
5.22 12 feet of space cannot be maintained between members or customers;

5.23 (4) vestibules, seating areas, and other places where people congregate must be closed
5.24 or cordoned off;

5.25 (5) signage must be installed and maintained to discourage contact sports and games;
5.26 and

5.27 (6) usage of saunas, hot tubs, steam rooms, and similar areas are limited to one person
5.28 or family at a time.

5.29 Subd. 5. **High risk status.** When the state COVID-19 risk status is high, high-intensity
5.30 group classes are limited to ten members or customers, but may exceed this limit if the room
5.31 accommodates one person for every 144 square feet of space.

6.1 Subd. 6. **Medium risk status.** When the state COVID-19 risk status is medium,
6.2 high-intensity group classes are allowed if a minimum of six feet of social distancing is
6.3 maintained.

6.4 Subd. 7. **Low risk status.** When the state COVID-19 risk status is low, fitness centers
6.5 may resume normal occupancy and activity but remain subject to the requirements in
6.6 subdivision 8 and section 7.

6.7 Subd. 8. **All levels; actions required and encouraged.** (a) Regardless of state COVID-19
6.8 risk level, all fitness centers must:

6.9 (1) require employees to wear facial coverings and customers to wear facial coverings
6.10 to the extent practicable;

6.11 (2) develop or encourage online fitness participation;

6.12 (3) establish specific hours for high-risk members or customers only;

6.13 (4) allow at least 15 minutes for cleaning between classes;

6.14 (5) suspend 24-hour facility access unless employees are continually on site and
6.15 equipment, bathrooms, locker rooms, and other facilities are closed daily for cleaning;

6.16 (6) clean water fountains after each use and encourage members and customers to bring
6.17 and use their own water bottles;

6.18 (7) limit shower and locker room use to no more than ten people at a time; and

6.19 (8) maintain at least six feet of space between clients and personal trainers.

6.20 (b) All fitness centers are encouraged to implement the COVID-19 Preparedness Plan
6.21 Guidance: Requirements for Gyms, Studios, and Fitness Centers document dated February
6.22 12, 2021, and posted on the Department of Labor and Industry's website.

6.23 Sec. 5. **PERSONAL CARE SERVICES.**

6.24 Subdivision 1. **Definition.** For purposes of this act, "personal care services" means
6.25 tanning establishments, body art establishments, tattoo parlors, piercing parlors, businesses
6.26 offering massage therapy or similar body work, spas, salons, nail salons, cosmetology salons,
6.27 esthetician salons, advanced practice esthetician salons, eyelash salons, and barber shops.

6.28 Subd. 2. **General restrictions and requirements.** In addition to the restrictions in this
6.29 section, personal care services are subject to the general business restrictions and
6.30 requirements in section 7.

7.1 Subd. 3. **Severe risk status.** When the state COVID-19 risk status is severe, personal
7.2 care services must close and remain closed.

7.3 Subd. 4. **All other risk levels.** When the state COVID-19 risk status is critical, high,
7.4 medium, or low, personal care services are subject to the following restrictions:

7.5 (1) facial coverings are required for employees and customers;

7.6 (2) check-in and waiting areas must allow for a minimum six feet of social distancing;

7.7 (3) initial planning or health consultations must be conducted by phone or video to the
7.8 extent practicable;

7.9 (4) specific hours must be established for high-risk customers only;

7.10 (5) all customers must be screened for symptoms including temperature checks;

7.11 (6) customer health screening questionnaires must be provided and completed within
7.12 24 hours of each appointment;

7.13 (7) plastic partitions between stations or chairs are recommended where practicable;

7.14 (8) work on the customer's face must be discouraged to the extent practicable;

7.15 (9) no food or beverage, other than prepackaged items, may be served; and

7.16 (10) appointment scheduling must allow sufficient time for cleaning between customers.

7.17 Subd. 5. **All levels; actions encouraged.** All personal care services are encouraged to
7.18 implement the COVID-19 Preparedness Plan Guidance: Requirements for Personal Care
7.19 Services dated February 12, 2021, and posted on the Department of Labor and Industry's
7.20 website.

7.21 Sec. 6. **POOLS AND WATER PARKS.**

7.22 Subdivision 1. **Definition.** For purposes of this act, "pools and water parks" means public
7.23 pools as defined in Minnesota Statutes, section 144.1222, subdivision 4.

7.24 Subd. 2. **General restrictions and requirements.** In addition to the restrictions in this
7.25 section, pools and water parks are subject to the general business restrictions and requirements
7.26 in section 7.

7.27 Subd. 3. **Severe status.** When the state COVID-19 risk status is severe, pools and water
7.28 parks must close and remain closed.

7.29 Subd. 4. **Critical risk status.** When the state COVID-19 risk status is critical, pools and
7.30 water parks are subject to the following restrictions:

- 8.1 (1) occupancy is limited to 25 percent of normal capacity;
- 8.2 (2) specific times each day must be reserved for high-risk individuals; and
- 8.3 (3) play features, slides, lazy rivers, splash pads, and similar areas should be closed.

8.4 Subd. 5. **High risk status.** When the state COVID-19 risk status is high, occupancy is
8.5 limited to 50 percent of normal capacity.

8.6 Subd. 6. **Medium risk status.** When the state COVID-19 risk status is medium,
8.7 occupancy is limited to 75 percent of normal capacity.

8.8 Subd. 7. **Low risk status.** When the state COVID-19 risk status is low, pools and water
8.9 parks may resume normal occupancy and activity but remain subject to the requirements
8.10 in subdivision 8 and section 7.

8.11 Subd. 8. **All levels; actions required.** All pools and water parks must:

- 8.12 (1) provide signage and staff to indicate and monitor capacity;
- 8.13 (2) mark water features, locker or shower rooms, and bathrooms for social distancing;
- 8.14 (3) restrict user flow to one direction for all water features and playgrounds; and
- 8.15 (4) prohibit water activities that involve interaction by multiple households.

8.16 Sec. 7. **GENERAL BUSINESS RESTRICTIONS AND REQUIREMENTS.**

8.17 Subdivision 1. **Application.** The restrictions and requirements in this section apply to
8.18 bars and restaurants, venues, fitness centers, personal services, and pools and water parks.
8.19 If a restriction or requirement in this section is in conflict with a restriction or requirement
8.20 elsewhere in this act, the more stringent restriction or requirement applies.

8.21 Subd. 2. **All risk levels.** The following restrictions apply regardless of the state
8.22 COVID-19 risk level:

- 8.23 (1) occupancy of indoor and outdoor spaces and gatherings must be limited as necessary
8.24 to maintain a minimum of six feet of social distancing with physical barriers or six feet of
8.25 space between tables;
- 8.26 (2) employers must provide face coverings to all employees and strongly encourage
8.27 their use;
- 8.28 (3) contactless payment methods must be utilized to the extent practicable;
- 8.29 (4) physical separation must be provided between customers and cashiers or other
8.30 employees at points of service, to the extent practicable;

9.1 (5) signage must be posted at all entrances to prohibit entry by persons with symptoms
9.2 of respiratory illness and to remind all entrants to stay home when sick, wear face coverings,
9.3 maintain six feet of social distance, clean hands often, and cover sneezes and coughs;

9.4 (6) outdoor spaces must be encouraged and used to the extent practicable;

9.5 (7) social distancing signage must be used to mark six-foot increments where lines form;

9.6 (8) when applicable, operators should post their temporary occupancy limit prominently
9.7 at all entrances;

9.8 (9) employers must provide hand sanitizer for employee use and at or near each entrance
9.9 and cashier station for public use; and

9.10 (10) ventilation systems must function properly and increase introduction and circulation
9.11 of outdoor air to the extent practicable.

9.12 Subd. 3. **Critical risk status.** When the state COVID-19 risk status is critical, businesses
9.13 are subject to the following restrictions:

9.14 (1) employees and customers must wear facial coverings;

9.15 (2) employees must be screened for symptoms before each shift;

9.16 (3) occupancy is limited to 50 percent of normal occupant capacity but no more than
9.17 150 people with at least six feet of social distancing; and

9.18 (4) family groups and party sizes are limited to one household or less than ten people
9.19 per party.

9.20 Subd. 4. **High risk status.** When the state COVID-19 risk status is high, businesses are
9.21 subject to the following restrictions:

9.22 (1) employees and customers must wear facial coverings;

9.23 (2) occupancy is limited to 65 percent of normal occupant capacity but no more than
9.24 200 people with at least six feet of social distancing; and

9.25 (3) family groups and party sizes are limited to one household or less than ten people
9.26 per party.

9.27 Subd. 5. **Medium risk status.** When the state COVID-19 risk status is medium,
9.28 businesses are subject to the following restrictions:

9.29 (1) facial coverings are strongly recommended; and

10.1 (2) occupancy is limited to 80 percent of normal occupant capacity but no more than
10.2 300 people with at least six feet of social distancing.

10.3 Subd. 6. **Low risk status.** When the state COVID-19 risk status is low, businesses may
10.4 resume normal occupancy and activity but remain subject to the requirements in subdivision
10.5 2.

10.6 Sec. 8. **BAR AND RESTAURANT SPOILAGE DIRECT PAYMENTS;**
10.7 **APPROPRIATION.**

10.8 \$20,000,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
10.9 of employment and economic development for direct payments to bars and restaurants that
10.10 had food or beverages spoil or expire due to business restrictions put in place in response
10.11 to the COVID-19 pandemic. Payments shall be for a set amount that approximates the
10.12 average amount that small businesses lost in this manner. The amount shall be determined
10.13 after consultation with industry representatives. This is a onetime appropriation and is
10.14 available until December 31, 2021.

10.15 **EFFECTIVE DATE.** This section expires December 31, 2021.

10.16 Sec. 9. **EFFECTIVE DATE; EXPIRATION.**

10.17 This act is effective the day following final enactment and unless specified otherwise
10.18 expires the same day that the peacetime emergency declared and extended for the infectious
10.19 disease known as COVID-19 expires or is terminated.