



**The Department of Health, Maui Food Safety Branch
COVID-19 Enforcement Policies for Food Establishments in Maui County
August 31, 2020**

The current DOH COVID-19 policy:

The Department of Health (DOH), Maui Food Safety Branch's current COVID-19 enforcement policy covers all food establishments and special event permit vendors and requires them to reduce the risk of exposure to employees and customers to the virus that causes COVID-19. The primary elements of that policy are:

- All employees must wear a cloth face mask or other type of mask;
- Customers must be socially distanced apart, and tables need be spaced at least 6' apart; and,
- Occupancy of the food establishment must not exceed 50% capacity.

This office serves to enforce all COVID-19 requirements through educating a food establishment on the requirements necessary to protect their employees and customers, issuing notices of violation warning letters, and in cases of repeated non-compliance, closing a food establishment to protect public health. Our goal is to obtain compliance, not to shut down food establishments. But for those that fail to institute public health protection measures related to COVID-19, they'll be given a warning, and if changes aren't made or repeated COVID-19 complaints are received there, that food establishment faces the possibility of closure.

The COVID-19 Inspection:

A COVID-19 inspection of a food establishment is conducted by a DOH inspector to determine compliance status. It will include review of the use of face coverings, social distancing, cleaning, signage, and other COVID-19 requirements. If the inspector observes lack of compliance, those issues will be discussed with the person in charge and a warning letter, a formal Notice of Violation, may be issued to that food establishment. A follow-up inspection will be conducted to determine if the violations have been corrected. If not and it's determined that the violations are posing a "*public health hazard*" under Section 11-50-9(d)(3), Hawaii Administrative Rules, DOH can issue a red "CLOSED" placard. A press release will also be issued to the public. The food establishment would remain closed for 1-2 business days then another follow-up inspection would be conducted to ensure all COVID-19 requirements are being met.

The following requirements and guidance pertain to some specific issues:

Socially distancing measures:

All customers and employees shall maintain a minimum of 6' of physical distance from all other persons. Brief periods of non-distancing are allowed for employees to serve/interact with unmasked customers, intermittent job duties, customers or employees passing by others, etc. Methods such as signage, tape, ropes, partitions, etc., to identify the correct spacing distance between different groups of customers, including waiting in line to enter the business, should be utilized.

Customers and masks:

Some members of the public want to enter a food establishment but can't wear a mask due to a medical condition or refuse to wear a mask. To accommodate those individuals, the DOH encourages the use of alternatives such as "reasonable accommodation" to any unmasked customers by providing them services or goods without having them enter that business. Use of their clothing pulled up over their nose and mouth, wearing a mask that isn't covering the nose or mouth, or face shields (partial or full) alone are not allowed.

Restaurants and bars: All customers must wear a mask when entering, waiting to be seated, getting take-out food, leaving their table for any reason, and when leaving the establishment. Once seated, customers may remove their masks. People at a table or bar need to maintain 6' separation from other groups or customers not living in same household. Food establishments are encouraged to request customers to wear their masks when speaking to any employees or others outside their group. Partitions shall not be allowed as a substitute for the requirement of 6' spacing between people and tables due to the occurrence of unmasked people a restaurant or bar.

All other food establishments: All customers need to wear a face mask upon entering the business and during the entire time in that food establishment.

Food service:

Customer self-service buffets, salad bars, condiments, beverages and other self-serve operations are not allowed. Menus need to be either been sanitized between customers, single-use, or conducted through on-line ordering. Condiments need to be single-use or sanitized before being used by others outside the group.

Employees and masks:

All food establishment employees shall wear a proper mask, as described in CDC guidance. If an employee needs to take a "break" from the mask, they need to be at least 20' away from others, whether interior or outside. Use of their clothing pulled up over their nose and mouth, wearing a mask that isn't covering the nose or mouth, or face shields (partial or full) alone are not allowed (see Employee Health section for medical exception requirements).

Employee health:

All employees should be screened when arriving at work and if anyone is displaying symptoms of COVID-19, they should be excluded from work or sent home immediately. Employees should be instructed to wash their hands with soap and water for 20 seconds and/or use employer-provided hand sanitizer often, including before and after putting on or removing their mask.

If an employee says they have a medical condition that prevents them from wearing a face mask, then they would need to show their supervisor a doctor's note. In that case, the inspector may allow that food establishment to have an employee wear a full face shield, only if they are restricted from the "front of the house", having any direct contact with any customers, and be required to socially distance away from all other workers. Face shields can add to protection but are not a substitute for cloth masks. If an employee can't wear anything to protect themselves or others, then it can be cited by an inspector as a COVID-19 violation and a warning letter issued.

Cleaning:

The person in charge must ensure that all frequently touched surfaces in the kitchen, dining area, break room, restrooms, etc., are adequately cleaned and sanitized frequently to help reduce the spread of the Coronavirus. They must conduct a thorough cleaning and sanitizing immediately if an employee who has been at work receives a positive test result for COVID-19.

Signage:

A sign at entrances shall state that no one with fever or symptoms of COVID-19 will be allowed to enter the business. Signage should also include that everyone entering must wear a mask.

Further information:

Maui Food Safety Branch: (808) 984-8230

[DOH, Maui District Health Office](#)

[Maui County COVID-19 website](#)

[CDC COVID-19 updates](#)

[CDC what to do if your sick](#)

[CDC about face masks](#)

[EPA-approved disinfectants](#)