

Emergency Regulation No. 2022-5

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Proclamation of the Mayor

I, Jacob Frey, Mayor of the City of Minneapolis, subject to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29 and Minneapolis Code of Ordinances § 128.50-60 do hereby proclaim the following Emergency Regulation:



Emergency Regulation No. 2022-5 (Amending Emergency Regulation 2022-4)

Whereas, on March 16, 2020, I declared a local public health emergency related to the COVID-19 pandemic in the City of Minneapolis (“City”) and assumed executive responsibilities attendant thereto; and

Whereas, the U.S. Centers for Disease Control and Prevention (“CDC”) identified new variants of the COVID-19 virus which are present in the United States and medical experts determined that some of these variants are significantly more contagious than previously known variants; and

Whereas, the COVID-19 Delta variant, which has been identified in Minnesota, has been determined by the CDC to be a “variant of concern” due to its high transmissibility, and continues to account for a large number of new cases sequenced in Minnesota and the City of Minneapolis, thereby substantially increasing the potential risk of infection and the spread of the virus through the community; and

Whereas, the COVID-19 Omicron variant, which has been identified in Minneapolis, has been determined by the CDC to be a “variant of concern” due to its high transmissibility although it is not yet known the severity of illness it causes, or how well available vaccines and medications work against it; and

Whereas, the Omicron variant accounts for 97% of the cases in Minnesota; and

Whereas, as of the last reporting period (December 2021), 4.9% of all new COVID-19 cases have been in fully vaccinated individuals ages 12 and up in Minnesota; and

Whereas, COVID-19 cases in the city of Minneapolis have trended upward since July 2021, with the community transmission rate exceeding 1,300 cases per 100,000 individuals, putting the city in the CDC's high-risk area category, along with increased positivity rates; and

Whereas, the City and the CDC continue to reinforce that the strongest defense against the Delta and other potentially dangerous variants is through vaccination. Additional protections are provided by properly using a face mask, avoiding crowded spaces, improving air flow, observing good hand hygiene, and staying home when sick; and

Whereas, during the 2020-2021 public health emergency, state and local health authorities strongly encouraged all Minnesotans to wear a face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) and to follow face covering guidelines issued by the State of Minnesota Department of Health and the CDC; and

Whereas, there is substantial evidence that widespread mask use can prevent the spread of COVID-19, and observational data has suggested that people who wear masks and become infected may be less likely to develop severe disease; and

Whereas, indoor activities, and in particular inside activities where individuals gather without masks and where individuals gather for extended periods, or both, increase the likelihood of the spread of COVID-19; and

Whereas, studies have indicated, and public health experts have concluded that indoor dining is a significant driver of the COVID-19 pandemic, in part because it is not possible to wear a mask while eating or drinking; and

Whereas, safe, highly effective COVID-19 vaccines are now widely available in the United States; and

Whereas, administration of a COVID-19 vaccine is a medically accepted and recommended form of prophylactic treatment that dramatically reduces the likelihood of experiencing a symptomatic SARS-CoV-2 infection, and recent studies show that available COVID-19 vaccines also reduce asymptomatic infection and transmission; and

Whereas, COVID-19 vaccines are now readily available for all eligible individuals five years of age and older, while those four years of age and under remain ineligible for vaccination and therefore subject to greater exposure of infection and transmission; and

Whereas, it is well established that COVID-19 vaccines remain effective even against infection with the Delta variant and other recent variants of concern; and

Whereas, broad distribution and uptake of COVID-19 vaccines is essential to ending the COVID-19 pandemic; and

Whereas, pursuant to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Minneapolis Code of Ordinances § 128.50 and 128.60, I am authorized to promulgate Emergency Regulations to protect the public health, safety, and welfare during this declared emergency.

NOW, THEREFORE, I, Jacob Frey, Mayor of the City of Minneapolis, do hereby order the following emergency regulation:

1. Effective January 19, 2022, any space of public accommodation in the City of Minneapolis where food and/or drink is sold or served indoors for consumption onsite shall admit only those persons who furnish proof of a Completed Vaccination Series against COVID-19 occurring at least two weeks prior to entry, or proof of a negative COVID-19 PCR or antigen test conducted by a medical professional from a sample that was collected from such person within three calendar days prior to the person's entry. This requirement shall become effective January 26, 2022, at 8:00 a.m. for any space of public accommodation while holding a ticketed event, as that term is defined in this Emergency Regulation. All individuals, regardless of vaccination status, must wear a Medical-Grade Mask or Cloth Face Covering while not actively engaged in eating and/or drinking onsite.
2. All employers of businesses that are spaces of public accommodation subject to this Regulation shall require their employees, regardless of vaccination status, to wear a Medical-Grade Mask or Cloth Face Covering whenever such employees have face-to-face contact with the public.
3. All employers of businesses that are spaces public accommodation subject to this Regulation shall comply with OSHA standards 1910.501(e) and (g), as existing on the date of issuance of this Emergency Regulation, relating to employee vaccination status and testing at covered locations, regardless of the number of their employees.
4. 3. This Regulation shall not preclude any business from establishing more strict requirements for its workforce, contractors, volunteers, customers, or clientele, including requiring all persons onsite to be vaccinated (to the extent otherwise permitted under applicable law).
5. 4. Athletes, performers, and supporting staff (such as coaches, trainers, road crew, and similar supportive staff) competing or performing at any space of public accommodation within the ambit of this Regulation are not subject to the Regulation, but must strictly comply with a written safety plan. The plan must be produced upon request by the Minneapolis. Department of Health for the facility, venue, or establishment at issue.
6. 5. Children under age two five, who cannot be tested easily for COVID-19, are not subject to this Regulation.

Definitions

1. A space of public accommodation means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
2. This Regulation applies to places that sell or serve food and/or drink indoors for consumption onsite and seating areas exclusive to the individual spaces of public accommodation such as:
 - a. Indoor restaurant spaces or coffee shops;
 - b. Cafes within larger spaces (e.g., museum cafes);
 - c. Bars;
 - d. Sports venues that serve food or drink for onsite consumption;
 - e. Movie theaters;
 - f. Bowling alleys;
 - g. Other entertainment venues that serve food or drink for onsite consumption;
 - h. Conventions (if food is being served);
 - i. Catering halls; and
 - j. Food court seating areas if exclusive to specific establishments.
3. This Regulation does not apply in the following places:
 - a. K-12 and early childcare settings;
 - b. Hospitals;
 - c. Congregate care facilities or other residential or healthcare facilities;
 - d. Shared consumption areas not exclusive an individual space of public accommodation;
 - e. Establishments and/or food service locations that provide take out service only for off-site consumption;
 - f. Any location where food or drink is consumed as part of a religious practice;
 - g. Any portion of a location that is outdoors, meaning the area is fully open to the outside on two or more sides;
 - h. Grocery stores, convenience stores, bookstores or other establishments that primarily sell packaged food and other articles for offsite use, except in seated dining areas within those stores; and
 - i. Soup kitchens or other similar sites serving vulnerable populations (e.g., People Serving People).
4. Cloth Face Covering means a covering that fully covers a person's nose and mouth but is not a Medical-Grade Mask.
5. Medical-Grade Mask means an N95, KN95, surgical, or other mask that would be appropriate for a healthcare setting, or a setting in which direct patient care is provided.
6. Completed Vaccination Series means after an individual has received the second dose in a two-dose series of an Approved COVID-19 Vaccine or a single dose in a one-dose Approved COVID-19 Vaccine. A person is considered fully vaccinated two weeks after they finish their Completed Vaccination Series.

7. Approved COVID-19 Vaccine means a vaccine that has been authorized or approved by either the Food and Drug Administration or the World Health Organization to prevent COVID-19, whether for emergency use or otherwise.
8. A Ticketed Event is an event where all patrons must obtain a ticket to attend the event and tickets were available for purchase at least 14 days in advance of the event.
9. Proof of a completed vaccination series against COVID-19 means presentation of a CDC-provided card, photograph of card, other government-approved record of vaccination, or an application approved by a governmental entity (e.g. Docket) to hold immunization information. A photo identification is not required unless otherwise required by law or by policy of the space of public accommodation.
10. A negative COVID-19 test means an email, printout or screen shot with the name of the individual and the test result showing the date of the test. A photo identification is not required unless otherwise required by law or by policy of the space of public accommodation.

Additional Terms

1. This Regulation is effective 8:00 a.m. January 19, 2022, and, shall continue in force and effect until further notice or until it is extended, rescinded, superseded, or amended if not sooner rescinded or later extended, shall expire at the end of forty (40) days after January 19, 2022, or at the end of the declared local public health emergency to which it relates, whichever occurs first.
2. A violation of this Regulation may be enforced by the issuance of warning letter(s), administrative citations and/or appropriate adverse license action against City-licensed businesses and establishments, and/or misdemeanor prosecution. Minneapolis Code of Ordinances § 1.30 and 259.250.
3. The Health Commissioner is hereby authorized and directed to administer, interpret, and monitor the requirements set forth in this Regulation, and to take such further actions as deemed necessary or advisable to protect the public health and safety of people in the City of Minneapolis.

January 14, 2022

See the official signed copy