



## What Nightclubs, Lounges, Bars, Breweries, Wineries and Distilleries Need to Know

**Recent updates:** (changes highlighted in yellow)

**10/8/2021:** Provides further clarification regarding bars required to verify COVID-19 vaccination for entry to obtain indoor service and to participate in activities within the indoor portions of the facility. Removes reference to Supplemental Paid Sick Leave program that expired on 9/30/2021.

This Frequently Asked Questions (FAQ) document is intended to assist nightclubs, lounges, bars, breweries, wineries and distilleries in complying with the LA County [Health Officer Order](#). This FAQ applies to nightclubs, lounges, bars, breweries, wineries, and distilleries that are not licensed as full-service restaurants.

### VACCINE STATUS VERIFICATION

#### **1. What are the new requirements in the Health Officer Order and when do they go into effect?**

Effective October 7, 2021, bars, breweries, wineries, and distilleries must require patrons 12 years and older to provide proof of COVID-19 vaccination status with a photo identification (ID) for entry. Between October 7 and November 3, 2021, all patrons must provide proof they received at least one dose of COVID-19 vaccination for entry to obtain indoor service **and to participate in activities within the indoor portions of the facility**. And, beginning November 4, 2021, all patrons 12 years and older must provide proof of full vaccination against COVID-19 for entry into the facility for indoor service **and to participate in activities within the indoor portions of the facility**. Children under the age of two years are exempt. Additionally, by November 4, 2021, all on-site employees must provide their employer with proof of full vaccination against COVID-19.

Effective October 7, 2021, nightclubs and lounges that are only open to persons 18 years and older, must require patrons and on-site personnel to provide proof of their COVID-19 vaccination status with a photo ID for entry. Between October 7 and November 3, 2021, patrons must show proof they have received at least one dose of COVID-19 vaccination for entry to obtain indoor service at **and to participate in activities within the indoor portions of** a nightclub or lounge. And, beginning November 4, 2021, all patrons must provide proof of full vaccination against COVID-19 for entry into the facility to obtain indoor service **and to participate in activities within the indoor portions of the facility**. Additionally, by November 4, 2021, all on-site employees must provide their employer with proof of full vaccination against COVID-19.

#### **2. Can unvaccinated or partially vaccinated patrons show a negative COVID-19 (diagnostic) test result taken within 72 hours for entry to the facility for indoor service?**

No. A negative COVID-19 (diagnostic) test result does not qualify as an alternative to providing proof of COVID-19 vaccination.



# What Nightclubs, Lounges, Bars, Breweries, Wineries and Distilleries Need to Know

### 3. For what areas of the facility will patrons need to be screened for COVID-19 vaccination status?

Patrons seated, receiving services, or participating in activities within the indoor portions of the business must be screened for and show proof of their COVID-19 vaccination status, as specified, prior to entering the indoor portion of the business. Patrons may receive services or participate in activities in the outdoor portions of the business without being screened for vaccination status.

Individuals that do not show proof of vaccination may for limited circumstances be permitted to enter the indoor portions of the business. Such individuals must wear a well-fitted mask and may only enter the facility: 1) As part of their employment to make a delivery or pick up, provide a service or repair, or for emergency or regulatory purposes; 2) To get to the outdoor portion of the facility or to use the restroom; and 3) To order, pickup, or pay for food or drink "to go." In this last instance, patrons must wait outdoors for their food or drink to be ready for pick-up.

### 4. Will a bar be required to verify vaccination for indoor patrons if there is food served?

Yes. Any facility that operates primarily as a bar will be required to verify patron vaccination status. These facilities have a low-risk food facility public health permit. This includes bars that may serve snacks on site but do not operate as full-service, sit-down restaurants. Other evening entertainment facilities that serve alcohol, such as karaoke bars, are also required to comply.

**Ownership and permitting:** Bars that are located within a restaurant that are permitted as moderate or high-risk that are operated under the same ownership are not required to verify vaccination.

A bar that is operated adjacent (connected) to a separately permitted moderate or high-risk kitchen or restaurant under the same ownership where a menu includes food offerings at the "bar area" made from that kitchen is not required to verify vaccination. Food may not be prepared and brought in from a kitchen / restaurant that is not connected to the bar and not considered a single site. There must be a door that leads from the bar directly to the separately permitted kitchen that is under the same ownership.

A bar with a low-risk restaurant permit that operates independently from other on-site restaurants is required to verify vaccination if offering on-site indoor consumption. For example, a beer stand or brewing stand within a food hall/food court would be required to comply with the vaccination requirements for on-site consumption.



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### 5. How will employees know what is an acceptable form of vaccination record? What training resources are available from the County?

Employers and employees may refer to the [Los Angeles County Department of Public Health COVID-19 website](#) for more information. At the time of this update, a guide can be found under "[Verifying Proof of COVID-19 Vaccination](#)."

### 6. Will employees need to keep a patron's record of vaccine status or a record of the verification process?

No. By allowing each patron to be seated, receive services, or participate in activities indoors at the facility, the facility owner/management is attesting that the facility has appropriately verified each indoor patron's vaccination status prior to entry. The business will be subject to any penalties for noncompliance if it is found that it did not adhere to the proper vaccine verification process.

### 7. What will employees be expected to do with a patron not presenting a valid form of vaccination verification?

If a patron does not present valid proof of their COVID-19 vaccination with their photo ID, they may only be seated, served, or participate in activities in an outdoor portion of the facility, if available.

Patrons who do not present a valid form of vaccination verification, may only be granted access to the indoor area if they wear a well-fitted face covering and are only briefly entering the indoor area to: 1) get to the outdoor area or the restroom; 2) order or pay at the register, or 3) pick up an order, whether to be consumed onsite in an outdoor area or off site (take out). Such patrons may not remain in the indoor area to receive service or to participate in indoor activities.

### 8. What will happen if a facility is found not verifying vaccination status of patrons and/or staff?

County health inspectors will be visiting and observing the operations of these facilities during normal business hours. Should a health inspector determine that a business is not complying with the Health Officer Order, (such as not verifying vaccination status of all patrons) during the initial visit, the health inspector will document the violation on an inspection report and issue a compliance date by which the violations need to be corrected. If upon a follow-up inspection there is still noncompliance, an Administrative Citation in the amount of \$500 will be issued to the facility, and Public Health will continue to inspect for compliance.

### 9. Is vaccination verification required for private parties at these businesses?

Yes, vaccination verification and existing masking requirements, regardless of vaccination status, apply to all indoor private parties that are held within any of the following businesses: bars, breweries, wineries, distilleries, nightclubs, and lounges.



### **10. Is vaccination verification required for pick-up orders?**

No, the Health Officer Order permits limited access to indoor portions of the business, without verification of vaccination status, for the purposes of picking up a take-out order. Though not required, for pick-up orders, facilities may choose to screen for vaccination status as a standard practice for all patrons entering the indoor area.

### **11. Do you have official signage stating that vaccine verification is legally required?**

[DPH signage](#) can be found on the [Best Practices to Prevent COVID-19, Guidance for Businesses and Employers](#) page.

### **12. Are masks still required indoors after vaccine verification?**

Yes, masks are still required indoors even if vaccinated. Masks may be removed while actively eating and drinking. Patrons, customers, or guests must be seated at a table or positioned at a stationary counter, ticketed seat, or place while actively eating or drinking. It is recommended that physical distancing between different parties be implemented to reduce the risk of spread in areas where patrons are permitted to actively eat or drink.

### **13. For customers whose vaccination status has been verified previously, are we required to repeatedly check?**

Yes. Vaccination status must be verified each time a patron enters.

## **FACILITY TYPES REQUIRING VACCINATION VERIFICATION**

### **14. Will a full-service restaurant with a connected bar be required to verify vaccination for patrons for indoor access?**

It is a strong recommendation for restaurants to implement vaccination verification, however it is not required for full-service restaurants, even those that have a bar in conjunction with as part of the restaurant.

### **15. Will restaurants that are mostly family entertainment centers be required to verify vaccination for indoor patrons?**

Not if the facility is permitted as a full-service restaurant. In these instances, patrons in the family entertainment area are expected to be masked at all times to help lower the risk of exposure within the setting.



### **EMPLOYEES AND HIRED, TEMPORARY PERFORMERS**

#### **16. Who is included as an “employee”? Will performers be required, even if they aren’t employed by the bar/lounge/nightclub?**

Employees encompass all personnel who are regularly on-site in the facility. This includes front of house, back ofhouse, part-time, full-time, seasonal staff, and performers.

Many businesses may have “independent contractors” working on-site, but do not consider them to be employees. However, the California State Labor Code considers some independent contractors to be employees. Check the California Department of Industrial Relations’ [Independent Contractor versus Employee](#) webpage.

#### **17. How can I help my employees to get vaccinated?**

For staff who are seeking more info or who hesitant to get vaccinated, engage them in conversation about their concerns and help them find trusted, factual information about the COVID-19 vaccines. You may refer them to [VaccinateLACounty.com](#) for information about the safety and efficacy of the three available COVID-19 vaccines, and to find a vaccination site that fits your schedule. **The vaccines are free and appointments are not necessary** at many COVID-19 vaccination sites. Information on each vaccination site can be found on the website listed above.

COVID-19 vaccines are also widely available in Los Angeles County at large retail pharmacies (e.g., CVS and Walgreens), local pharmacies, and your regular health care provider. **Consider offering** paid time off for them to get vaccinated and, if needed, to recover from any [vaccine side effects](#), which typically occur in the first 2 days after getting the vaccine. Consider holding a [vaccination day on-site](#) for your staff. Visit our [vaccine partner site](#) to find a list of vaccine providers that will bring a mobile vaccination clinic to you.

#### **18. What about my staff that qualify for an exemption from the vaccination requirement?**

Employees may be exempt only upon providing the employer a declination form signed by the individual stating the worker is declining vaccination based on sincerely held religious beliefs or the individual is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons. Forms citing Qualified Medical Reasons must include a written statement signed by a practicing physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating the individual qualifies for the exemption and the probable duration of the worker’s inability to receive the vaccine.

Exempted employees must be screened for COVID-19 at least once per week with a COVID-19 or SARS-CoV-2 PCR or antigen test that has been given Emergency Use Authorization (EUA) or approval by the U.S. Food and Drug Administration. Exempted employees must also wear a surgical mask or higher-level respirator approved by NIOSH at all times.



### TEMPORARY NON-EMPLOYEE, NON-PATRON VISITORS

**19. Will facilities need to verify vaccination status for regulatory and repair service technicians entering the indoor area to perform a service? For example, water and gas repair and maintenance contractors?**

No. Regulatory and repair temporary visitors that are in the facility to provide a service will not be required to show proof of vaccination to enter indoor spaces of a facility. They must wear a face mask while indoors. The Health Officer Order requirement for proof of vaccination for entry applies to patrons of the establishment.

### INFORMATION

**20. There are several “Health Officer Orders” that have been issued. How do I know which one I need to adhere to?**

The Department of Public Health has adopted a staged approach, based on local circumstances and risks and supported by science and public health expertise, to reopen and lower the risk of spread within business operations and the community. As such, it is important to visit the Public Health website frequently for the most recent Health Officer Orders, regular updates, and the most recent guidance. These can be found at <http://publichealth.lacounty.gov/media/Coronavirus/> In addition to the Health Officer Order, the website has a number of great resources such as best practices documents for various business sectors and for the public.