



ARIZONA DEPARTMENT
OF HEALTH SERVICES

FAQs for Counties Regarding COVID-19 Business Compliance

1. What role does ADHS see for local jurisdictions with facilities who submitted attestations?

ADHS urges all parties to comply with the executive orders and laws to ensure the protection of public health and limit the spread of COVID-19. ADHS anticipates there will be a learning curve for all parties involved including the proprietors, their employees, the patrons, neighbors, and local jurisdictions.

Local jurisdictions are responsible for education, complaint investigations, and enforcement of applicable laws.

Local jurisdictions such as the county health departments and local law enforcement have authority and responsibility to enforce applicable law including state statute and executive orders, such as, but not limited to: EO 2020-43, EO 2020-47, ARS § 36-186, 36-183.06, 36-602, 26-316, and 26-317.

2. Does ADHS provide feedback to the facilities approving their applications to reopen? What if there are issues with the applications and approaches?

Facilities are provided feedback if an application for approval to reopen has been submitted. If there is an attestation on file, there is no opportunity for feedback. Counties can refer to the ADHS [COVID-19 Guidance for Businesses](#) for additional information.

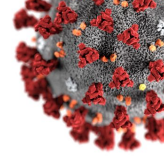
3. At what point does the state want to know from a county health department when a facility is not complying with the attestation?

For COVID-19 Business Complaints, counties with an IGA (Intergovernmental Agreement) with ADHS should be providing information to ADHS regarding responses to complaints that were made to ADHS and forwarded to the county. ADHS is also working on a solution to facilitate information sharing with counties without an IGA.

4. Are there recommendations for gyms, as most health departments don't regulate these establishments? If noncompliance is observed, do we refer the facility to ADHS if an attestation form was submitted?

Local jurisdictions such as the county health departments and local law enforcement have authority and responsibility to enforce applicable law including state statute, executive orders, and Emergency Measures such as, but not limited to: EO 2020-43, EO 2020-47, EM 2020-02, ARS § 36-186, 36-183.06, 36-602, 26-316, and 26-317).

Detailed information about gym requirements is available [here](#).



5. If a facility is found to not be in compliance with the attestation forms, are they removed from the state website?

Local jurisdictions such as the county health departments and local law enforcement have authority and responsibility to enforce applicable law including state statute and executive orders, such as, but not limited to: EO 2020-43, EO 2020-47, ARS § 36-186, 36-183.06, 36-602, 26-316, and 26-317). A list of businesses who have filed attestations with ADHS is located [here](#).

If an establishment is able to demonstrate corrective actions, the establishment will not be removed from the state [website](#). If the proprietor refuses to comply with the executive orders mentioned above, the business can be ordered to halt practices that may put the public at risk or halt operations permanently.

6. If a facility has a class 6 or 7 license and they operate as a restaurant, is it ok for them to open?

The type of liquor license (Class 6 or 7) is not important to this process. The establishment needs to provide dine-in service to apply/attest to open as a bar with food.

7. Is there an interpretation at the State level for percentages of sales of food vs. alcohol to make it a restaurant and not a bar?

Percentage is not important for these purposes. Establishments must serve food and operate as a restaurant to apply as a bar serving food.

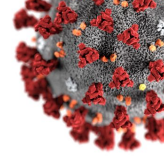
8. Bars who want to convert and operate as restaurants? What would they have to do to reopen?

They need to follow the state and local laws to serve food, attest/apply as a bar that serves food, and follow the [Requirements for Restaurants and Bars Providing Dine-In Service](#).

Specifically, these establishments must provide a service whereby employees of the establishment take food orders from customers who are seated within the establishment and deliver the food to the customer.

9. If establishments fall within the threshold of being open (Minimal or Moderate) and then have to close within two weeks or a month based on COVID-19 incidence, who will make sure these establishments in fact actually close, how will this be tracked?

ADHS/local jurisdictions continuously monitor community spread metrics by county. When transmission spread metrics are in the Moderate category, businesses must abide by the Department-specified mitigation guidelines found [here](#). A county's business reopening category will not move from Moderate to Substantial until all three metrics (cases, percent positivity, COVID-19 like illness) are in the Substantial category. If a county appears to be moving toward the Substantial



category, ADHS will work with that county to provide guidance to businesses within the county.

10. Any guidance on buffets? Does this order and this system for re-opening apply to buffets?

Self-service kiosks and buffets should not be permitted per the [Requirements for Restaurants and Bars Providing Dine-In Service](#) (page 9).

11. Will ADHS notify the specific county if a special dispensation is approved?

Counties may visit the [Check Status of Submitted Attestation website](#) to identify which establishments have been allowed to open via the attestation process (limited to counties with minimal or moderate COVID spread).

For establishments in counties with substantial spread, an application may have been reviewed by ADHS with approval given to the proprietor. These approved applicants can also be found on the [Check Status of Submitted Attestation website](#).

12. Will ADHS notify the specific County when attestations are received?

Counties may visit the [Check Status of Submitted Attestation website](#) to identify which establishments have been allowed to open via the attestation or approval to reopen process.

13. Many “bars” will not have the correct equipment (hoods, stoves, refrigeration) to convert to a restaurant. The statement that they must comply with other regulations including the food code is general, there could be significant cost to convert. Is there a plan to communicate this more clearly?

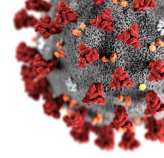
“Converted to restaurant service” as outlined in the guidance document is meant to describe the style of service, not to mean a physical conversion to create a full-service kitchen in a bar.

For example, if a bar follows the guidance document and seats people at tables with proper social distancing while offering food, instead of the traditional bar gathering, this would be considered “converted to restaurant service.”

The food can be catered, or from a food truck, but the table needs to order from the bar’s staff (the server takes an order from the customer, gets the food, and delivers the food to the customer).

14. Most counties do not have a “bar” permit but eating and drinking permits with a class (1-5) that encompasses “restaurants” as well. Is this referring to their liquor license or food permit?

Bars serving food refers to establishments that have typically been operated as bars that also serve food. The permitting process is different county by county.



Restaurants that serve alcohol are covered by Executive Order 2020-47 and are not subject to this attestation/application to reopen process.

15. Are food establishments going to be notified when the metrics are met or are you expecting food operators to go to your website?

Businesses will need to check the Business Dashboard website (azhealth.gov/businessCOVID19) weekly. The transmission spread metrics are updated weekly by 9 am on Thursdays.

16. How does ADHS qualify if a business claims to be a restaurant yet have hours of operation that extend unto 2:00 a.m.?

A business can attest/apply as a bar with food. Establishments approved to reopen when a county is in substantial spread, are typically required to close by 10 PM. As the transmission levels decrease, this restriction is loosened. However, the expectation is still that patrons remain seated at all times unless getting up to go to the restroom or leaving the establishment. Establishments open until 2 AM should be prohibiting dancing, mingling within the establishment, and congregating around the bar or other areas.

17. Would an off-track betting establishment (OTB) be allowed to have patrons line up to place bets? The servers are not allowed to take the bets, but there is a no-standing rule in the restaurants. The establishment could potentially provide for proper physical distancing such as placing stickers on the floor to indicate where people should wait for their turn.

Proper physical/social distancing should be followed. People should not be allowed to congregate while standing in line. If the OTB has a bar or a restaurant, they would have to follow the guidelines for dine-in service.

Resources:

- Executive Orders: <https://azgovernor.gov/executive-orders>
- [ADHS Workplace & Community Locations](#)
- ASRS statutes mentioned: [ARS § 36-186](#), [36-183.06](#), [36-602](#), [26-316](#), and [26-317](#)