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Emergency Notice - Notbekanntmachung

The following Ordinance is pronounced in accordance with Art. 51 Paragraph (4) Sentence 1 of the [Bavarian State Criminal Law and Ordinance *[Landesstraf- und Verordnungsgesetzes/LStVG]*]; published in the Bavarian Law and Ordinance Gazette *[Bayerisches Gesetz- und Verordnungsblatt/GVBl]* in accordance with Art. 51 Paragraph (4) Sentence 2 of the LStVG:

Second Bavarian Ordinance on Protective Measures Against Infectious Diseases

Zweite Bayerische Infektionsschutzmaßnahmenverordnung [2. BayIfSMV]

dated 16 April 2020

Pursuant to § 32 sent 1 of the Law on Protection Against Infectious Diseases *[Infektionsschutzgesetz/IfSG]* dated 20 July 2000 (Federal Law Gazette I p. 1045), last amended by Art. 1, 2 and 3 of the Law dated 27 March 2020 (Federal Law Gazette I p. 587) in conjunction with § 9 No. 5 of the Delegation Ordinance *[Delegationsverordnung/DeIV]* dated 28 Jan 2014 (Federal Law Gazette p. 22, Compilation of Bavarian Laws 103- 2-V), last amended by Ordinance dated 13 Jan 2020 (Bavarian GOV Gazette p. 11), the Bavarian State Ministry for Health and Care **decrees** the following:

§ 1

Ban on Public Events and Gatherings

(1) Public events and gatherings are prohibited statewide. This also applies to assemblies in churches, mosques and synagogues as well as assemblies of all other religious communities. Requests for exemptions may be granted by the responsible district administrative authorities if such an individual exemption is justifiable under infection control aspects

(2) Signs or similar notices will be posted in public parks and green areas to inform visitors about the 1.5m minimum distancing requirement

§ 2

Operation Prohibition

(1) Prohibited is the operation of all establishments which do not serve the everyday needs but are of recreational use only. These include in particular saunas or swimming pools, movie theaters, conference and event sites, clubs, bars and discotheques, gambling halls, theaters, club houses, brothels, museums, guided city tours, gyms, sports fields and playgrounds, fitness centers, libraries, wellness clinics, spas, dancing schools, zoos, amusement parks, sports betting sites, training and education centers, community colleges, music schools and youth centers, youth hostels and school camps. Bus vacation tours are also prohibited.

(2) Prohibited are all types of hospitality establishments. This also applies to restaurants and outdoor dining areas (e.g. beer gardens, terraces). Exempt are sales of take-out food for pick up or delivery. The responsible district administrative authorities may grant a request for exemption to company dining facilities - provided that this

1. is justifiable in individual case under infection control aspects and absolutely necessary for the operation of the establishment, and
2. it is ensured that the patrons maintain the minimum distance of at least 1.5m and no more than 30 persons are in the room at any time.

(3) Prohibited is the operation of hotels and lodgings and the provision of any type of accommodation to private tourists. Exempt thereof are hotels, lodgings and accommodations of any kind which exclusively cater to business travelers and guests for non-tourist purposes.

(4) Prohibited is the operation of retail stores for customers. Exempt are grocery stores, beverage markets, banks and ATMs, pharmacies, drugstores, medical supply stores, opticians, hearing-aid specialists, sale of press articles, letter and mail order agencies, post offices, do-it-yourself and garden centers, horticultural stores, tree nurseries pet supply shops, gas stations, automotive repair shops, bicycle repair shops, laundries and online trading. The responsible district administration authorities may grant a request for exemption to other businesses which are absolutely necessary for supply and logistics for the general public, insofar as this is justifiable under infection control aspects. The operation of shopping centers and department stores is only permitted in accordance with the foregoing exceptions.

(5) Notwithstanding paragraph 4 sentences 1 and 5, the opening of other shops, shopping centers and retail department stores is also permitted if

1. The salesrooms do not exceed 800 square meters and
2. The operator must take suitable measures to ensure that the number of customers present in the store never exceeds one customer per 20 square meters of sales area.

(6) The following applies to shops which are operating according to the above rules:

1. The operator must take suitable measures to ensure that in general a minimum physical distance of 1.5m can be maintained between the customers.
2. The staff must wear mouth-nose coverings.
3. The customers must wear mouth-nose coverings which they either bring along or will be placed at their disposal by the operator, if so available.
4. The operator must prepare a protection and hygiene concept (e.g. access, mouth-nose coverings) and, if customer parking spaces are available, also a parking space concept which must be presented to the responsible district administrative authority upon request.

In individual cases, the responsible district administrative authorities may issue additional directives if deemed necessary for reasons of protection against infections.

(7) Irrespective of other provisions, the minimum physical distance of 1.5m between patrons must be maintained in all service providing establishments. Moreover, only maximally ten persons may be present in the waiting area, even if the minimum distance is maintained.

§ 3 Prohibition of Visits

Prohibited are visits to the following:

1. Hospitals as well as preventive and rehabilitation facilities which offer equivalent medical care (facilities IAW § 23 para (3) numbers 1 and 3, IfSG); except for maternity and children's wards

for close relatives, and palliative wards and hospices.

2. Inpatient care facilities within the meaning of § 71 Paragraph (2) of the Eleventh Book of the Social Code [SGB XI].
3. Facilities for disabled persons within the meaning of § 2 Paragraph (21) of the Ninth Book of the Social Code [SGB IX] where integration assistance is provided day and night.
4. Outpatient assisted living communities within the meaning of § 2 Paragraph (2) of the Law on Nursing and Living Quality Act [Pflegewohnqualitätsgesetz/PfleWoqG] for the provision of outpatient intensive care [IntensivpflegeWGs] in which outpatient nursing services are provided IAW § 23 Paragraph (6a), IfSG.
5. Elder-Homes and residential homes for senior citizens.

Close relatives are permitted at any time to accompany dying relatives in deviation from Sentence 1.

§ 4 Universities

At present, there are no face-to-face events in Bavarian universities. It is permitted to hold final exams as well as practical events requiring laboratory or work areas at universities in deviation from Sentence 1, however, the minimum physical distancing of 1.5m must be observed. In deviation from § 2 Paragraph (1) Sentence 1, university libraries as well as state libraries and archives can be opened; § 2 (7) applies accordingly.

§ 5 General Stay-at-Home Restrictions

(1) Every individual is ordered to reduce all physical and social contacts with other persons, except for family members living in the same household, to the absolute minimum extent possible. Wherever possible, a minimum distance of 1.5m [4.9 feet] must be maintained between two individuals.

(2) Leaving a private residence is only permissible for a credible reason.

(3) Credible reasons within the meaning of Section 2 include:

1. Carrying-out professional activities.
2. Seeking medical and veterinary treatment, visits to therapeutic healthcare professionals, if medically required and blood draw participation.
3. Procuring everyday consumer goods and making purchases in stores which are permitted to operate within the meaning of § 2 para. (4) Sent 2. However, the utilization of other services, such as a visit to the hairdresser, does not constitute an everyday need.
4. Visiting life partners, the elderly, the sick or persons with impairments (not living in facilities) and the exercise of parental custody and visitation rights in a person's own residence.
5. Accompanying persons in need of assistance and minors.
6. Accompanying dying persons and funeral attendance by the close relatives only.
7. Sports and outdoor exercise, however, exclusively alone only, with another person who does not live in the same household, or with members of your own household and not in a group of any kind.
8. Activities necessary for animal care.

(4) The police are required to check compliance with the stay-at-home restrictions. In the event of such a police check, the subject individual must provide a credible reason.

§ 6 Local Public Transport

Persons should wear mouth-nose coverings when using local public transport.

§ 7 Administrative Offenses

A willfully or negligently committed infringement constitutes an administrative offense IAW § 73 para. (1a) No. 24 IfSG:

1. Punishable under § 1 para. 1 for conducting or participating in an event or gathering.
2. Punishable under § 2 para. 1 for operating establishments or conducting bus vacation trips.
3. Punishable under § 2 para. 2 for the operation of hospitality establishments.
4. Punishable under § 2 para. 3 for the operation of hotels or other lodgings or accommodations for private tourists.
5. Punishable under § 2 para. 4 and 5 for the operation of retail stores.
6. Punishable under § 2 para. 6 for failure on part of the store operator to ensure that the required minimum physical distance is maintained, or inability to present a protection or hygiene concept or parking concept.
7. Punishable under § 2 para. 7 for failure, as responsible service provider, to ensure that persons maintain the required minimum physical distance or for allowing more than ten persons to be present in a waiting area.
8. Punishable under § 3 para.1 for visiting one of the listed establishments.
9. Punishable under § 5 para. 2 for leaving a private residence without credible reason.

§ 8 Local Measures

Further directives by local health authorities remain unaffected hereby.

§ 9 Modification of Ordinance on Quarantine for Inbound Travelers

§ 4 of the Ordinance on Quarantine for Inbound Travelers [Einreise-Quarantäneverordnung/EGV] dated 9 April 2020 (Bavarian Ministerial Gazette No. 192) is modified in that the date "19 April 2020" is replaced by "3 May 2020".

§ 10 Entry into Force, Expiration

This Ordinance becomes legally effective on **20 April 2020** and will expire on **3 May 2020**.
§ 2 para (4) sent. 4, para. (5), § 4 sent. 2 and 3 become legally effective on 27 April 2020 in notwithstanding Sentence 1.

**Bayerisches Staatsministerium für Gesundheit und Pflege
Bavarian State Ministry of Health and Care**

Melanie Huml, Minister of State

END OF TRANSLATION

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