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TRANSLATION FROM THE GERMAN LANGUAGE

11. BayIfSMV: Eleventh Bavarian Ordinance on Protective Measures Against Infectious Diseases (11. BayIfSMV) dated 15 December 2020 (Bavarian Ministerial Gazette No. 737) Compilation of Bavarian 2126-1-15-G (§§ 1-29)

Eleventh Bavarian Ordinance on Protective Measures Against Infectious Diseases Elfte Bayerische Infektionsschutzmaßnahmenverordnung (11. BayIfSMV)

dated 15 December 2020

(Bavarian Ministerial Gazette No. 737)

Compilation of Bavarian Laws [Bayerische Rechtssammlung/BayRS 2126-1-15-G]

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Pursuant to § 32 Sent. 1 in conjunction with § 28 (1) Sent. 1, §§ 28a, 29, 30 (1) Sent. 2 of the Law on Protection Against Infectious Diseases [Infektionsschutzgesetz/IfSG] dated 20 July 2000 (Federal Law Gazette I p. 1045), last amended by Art. 2 of the Law dated 18 November 2020 (Federal Law Gazette I p. 2397) in conjunction with § 9 No. 5 of the Delegation Ordinance [Delegationsverordnung/DeIV] dated 28 Jan 2014 (Bavarian Statutory and Regulatory Gazette [GVBl.] p. 22, Compilation of Bavarian Laws BayRS 103-2-V), last amended by the Ordinance of 13 January 2020 (GVBl. p. 11), the Bavarian State Ministry of Health and Care decrees the following:

Part 1 General Provisions

§ 1 Distancing requirement, mouth-nose covering, recording of contact data

(1) Every individual is urged to reduce all physical contacts with other persons to an absolute minimum and to keep the group of people as constant as possible. Wherever possible, a minimum distance of 1.5m [4.9 feet] must be maintained between two individuals. When it is not possible to maintain the minimum distancing in public spaces, a mouth-nose covering should be worn. Always ensure a sufficient level of ventilation in closed spaces.

(2) Insofar as provided in this Ordinance on mouth-nose coverings (duty to wear mask), the following applies:

1. Children under 6 years of age are exempt from wearing face coverings.
2. Exempt are persons who can credibly substantiate that it is impossible or unreasonable for them to wear a face covering due to disability or health reasons. If such health reasons exist, then credible substantiation must be provided in a medical certificate which reflects the professional medical assessment (diagnosis), the Latin term or ICD-10 illness classification code, and the underlying reason for the exemption to wear a face covering.
3. Removal of the face covering is permissible for identification purposes or communication with hearing-impaired persons or other valid reasons.

as this Ordinance provides for the duty to wear a FFP2 mask or a mask of at least an equivalent regulated standard (FFP2 mask requirement), Sentence 1 applies accordingly with the proviso that children between the 6th and 15th birthday only have to wear a mouth-nose covering.

(3) Insofar as contact data is collected under this ordinance or on the basis of the protection and hygiene concepts for the identification of contact persons in the event of a SARS-CoV-2 coronavirus infection, the following shall apply in addition to § 28a (4), Sentences 2 thru 7 of the Law on Protection Against Infectious Diseases (IfSG):

1. The last name and first names, reliable contact information (telephone number, e-mail account or address) and the duration of the stay must be documented.

2. The contact information provided to the person who is obliged to collect data must be truthful.

Authorities, courts and public agencies which fulfill tasks in the public interest or act in the exercise of public authority may also record personal data within the scope of granting access to the respective buildings or rooms; Sentence 1 applies accordingly.

§ 2 General Movement Restrictions

Leaving a private residence is only permissible for compelling reasons. Compelling reasons within the meaning of Section 1 include:

1. Exercise of professional or official business activities.
2. Visits to facilities and making use of offers within the meaning of §§ 18 thru 21, provided that they are permissible, and the participation in examinations as per § 17.
3. Using medical, nursing and veterinarian services, visits to members of therapeutic professions and blood donations.
4. Provision errands, shopping and visits to service providing establishments to the extent permissible under §§ 12 and 13.
5. Visiting another household in compliance with the contact restrictions set forth in § 4.
6. Visiting spouses, life partners, non-marital partners, elderly persons, sick persons or persons with disabilities in compliance with the contact restrictions set forth in § 4.
7. Exercising parental custody rights and visitation rights.
8. Accompanying persons in need of assistance and minors in compliance with the contact restrictions set forth in § 4.
9. Accompanying dying persons and funeral attendance by the closest circle of family and friends.
10. Sports and exercise outdoors in compliance with the contact restrictions set forth in § 4.
11. Taking care of animals.
12. Visits to government offices.
13. Participating in religious services and gatherings of religious communities in compliance with § 6 and gatherings in compliance with § 7.

§ 3 Night-time curfew

Bavaria-wide, a stay outside a private residence is prohibited between 2100 hours to 0500 hours unless there exists a compelling reason such as:

1. A medical or veterinary emergency or other urgent medical treatment.
2. Exercising professional or official duties or urgent vocational training purposes.

3. Exercising parental custody rights and visitation rights.
4. Providing urgent care for persons in need of support and minors.
5. Accompanying dying persons.
6. Activities necessary for animal care or
7. Other imperative and irrefutable reasons.

§ 4 Contact Restrictions

(1) Joint stays in public space spaces, in privately used rooms and on privately used premises are only permitted subject to the provisions of § 3 for members living in the same household and one other person as well as associated children aged three years and under. § 2 Numbers 7 and 9 remain unaffected hereby. In deviation of Sentence 1, the reciprocal, free of charge, non-professional babysitting of children under 14 years of age in fixed childcare groups organized by families or neighbors is permitted if the children come from a maximum of two households.

(2) Para (1) does not apply to professional and official activities as well as volunteer activities in corporations and institutions under public law which necessitate the cooperation of several persons.

Part 2 Public Life

§ 5 Events, parties

Events, assemblies, except for assemblies defined in § 7, gatherings as well as public festivities are prohibited Bavaria-wide, unless otherwise stipulated in this Ordinance. Partying in public spaces or parks is prohibited.

§ 6 Religious Services, Gatherings of Religious Communities

Publicly accessible worship services in churches, synagogues and mosques as well as gatherings of other religious communities are permitted under the following conditions:

1. If held in buildings, the maximum number of participants depends on the number of available seats; whereby a minimum distance of 1.5m between each seat must be maintained.
2. A minimum distance of 1.5m must be maintained between persons who do not belong to the same household.
3. Visitors are obligated to wear face coverings.
4. Congregational singing is prohibited.
5. There must be a protection plan for worship services or gatherings to minimize possible infection for the religious community and rite which must be presented to the responsible district administrative authorities on demand.
6. Religious services and gatherings of religious communities comparable to large scale events are prohibited.
7. In church services and gatherings of religious communities where it is anticipated that the number of visitors will reach full capacity, participation is only permitted after prior registration.

§ 7 Assemblies as defined in Article 8 of the Basic Law

(1) For public gatherings held outdoors within the meaning of Article 8 of the German Basic Law, a minimum physical distance of 1.5m must be maintained between all participants and any physical contact with other participants of the gathering or third parties must be avoided. Insofar as necessary in individual cases, the authorities responsible as per Art. 24 (2) of the Bavarian Assembly Act shall impose necessary restrictions in accordance with Art. 15 of the Bavarian Assembly Act to ensure:

1. Compliance with the provisions outlined in Sentence 1 and
2. The infection risks emanating from the assembly also remain limited to an extent that is justifiable under infection protection law. This can usually be assumed if the gathering does not have more than 200 participants and takes place at a fixed location.

Face coverings are mandatory for all participants. This does not apply to the leader of the assembly during announcements and speakers during speech delivery as well as participants while driving a motor vehicle in road traffic during the assembly. If the requirements as per Sentence 2 cannot be ensured even through restrictions, the meeting is to be prohibited.

(2) Assemblies as per Article 8 of the Basic Law in closed rooms are permitted under the following conditions:

1. The organizer has to implement adequate measures to that a minimum distance of 1.5m physical distance can always be maintained between all participants and any physical contact among participants of the gathering or third parties can be avoided.
2. In observance of the requirements under No. 1, a maximum of 100 participants is permitted.
3. Face coverings are mandatory for all participants. Paragraph (1) Sent. 3 applies accordingly.
4. The organizer has to prepare a protection and hygiene plan which must be presented to the responsible district administrative authorities on demand.

§ 8 Public Transport, School Transport, Tourist Buses

In long-distance public transport and the associated facilities, all passengers and air travelers as well as conductors and service staff who have contact with passengers and air travelers are required to wear mouth-nose coverings. Sentence 1 applies accordingly to local public transport and the associated facilities as well as cost-free school bus transport with the proviso that a duty to wear a FFP2 mask is mandatory for the respective passengers. Tourist bus trips are prohibited.

§ 9 Special Visitation and Protective Provisions

(1) Visits to patients or residents of

1. Hospitals as well as preventive and rehabilitation facilities which offer equivalent medical care comparable to hospitals (facilities as per § 23 (3) Sentence 1 Numbers 1 and 3, IfSG);
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 Section 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 (3) of the Law on Nursing and Living Quality Act for the provision of outpatient intensive care in which outpatient nursing services are provided as per § 23 (6)(a) IfSG.

5. Elder-Homes and residential homes for senior citizens

Face coverings must be worn by the visitors, and the physical distancing of 1.5m must be constantly maintained if possible. The facility must prepare and implement a protection and hygiene concept on the basis of the framework concept published by the Bavarian State Ministry of Health and Care which must be presented to the responsible district administrative authorities on demand.

(2) For facilities as per Paragraph 1 Sent. 1 Numbers 2, 3 and 5, the following applies additionally:

1. Each resident may only receive one visit per day by one person who has a written or electronic medical certificate on a negative SARS-CoV-2 coronavirus infection which must be presented on demand. The medical certificate must be based on a POC antigen rapid test result which may not be older than 48 hours and a PCR test which may not be older than three days prior to the visit. The test must fulfill the respective requirements of the Robert Koch Institute. Visitors are required to wear a FFP2 mask within the facility at all times.
2. The personnel will be monitored by the responsible district administrative authorities and has to be tested regularly for a SARS-CoV-2 coronavirus infection; at least on two different days during the employee's work week and the test result must be presented on demand to the facility manager and the responsible district administrative authorities or another designated agency. The facilities have to arrange the requisite testing. At the onset of typical symptoms of a SARS-CoV-2 coronavirus infection such as cough, fever or loss of smell and taste, the employee must immediately notify the competent district administrative authorities.

Outpatient nursing services must have their employees regularly tested for an infection with the SARS-CoV-2 coronavirus within the limits of available testing capacities, if possible on two different days per week.

(3) Accompanying dying persons is permitted at any time.

Part 3 Sports and Leisure Time

§ 10 Sports

(1) The exercise of individual sports is only permitted in compliance with the contact restrictions as per § 4. The exercise of team sports is prohibited. Paragraph 2 remains unaffected thereby.

(2) Competitions and training practice of professional athletes as well as competitive athletes of the federal and state cadres are permitted under the following conditions:

1. No spectators are present.
2. Only such persons are admitted to the sports facility who are necessary for competition or training operations or media coverage.
3. The organizer has to design and comply with a protection and hygiene concept to minimize the risk of infection which has to be presented to local authorities upon request.

(3) The operation or use of gyms, sports grounds, fitness studios, dance schools and other physical fitness facilities is prohibited. Paragraph 2 remains unaffected thereby.

§ 11 Recreational Facilities

(1) The operation of amusement parks and comparable fixed-site recreational facilities is prohibited. Commercial recreational activities may not be offered outdoors or indoors.

(2) Outdoor playgrounds are only open to children who are accompanied by an adult. The accompanying adults are held to avoid any gathering and ensure that the children maintain adequate social distancing wherever possible.

(3) City tours and guided walking tours, hiking, cultural and nature tours as well as tours in showcase caves and tourist mines are prohibited.

(4) The operation of cable cars, tourist excursions on rivers and lakes as well as touristic train tours and river cruises are prohibited.

(5) The opening and operation of bathing facilities, hotel swimming pools, thermal spas and wellness centers as well as saunas are prohibited. § 10 (2) remains unaffected thereby.

(6) Brothels, prostitution facilities, gambling halls, casinos, betting shops, clubs, discotheques, other entertainment establishments and comparable recreational facilities are closed.

Part 4 Economy

§ 12 Trade and Service Industry, Markets

(1) The opening of shops with customer traffic is prohibited. Exempt are grocery stores, inclusive of direct sale by producers, delivery services, beverage markets, health food stores, baby stores, pharmacies, medical supply stores, drugstores, opticians, hearing aid specialists, gas stations, automotive repair shops, bicycle repair shops, banks and savings banks, postal and mail order agencies, dry cleaners and laundries, the sale of press articles, animal food and supplies and other retail and wholesale stores for daily needs. Prohibited is the sale of merchandise beyond the normal product range of the respective shop. The following applies to businesses and wholesale stores which are permitted to operate pursuant to Sentence 2:

1. The operator has to implement adequate measures to ensure that a minimum physical distance of 1.5m can always be maintained between the customers.
2. The operator must take suitable measures to ensure that the number of customers present in the shop at the same time is not higher than one customer per 10 square meters for the first 800 square meters of the sales area as well as one additional customer per 20 square meters for the sales area exceeding the 800 square meters.
3. In the sales rooms, on the sales premises, in the entrance and waiting areas in front of the sales rooms and in the associated parking lots, staff must wear face coverings; and customers and accompanying persons are obligated to comply with the FFP2 mask requirement. Face coverings for staff are not required if transparent or other adequate partition barriers were installed at checkout or service counter as reliable protection against infection.
4. The operator has to design a protection and hygiene plan for customer traffic which must be presented to the responsible district administrative authorities on demand.

The following applies to shopping centers:

1. Sentences 1 thru 4 apply to the individual shops:
2. In regard to shopping centers, Sentence 4 applies with the proviso that the maximum number of customers permitted is based on the total area of the shopping center accessible to customers, and the protection and hygiene concept must take into account the total streams of customers in the shopping center.

In deviation of Sentence 1, the pick-up of pre-ordered merchandise in shops is permitted; hereby Sentence 4 Numbers 1, 3 and 4 apply accordingly under the proviso that the protection and hygiene concept has to include measures to prevent the gathering of customers i.e. by staggered pick-up time windows.

(2) Provision of services requiring close physical contact with customers, e.g. beauty parlors, barber shops, cosmetic studios, medical massage practices, tattoo parlors or similar establishments, are prohibited.

(3) Permitted is the opening of medical and dental practices and all other type of other practices where medical, therapeutic and healthcare services or necessary medical treatments are provided. Hereby Para 1 Sent 4 Nos. 1

and 3 apply accordingly, with the proviso that the duty to wear a face covering is inapplicable if the type of provided service does not allow the wearing of face coverings. Further obligation to wear medical face protection masks remains unaffected hereby.

(4) Markets are prohibited. The sale of food is excepted. Para 1 Sent. 4 Nos. 1 and 4 apply accordingly to the organizer under the proviso that a protection and hygiene concept is designed on the basis of the framework concept published by the State Ministry for Economic Affairs, Regional Development and Energy and State Ministry of Health and Care. For sales staff, customers and their accompanying persons, Para 1 Sent. 4 No. 3 applies accordingly.

§ 13 Dining Establishments

(1) Food and beverage establishments of every type, including company dining facilities, are prohibited except for Para (2) and (3).

(2) Pick-up and delivery of takeout food and beverages are permitted. The on-site consumption of takeout food and beverages is prohibited.

(3) The operation of non-public company dining facilities is exceptionally permitted under the following conditions:

1. The on-site consumption of food and beverages is essential for operational purposes.
2. A minimum 1.5m distance can be maintained between guests who do not belong to the same household.
3. The operator has to design a protection and hygiene plan which must be presented to the responsible district administrative authorities on demand.

§ 14 Lodging

(1) Lodging offers may only be made available by hotels, accommodation facilities, school camps, youth hostels, camping grounds and all other commercial accommodations for a compelling reason, in particular for professional and business purposes. Offering lodgings to tourists is prohibited.

(2) For offering lodgings under Paragraph 1 Sentence 1, the following applies:

1. The operator has to implement appropriate measures to ensure that the 1.5m minimum distance can be maintained at all times between guests who do not belong to the same household and between guests and staff.
2. Guests who do not belong to the same household may not be lodged in the same room or same accommodation unit.
3. The wearing of face coverings is mandatory for service personnel or in those areas where the 1.5m minimum distance cannot be maintained, and for patrons who are not in their seat in the restaurant area or in their accommodation unit. § 12 (1) Sent. 4 No. 3 half-sentence 2 applies accordingly.
4. The operator must prepare a protection and hygiene concept on the basis of the framework concept published by the Bavarian State Ministry of Economic Affairs, Regional Development and Energy and the State Ministry of Health and Care. This concept must be presented to the responsible district administrative authorities upon request.
5. The organizer has to record the contact data of patrons in accordance with § 1 (3).

(3) For food-service offers, the specific provisions in this ordinance apply.

§ 15 Conferences, Congresses, Trade Fairs

Conferences, congresses, trade fairs and comparable events are prohibited.

§ 16 Company Lodgings

For companies and agricultural facilities which employ at least 50 employees housed in joint lodging establishments or company-owned or leased lodging, the responsible district administrative authorities can order protection and hygiene measures in specific instances if deemed necessary from an infection protection perspective. The operators are responsible for the compliance with the protection and hygiene measures and have to conduct regular checks which must be documented accordingly.

Part 5 Education and Culture

§ 17 Examinations

The taking of exams is only permitted if a minimum physical distance of 1.5m is maintained between all participants. If compliance with the minimum distance is not possible due to the type of examination, then other effective protective measures must be taken. Spectators who are not part of the examination are not permitted.

§ 18 Schools

(1) Schools within the meaning of the Bavarian Law on Education are closed for students/pupils. There will be no other school events. Provisions for emergency student care will be issued by the responsible State Ministry. For all activities on the school premises and in the emergency student care, the schools and responsible after-school care providers have to prepare a protection and hygiene concept on the basis of the hygiene plan (framework hygiene concept) designed by the State Ministry of Education and Culture and State Ministry of Health and Care and present this concept to the responsible district administrative authorities on demand.

(2) The wearing of face coverings is mandatory on the school premises and at all emergency student care sites. Notwithstanding § 1, excepted are the following:

1. Students (pupils) after approval by the supervisory teacher for compelling pedagogical, didactic or school organizational reasons.
2. Non-teaching staff after reaching their respective workplace if no other persons are present.
3. Students (pupils) during the quick intensive airing of classrooms or recreation rooms as well as during short stays on the outdoor school premises, provided that an adequate minimum distance is reliably maintained.

The principal shall expel the person from the school premises in case of non-compliance with Sentence 1

(3) Paragraph 1 Sentences 1, 2 and 4, Paragraph 2 also apply to teachings and studies at the State Institute for the education of special subject teachers and the State Institute for the education of special education teachers.

§ 19 Daycare Facilities for Children, Adolescents and Young Adults of Legal Age

(1) Child development centers, daycare nurseries, daycare during school vacation and organized for children are closed. Guidelines for emergency child care will be promulgated by the State Ministry for Family, Labor and Social Affairs in consultation with the State Ministry for Health and Care.

(2) For the operation of curative daycare centers, the respective sponsor has to prepare a protection and hygiene concept on the basis of the framework hygiene plan designed by the State Ministry for Family, Labor and Social Affairs and the State Ministry of Health and Care and present this concept to the responsible district administrative authorities on demand. Hereby, the requirements for the specific type of facility and the on-site circumstances must be taken into account.

§ 20 Informal education, music schools, driving schools

(1) Prohibited are face-to-face vocational training, continued education and advanced training as well as adult education offers in accordance with the Bavarian Adult Education Promotion Act and comparable offers from different providers as well as other informal education offers, notwithstanding Paragraph 2.

(2) First Aid courses and training of volunteer members of the fire brigade, rescue services and technical rescue organizations are permitted if a minimum 1.5m distance is maintained among all participants. The wearing of face coverings is mandatory if the minimum physical distance cannot be reliably maintained, in particular in meeting and traffic areas as well as while seated during face-to-face teaching events. § 17 Sentence 2 applies accordingly. The operator has to design a protection and hygiene plan which must be presented to the responsible district administrative authorities on demand.

(3) Face-to-face music school lessons are prohibited.

(4) Face-to-face driving theory classes, retraining and driver fitness seminars are prohibited.

§ 21 Universities

There will be no face-to-face events at Bavarian universities. Practical and arts training segments as well as events requiring special laboratory or work areas at universities in deviation from sentence 1 are permitted, however, the minimum physical distancing of 1.5m must be maintained at all times by the participants. The wearing of face covering is mandatory at events defined in Sentence 2. More specific rules set forth in this Ordinance remain unaffected hereby.

§ 22 Libraries, Archives

Libraries and archives remain closed.

§ 23 Cultural Venues

Closed are:

1. Museums, exhibitions, memorial sites, sites of the Bavarian Administration for Castles, Gardens and Lakes, and other comparable cultural venues.
2. Theaters, opera houses, concert halls, stages, movie theaters and similar establishments.
3. Zoos and botanical gardens.

Part 6 Special areas and incidence-dependent provisions

§ 24 Additional duty to wear face coverings, ban on alcohol, infection chain tracing

(1) Face coverings are mandatory as follows:

1. At central meeting areas in the inner city or at other public open-air sites, as identified by the responsible district administrative authorities, where people cluster in close spaces or where they do not just stay temporarily.
2. In meeting and traffic areas, including elevators in public buildings as well as other publicly accessible buildings without other specific provisions under this Ordinance.
3. In meeting and traffic areas at the place of employment, in particular in elevators, hallways, cafeterias and entrances. The same applies to the individual workplace if the 1.5m minimum physical distance cannot be reliably maintained.

(2) The consumption of alcoholic beverages is prohibited in public areas.

(3) As soon as a district (Landkreis) or independent city can no longer handle the infection chain tracing due to a lack of personnel, then the responsible district administrative authorities are obliged to do the following:

1. Notify the responsible government agency accordingly and

2. Request personnel support e.g. from the police and Bundeswehr.

§ 25 Provisions in case of an increased 7-day incidence

(1) If the SARS-CoV-2 coronavirus incidence rate in a district or independent city exceeds 200 per 100,000 population within seven days as per § 28a (3) Sentence 12 IfSG, then the responsible district administrative authorities have to prohibit tourist day trips for persons who live in the respective district or independent city and impose a movement restriction within a 15km radius from their home municipality, notwithstanding §§ 2 and 3. The responsible district administrative authorities have to locally publish the exceedance of the incidence rate as set forth in Sentence 1. Furthermore, the authorities can issue an order to set aside the provisions outlined in Sentence 1 if the incidence rate stipulated in Sentence 1 has fallen below the limit for at least seven consecutive days. If Sentence 1 applies, then the responsible administrative authorities of the affected districts or independent cities can additionally prohibit any tourist day trips within the district or independent cities.

(2) If the SARS-CoV-2 coronavirus incidence rate in a district or independent city is significantly higher per 100,000 population within seven days in comparison with the Bavaria-wide average, then the responsible district administrative authorities immediately have to implement additional measures in coordination with the responsible government, notwithstanding further provisions under § 27.

§ 26 Provisions in case of a 7-day incidence less than 50

If the SARS-CoV-2 coronavirus infection rate in a district or independent city is less than 50 per 100,000 population within seven days as per § 28a (3) Sentence 12 IfSG and the incidence rate shows a declining tendency, then the responsible district administrative authorities may ease the restrictions by issuing a general decree in coordination with the responsible government in deviation of the provisions of this Ordinance.

Part 7 Final Provisions

§ 27 Local Measures and Supplemental Directives

(1) Further directives for the enforcement of the infection control laws imposed by local health authorities remain unaffected hereby. In regard to protective measures under this Ordinance or protection and hygiene concepts, the responsible district administrative authorities can also issue supplemental directives in individual cases if deemed necessary from an infection control perspective.

(2) Exemptions can be issued on request by the responsible district administrative authority, if justifiable in an individual case from an infection control perspective. Exemptions pertaining to a general group of persons or a general case constellation may only be granted with the approval of the responsible government under the provision of Sent. 1.

§ 28 Administrative Violations

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

1. Contrary to § 1 (3) Sent. 1 Number 2, for providing false contact data.
2. Contrary to § 2, for leaving a private residence without compelling reason, or contrary to § 3, for being outside a private residence.
3. Contrary to § 4 (1), for being together with other persons.
4. Contrary to § 5 sent. 1 or § 7 (2), for conducting an event or gathering; contrary to § 7 (2) No. 4 for inability, as organizer, to present a protection and hygiene concept; or contrary to § 5 sent. 1 or § 7 (1) sent 1, for participating in an event or gathering.
5. Contrary to § 5 sent. 2, for partying in public areas and parks.

6. Contrary to § 7 (1) Sent. 3 or § 7 (2) No. 3, for failure, as participant in a gathering, to comply with mask requirement.
7. Contrary to §§ 8, 9, 12 or 14, for failure, as visitor, customer, accompanying person or guest, to comply with FFP2 mask requirement.
8. Contrary to § 9, for failure, as operator of a facility, to present a protection and hygiene plan.
9. Contrary to § 10 (1) and (2), for exercising sports, contrary to § 10 (2) No. 1, for admitting spectators, or contrary to § 10 (3), for operating or using gyms, sports grounds, fitness studios, dance schools or other physical fitness facilities.
10. Contrary to § 11 (1), (2), (4) thru (6), for operating establishments, or contrary to § 11 (3), for conducting touristic tours.
11. Contrary to § 12, for opening a store or pick-up service or organizing a market or operating a shop, a booth on a market or a shopping center, or as responsible operator of a service providing establishment or a practice, to comply with the inherent duties, or for failure to ensure that the staff complies with the mask mandate or, as organizer of a market, for failure to comply with the inherent duties.
12. Contrary to § 13, for opening or operating a food and beverage establishment, or contrary to § 13 (2) sent. 2, as customer, for on-site consumption of food or beverages.
13. Contrary to § 14, for offering lodgings without ensuring the compliance with the inherent duties, or for failure to ensure that the staff wears mandatory face coverings.
14. Contrary to § 15, for conducting conferences, congresses, trade fairs or exhibitions.
15. Contrary to § 16 for failure, as operator, to comply with the required protection and hygiene measures, for tolerating non-compliance by the staff, or for failure to comply with the monitoring or documentation duties.
16. Contrary to § 17, for conducting exams.
17. Contrary to § 18, for operating private schools as per Art. 90 *et seq* of the Bavarian Law on Education.
18. Contrary to § 19, for opening or operating a child development center, daycare nursery, curative daycare, daycare during school vacation or organizing playgroups for children.
19. Contrary to § 20, for offering educational programs, music lessons or driving lessons.
20. Contrary to § 23, for operating the itemized establishments.
21. Contrary to § 24 (1), for failure to comply with the mask mandate, contrary to § 24 (2), for consuming alcoholic beverages,
22. Contrary to § 25 (1), for undertaking tourist day trips outside a 15km radius from the boundaries of the home municipality.

§ 29 Entry into Force, Expiration

This Ordinance becomes legally effective on 16 December 2020 and will expire on 31 January 2021.

Munich, 15 December 2020

Bavarian State Ministry of Health and Care

Melanie Huml, Minister of State

END OF TRANSLATION

FOR THE TRANSLATION:

Brigitte Klose, court-certified translator

7th Army Training Command, OSJA, International Law, Ansbach Law Center

Member of American and German Translator Associations [ATA & BDÜ]

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