

Bavarian Ordinance on Protective Measures against Infections in Response to the Corona Pandemic [*Bayerische Infektionsschutzmaßnahmenverordnung/BayIfSMV*] dated 27 March 2020 (Bavarian Ministerial Gazette [*Bayerisches Ministerialblatt/BayMBL*] No. 158) Compilation of Bavarian Laws [*Bayerische Rechtssammlung/BayRS 2126-1-5-G*] (§§ 1–7)

**Bavarian Ordinance on Protective Measures Against Infectious Diseases**

**in Response to the Corona Pandemic**

**dated 27 March 2020**

**(Bavarian Ministerial Gazette [*Bayerisches Ministerialblatt/BayMBL*] No. 158)**

**Compilation of Bavarian Laws [*Bayerische Rechtssammlung*] BayRS 2126-1-5-G**

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Pursuant to Section 32 Sentence 1 of the Law on Protection against Infectious Diseases [*Infektionsschutzgesetz/IfSG*] dated 20 July 2000, (Federal Law Gazette I Sentence 1045), last amended by Art. 1 of the Law dated 10 Feb 2020 (Federal Law Gazette I Sentence 148) in conjunction with Section 9 No. 5 of the Delegation Ordinance [*Delegationsverordnung/DelV*] 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 administration 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 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 administration authorities may grant a request for exemption to company dining facilities - provided that this

1. is justifiable in an 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 a 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, pet supply shops, gas stations, automotive 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 exceptions listed under Sentence 2.

(5) Notwithstanding any other provisions, the minimum physical distancing between patrons of at least 1.5m must be maintained in all service establishments. Even if the distancing is observed, no more than 10 persons may be present in a waiting area.

### **§ 3 Prohibition of Access and Visits**

(1) Prohibited are visits to the following:

1. Hospitals as well as preventive and rehabilitation facilities which offer equivalent medical care (facilities IAW Section 23 Paragraph (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 Section 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 Section 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 Section 23 Paragraph (6a), IfSG.

5. Elder-Homes and residential homes for senior citizens.

(2) Persons who were present in an area which has been classified as a high-risk region by the *Robert Koch Institute [RKI]* at the time of their stay or which was classified as high-risk area within 14 days after their stay may not enter any college/university in Bavaria after departure of the respective high-risk area.

#### **§ 4 Temporary 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) Departing 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 (in particular, establishments within the meaning of Sec 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, only alone 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 a check, the subject individual must provide a credible reason.

#### **§ 5 Administrative Offenses**

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

1. Punishable under Sec 1 para. 1 for conducting or participating in an event or gathering.
2. Punishable under Sec 2 para. 1 for the operation of establishments or conducting bus vacation trips.
3. Punishable under Sec 2 para. 2 for the operation of hospitality establishments.
4. Punishable under Sec 2 para. 3 for the operation of hotels or other lodgings or accommodations for private tourists.
5. Punishable under Sec 2 para. 4 for the operation of retail stores.
6. Punishable under Sec 2 para. 5 sent. 2, as responsible service provider, for allowing more than ten persons to be present in a waiting area.
7. Punishable under Sec 3 para.1 for visiting one of the listed establishments.
8. Punishable under Sec 3 para. 2 for entering a college/university
9. Punishable under Sec 4 para. 2 for leaving a private residence without credible reason.

#### **§ 6 Local Measures**

Further directives by local health authorities remain unaffected hereby.

### § 7 Entry into Force, Expiration

(1) This Ordinance becomes legally effective on 31 March 2020 and will expire on 19 April 2020.

(2) After 30 March 2020, Sec 1 paras. (2) and (3) of the Bavarian Ordinance on the Provisional Curfew Restrictions in Response to the Corona Pandemic dated 24 March 2020 expired (Bavarian Ministerial Gazette No. 130, BayRS 2126-1-4-G).

Munich, DATE: 20 March 2020

Bavarian State Ministry for Health and Care

/signed/ Melanie Huml, Minister of State

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### END OF TRANSLATION

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FOR THE TRANSLATION:



*Brigitte Klose, court-certified translator  
7<sup>th</sup> Army Training Command, OSJA, International Law, Ansbach Law Center  
Member of American and German Translator Associations [ATA & BDÜ]  
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