

**Ordinance on the restriction of social contact n and
the operation of facilities and services
due to the Corona pandemic
(Corona Contact and Operating Restrictions Ordinance)
From 26 November 2020**

Due to the

1. Section 32 sentence 1 in conjunction with Section 28a of the Infection Protection Act of 20 July 2020 (Federal Law Gazette I p. 1045), last amended by the Act of 18 November 2020 (Federal Law Gazette I p. 2397),
2. Section 89 (1) sentence 1 of the Hessian Public Safety and Order Act of 14 January 2005 (GVBl. I p. 14), last amended by the Act of 7 May 2020 (GVBl. p. 318),

decrees the state government:

§ 1

Meetings and events

(1) Stays in public spaces are only permitted within the circle of members of one's own household and with a maximum of one other person not living in the household. When meeting other persons, a minimum distance of 1.5 metres must be maintained. Public behaviour that is likely to endanger the distance requirement of sentence 2, such as dance events or communal celebrations in public spaces, is prohibited regardless of the number of persons. The consumption of alcohol in public spaces is prohibited.

(2) The prohibition in subsection 1 sentence 1 shall not apply to

1. Meetings of persons who need to work together directly for business, professional, official, educational or care-related reasons, as well as meetings and court hearings,
2. operation at universities, vocational and music academies and non-university research institutions, provided this is based on a comprehensive distance and hygiene concept; online teaching is to be implemented as a priority,
3. the taking of examinations, in particular state examinations and career examinations,
4. the accompaniment and care of minors or persons in need of support,
5. within the framework of mutual assumption of childcare by a maximum of three families (family care community), if social contacts are otherwise reduced as far as possible.

(2a) Meetings of religious communities for the communal practice of religion as well as funeral services and burials shall be permitted if

1. the minimum distance of 1.5 metres required under subsection 1 sentence 2 can be maintained if no suitable separating devices are available,

¹ As amended by the amendments coming into force on 11 January 2021 by Art. 2 of the Twenty-fourth Ordinance on the Adaptation of the Ordinances on the Control of Corona Virus of 7 January 2021 (GVBl. p. 2). The amendment to section 10 sentence 2 shall enter into force on 9 January 2021 (Art. 3 No. 5 and Art. 5 sentence 2).

2. no objects are received and subsequently passed on between persons who do not belong to a common household,
3. the name, address and telephone number of the participants are recorded by the organiser exclusively to enable the tracing of infections; the organiser must keep the data for the duration of one month from the start of the meeting, funeral service or burial protected from inspection by third parties for the competent authorities and, in the event of a confirmed infection of at least one participant, forward it to the latter and delete or destroy it immediately after the expiry of the period in a secure manner and in accordance with data protection law; the provisions of Art. 13, 15, 18 and 20 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data, on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) of 27 April 2016 (OJ EU No. L 119 p. 1, No. L 314 p. 72, 2018 No. L 127 p. 2) on the obligation to provide information and the right of access to personal data shall not apply; participants shall be informed of these restrictions,
4. appropriate hygiene concepts in accordance with the recommendations of the Robert Koch Institute on hygiene, control of access and avoidance of queues are taken and implemented, and
5. notices on the required spacing and hygiene measures are clearly displayed.

If the meeting is expected to fill the space available, participation should only take place after prior registration.

(2b) Meetings, other than those referred to in subsections (2) and (2a), and events shall be permitted only in the case of special public interest and with the approval of the competent authority, and if

1. it is ensured by suitable measures, in particular by controlling the number of visitors, that the minimum distance of 1.5 metres required in accordance with sub-section 1 sentence 2 can be maintained if no suitable separating devices are available,
2. the name, address and telephone number of the participants are recorded by the organiser exclusively to enable the tracking of infections; the organiser must keep the data protected from inspection by third parties for the competent authorities for a period of one month from the start of the event and transmit it to them on request and delete or destroy it immediately after expiry of the period in a secure manner and in accordance with data protection law; the provisions of Art. 13, 15, 18 and 20 of the General Data Protection Regulation on the duty to inform and the right of access to personal data do not apply. 13, 15, 18 and 20 of the General Data Protection Regulation on the obligation to provide information and the right of access to personal data shall not apply; participants shall be informed of these restrictions,
3. appropriate hygiene concepts in accordance with the recommendations of the Robert Koch Institute on hygiene, control of access and avoidance of queues are taken and implemented, and
4. notices on the required spacing and hygiene measures are prominently displayed.

(3) Meetings and hearings at courts as well as other official judicial acts shall be conducted in compliance with the minimum distance requirement of sub-section 1, sentence 2; in cases where it is necessary to fall below the minimum distance in order to ensure the operation of the meeting, the official act or for procedural reasons, the risk of infection shall be countered by other suitable protective measures.

(4) For private gatherings, a restriction to one's own household plus one other person not living in the household is strongly recommended. It is strongly recommended to keep a minimum distance of 1.5 metres between persons of different households.

(5) The recommendations of the Robert Koch Institute on hygiene must be observed in all encounters. In enclosed spaces used by people, adequate and regular ventilation shall be ensured.

(6) A minimum distance of 1.5 metres between persons does not have to be maintained at stops and on platforms, when boarding and alighting, as well as within local and long-distance public transport vehicles, occasional transport pursuant to section 46(2) of the Passenger Transport Act, exempted school transport, in community buses, in passenger aircraft, on passenger ships and ferries.

(7) Offers of state child and youth work as well as youth social work are permissible in groups of up to five persons including the carers. Para. 2b Nos. 2 to 4 shall apply accordingly.

(8) Enabling home working, in particular by setting up home office workplaces and other forms of mobile working, is strongly recommended for all appropriate work processes and services.

§ 1a

Mouth-nose covering

(1) A mouth-nose covering shall be worn during the stay

1. in the public areas of all publicly accessible buildings,
2. in all work and operating areas; this does not apply in the workplace, provided that a distance of 1.5 metres from other persons can be safely maintained,
3. in the public areas of wholesalers and retailers, including the areas in front of shops as well as the shopping streets in accordance with Section 2 (4) of the Hessian Guideline on the Construction and Operation of Sales Premises of 5 December 2016 (StAnz. 2016, 1696), weekly, **special and flea markets as well as** comparable sales events, in and on direct sales outlets from the manufacturer or producer, in shops of the food trade as well as post offices, banks, savings banks, petrol stations, laundries and similar establishments,
4. in public areas of establishments providing body-related services, in particular in hairdressing establishments within the meaning of No. 38 of Annex A to the Crafts Code and in comparable establishments,
5. in catering establishments during collection or in canteens or dining halls until a seat is taken,
6. in overnight accommodation establishments in all areas with public traffic,
7. in local and long-distance public transport vehicles, occasional transport pursuant to Section 46 (2) of the Passenger Transport Act, exempted school transport, community buses, passenger aircraft, passenger ships and ferries,
8. on platforms, at stops and in access and station buildings of the means of transport mentioned in No. 7,
9. on heavily frequented traffic routes, squares and open-air areas, if it is not possible to ensure that the minimum distance of 1.5 metres to persons from other households is maintained at all times, especially in car parks, pedestrian zones and at traffic junctions,
10. in vehicles if there are persons belonging to more than two households in the vehicle,

11. in the circulation areas, event rooms, meeting rooms and examination rooms of universities, vocational academies and music academies, and
12. in the case of offers of state child and youth work as well as youth social work in closed rooms.

Mouth-to-nose coverings must also be worn when attending meetings according to § 1 para. 2a and meetings and events according to § 1 para. 2b as a visitor, as well as when attending educational events that take place indoors. In other respects, the wearing of a mouth-nose covering is strongly recommended if it is not possible to ensure that the minimum distance of 1.5 metres from persons in other households is maintained. Section 176 of the Judicature Act remains unaffected.

(2) For the purposes of subsection (1), an oral-nasal covering is any complete covering of the mouth and nose that is adjacent to the facial skin and which, by virtue of its nature, is capable of significantly reducing the spread of transmissible droplet particles or aerosols through coughing, sneezing or pronunciation, irrespective of any labelling or certified category of protection.

(3) The obligation under subsection 1, sentences 1 and 2 shall not apply to

1. children under 6 years,
2. persons who cannot wear mouth-nose covering due to a health impairment or disability,
3. personnel of facilities and companies in accordance with para. 1 sentence 1, insofar as there is no contact with other persons or other and at least equivalent protective measures are taken, in particular separating devices,
4. teachers at universities, vocational academies, music academies and extracurricular educational institutions and those involved in examinations, if a hygiene concept is in place that ensures at least the distances to be maintained and the regular exchange of air,
5. participants in the compulsory state examination and the second state law examination,
6. teachers and learners in practical lessons with wind instruments, as well as
7. customers in establishments and facilities pursuant to sub-section 1, sentence 1, no. 4, insofar and as long as the service can only be used without covering the mouth and nose.

§ 2

Closure and operation of facilities, sports operations

(1) The operation of the following facilities and the following offers are prohibited for the public:

1. Dance events,
2. Prostitution establishments within the meaning of the Prostitution Protection Act of 21 October 2016 (Federal Law Gazette I p. 2372), as amended by the Act of 20 November 2019 (Federal Law Gazette I p. 1626), brothels, prostitution events within the meaning of the Prostitution Protection Act and similar establishments,
3. Large events where compliance with hygiene and distance rules cannot typically be ensured.

(1a) The operation of facilities and offers which are primarily intended for entertainment or recreational purposes is prohibited for the public, in particular:

1. dance halls, discotheques, clubs and similar establishments,
2. swimming pools, thermal baths, saunas and similar facilities,
3. animal parks and zoos,
4. amusement parks and recreational activity providers (indoor and outdoor),
5. gyms and similar facilities,
6. Measuring,
7. Casinos, gambling halls and similar establishments; and
8. transport facilities for winter sports and ice rinks.

The same applies to public traffic in museums, castles, theatres, operas, concert halls, cinemas and similar institutions.

(1b) In betting shops, only the issue and acceptance of tickets and bets is permitted. Any other stay, e.g. to follow the games and events to which the bets relate, is not permitted. Section 3 sentence 2 shall apply accordingly.

(2) Recreational and amateur sports are only permitted on and in all public and private sports facilities alone, in pairs or with one's own household. Training and competition of top-class and professional sports as well as school sports are only permitted if they are based on a comprehensive hygiene concept and the recommendations of the Robert Koch Institute on hygiene are observed. Sporting activities are also permitted in preparation for and during recruitment tests, performance assessments and other examinations in training and courses of study in which sport is an essential component. Spectators are not permitted.

(3) The opening of memorial sites shall take place in compliance with the recommendations of the Robert Koch Institute on hygiene, the control of access and the avoidance of queues. Events, guided tours and similar offers shall be permitted in accordance with § 1 para. 2b.

§ 3

Sales outlets and similar establishments

The operation of wholesale and retail establishments, including weekly markets and direct sales from the manufacturer or producer and shops of the food trade, as well as post offices, banks, savings banks, petrol stations, laundries and similar establishments shall be carried out in compliance with the recommendations of the Robert Koch Institute on hygiene, the control of access and the avoidance of queues. In public areas, it must be ensured that

1. due to suitable measures, in particular by controlling the number of visitors, the minimum distance of 1.5 metres required under § 1 (1) sentence 2 can be maintained if no suitable separating devices are available,
2. notices on the required spacing and hygiene measures are prominently displayed; and
3. no more than one person per 10 square metres of sales area or part thereof is admitted to the first 800 square metres of sales area and no more than one person per 20 square metres or part thereof is admitted to the sales area exceeding 800 square metres; for shopping centres, the respective total sales area shall be decisive.

The consumption of food and beverages in the immediate vicinity of the point of sale is prohibited.

§ 3a

Closure of retail sales outlets

(1) Retail sales outlets shall be closed. Sentence 1 shall not apply to online retailing or to

1. the food retail sector,
2. the feed trade,
3. the weekly markets,
4. direct sales from the food producer,
5. the health food shops,
6. the delicatessen shops,
7. the shops of the food trade,
8. the beverage markets,
9. the collection and delivery services,
10. the baby markets,
11. Pharmacies,
12. Drugstores,
13. the medical supply stores, opticians, hearing aid acousticians,
14. the post offices,
15. the petrol stations, petrol station shops, car yards and car service stations,
16. Kiosks, tobacco and e-cigarette shops, newspaper sales,
17. the pet supply markets,
18. Sales outlets for cut and potted flowers as well as flower arrangements and grave decorations,

19. Spare parts outlets for motor vehicles and bicycles,
20. the Christmas tree sale.

The focus of the assortment is decisive; assortment extensions beyond basic supply are not permitted. In derogation of sentence 1, DIY stores may be opened exclusively for commercially active craftsmen and craftswomen.

(2) Paragraph 1 sentence 1 does not apply to craft and service businesses such as dry cleaners, laundrettes, car and bicycle repair shops, banks and savings banks.

§ 4

Restaurants, overnight accommodation, Bars, public houses, pubs and similar establishments

(1) Restaurants within the meaning of the Hessian Restaurant Act of 28 March 2012 (GVBl. p. 50), as last amended by the Act of 15 December 2016 (GVBl. p. 294), refectories, hotels, canteens, ice cream parlours, ice cream cafés and other businesses, may only offer food and drink for collection or delivery. Collection of food and beverages may only take place if

- 1.it is ensured that the food and drinks are available without waiting time or that the waiting places are designed in such a way that a distance of at least 1.5 metres between the people collecting the food and drinks is guaranteed,
2. appropriate hygiene measures are taken and monitored, and
3. notices are posted on the required spacing and hygiene measures.

(2) By way of derogation from sub-section 1, sentence 1, canteens in establishments and enterprises where it is necessary to ensure organisational procedures, in particular in establishments pursuant to section 23 sub-section 3, sentence 1, nos. 1, 3 and 5 and section 36 sub-section 1, no. 2 of the Infection Protection Act, may also offer food and beverages for consumption on site. It must be ensured that the minimum distance of 1.5 metres required under the second sentence of Section 1(1) can be maintained, in particular through the spacing of tables, unless suitable separating devices are available, and that only persons who are permitted to be together in the public space under the first sentence of Section 1(1) are seated at a table.

(3) Overnight accommodation is only permitted for necessary purposes. Overnight accommodation for tourist purposes is not permitted.

(4) Bars, public houses, pubs and similar establishments whose main focus is not the offering of food shall be closed.

§ 5

Educational opportunities, training

(1) The recommendations of the Robert Koch Institute on hygiene shall be observed wherever possible in the case of educational programmes offered outside facilities pursuant to Section 33 No. 3 of the Infection Protection Act, for example in adult education centres or non-state-recognised alternative schools, as well as in the case of cultural education programmes offered by facilities pursuant to Section 2 sub-section 1a sentence 2 for individual groups or classes of day-care centres for children, schools and youth welfare facilities. Section 1 (1) sentence 2 shall not apply.

(2) Para. 1 shall apply mutatis mutandis in the case of training programmes, e.g. training for legal trainees, courses offered by in-company vocational training institutions, training for civil servants and employees covered by collective agreements in the public service, training for obtaining a driving licence.

§ 5a

Universities and vocational and music academies

(1) In higher education institutions and vocational and music academies, § 1 para. 1 sentence 2 shall not apply in

1. practice events, as long as a mouth-nose covering is worn, as well as
2. courses of permanently fixed composition with up to 30 students who do not belong to other groups with a different composition.

(2) For participation in face-to-face events in the course of studies, in particular in teaching, examination and admission events, as well as the use of exercise rooms, PC rooms, study and work rooms and workplaces in libraries which are available to students outside of courses for the purposes of their studies, § 1 para. 2b no. 2 shall apply accordingly; in the case of series of events, the recording shall be made for each date. The identification required under sentence 1 may also be made in digital form.

(3) For scientific conferences and congresses, § 1 para. 2b shall apply accordingly.

§ 6

Services

(1) The provision of services and counselling, including handicraft activities, shall be carried out without direct personal physical contact as far as possible. The recommendations of the Robert Koch Institute on hygiene, in particular on contact and maintaining a safe distance, shall be observed.

(2) Service businesses in the field of personal hygiene such as hairdressing businesses, cosmetic studios, massage practices, nail studios, tattoo studios and similar businesses are closed. This does not include medically necessary treatments such as physiotherapy, occupational therapy and logotherapy, podiatry and medical chiropody.

(3) The operators of establishments and facilities pursuant to sub-section 2 sentence 2 shall ensure that the name, address and telephone number of customers are recorded exclusively to enable contact tracing of infections; they shall keep the data for the duration of one month from the beginning of the visit protected from inspection by third parties for the competent authorities

and transmit it to them upon request and delete or destroy it immediately after expiry of the period in a secure manner and in accordance with data protection; the provisions of Art. 13, 15, 18 and 20 of the General Data Protection Regulation shall not apply; customers shall be informed of this restriction.

§ 7

Execution

By way of derogation from section 5(1) of the Hessian Public Health Service Act of 28 September 2007 (GVBl. I p. 659), as last amended by the Act of 3 May 2018 (GVBl. p. 82), the local public order authorities shall be responsible for enforcing this Ordinance in addition to the public health offices if the public health offices cannot be reached or take action in time to avert an existing dangerous situation.

§ 8

Administrative offences

A regulatory offence within the meaning of § 73 Para. 1a No. 24 of the Infection Protection Act shall be committed by anyone who wilfully or negligently contravenes

1. § 1 par. 1 sentence 1 is in public space in a group consisting of more persons than the members of a household and one person not belonging to this household,
2. commits conduct prohibited under § 1 par. 1 sentence 3,
3. § 1 par. 1 sentence 4 consumes alcohol in public spaces,
4. § 1 Para. 2b
 - (a) holds meetings or events without the permission of the competent authority,
 - (b) does not ensure compliance with the distance and hygiene rules; or
 - c) no data of the participants is collected,
5. § 1a par. 1 sentence 1 or 2 does not wear a mouth-nose covering,
6. § 2 par. 1 or 1a operates one of the facilities mentioned therein or provides one of the services mentioned therein,
- 6a. § 2 par. 1b is present in betting shops or tolerates this as operator²,
7. organises sporting activities in accordance with the provisions of § 2 par. 2,
8. fails to ensure compliance with the distance and hygiene rules in accordance with § 3 or admits more than the permitted number of persons,
- 8a. § 3a (1) opens retail sales outlets,
9. § 4 par. 1 sentence 1 does not offer food or drink exclusively for delivery or collection or contrary to the requirements of § 4 par. 1 sentence 2,
10. § 4 par. 3 offers overnight accommodation for non-essential or tourist purposes,

² Section 8 No. 6a shall enter into force on 24 December 2020.

11. § 4 subsection 4 bars, pubs, taverns and similar establishments open,
12. a) § 6 para. 2 sentence 1 opens service enterprises in the field of personal hygiene,
(b) § 6(3) does not collect data.

§ 9

Powers of the local authorities

The locally competent authorities remain authorised to order measures going beyond the scope of this Ordinance, taking into account the "Prevention and Escalation Concept for Containing the Further Spread of SARS-CoV-2 in Hesse" (Prevention and Escalation Concept SARS-CoV-2). The prevention and escalation concept SARS-CoV-2 is published on the homepage of the Hessian Ministry of Social Affairs and Integration.

§ 10

Entry into force, expiry

This Regulation shall enter into force on 1 December 2020. It shall expire at the end of **31 January 2021**.

Wiesbaden, 26 November 2020

Hessian State Government

The Prime Minister

Bouffier

Minister
for Social Affairs and Integration

Klose

The Minister of the Interior and Sport

Beuth