Deutung (as of December 21, 2020)

Ordinance on the restriction of social contacts and of the operation of facilities and of offers due to the Corona pandemic (Corona Contact and Operation Restriction Ordinance).

From November 26, 2020

Due to

1. § 32 sentence 1 in conjunction with section 28a of the Infection Protection Act of July 20, 2020 (Federal Law Gazette I p. 1045), last amended by the Act of November 18, 2020 (Federal Law Gazette I p. 2397),

2. § 89(1) sentence 1 of the Hesse Public Safety and Order Act of 14 January 2005 (GVBl. I p. 14), as last amended by the Act of 7 May 2020 (GVBl. p. 318),

the state government decrees:

§ 1

Meetings and events

(1) Meetings in public spaces are permitted only alone or with members of one's own household or another household up to a group size of no more than five persons; associated children up to and including the age of 14 are not taken into account. When meeting other people, a minimum distance of 1.5 meters must be kept. Public behavior that is likely to endanger the distance requirement of sentence 2, such as dance events or joint celebrations in public spaces, is prohibited regardless of the number of people. The consumption of alcohol in public spaces is prohibited.

(2) The prohibition of para. 1 sentence 1 shall not apply to

1. gatherings of persons who must work together directly for business, professional, official, school or care-related reasons, as well as meetings and court hearings,

2. the operation of universities, vocational and music academies and non-university research institutions, provided that this is based on a comprehensive distance and hygiene concept; online teaching is to be implemented as a matter of 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 child care 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 joint practice of religion as well as funeral services and burials are permissible if

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1 As amended by Article 1 Nos. 1 to 3 of the Seventh Ordinance Amending the Corona Contact and Operating Restrictions Ordinance of 21 December 2020 (GVBl. p. 953), which shall enter into force on 21 December 2020. The amendments made by Art. 1 No. 4 (Sec. 8 No. 6a and 13) shall enter into force on December 24, 2020.
1. the minimum distance of 1.5 meters required by subsection 1, sentence 2, can be maintained, provided that no suitable separating devices are available

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 organizer exclusively to enable the tracing of infections; the organizer must keep the data for the duration of one month from the beginning of the get-together, funeral service or burial protected from inspection by third parties for the competent authorities and, in the event of confirmed infection of at least one participant, forward it to the latter and, immediately after expiry of the period, delete or destroy it securely and in accordance with data protection regulations; 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. 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. suitable hygiene concepts in accordance with the recommendations of the Robert Koch Institute on hygiene, control of access and the avoidance of queues are taken and implemented, and

5. notices on the required spacing and hygiene measures are prominently displayed.

If the meeting is expected to fill the available space, attendance shall be by appointment only.

(2b) Meetings, with the exception of those pursuant to 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 meters required under subsection (1) sentence 2 can be maintained, unless suitable separating devices are available,

2. the name, address and telephone number of the participants are recorded by the organizer exclusively to enable the tracing of infections; the organizer must keep the data for the duration of one month from the start of the event protected from inspection by third parties for the competent authorities and transmit it to them on request and delete or destroy it immediately after expiry of the period in a safe manner and in accordance with data protection regulations; the provisions of Art. 13, 15, 18 and 20 of the General Data Protection Regulation on the obligation to provide information and the right to access personal data do not apply; the participants must be informed of these restrictions,

3. suitable 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 distance and hygiene measures are displayed in a clearly visible manner.
(3) Meetings and hearings at courts as well as other official judicial acts shall be conducted in compliance with the minimum distance requirement of subsection 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 with friends, relatives and acquaintances, it is strongly recommended that the distance be limited to one's own household and one other household, but in any case to a maximum of five persons; associated children up to and including the age of 14 are not taken into account. It is strongly recommended to keep a minimum distance of 1.5 meters between persons of different households.

(5) The recommendations of the Robert Koch Institute on hygiene must be observed at all gatherings. In enclosed spaces used by people, care must be taken to ensure adequate and regular ventilation.

(6) A minimum distance of 1.5 meters between persons must not be observed at stops and on platforms, during boarding and alighting, and 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 caregivers. Paragraph 2b Nos. 2 to 4 shall apply accordingly.

(8) For all suitable work processes and services, the facilitation of home work, in particular through the establishment of home office workplaces and other forms of mobile working, is strongly recommended.

§ 1a

Mouth-to-nose coverage

(1) Mouth and nose coverings must be worn when working

1. in the public areas of all publicly accessible buildings,

2. in all work and operating areas; this does not apply in the square, provided that a distance of 1.5 meters to other persons can be safely maintained,

3. in public areas of wholesale and retail trade including the areas in front of stores as well as the shopping streets according to § 2 para. 4 of the Hessian Guideline on the Construction and Operation of Sales Facilities of December 5, 2016 (StAnz. 2016, 1696), weekly, special, flea and Christmas markets as well as comparable sales events, in and on direct sales points from the manufacturer or producer, in stores of the food trade as well as post offices, banks, savings banks, gas stations, laundries and similar establishments,

4. in public areas of businesses with services close to the body, in particular in hairdressing businesses as defined in No. 38 of Annex A of the Crafts Code and in comparable establishments,

5. in catering establishments during pick-up or in canteens or refectories until a seat is taken,
6. in overnight accommodation establishments in all areas with public traffic,
7. in vehicles used for local and long-distance public transport, occasional transport pursuant to Section 46 (2) of the Passenger Transport Act, exempted school transport, citizens' 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 meters to persons of other households is maintained at all times, in particular in parking lots, pedestrian zones and traffic intersections,
10. in vehicles, if there are persons in the vehicle who belong to more than two households,
11. in traffic 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 protection must also be worn when attending meetings in accordance with § 1 Para. 2a and meetings and events in accordance with § 1 Para. 2b as a visitor, as well as when attending educational events that take place in enclosed rooms. In other respects, the wearing of a mouth-nose covering is strongly recommended if it is not possible to ensure compliance with the minimum distance of 1.5 meters from persons of other households. § Section 176 of the Judiciary Act shall remain unaffected.

(2) An oral-nasal covering within the meaning of subsection (1) is any complete covering of the mouth and nose that rests against the skin of the face 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, regardless of any labeling or certified category of protection.

(3) The obligation under subsection (1) sentences 1 and 2 does not apply to.

1. children under 6 years of age,
2. persons who, due to a health impairment or disability, are unable to wear mouth-nose covering,
3. personnel of institutions and companies according to para. 1 sentence 1, as far 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 non-school educational institutions and those involved in examinations, if a hygiene concept is in place which at least ensures the distances to be maintained and the regular exchange of air,
5. participants in the compulsory state examination and in the second state law examination,
6. teachers and students in practical lessons with wind instruments, as well as
7. customers in establishments and facilities pursuant to subsection 1, sentence 1, no. 4, insofar as 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 services are prohibited to the public:

1. dance events,

2. prostitution establishments as defined by the Prostitution Protection Act of October 21, 2016 (Federal Law Gazette I p. 2372), as amended by the Act of November 20, 2019 (Federal Law Gazette I p. 1626), brothels, prostitution events as defined by the Prostitution Protection Act and similar establishments,

3. large-scale events at which compliance with hygiene and distance regulations cannot typically be ensured.

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

1. dance halls, discotheques, clubs and similar establishments,

2. swimming pools, thermal baths, saunas and similar establishments,

3. animal parks and zoos,

4. amusement parks and providers of recreational activities (indoor and outdoor),

5. gyms and similar establishments,

6. trade fairs,

7. casinos, gambling halls and similar establishments, and

8. transportation facilities for winter sports and ice rinks.

The same applies to public transport in museums, castles, theaters, operas, concert halls, cinemas and similar facilities.

(1b) In betting shops, only the issue and acceptance of tickets and bets is permitted. A stay beyond this, for example 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 permitted on and in all public and private sports facilities only alone, in pairs or with one’s own household. The training and competition of top-level 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 study courses in which sport is an essential component. Spectators are not permitted.
(3) Memorial sites shall be opened in compliance with the recommendations of the Robert Koch Institute on hygiene, access control and the avoidance of queues. Events, guided tours and similar offerings shall be permitted in accordance with § 1 Para. 2b.

§ 3

Places of sale and similar establishments

The operation of wholesale and retail establishments, including weekly markets and direct sales from the manufacturer or producer and grocery stores, as well as post offices, banks, savings banks, gas 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 the public area, it must be ensured that

1. the minimum distance of 1.5 meters required in accordance with § 1 Para. 1 Sentence 2 can be maintained by means of suitable measures, in particular by controlling the number of visitors, 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 meters of sales area or part thereof is admitted to the first 800 square meters of sales area and no more than one person per 20 square meters or part thereof is admitted to the sales area exceeding 800 square meters; for shopping centers, the respective total sales area is 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 trade,
2. the feed trade,
3. weekly markets,
4. direct sales from food producers,
5. health food stores,
6. the delicatessen stores,
7. the food craft stores,
8. the beverage markets,
9. the pick-up and delivery services,
10. baby specialty stores,
11. pharmacies,
12. drugstores,
13. medical supply stores, opticians, hearing aid acousticians,
14. post offices,
15. gas stations, gas station stores, car service stations and car service stations,
16. kiosks, tobacco and e-cigarette stores, newspaper sales,
17. pet supply stores,
18. outlets selling cut and potted flowers, flower arrangements and grave decorations,
19. spare parts outlets for motor vehicles and bicycles,
20. the sale of Christmas trees.

The decisive factor is the focus of the assortment; assortment expansions beyond a basic supply are not permitted. In deviation from sentence 1, DIY stores may open exclusively for commercially active craftsmen and craftswomen.

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

§ 4

Restaurants, overnight accommodations, Bars, taverns, pubs and similar establishments

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

1. it is ensured that the food and beverages are available without waiting time or the waiting places are designed in such a way that a distance of at least 1.5 meters between the persons picking up the food and beverages is guaranteed,

2. suitable hygiene measures are taken and monitored, and

3. notices are posted on the required distance and hygiene measures.

(2) By way of derogation from subsection 1, sentence 1, canteens may also offer food and beverages for consumption on site in facilities and establishments where this is necessary to ensure organizational procedures, in particular in facilities pursuant to Section 23, subsection 3, sentence 1, nos. 1, 3 and 5 and Section 36, subsection 1, no. 2 of the Infection Protection Act. It must be ensured that, in particular, the spacing of the tables allows the minimum distance of 1.5 meters required under Section 1 (1) sentence 2 to be maintained, unless suitable separating devices are provided, and that only persons who are permitted to be together in the public space under Section 1 (1) sentence 1 are seated at a table.

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

(4) Bars, taverns, pubs and similar establishments whose main focus is not the offering of food shall be closed.
§ 5

Educational offers, training

(1) In the case of educational offerings outside of facilities pursuant to Section 33 No. 3 of the Infection Protection Act, for example, in adult education centers or non-state-approved substitute schools, as well as in the case of cultural educational offerings of the facilities pursuant to Section 2 Para. 1a Sentence 2 for individual groups or classes of day care centers, schools and youth welfare facilities, the recommendations of the Robert Koch Institute on hygiene shall be observed wherever possible. § Section 1 (1) sentence 2 shall not apply.

(2) Para. 1 shall apply mutatis mutandis in the case of training courses, e.g. training for trainee teachers, courses offered by the company’s vocational training institutions, training for civil servants and employees in the public sector, training for obtaining a driver’s license.

§ 5a

Universities and vocational and music academies

(1) In universities and vocational and music academies, Section 1 (1) sentence 2 shall not apply in the following cases

1. practical courses, 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, PC, study and work rooms and workplaces in libraries which are available to students outside of teaching events 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 in accordance with sentence 1 may also be made in digital form.

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

§ 6

Services

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

(2) Personal hygiene service businesses such as hairdressing salons, 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, logotherapy, podiatry and medical foot care.

(3) The operators of establishments and facilities pursuant to Par. 2 Sentence 2 shall ensure that the name, address and telephone number of customers are recorded exclusively for the purpose of enabling contact tracing of infections; they shall keep the data for the duration of one month from the start 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 requirements; 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.

§ 6a

Special regulations for Christmas

(1) For the period from December 24, 2020, to December 26, 2020, inclusive, Section 1 (1) Sentence 1 shall apply with the proviso that a joint stay in the public space is also permitted with the relatives of one’s own and with up to four other persons from the immediate family circle from other households; associated children up to and including the age of 14 shall be disregarded.

(2) For the period from December 24, 2020, to December 26, 2020, inclusive, private gatherings with members of one’s own household and with up to four other persons from the immediate family circle from other households are also covered by the urgent recommendation of Section 1 (4) sentence 1; associated children up to and including the age of 14 years are not taken into account.

§ 6b

Special regulations for the turn of the year

The setting off of fireworks in public places with a high level of publicity is prohibited. The places covered by sentence 1 shall be determined by the locally competent authorities.

§ 7

Enforcement

In deviation from § 5 para. 1 of the Hessian Public Health Service Act of 28 September 2007 (GVBl. I p. 659), last amended by the Act of 3 May 2018 (GVBl. p. 82), the local regulatory authorities shall be responsible for the enforcement of this Ordinance in addition to the public health authorities if the public health authorities cannot be reached or take action in time to avert an existing hazardous situation.

§ 8

Administrative offences

An administrative offence within the meaning of Section 73 (1a) No. 24 of the Infection Protection Act shall be committed by anyone who wilfully or negligently contravenes

1. § 1 para. 1 sentence 1, is in public together with persons who do not belong only to the own or another household, or with more than five persons who have reached the age of 15,

2. commits conduct prohibited under § 1 (1) sentence 3,

3. consumes alcohol in public places in accordance with § 1 Para. 1 Sentence 4,

4. § 1 para. 2b

   a) holds gatherings or events without the permission of the competent authority,

   b) fails to ensure compliance with distance and hygiene regulations, or
c) does not record data of the participants,

5. § 1a Para. 1 Sentence 1 or 2 does not wear a mouth-nose covering,

6. § 2 para 1 or 1a operates one of the facilities mentioned therein or provides one of the services mentioned therein,

6a. § 2 para. 1b is in betting shops or tolerates this as an operator²,

7. organizes sports activities in accordance with the provisions of § 2 Para. 2,

8. does not ensure the observance of the distance and hygiene rules in accordance with the provisions of § 3 or admits more than the permitted number of persons,

8a. § 3a paragraph 1 opens retail outlets,

9. § 4 para 1 sentence 1 does not offer food or beverages exclusively for delivery or collection or contrary to the requirements of § 4 para 1 sentence 2,

10. § 4 par. 3 offers overnight accommodation for non-essential or tourist purposes,

11. § 4 par. 4 opens bars, taverns, pubs and similar establishments,

12. a) § 6 par. 2 sentence 1 opens service establishments in the field of personal hygiene,

   b) § 6 para 3 does not collect data,

13. § 6b sentence 1 fireworks in public places with a large audience burns³.

§ 9

Powers of the local authorities

The local authorities remain authorized, in compliance with the "Prevention and Escalation Concept for Containing the Further Spread of SARS-CoV-2 in Hesse" (Prevention and Escalation Concept SARS-CoV-2), to order measures that go beyond this ordinance. 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 ordinance shall enter into force on December 1, 2020. It shall expire at the end of 10 January 2021.

² § 8 Nr. 6a tritt am 24. Dezember 2020 in Kraft.
² § 8 Nr. 13 tritt am 24. Dezember 2020 in Kraft.
³ § 8 Nr. 13 tritt am 24. Dezember 2020 in Kraft.
Wiesbaden, November 26, 2020

Hesse State Government

The Minister President

Bouffier

The Minister for Social Affairs and Integration

Klose

The Minister of the Interior and Sports

Beuth