BayIfSMV: Bavarian Ordinance on Infection Protection Measures due to the Corona Pandemic (Bavarian Infection Protection Measures Ordinance – BayIfSMV) of 27 March 2020 (BayMBl. No. 158) BayRS [Bavarian Collection of Laws] 2126-1-5-G (Sections 1–7)

Bavarian Ordinance on Infection Protection Measures due to the Corona Pandemic
(Bavarian Infection Protection Measures Ordinance – BayIfSMV)
of 27 March 2020
(BayMBl. No. 158)
BayRS 2126-1-5-G

Full quote according to the editorial guidelines (RedR): Bavarian Infection Protection Measures Ordinance (BayIfSMV) of 27 March 2020 (BayMBl. No. 158, BayRS 2126-1-5-G), which was amended by the Ordinance of 31 March 2020 (BayMBl. No. 162)

Pursuant to Section 32 sentence 1 of the Protection against Infection Law (IfSG) of 20 July 2000 (Federal Law Gazette I p. 1045), last amended by Article 1 of the Act of 10 February 2020 (Federal Law Gazette I p. 148), in conjunction with Article 9 No. 5 of the Ordinance on Responsibility to Issue Decrees (DeIV) of 28 January 2014 (Law and Ordinance Gazette p. 22, BayRS 103-2-V), which was last amended by ordinance of 13 January 2020 (Law and Ordinance Gazette p. 11), the Bavarian State Ministry of Health and Care orders:

Article 1 Ban on events and assemblies

(1) Events and assemblies are banned throughout the federal state. This also applies to assemblies in churches, mosques and synagogues as well as assemblies of other religious communities. Upon application, special permits may be granted by the responsible local authority, provided that each case is acceptable pursuant to infection protection law.

(2) Signs or other appropriate notices shall be put up in public parks and green areas, informing visitors of the requirement to keep at least 1.5 m apart.

Article 2 Operating bans

(1) The operation of any facilities which are not necessary for everyday life but serve merely recreational purposes is banned. These include in particular sauna and swimming facilities, cinemas, conference and event rooms, clubs, bars and discotheques, amusement arcades, theatres, club rooms, brothels, museums, guided city tours, sports halls, sports fields and playgrounds, fitness studios, libraries, wellness centres, spas, dance schools, zoos, amusement parks, betting offices, further education and training centres, adult education centres, music schools and youth centres, youth hostels and school country homes. Coach trips are also banned.

(2) Gastronomic businesses of any kind are banned. This also applies to restaurants and parts of restaurants in the open air (e. g. beer gardens, terraces). Excluded is the dispensing and delivery of takeaway food. Upon application, the responsible local authorities may grant special permits for company canteens, provided that

1. each case is acceptable pursuant to infection protection law and absolutely necessary for the maintenance of business operations, and

2. it is ensured that there is a distance of at least 1.5 m between the guests and that no more than 30 persons are present in the dining rooms at any one time.
The operation of hotels and accommodation facilities and the provision of any accommodation for private tourist purposes is banned. Excluded from this are hotels, accommodation facilities and accommodation of any kind which accept only business travellers and guests for non-private tourist purposes.

Retail shops of any kind are banned from opening. Excluded from this are grocery stores, beverage markets, banks and ATMs, pharmacies, drugstores, medical supply stores, opticians, hearing aid acousticians, the sale of press articles, branches of the letter and mail order business, post offices, pet supplies, petrol stations, car repair shops, dry cleaners and online trading. Upon application, the responsible local authorities may grant special permits for other businesses which are necessary for the provision of essential supplies to the population, provided that each case is acceptable pursuant to infection protection law. Shopping centres and department stores are only allowed to open to the extent that the exceptions mentioned in sentence 2 are involved.

In service enterprises, irrespective of any other regulations a minimum distance of 1.5 m between customers must be maintained. Even when this distance is maintained, the waiting area must not be occupied by more than 10 persons.

Article 3 Access and visiting bans

Visits to the following are banned:

1. hospitals and preventive care/rehabilitation facilities where medical care comparable to that provided in hospitals is provided (facilities as defined in Section 23 (3) Nos. 1 and 3 of the Protection Against Infection Law – IfSG); this does not include maternity and children's wards for close relatives and palliative wards and hospices,

2. inpatient nursing care facilities as defined in Article 71 (2) of the Eleventh Book of the Social Code,

3. facilities for persons with disabilities as defined in Article 2 (1) of the Ninth Book of the Social Code where integration assistance services are provided by day and by night,

4. sheltered housing groups as defined in Article 2 (3) of the Act on the Quality of Care and Living for the purpose of outpatient intensive care (intensive care housing groups) where outpatient care services provide services as defined in Section 23 (6a) IfSG and

5. retirement homes and nursing homes.

Persons who have been in an area which was designated as a risk area by the Robert Koch Institute (RKI) at the time of their stay or within 14 days thereafter are not permitted access to higher education institutions in Bavaria during a period of 14 days after leaving such area.

Article 4 Temporary curfew

Everyone is urged to reduce physical contact with persons other than members of their own household to an absolute minimum. Wherever possible, a minimum distance of 1.5 m must be maintained between two persons.

Leaving one's own home is permitted only for good reasons.

Good reasons are, within the meaning of paragraph 2, in particular:

1. the performance of occupational activities,

2. obtaining medical or veterinary care, attending appointments with members of therapeutical professions where this is clinically highly necessary, and donating blood,
3. going to places to procure necessities of everyday life (in particular facilities within the meaning of article 2 para. 4 sentence 2); the use of other services, such as visiting hairdressers, does not count as meeting daily necessities,

4. visiting life partners, the elderly, the sick or people with disabilities (not in institutions) and exercising rights of custody and access in the private domain concerned,

5. accompanying persons in need of assistance and minors,

6. tending to the dying and attending funerals within the immediate family,

7. sports and exercise in the open air, but only alone or with members of one’s own household and without forming any other groups, and

8. taking actions to care for animals.

(4) The police are required to enforce adherence to the curfew. In the event of a check by the police, the person concerned must be able to show that he or she has good reason.

Article 5 Offences

An offence within the meaning of Section 73 (1a) no. 24 IfSG is committed by anyone who intentionally or negligently

1. – regardless of article 1 para. 1 – conducts or takes part in an event or assembly,

2. – regardless of article 2 para. 1 – operates facilities or coach trips,

3. – regardless of article 2 para. 2 – operates a gastronomic business,

4. – regardless of article 2 para. 3 – operates a hotel or accommodation facility or makes accommodation available,

5. – regardless of article 2 para. 4 – opens a retail shop,

6. – regardless of article 2 para. 5 sentence 2 – as someone who is in charge of a service enterprise – allows the waiting area to be occupied by more than ten persons,

7. – regardless of article 3 para. 1 – visits one of the facilities specified therein,

8. – regardless of article 3 para. 2 – visits a higher education institution,

9. – regardless of article 4 para. 2 – leaves home without a good reason.

Article 6 Local regulations

Additional instructions from the local health authorities remain unaffected.

Article 7 Effective date, expiry date

(1) This ordinance takes effect on 31 March 2020 and expires on 19 April 2020 at midnight.
(2) On 30 March 2020 at midnight, Article 1 paras. 2 and 3 of the Bavarian Ordinance on a Temporary Limited Curfew due to the Corona Pandemic of 24 March 2020 (BayMBl. No. 130, BayRS 2126-1-4-G) shall expire.

Munich, 27 March 2020
Bavarian State Ministry of Health and Care
Melanie Huml, State Minister