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Seventh Bavarian Infection Protection Measures Ordinance (7TH BayIfSMV)

of 1 October 2020

In accordance with § 32 sent. 1 of the German Infection Protection Act [*Infektionsschutzgesetz*, IfSG] of 20 July 2000 (Federal Law Gazette I p. 1045), last amended by Art. 5 of the Act of 19 June 2020 (Federal Law Gazette I p. 1385), in conjunction with § 9 no. 5 of the Ordinance on Responsibility to Issue Decrees [*Delegationsverordnung*, DelV] 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:

Part 1 General regulations

§ 1 General rule of social distancing, mouth and nose cover

(1) ¹ Everyone is urged to reduce physical contact with other persons to a minimum and to keep the group of persons as constant as possible. ² Wherever possible, a minimum distance of 1.5 m must be maintained between two persons. ³ Where it is not possible to maintain the minimum distance in public areas, a mouth and nose cover should be worn. ⁴ It is necessary to ensure sufficient ventilation in enclosed areas.

(2) Insofar as this Ordinance imposes the obligation to wear a mouth and nose cover (mask obligation), the following applies:

1. Children are exempt from the obligation to wear a mask until their sixth birthday.
2. Those persons who can credibly demonstrate that it is not possible or that it is unreasonable for them to wear a mouth and nose cover due to a disability or for health reasons are exempt from the obligation to wear one.
3. Removal of the mouth and nose cover is permitted as long as it is necessary for identification purposes or for communicating with persons with impaired hearing or for other compelling reasons.

§ 2 Contact restriction in public areas

(1) Meeting in public areas is only permitted

1. with members of the same household, spouses, life partners, partners of a non-marital domestic partnership, directly related relatives, siblings and members of one other household, or
2. in groups of up to 10 persons.

(2) Parties in public places and grounds are prohibited, regardless of who is present..

(3) Sub-para. 1 does not apply to professional and official activities or to volunteer work in corporations and institutions under public law requiring several persons to meet or work together.

§ 3

Contact restrictions in privately used areas

The group of participants at a meeting in privately used rooms and on privately used land is restricted, with consideration given to § 1 sub-para. 1.

§ 4

Recording contact data

(1) ¹ Where contact data are collected in accordance with this Ordinance or on account of protection and hygiene concepts in accordance with this Ordinance for the purpose of contact tracing in the case of an ascertained infection with the coronavirus SARS-CoV-2, surnames and first names, secure contact information (phone number, email address or postal address) and the period of stay must be documented.

² The documentation must be stored in such a way that third parties cannot access it without authorisation and the data are protected against unlawful processing and accidental loss or alteration. ³ The data must be erased after the end of one month. ⁴ If contact details are given to a person obligated to collect them, they must be accurate.

(2) ¹ Authorities, courts and bodies that perform tasks in the public interest or undertake acts ordered by a public authority may also collect personal data in accordance with sub-para. 1 sent. 1 upon entry of the respective buildings or facilities. ² Sub-para. 1 sent. 2 to 4 applies accordingly.

(3) ¹ The data documented in accordance with sub-para. 1 shall be transmitted to the responsible health authorities upon request, if this is necessary for contact tracing. ² Any other use of the data is impermissible. ³ The powers of the law enforcement authorities shall remain unaffected.

Part 2

Public life

§ 5

Events

(1) ¹ Subject to more specific provisions in this Ordinance, events, assemblies, when not assemblies in accordance with § 7, crowds, as well as public festivities, are prohibited throughout the state. ² Upon application, special permits may be granted by the responsible local authority, provided that each case is acceptable in terms of infection protection legislation.

(2) ¹ Events which are usually not offered to an arbitrary audience or which, due to their personal character, are only attended by a foreseeable group of participants (especially weddings, funerals, birthdays, and club and party meetings) as well as non-public events are possible with up to 100 participants in enclosed rooms or up to 200 participants in the open air if the event organiser has drawn up a protection and hygiene concept and can submit it to the responsible local authority upon request. ² More specific provisions under this Ordinance are not affected. ³ Notwithstanding sentence 1, § 13 shall apply if the event takes place in a gastronomic facility; the limits on participants in accordance with sent. 1 shall also apply in this regard.

(3) Insofar as other events or assemblies are permitted in accordance with special provisions under this Ordinance and refer to this provision, the following shall apply to these events or assemblies:

1. The event organiser must ensure by means of suitable measures that a minimum distance of 1.5 m can fundamentally be maintained between all participants where such do not belong to the group of persons specified in § 2 sub-para. 1; when using wind instruments and singing, a minimum distance of 2 m must be maintained.
2. In compliance with the requirements under no. 1, the maximum number of possible participants in enclosed areas is 100 and in open air 200; for events with assigned and designated seating, the maximum number of possible participants is 200 in enclosed areas and 400 in open air.
3. Participants must wear masks in enclosed areas as long as they are not in their seats or speaking.
4. The event organiser must draw up a protection and hygiene concept and submit it to the responsible local authority upon request.

5. The event organiser must collect the contact data of participants in accordance with § 4 sub-para. 1.
6. For gastronomic offerings, § 13 shall apply; the limits on participants in accordance with no. 2 shall also apply in this regard.

§ 6

Church services, meetings of religious communities

¹ Church services which are open to the public in churches, synagogues and mosques as well as meetings of other religious communities are permitted under the following conditions:

1. In the case of church services and gatherings
 - a) in buildings, the maximum number of participants allowed is determined by the number of available seats with a minimum distance of 1.5 m to other seats; the participants must always keep a minimum distance of 1.5 m from each other, if they do not belong to the group of persons indicated in § 2 sub-para. 1 no. 1.
 - b) outdoors, the maximum number of participants is 200, and persons who do not belong to the group of persons indicated in § 2 sub-para. 1 no. 1 must fundamentally keep a minimum distance of 1.5 m from each other.
2. Visitors must wear masks as long as they are not in their seats.
3. An infection protection concept exists for church services or gatherings that minimises the possible risks of infection according to the religious community and rite; the infection protection concept must be submitted to the responsible local authority upon request.

²§ 5 sub-para. 1 sent. 2 applies accordingly.

§ 7

Assemblies within the meaning of the Bavarian Assembly Act

(1) ¹ In the case of outdoor public assemblies within the meaning of the Bavarian Assembly Act (BayVersG), all participants must be granted a minimum distance of 1.5 m and anybody contact with other assembly participants or third parties must be avoided. ² The responsible authorities in accordance with Art. 24 sub-para. 2 BayVersG must ensure, insofar as this is necessary in individual cases, by means of appropriate restrictions in accordance with Art. 15 BayVersG, that

1. the provisions under sentence 1 are complied with and
2. the risks of infection arising from the assembly are also limited to a level that is acceptable in terms of infection protection legislation; this should fundamentally be assumed if the assembly has no more than 200 participants and is held at a fixed location.

³ In any case, if the number of participants exceeds 200 persons, a mask requirement must be imposed as a rule. ⁴ If the requirements under sentence 2 cannot be ensured even by restrictions, the assembly must be prohibited.

(2) Public assemblies in enclosed areas within the meaning of the Bavarian Assembly Act are permitted under the following conditions:

1. The event organiser must take suitable measures to ensure that a minimum distance of 1.5 m can fundamentally be maintained between all participants and anybody contact with other assembly participants or third parties can be avoided.
2. A maximum number of 100 participants is permitted in light of the requirements under no. 1.
3. The event organiser must draw up a protection and hygiene concept and submit it to the responsible local authority upon request.
4. For gastronomic offerings, § 13 applies.

§ 8**Public transport, school transport, tour buses**

¹ Passengers, ticket inspectors and service personnel who come into contact with passengers must wear masks when using local or long-distance public transport and related facilities. ² Sentence 1 applies accordingly to free school transport. ³ For tour-bus trips, sentence 1 and § 11 sub-para. 4 sent. 1 no. 3 apply accordingly under the condition that the protection and hygiene concept is drawn up on the basis of a framework concept announced by the State Ministry for Economic Affairs, Regional Development and Energy, the State Ministry of Living, Construction and Transport and the State Ministry of Health and Care and submitted to the responsible local authority upon request.

§ 9**Specific visit regulations**

(1) ¹ In the case of a visit to patients or residents of

1. hospitals and preventive care/rehabilitation facilities where medical care comparable to that offered in hospitals is provided (facilities as defined in § 23 sub-para. 3 nos. 1 and 3 of the Infection Protection Act – IfSG),
2. inpatient nursing care facilities as defined in § 71 sub-para. 2 of the Eleventh Book of the German Social Code,
3. facilities for persons with disabilities as defined in § 2 sub-para. 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 sub-para. 3 of the German Act on the Quality of Care and Living for the purpose of outpatient intensive care (IntensivpflegeWGs) where outpatient care services provide services as defined in § 23 sub-para. 6a IfSG,
5. retirement homes and nursing homes

visitors are required to wear masks and must, if possible, consistently maintain a minimum distance of 1.5 m. ² The facility must draw up a protection and hygiene concept on the basis of a framework concept announced by the State Ministry of Health and Care and submit the concept to the responsible local authority upon request. ³ For protection and hygiene concepts completed after 28 June 2020, conduct shall be agreed with the responsible local authority.

(2) Tending to a dying person is permitted at any time.

Part 3**Sports and leisure****§ 10****Sports**

(1) Sports activity is permitted subject to the following conditions:

1. Training and competitions in contact sports are only permitted under the condition that contact data is recorded in accordance with the sports framework concept; accordingly, the number of participants in martial arts where direct physical contact is required continuously or over a longer period of time may not exceed 20 persons.
2. § 5 sub-para. 3 nos. 1 to 3 and no. 6 shall apply to the admission of spectators; § 5 sub-para. 1 sent. 2 shall apply accordingly to open-air events.
3. For training and competitive sports in sports facilities as well as fitness and dance studios, it is necessary to draw up a dedicated protection and hygiene concept for each location and competition on the basis of a framework concept announced by the State Ministry of the Interior, the State Ministry of Sport and Integration and the State Ministry of Health and Care and submit it to the responsible local authority upon request; this shall not apply to training operations without spectators in open-air sports facilities, provided that only special bathroom facilities (without showers and changing rooms) are open in enclosed areas.

4. In the case of competitions in enclosed areas, a maximum of 100 persons (participants in the competition and functional personnel) are permitted in addition to the spectators permitted in accordance with no. 2; if all persons present can be assigned to designated seats or clearly separated viewing areas where a minimum distance can always be complied with, a maximum of 200 persons is permitted.
5. The provisions in § 20 sub-para. 1 apply accordingly to the teaching of theory in teaching facilities.
 - (2) ¹ For national sports events, the following applies:
 1. The event organiser must draw up and observe a protection and hygiene concept to minimise the infection risk and submit it to the responsible authorities if requested.
 2. For the admission of spectators, the following applies:
 - a) The event organiser must take suitable measures to ensure that a minimum distance of 1.5 m is fundamentally maintained between all spectators where such do not belong to the group of persons specified in § 2 sub-para. 1.
 - b) In compliance with the obligation under letter a, up to 1,000 spectators may be admitted to each event facility or up to 20 % of the respective stadium or hall capacity may be occupied.
 - c) Spectators must wear masks as long as they are not in their seats.
 - d) Exclusively personalised admission tickets will be sold.
 - e) No ticket contingent will be given to the respective guest team.
 - f) § 13 applies to gastronomic offerings; the serving and sale of alcoholic beverages at the event facilities is prohibited.
 - g) If, according to the figures released by the Robert Koch Institute or the State Office for Health and Food Safety, the number of new infections with the coronavirus SARS-CoV-2 exceeds 35 per 100 000 inhabitants within the last seven days in a district or city that does not have districts, the responsible local authority may, notwithstanding § 25, order that no spectators or a reduced number of spectators be admitted to the event facilities.

² If, according to the figures released by the Robert Koch Institute or the State Office for Health and Food Safety, the number of new infections with the coronavirus SARS-CoV-2 exceeds 35 per 100 000 inhabitants within the last seven days in a district or city that does not have districts, the responsible local authority may, notwithstanding § 25, order that no spectators or a reduced number of spectators be admitted to the event facilities. ³ § 5 sub-para. 1 sent. 2 applies accordingly.

§ 11 Leisure facilities

(1) ¹ The operation of amusement parks and comparable local leisure facilities is permitted only under the following conditions:

1. The operator must ensure by means of suitable measures that a minimum distance of 1.5 m can fundamentally be maintained between visitors in the entire area of operation.
2. No more than one visitor may be admitted per 10 m² of accessible space.
3. The operator must draw up a protection and hygiene concept on the basis of a framework concept announced by the State Ministry for Economic Affairs, Regional Development and Energy and the State Ministry of Health and Care and submit the concept to the responsible local authority upon request.

² For gastronomic offerings as well as for theatre performances, film projections and similar events, the respective specific regulations of this Ordinance are applicable.

(2) ¹ Open-air playgrounds are only open for children accompanied by an adult. ² The adults accompanying them must prevent any crowding and ensure sufficient spacing of the children wherever possible.

(3) Guided city tours and tours for guests are permitted as well as mountain, cultural and nature tours and tours in show caves and visitor mines, if the party responsible ensures by means of suitable measures that the minimum distance of 1.5 m between the participants can always be maintained.

(4) ¹ The operation of cable cars, boats on rivers and lakes for excursion purposes and tourist rail transport is permitted under the following conditions:

1. The operator must ensure by means of suitable measures that a minimum distance of 1.5 m can fundamentally be maintained between passengers or that appropriate separating partitions are present; this does not apply as long as the passengers are in their place on trains or ships.
2. In enclosed rooms, vehicle areas and cabins, masks must be worn by passengers and by inspection and service personnel who come into contact with passengers.
3. The operator must draw up a protection and hygiene concept on the basis of a framework concept announced by the State Ministry for Economic Affairs, Regional Development and Energy and the State Ministry of Health and Care and submit the concept to the responsible local authority upon request.

²§ 14 applies accordingly to river cruises.

(5) The opening and operation of bathing facilities, hotel swimming pools, spas and wellness centres as well as saunas are permitted under the following conditions:

1. The operator must take suitable measures to ensure that the number of visitors present at the same time does not exceed one person per 10 m² of the areas accessible to the patrons, including the pool.
2. The operator must draw up a protection and hygiene concept on the basis of a framework concept announced by the State Ministry for Economic Affairs, Regional Development and Energy and the State Ministry of Health and Care and submit the concept to the responsible local authority upon request.
3. § 10 sub-para. 1 nos. 1, 2 and 4 applies accordingly to training and competitions in bathing facilities.

(6) Brothels, clubs, discotheques, other places of amusement and comparable leisure facilities are closed.

Part 4 Business life

§ 12 Trade and service companies, markets

(1) ¹The following applies to wholesale and retail businesses where customers shop:

1. The operator must ensure by means of suitable measures that a minimum distance of 1.5 m can fundamentally be maintained between customers.
2. The operator must take suitable measures to ensure that the number of customers present in the shop at the same time does not exceed one customer per 10 m² of the sales floor.
3. Masks must be worn by staff, customers and persons accompanying them; if reliable protection against infection is ensured by transparent or otherwise suitable protective walls at the cash desk and counter areas of shops, the obligation to wear masks is not applicable for staff.
4. The operator must draw up a protection and hygiene concept and submit it to the responsible local authority upon request.

²The following applies to shopping centres:

1. Sentence 1 applies to the individual shops.
2. In regard to the connecting customer passageways, sentence 1 applies accordingly under the condition that the protection and hygiene concept takes the entire customer flows of the shopping centre into account.

(2) Sub-para. 1 sent. 1 nos. 1, 3 and 4 apply accordingly to service providers where customers shop under the condition that the mask requirement does not apply if the nature of the service does not permit it.

(3) ¹ In doctors' and dentists' practices and other practices where medical, therapeutic and care services are rendered, sub-para. 1 sent. 1 nos. 1 and 3 shall apply accordingly under the condition that the mask requirement does not apply where the nature of the service does not permit it. ² Any further obligations to wear a medical mouth and nose mask remain unaffected.

(4) ¹ Weekly markets and other markets for the sale of goods under open air where they do not have the character of a fair and do not attract large numbers of visitors, in particular smaller traditional arts and crafts markets, pottery markets and flea markets, are permitted. ² For the event organiser, sub-para. 1 sent. 1 no. 1 and 4 apply accordingly under the condition that the protection and hygiene concept is drawn up on the basis of a framework concept announced by the State Ministry for Economic Affairs, Regional Development and Energy and the State Ministry of Health and Care. ³ Sub-para. 1 sent. 1 no. 3 shall apply accordingly to sales staff, customers and persons accompanying them. ⁴ Entertainment activities within the meaning of § 55 sub-para. 1 no. 2 of the German Industrial Code [*Gewerbeordnung*], marquees and artistic performances are not permitted within the framework of such markets. ⁵ § 5 sub-para. 1 sent. 2 applies accordingly.

§ 13 Gastronomy

(1) Gastronomic businesses of any kind are only permitted in accordance with the conditions in the following sub-paragraphs.

(2) The dispensing and delivery of take-away food and beverages are permitted.

(3) ¹ The operation of company canteens which are not open to the public is permitted if it is ensured that a minimum distance of 1.5 m is maintained between all guests who do not belong to the group of persons designated in § 2 sub-para. 1. ² The operator must draw up a protection and hygiene concept and submit it to the responsible local authority upon request.

(4) ¹ The dispensing of food and beverages for consumption on the spot is permitted under the following conditions:

1. The operator must take suitable measures to ensure that either a minimum distance of 1.5 m is maintained between all guests who, in relation to each other, do not belong to the group of persons specified in § 2 sub-para. 1 or that suitable separating partitions are present.
2. Personnel in the service area or in areas where a minimum distance of 1.5 m cannot be maintained must wear masks, as must guests as long as they are not in their seats.
3. Hospitality may only be provided at tables; food and beverages must be consumed at the table.
4. In enclosed rooms, dancing is not permitted unless it involves permitted events in accordance with this Ordinance.
5. The operator must draw up a protection and hygiene concept on the basis of a framework concept for the gastronomic sector announced by the State Ministry of Economic Affairs, Regional Development and Energy and the State Ministry of Health and Care and submit it to the responsible local authority upon request.
6. The operator must collect the contact data of guests in accordance with § 4 sub-para. 1.

² For licensed public bars in accordance with § 1 sub-para. 1 no. 1, § 2 of the German Licensing Act [*Gaststättengesetz*], the following applies in addition:

1. In enclosed rooms, any serving must take place at the table; dispensing and consumption of beverages at the counter or bar is not permitted.
2. In enclosed rooms, playing music and music accompaniment is only permitted as background music, unless it is an event permitted in accordance with this Ordinance.

(5) For musical accompaniment and similar accompanying artistic performances in the context of gastronomic businesses, § 5 sub-para. 3 nos. 1 and § 23 sub-para. 2 sent. 2 to 4 apply accordingly.

§ 14 Accommodation

(1) ¹ The operation of hotels, lodgings, school hostels, youth hostels, camping sites and the provision of other accommodation of any kind is only permitted under the following conditions:

1. The operator must ensure by means of suitable measures that a minimum distance of 1.5 m is fundamentally maintained between guests who do not belong to the group of persons specified in § 2 sub-para. 1, and between guests and staff.
2. Guests who, in relation to each other, do not belong to the group of persons specified in § 2 sub-para. 1 may not lodge together in the same room or accommodation unit.
3. Personnel in the service area or in areas where a minimum distance of 1.5 m cannot be maintained, as well as guests if they are not at the table of the restaurant area or in their accommodation unit, must wear masks; § 12 sub-para. 1 sent. 1 no. 3 sub-sentence 2 applies accordingly.
4. The operator must draw up a protection and hygiene concept on the basis of a framework concept for accommodation facilities announced by the State Ministry for Economic Affairs, Regional Development and Energy and the State Ministry of Health and Care and submit the concept to the responsible local authority upon request.
5. The operator must collect the contact data of guests in accordance with § 4 sub-para. 1.

² For gastronomic offerings as well as for sports and leisure offerings, the respective specific regulations of this Ordinance are applicable.

(2) ¹ The State Ministry of Health and Care may announce in the Bavarian Ministerial Gazette administrative districts, municipalities or specific parts of municipalities within Germany where there is an increased risk of infection with the coronavirus SARS-CoV-2. ² Establishments in accordance with sub-para. 1 sent. 1 may not receive guests who arrive from one of the areas announced in accordance with sentence 1 or who have their residence there. ³ Exempt are guests who have a medical certificate in German or English confirming that there are no indications of the existence of an infection with the coronavirus SARS-CoV-2, and present this immediately to the responsible local authority upon request. ⁴ The medical certificate must be based on a molecular biological test carried out in a Member State of the European Union or another country which the Robert Koch Institute has included in a list of countries with a sufficient standard of quality for this purpose, and which was carried out no more than 48 hours prior to arrival. ⁵ The prohibition of accommodation in accordance with sentence 1 also does not apply to guests whose

1. arrival is absolutely necessary and cannot be postponed due to professional or medical reasons, or
2. who have another valid reason for travelling, such as in particular a visit to family members in accordance with § 2 sub-para. 1 no. 1, a partner or cohabiting partner in a non-marital partnership, the exercise of a right of care or access, or assistance or care for persons in need of protection.

⁶ In all other respects, the responsible local authority may allow further exceptions on application in justified individual cases. ⁷ For those entering from risk areas outside Germany, the provisions of the German Post-Entry Quarantine Ordinance apply.

§ 15 Conferences, congresses and trade fairs

(1) ¹ § 5 sub-para. 3 applies to conferences, congresses and similar events that are held for professional or business purposes. ² § 23 sub-para. 2 sent. 1 to 3 applies accordingly to an accompanying cultural framework programme. ³ In the case of events with assigned or designated seating, the limits on participants can be exceeded in accordance with § 5 sub-para. 3 no. 2, if no more than one visitor per 10 m² of event space is admitted.

(2) ¹ Trade fairs and exhibitions in accordance with § 64 and § 65 of the Industrial Code are only permitted under the following conditions:

1. The event organiser must take suitable measures to ensure that a minimum distance of 1.5 m can fundamentally be maintained between all participants where such do not belong to the group of persons specified in § 2 sub-para. 1.
2. In enclosed areas, masks are mandatory; this does not apply to trade fair booths at a table if the minimum distance in accordance with no. 1 can be safely maintained and the exhibitor records the contact data of conversation partners separately.

3. In outdoor areas, masks are mandatory if it is not possible to ensure the maintenance of the minimum distance in accordance with no. 1 at all times.
4. The event organiser must draw up a protection and hygiene concept on the basis of a framework concept announced by the State Ministry for Economic Affairs, Regional Development and Energy and the State Ministry of Health and Care and submit the concept to the responsible local authority upon request.
5. It is mandatory for all exhibitors, visitors and service providers on the premises to register in accordance with § 4 sub-para. 1; at the same time, no more than one visitor per 10 m² of event space may be admitted.

²§ 13 applies to gastronomic offerings and § 23 sub-para. 2 sent. 1 to 3 applies to an accompanying cultural framework programme. ³ Sub-para. 1 applies accordingly to lecture areas and discussion forums.

§ 16

Business accommodation

¹ For companies and agricultural businesses employing at least 50 persons who are housed in collective accommodation or in company-owned or rented accommodation, the protective and hygiene measures required from the point of view of infection protection law may be ordered by the responsible local authority in individual cases. ² The operators are responsible for compliance with the protection and hygiene measures and have to check and document this regularly.

Part 5

Education and culture

§ 17

Examinations

¹ Examinations are only permitted if a minimum distance of 1.5 m is maintained between all participants. ² Where it is not possible to maintain the minimum distance due to the nature of the examination, other, equally effective protective measures must be taken. ³ Spectators who are not involved in running the examination are not permitted. ⁴§ 5 sub-para. 1 sent. 2 applies accordingly.

§ 18

Schools

(1) ¹ Classes and other school events as well as lunchtime supervision at schools within the meaning of the Bavarian Education and Training Act [*Gesetz über das Erziehungs- und Unterrichtswesen, BayEUG*] are permitted if suitable measures are adopted to ensure that infection protection is taken into account. ²To this end, the schools and parties handling lunchtime supervision must draw up a protection and hygiene concept on the basis of a hygiene plan (framework hygiene plan) provided to them by the State Ministry of Education and the Arts and the State Ministry of Health and Care and submit the concept to the responsible local authority upon request.

(2) ¹ Masks are mandatory on school grounds. ²Notwithstanding § 1 sub-para. 2, the following persons are exempt from this mandatory mask policy:

1. Pupils
 - a) after taking their seat in the respective classroom,
 - b) after approval of the supervisory staff for compelling pedagogical-didactic or school-organisational reasons,
2. Teachers and supervisory staff after reaching their respective workplace in the classroom,
3. School administration staff after reaching their respective workplace, if no other persons are present.

³ If the obligation in accordance with sentences 1 and 2 is not observed, the director of the school shall expel the person from the school grounds; this only applies to pupils in 5th grade or higher.

(3) ¹ The responsible local authorities may issue additional instructions in light of the framework hygiene plan in accordance with sub-para. 1, if there is an elevated risk of infection with the coronavirus SARS-CoV-2 at the respective school location. ²§ 25 remains unaffected by this.

§ 19

Day care services for children, adolescents and young adults

(1) ¹ For the operation of day care facilities and centres for children and special pedagogical day care centres, the respective operators must draw up a protection and hygiene concept on the basis of a framework hygiene plan provided to them by the State Ministry for Families, Work and Social Affairs and the State Ministry of Health and Care and submit the concept to the responsible local authority upon request. ² The facility-specific requirements and the circumstances on site must be taken into account.

(2) ¹ Sub-para. 1 applies accordingly to holiday day care centres and organised play groups for children. ² If requested by the responsible local authority, documentation of the supervised children and the supervisors must be submitted.

§ 20

Extra-curricular education, music schools, driving schools

(1) ¹ Subject to more specific provisions in this Ordinance, extra-curricular educational offerings are only permissible if a minimum distance of 1.5 m is maintained between all participants; if the minimum distance cannot be maintained in a reliable manner, particularly in traffic and meeting areas, masks must be worn. ² § 17 sent. 2 applies accordingly. ³ The operator must draw up a protection and hygiene concept and submit it to the responsible local authority at its request.

(2) ¹ Classes at music schools may only be given if a minimum distance of 1.5 m is maintained between all participants, with a minimum distance of 2 m for wind instruments and singing. ² This applies accordingly to music lessons outside of schools.

(3) ¹ For theoretical driving school lessons, refresher courses, aptitude seminars and theoretical driving tests, sub-para. 1 sent. 1 and 2 applies accordingly. ² For practical driving school lessons and for practical driving tests, masks are mandatory.

(4) § 5 sub-para. 1 sent. 2 applies accordingly.

§ 21

Universities

¹ In-person events at universities are permitted under the following conditions:

1. Universities must take suitable measures to ensure that a minimum distance of 1.5 m is maintained between all participants as a rule; if the minimum distance cannot be maintained in a reliable manner, particularly in traffic and meeting areas, masks must be worn.
2. A maximum number of 200 persons is permitted at in-person events in light of the requirements under no. 1.
3. The university must draw up a protection and hygiene concept and submit it to the responsible local authority upon request.
4. In this concept, the university shall also provide for suitable measures to facilitate contact tracing.

² In the case of practical exercises as part of the degree programme for medical and dentistry professions, participants must wear masks and a minimum distance of 1.5 m must be observed as consistently as possible; sentence 1 no. 3 shall apply accordingly to the respective facility. ³ More specific provisions under this Ordinance are not affected.

§ 22

Libraries, archives

In libraries and archives, it is necessary to ensure that a minimum distance of 1.5 m between users can fundamentally be maintained.

§ 23 Cultural sites

(1) ¹ Museums, exhibitions, memorial places, properties of the Bavarian Administration of State-Owned Palaces, Gardens and Lakes and comparable cultural sites, as well as zoological and botanical gardens, may open under the following conditions:

1. § 11 sub-para. 3 applies to guided tours; sub-para. 2 applies accordingly to other cultural events.
2. No more than one visitor may be admitted per 10 m² of accessible space.
3. The operator must draw up a protection and hygiene concept and submit it to the responsible local authority upon request.
4. For gastronomic offerings, § 13 applies.

²§ 5 sub-para. 1 sent. 2 applies accordingly to open-air offerings.

(2) ¹§ 5 sub-para. 3 applies to cultural events in theatres, concert halls, on other stages and in open air as well as to the rehearsals necessary for such performances and other preparatory work.

²For participants in enclosed rooms where visitors are also present or the minimum distance cannot be observed, it is necessary to wear masks; this does not apply if it leads to an impairment of the artistic performance or if the participant has taken up a fixed position and observes the minimum distance.

³If there is a framework concept announced by the State Ministry of Science and the Arts and the State Ministry of Health and Care, it must serve as the basis for the respective protection and hygiene concept.

⁴§ 5 sub-para. 1 sent. 2 applies accordingly to open-air events. ⁵ The State Ministry of Health and Care in agreement with the State Ministry of Science and the Arts may permit a different number of visitors than in § 5 sub-para. 3 no. 2 as part of a temporary pilot scheme in an individual case, if this is justifiable in terms of infection protection legislation and is required to gain practical experience in the handling of larger cultural events and the protection and hygiene measures necessary for such.

(3) ¹§ 5 sub-para. 3 applies *mutatis mutandis* to cinemas under the condition that the protection and hygiene concept is based on the framework concept published by the State Ministry of Health and Care and the State Ministry of Digital Matters. ²§ 5 sub-para. 1 sent. 2 applies accordingly to open-air events.

Part 6 Final provisions

§ 24 Offences

An offence within the meaning of § 73 sub-para. 1a no. 24 IfSG is committed by anyone who, intentionally or negligently,

1. in breach of § 2 sub-para. 1, stays in a public area together with other persons,
2. in breach of § 2 sub-para. 2, parties in public spaces or parks,
3. in breach of § 4 sub-para. 1 sent. 4, provides false contact data,
4. in breach of § 5 sub-para. 1 sent. 1 or § 7 sub-para. 2, holds an event or a gathering, in breach of § 5 sub-para. 2 sent. 1 or § 7 sub-para. 2 no. 3, cannot as event organiser present a protection and hygiene concept, or, in breach of § 5 sub-para. 1 sent. 1 or § 7 sub-para. 1 sent. 1, takes part in an event or an assembly,
5. in breach of §§ 8, 9, 10, 11, 15, 20 sub-para. 3, § 23 or in breach of §§ 12 to 14, fails to comply with the obligation to wear a mask as a visitor, customer, accompanying person or guest,
6. in breach of § 8 sent. 3, carries out bus trips for tourists and violates the requirements for such,
7. in breach of § 9, cannot present a protection and hygiene concept as the operator of a facility,
8. in breach of § 10, operates or uses sports halls, sports fields, fitness studios, other sports facilities and event facilities in accordance with § 10 sub-para. 2 or dance schools,
9. in breach of § 11 sub-para. 1, 4, 5 or 6, operates facilities or, in breach of § 11 sub-para. 3, conducts guided tours for tourists in violation of the requirements there,

10. in breach of § 12, as the operator of a shop, a market stall or a shopping centre or as a party responsible for a service company or a practice, fails to comply with the obligations specified therein or to ensure that the staff comply with the obligation to wear a mask or, as the event organiser of a market, does not comply with the obligations indicated there,
11. in breach of § 13, opens a gastronomic business without complying with the obligations specified therein or does not ensure that the staff comply with the mask requirement,
12. in breach of § 14, provides accommodation without complying with the obligations specified therein or does not ensure that the staff comply with the mask requirement,
13. in breach of § 15, holds conferences, congresses, trade fairs or exhibitions,
14. in breach of § 16, as operator, does not observe the ordered protection and hygiene measures, tolerates employees' failure to comply with them or does not fulfil the obligations to review or document,
15. in breach of § 17, conducts examinations,
16. in breach of § 18, operates private schools in accordance with Art. 90 et seqq. of the Bavarian Education and Training Act [*Gesetz über das Erziehungs- und Unterrichtswesen, BayEUG*] without fulfilling the obligations indicated in § 18 sub-para. 1 or does not ensure that the mandatory mask policy in accordance with § 18 sub-para. 2 is observed at such a school,
17. in breach of § 20, carries out education offerings, gives music lessons or provides driving school lessons,
18. in breach of § 23, operates cultural sites or cinemas or carries out cultural events.

§ 25

Local measures and additional instructions

(1) ¹ Additional instructions from the local authorities responsible for the enactment of the Infection Protection Act remain unaffected. ² The responsible local authorities may, even to the extent that this Ordinance prescribes protective measures or protection and hygiene concepts, issue additional instructions in specific cases where this is necessary in terms of infection protection legislation.

(2) If, according to the figures released by the Robert Koch Institute or the State Office for Health and Food Safety, the number of new infections with the coronavirus SARS-CoV-2 exceeds 35 per 100 000 inhabitants within the last seven days in a district or city that does not have districts, the responsible local authority should, notwithstanding sub-para. 1, § 10 sub-para. 2 sent. 1 no. 2 (g) and § 18 sub-para. 3, issue the following instructions in particular:

1. Restrictions on the permitted number of participants at private celebrations in public or rented premises to no more than 50 persons,
2. Urgent recommendation not to hold any parties in private areas with more than 25 participants.

(3) If, according to the figures released by the Robert Koch Institute or the State Office for Health and Food Safety, the number of new infections with the coronavirus SARS-CoV-2 exceeds 50 per 100 000 inhabitants within the last seven days in a district or city that does not have districts, the responsible local authority should, notwithstanding sub-para. 1 and § 18 sub-para. 3, issue the following instructions in particular:

1. Restriction on time spent together in a public area to the group of persons indicated in § 2 sub-para. 1 no. 1 or to groups of no more than five persons; also with effect for the other provisions of this Ordinance relating to § 2 sub-para. 1,
2. Restriction on the group of participants at meetings in privately used rooms and on privately used properties to the group of persons indicated in § 2 sub-para. 1 no. 1 or to groups of no more than five persons,
3. Restriction on the permitted number of participants at events in accordance with § 5 sub-para. 2 to no more than 25 persons in enclosed rooms or up to 50 persons in the open air,
4. Ordering a mask requirement in specific, frequently visited public areas,
5. Prohibiting the consumption of alcohol outside of the permitted gastronomic business in accordance with § 13 sub-para. 4 in specific, frequently visited public areas,

6. Prohibition of the distribution of food and beverages for consumption on site in accordance with § 13 sub-para. 4 from 11:00 pm to 6:00 am.
7. Restriction on the visiting of facilities in accordance with § 9 sub-para. 1 to one person daily from the group of persons indicated in § 2 sub-para. 1 no. 1; in the case of minors, also by parents or guardians jointly, during the entire visiting period.

§ 25a

Amendment to the Post-Entry Quarantine Ordinance

In § 4 of the Post-Entry Quarantine Ordinance of 15 June 2020 (BayMBI. No. 335, BayRS 2126-1-6-G), which was last amended by § 2 of the Ordinance of 22 May 2020 (BayMBI. No. 535), the date "3 October 2020" is replaced by the date "18 October 2020".

§ 26

Effective date, expiry date

¹ This Ordinance takes effect on 2 October 2020 and expires on 18 October 2020.

² The Sixth Bavarian Infection Protection Measures Ordinance (6th BayIfSMV) of 19 June 2020 (BayMBI. No. 348, BayRS 2126-1-10-G), which was last amended by § 1 of the Ordinance of 22 September 2020 (BayMBI. No. 535), expires on 1 October 2020.

Munich, 1 October 2020

Bavarian State Ministry of Health and Care

Melanie H u m l , Minister

Legal notice

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