



Bavarian Ministerial Gazette

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Seventeenth Bavarian Infection Protection Measures Ordinance (17th BayIfSMV)

of 30 September 2022

In accordance with Article 32 sentence 1 in conjunction with Article 28(1), Article 28b(1) clauses 9 and 10 and paragraph 2 of the German Infection Protection Act (IfSG) of 20 July 2000 (Federal Law Gazette I p. 1045), last amended by Art. 1b of the Act of 16 September 2022 (Federal Law Gazette I p. 1454), and Section 9 no. 5 of the Ordinance on Responsibility to Issue Decrees [Delegationsverordnung, DeIV] of 28 January 2014 (Law and Ordinance Gazette p. 22, BayRS 103-2-V), which was last amended by the Ordinance of 27 September 2022 (BayMBl. No. 555), the Bavarian State Ministry of Health and Care orders:

Part 1 Applicable regulations

ARTICLE 1 General recommendations for conduct

¹All persons are urged to keep a minimum distance of 1.5 m from other people and pay attention to adequate hand hygiene wherever possible. ²In enclosed areas, notwithstanding the provisions of the Infection Protection Act (IfSG) and Article 2, it is recommended to wear at least a medical face mask and to ensure that the area is sufficiently aired. ³For establishments, facilities, offerings and events visited by the public, it is recommended that hygiene concepts be drawn up which stipulate, in particular, measures to provide disinfectants and to prevent unnecessary contact.

ARTICLE 2 Mask obligation

(1) On

1. local public transport,
 - a) for passengers and
 - b) inspection and service personnel as well as driving and steering personnel, insofar as they come into physical contact with other persons due to the nature of their work,
2. in buildings and enclosed spaces, including enclosed sections of vehicles, for operators and employees of
 - a) doctors' practices,
 - b) facilities for out-patient surgery,
 - c) preventive care facilities where medical care comparable to that offered in hospitals is provided,
 - d) dialysis facilities,
 - e) day clinics,
 - f) rescue services,

to the extent that several persons are present there and that it is necessary to prevent danger to persons who, due to their age or health status, are at increased risk of a serious or fatal course of COVID-19,

3. buildings and enclosed areas, which are not private premises, of shelters for the homeless and facilities for the communal accommodation of asylum seekers, persons who are obliged to leave the country, refugees and ethnic German repatriates, there is an obligation to wear at least a medical face mask (mask obligation).

(2) The mask obligation does not apply if there are essential reasons against it and in the cases mentioned in Article 28b(2) clause 3 IfSG.

(3) The following persons are exempted from the mask obligation:

1. Children up to the age of six;
2. Persons who can credibly demonstrate that it is not possible or that it is unreasonable for them to wear a mask due to a disability or for health reasons, as long as they can prove this immediately on the spot, in particular by presenting the original copy of a written medical certificate, which must contain their full name, their date of birth and specific details of the reason for the exemption;
3. Persons who are deaf or hard of hearing and their companions.

²The mask may be removed if it is necessary for identification purposes or for communicating with persons with impaired hearing. ³For employees, during their work activities the obligation to wear a medical face mask applies within the framework of occupational health and safety law.

(4) Operators are obligated to ensure that the requirements of the mask obligation as per paragraphs 1 to 3 are observed.

ARTICLE 3

Exemptions from institutional testing requirements

(1) ¹Operators and employees who do not work on wards or in areas with particularly vulnerable patients are exempt from a testing requirement as per Article 28b(1) sentence 1 no. 3 point a IfSG. ²Particularly vulnerable patients are those who, due to their age or health status, are at a highly increased risk of a serious or fatal course of COVID-19. ³The wards and areas of the hospital with particularly vulnerable patients must be named in the hygiene plans pursuant to Article 23(5) clause 1 IfSG and be made known to the employees.

(2) Persons entering a special pedagogical day-care facility are exempt from a testing requirement as per Article 28b(1) sentence 1 no. 3 point b IfSG.

(3) ¹Operators and employees are exempt from a testing requirement pursuant to Article 28b(1) sentence 1 no. 3 or no. 4 IfSG if they are vaccinated or recovered persons within the meaning of Article 22a(1) and (2) IfSG and provide proof of a test result at least twice per calendar week. ²Proof of a test result as referred to in the first sentence is a test result pursuant to Article 22a(3) IfSG or a written or electronic test result on the basis

1. of a PCR test, PoC-PCR test or a test using other nucleic acid amplification methods, carried out no more than 48 hours previously,

2. of a PoC antigen test carried out no more than 24 hours previously, or

3. of an antigen test designed for self-administration by lay persons ('self-test') approved by the Federal Institute for Drugs and Medical Devices which was carried out no more than 24 hours previously,

provided that in all other respects the test conforms to Article 22a IfSG. ³A test as specified in sentence 2 no. 3 can also be carried out without supervision.

(4) The following persons are also exempt from a testing requirement as per Article 28b(1) sentence 1 no. 3 or no. 4 IfSG:

1. Children up to the age of six,
2. Children not yet attending school,
3. Persons for whom such testing cannot fulfil its purpose.

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

Part 2
Final provisions

ARTICLE 4
Additional instructions, exemptions

(1) Additional or supplementary instructions from the authorities responsible for the enactment of the Infection Protection Act remain unaffected within the framework of Article 28b(5) clause 2 IfSG.

(2) 1Upon application, special permits may be granted by the responsible local authority, provided that each case is acceptable in terms of infection protection legislation and federal law does not preclude it. 2Special exemptions for a general group of persons or a general constellation of cases may only be granted in agreement with the responsible government under the conditions of sentence 1.

ARTICLE 5
Offences

An offence within the meaning of Article 73(1a) no. 24 IfSG is committed by anyone who, intentionally or negligently, does not comply with the mask obligation or, in breach of Article 2(4), in their role of event organiser does not ensure that the mask obligation is complied with.

ARTICLE 6
Effective date, expiry date

This Ordinance takes effect on 1 October 2022 and expires on 28 October 2022.

Munich, 30 September 2022

Bavarian State Ministry of Health and Care

Klaus H o l e t s c h e k , State Minister

Legal notice

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