

## Twelfth Bavarian Infection Protection Measures Ordinance

**(12. BayIfSMV)<sup>[1]</sup>**  
**From 5 March 2021**  
**(BayMBI. No. 171)**  
**BayRS 2126-1-16-G**

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On the basis of section 32, sentence 1, in conjunction with section 28, paragraph 1, section 28a of the Infection Protection Act ( IfSG) of 20 July 2000 (BGBl. I p. 1045), last amended by Article 4a of the Act of 21 December 2020 (BGBl. I p. 3136), in conjunction with Section 9 No. 5 of the Delegation Ordinance ( DelV) of 28 January 2014 (GVBl. p. 22, BayRS 103-2-V), last amended by Section 14a of the Ordinance of 2 February 2021 (GVBl. p. 26), the Bavarian State Ministry of Health and Care decrees:

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[1] See the justification required under § 28a para. 5 IfSG in BayMBI. no. 171 of 5.3.2021.

### Part 1 General regulations

#### § 1 Distance requirement, covering the mouth and nose

(1) <sup>1</sup> Everyone is urged to reduce physical contact with other people to an absolute minimum and to keep the number of people as constant as possible. <sup>2</sup>Wherever possible, keep a minimum distance of 1.5 m between two people. <sup>3</sup> Where it is not possible to maintain the minimum distance in public spaces, mouth-to-nose coverings should be worn. <sup>4</sup> In closed rooms, always ensure sufficient ventilation.

(2) <sup>1</sup> Insofar as this Ordinance provides for the obligation to wear a mouth-nose covering (mask obligation) or to wear a medical face mask, the following shall apply:

1. children are exempt from the obligation to carry until their sixth birthday;
2. persons who can credibly demonstrate that the wearing of an oral-nasal covering is not possible or unreasonable for them due to a disability or for health reasons are exempt from the obligation to wear it; in the case of health reasons, the credible demonstration shall be made in particular by means of a medical certificate containing the professional medical assessment of the clinical picture (diagnosis), the Latin name or the classification of the disease according to ICD 10 as well as the reason why this results in an exemption from the obligation to wear the oral-nasal covering;
3. Removal of the mouth-nose covering is permitted as long as it is necessary for identification purposes or for communication with people with hearing disabilities or for other compelling reasons.

<sup>2</sup> Insofar as this Ordinance provides for the obligation to wear an FFP2 mask or a mask of at least an equivalent standard (FFP2 mask obligation), sentence 1 shall apply mutatis mutandis, with the proviso that children between the ages of six and 15 need only wear an oral-nasal covering.

#### § 2 Contact details

<sup>1</sup> Insofar as contact data are collected in accordance with this Ordinance or on the basis of the protection and hygiene concepts provided for therein for the purpose of contact tracing in the event of a detected infection with the SARS-CoV-2 coronavirus, the following shall apply in addition to Section 28a (4) sentences 2 to 7 of the Infection Protection Act (IfSG):

1. In each case, the surname and first name, secure contact information (telephone number, e-mail address or postal address) and the period of stay must be documented;

2. If contact details are provided to the person obliged to collect the data, they must be truthful.

<sup>2</sup>The collection of contact data according to sentence 1 may also be carried out in electronic form, provided that a sufficiently precise documentation of the data according to sentence 1 no. 1 is ensured. <sup>3</sup>Authorities, courts and public bodies performing tasks in the public interest or acting in the exercise of official authority may also collect personal data within the scope of access to the respective buildings or premises; sentence 1 shall apply accordingly.

### **§ 3 Procedure for incidence-based regulations**

Insofar as, according to this Ordinance, the validity of regulations in districts and independent cities is linked to the prerequisite that the number of new infections with the SARS-CoV-2 coronavirus per 100,000 inhabitants within seven days (7-day incidence) determined in accordance with § 28a Para. 3 Sentence 12 IfSG is above or below certain values in the respective district or independent city, the following shall apply:

1. The State Ministry of Health and Long-Term Care shall, by notice on 7 March 2021, determine for all counties and independent cities the incidence classification applicable to them from 8 March 2021.
2. If a value of the 7-day incidence, to the exceeding or non-exceeding of which regulations of this Ordinance are directly linked, is exceeded on three consecutive days or - if this is decisive for the classification - is no longer exceeded, the competent district administrative authority shall officially announce this without delay.
3. The regulations applicable to the new incidence area shall then apply to the administrative district or urban district concerned from the second day after the occurrence of the condition under No. 2, at the earliest on the day after the official announcement under No. 2; the announcement under No. 2 shall state the first day of application.

### **§ 4 Contact restriction**

(1) <sup>1</sup> Sharing in public spaces, in privately used spaces and on privately used land is only permitted

1. in districts and independent cities in which a 7-day incidence of 100 is exceeded, with the members of one's own household plus one additional person; also permissible is the mutual, unpaid, non-businesslike supervision of children under 14 years of age in fixed, family or neighbourhood organised care communities, if it includes children from no more than two households,
2. in districts and cities in which the 7-day incidence rate is between 35 and 100, with the members of one's own household and additionally the members of another household, as long as a total number of five persons is not exceeded,
3. in districts and cities in which a 7-day incidence of 35 is not exceeded, with the members of one's own household and additionally the members of two other households, as long as a total number of ten persons is not exceeded.

<sup>2</sup>Children under 14 years of age belonging to these households shall not be taken into account for the total number. <sup>3</sup>Spouses, civil partners and partners in a non-marital partnership shall each be deemed to be one household, even if they do not as one household, even if they do not have a common place of residence.

(2) Para. 1 shall not apply to professional and official activities as well as to honorary activities in corporations and institutions under public law where the cooperation of several persons is mandatory.

## **Part 2 Public life**

### **§ 5 Events, celebrations**

<sup>1</sup>Subject to more specific regulations in this Ordinance, events, assemblies, insofar as they are not not being assemblies in accordance with § 7, gatherings and public festivities are prohibited throughout the country. <sup>3</sup>Celebrating in public places and facilities is prohibited.

### **§ 6 Worship services, meetings of faith communities**

Publicly accessible religious services in churches, synagogues and mosques as well as the gatherings of other faith communities are permitted under the following conditions:

1. in buildings, the maximum number of participants allowed is determined by the number of seats available,

- with a minimum distance of 1.5 m from other seats.
2. a minimum distance of 1.5 m must be maintained between persons who do not belong to the same household.
  3. FFP2 masks are compulsory for visitors.
  4. congregational singing is prohibited.
  5. there is an infection control concept for religious services or gatherings that minimises the possible risks of infection depending on the religious community and rite; the infection control concept is to be presented to the competent district administrative authority on request.
  6. religious services and gatherings of faith communities that attain the character of large-scale events are prohibited.
  7. in the case of religious services and gatherings of faith communities where numbers of visitors are to be expected that lead to capacity being filled, attendance is only permitted after prior registration.
  8. religious services and meetings of religious communities at which more than ten participants are expected shall be notified to the competent district administrative authority at least 48 hours in advance; this shall not apply if the relevant infection control concept of the respective religious community pursuant to No. 5 has been submitted to the competent authority pursuant to Section 65 of the Competence Ordinance.

## **§ 7 Assemblies within the meaning of Article 8 of the Basic Law**

(1) <sup>1</sup> At open-air assemblies within the meaning of Art. 8 of the Basic Law, a minimum distance of 1.5 m must be maintained between all participants a minimum distance of 1.5 m must be maintained and any physical contact with other participants or third parties must be avoided. <sup>2</sup>The minimum distance required by Art. 24 para. 2 of the Bavarian Assembly Act (BayVersG) shall, insofar as this is necessary in individual cases, ensure through appropriate restrictions in accordance with Article 15 BayVersG that

1. the provisions according to sentence 1 are complied with and
2. the risks of infection posed by the assembly remain limited to an acceptable level in terms of infection control law; this can generally be assumed if the assembly has no more than 200 participants and is held in a fixed location.

<sup>3</sup> Participants are required to wear masks, with the exception of the chairperson during announcements and speakers during speeches announcements and speakers during speeches as well as participants who drive a motor vehicle in road traffic during the meeting. <sup>4</sup>If the requirements in accordance with sentence 2 cannot be ensured even through restrictions, the assembly shall be prohibited.

(2) Assemblies in accordance with Article 8 of the Basic Law in closed rooms shall be permitted under the following conditions:

1. The organiser shall take appropriate measures to ensure that a minimum distance of 1.5 m is maintained between all participants and that any physical contact with other participants or third parties can be avoided.
2. a maximum of 100 participants shall be admitted, subject to the requirements of No. 1.
3. participants are required to wear masks; para. 1 sentence 3 half-sentence 2 applies accordingly.
4. the organiser shall draw up a protection and hygiene concept and submit it to the competent district administrative authority upon request.

## **§ 8 Public transport, school transport, coaches**

<sup>1</sup> In long-distance public transport and the facilities belonging to it, masks are compulsory for passengers and control and service personnel. passengers as well as control and service personnel, insofar as they come into contact with passengers and air passengers, are required to wear masks. <sup>2</sup> Sentence 1 shall apply mutatis mutandis to local public transport and the facilities belonging to it, as well as to school and the facilities belonging thereto as well as for school transport in exempted school transport, with the proviso that FFP2 masks are compulsory for the respective passengers. <sup>3</sup>Tourist bus journeys are prohibited.

## **§ 9 Special visiting and protection arrangements**

(1) <sup>1</sup> When visiting patients or residents of

1. hospitals as well as preventive care and rehabilitation facilities in which medical care comparable to hospitals is provided (facilities pursuant to Section 23, Para. 3, Sentence 1, Nos. 1 and 3 IfSG),
2. full inpatient care facilities pursuant to § 71 Para. 2 of the Eleventh Book of the German Social Code,
3. Facilities for persons with disabilities within the meaning of section 2(1) of Book 9 of the Social Code in

- which integration assistance services are provided throughout the day and night,
- 4. outpatient assisted living communities pursuant to Art. 2 (3) of the Nursing and Residential Care Quality Act for the purpose of out-of-hospital intensive care, in which outpatient nursing services provide services pursuant to Section 23 (6a) IfSG,
- 5. Retirement homes and senior residences

visitors are required to wear masks and to maintain a minimum distance of 1.5 m at all times. 2The facility must draw up a protection and hygiene concept based on a framework concept published by the Ministry of Health and Care, and shall comply with it and submit it to the competent district administrative authority upon request.

(2) In facilities pursuant to sub-section 1 sentence 1 nos. 2, 3 and 5, the following shall apply in addition:

1. Each resident may be visited by no more than one person per day who has a written or electronic negative test result for SARS-CoV-2 coronavirus infection and must provide proof of this on request; the test on which the test result is based must have been carried out by means of a rapid POC antigen test no more than 48 hours and by means of a PCR test no more than three days before the visit; the test must comply with the applicable requirements of the Robert Koch Institute.
2. visitors are required to wear FFP2 masks inside the facility.
3. employees are required to wear FFP2 masks within the framework of occupational health and safety regulations if they are in contact with residents.
4. The protection and hygiene concept pursuant to sub-section 1, sentence 2, shall also include a testing concept which, in particular, provides for the regular testing of the facility's employees for infection with the SARS-CoV-2 coronavirus - also taking into account the proportion of residents and employees who have already received a protective vaccination against the SARS-CoV-2 coronavirus; the facilities shall organise the necessary testing.
5. if the 7-day incidence exceeds 100 in a district or an independent city, or if there are major outbreaks, the competent district administrative authority shall - taking into account the proportion of residents and employees who have already received protective vaccination against the SARS-CoV-2 coronavirus - order testing of the employees of these facilities for infection with the SARS-CoV-2 coronavirus on at least two different days per week during which the employees are on duty.

(3) <sup>1</sup> Outpatient care services and semi-inpatient care facilities must have their employees regularly tested for available testing capacities, have their employees regularly tested for infection with the SARS-CoV-2 coronavirus, if possible on three different days per week. 2The FFP2 masks must be worn by their employees. masks within the framework of occupational health and safety regulations if they are in contact with persons in need of care.

Accompanying the dying is permissible at any time.

## **Part 3 Sport and leisure**

### **§ 10 Sports**

(1) <sup>1</sup> The practice of sport is permitted as follows:

1. in districts and independent cities in which a 7-day incidence of 100 is exceeded, only non-contact sports are permitted in compliance with the contact restriction according to § 4 para. 1; the practice of team sports is prohibited;
2. in districts and independent cities where the 7-day incidence is between 50 and 100, only non-contact sports are permitted, subject to the contact restriction according to § 4 sub-section 1, and additionally outdoors in groups of up to 20 children under 14 years of age;
3. in counties and independent cities where a 7-day incidence of 50 is not exceeded, only non-contact sports in groups of up to 10 persons or outdoors in groups of up to 20 children under 14 years of age are permitted.

<sup>2</sup> Para. 2 remains unaffected.

(2) The competition and training of professional athletes as well as competitive athletes of the national and state squads is permitted under the following conditions:

1. the presence of spectators is excluded.
2. only those persons who are required for competition or training operations or for media coverage shall be granted access to the sports facility.
3. in order to minimise the risk of infection, the organiser shall draw up and observe a protection and hygiene concept, which shall be presented to the competent authorities on request.

- (3)<sup>1</sup> The operation and use of sports fields, fitness studios, dance schools and other sports facilities is only permitted in the open air and only for the purposes specified in para. 1 sentence 1. 2 Para. 2 and § 18 shall remain unaffected.

## § 11 Leisure facilities

- (1)<sup>1</sup> The operation of amusement parks and comparable fixed recreational facilities is prohibited.<sup>2</sup> Recreational activities may not be offered commercially in the open air or indoors.
- (2)<sup>1</sup> Open-air playgrounds are open to children only when accompanied by adults.<sup>2</sup> Accompanying adults are required to avoid any congregation and, wherever possible, to ensure that children are kept at a sufficient distance.
- (3) City and guest tours, mountain, cultural and nature tours as well as tours in show caves and visitor mines are prohibited.
- (4) The operation of cable cars, river and lake navigation in excursion traffic as well as tourist rail transport and river cruises is prohibited.
- (5)<sup>1</sup> The opening and operation of bathing establishments, hotel swimming pools, thermal baths and wellness centres as well as saunas are prohibited. 2 § 10 para. 2 remains unaffected.
- (6) (6) Brothel establishments, prostitution establishments, amusement arcades, casinos, betting offices, clubs, discotheques, other places of entertainment and comparable recreational facilities are closed.

## Part 4 Economic life

### § 12 Trading and service companies, markets

- (1)<sup>1</sup> In districts and independent cities in which a 7-day incidence of 100 is exceeded, the following is prohibited the opening of shops with customer traffic for commercial, service and craft businesses is prohibited.<sup>2</sup> Excluded are the food trade including direct marketing, delivery services, beverage markets, health food stores, baby stores, pharmacies, medical supply stores, drugstores, opticians, hearing aid acousticians, petrol stations, car repair shops, bicycle repair shops, banks and savings banks, pawnshops, mail order and mail-order businesses, dry cleaners and laundrettes, florists, garden centres, nurseries, tree nurseries, hardware stores, the sale of press articles, insurance offices, bookstores, pet supplies and animal feed and other shops essential for daily supplies as well as wholesale trade press articles, insurance offices, bookshops, pet supplies and animal feeds and other shops essential for daily supplies, as well as wholesalers.<sup>3</sup> The sale of goods that go beyond the usual range of the respective shop is prohibited.<sup>4</sup> The following shall apply to establishments and wholesalers that are permissibly open in accordance with sentence 2:

1. The operator shall take appropriate measures to ensure that a minimum distance of 1.5 m between customers can always be maintained;
2. the operator shall take appropriate measures to ensure that the number of customers present in the shop at any one time does not exceed one customer per 10 m<sup>2</sup> for the first 800 m<sup>2</sup> of sales area and, in addition, one customer per 20 m<sup>2</sup> for the part of the sales area exceeding 800 m<sup>2</sup> sales area;
3. in the sales rooms, on the sales premises, in the entrance and waiting areas in front of the sales rooms and in the associated car parks, masks are compulsory for staff and FFP2 masks are compulsory for customers and their accompanying persons; insofar as reliable protection against infection is ensured in checkout and counter areas of shops by transparent or otherwise suitable protective walls, the obligation to wear masks does not apply to staff;
4. the operator shall draw up a protection and hygiene concept for customer traffic and submit it to the competent district administrative authority upon request.

- <sup>5</sup> The following applies to shopping centres:

1. Sentences 1 to 4 shall apply with regard to the individual shops;
2. with regard to shopping centres, sentence 4 shall apply with the proviso that the maximum number of customers permitted shall be based on the total area of the shopping centre accessible to customers and that the protection and hygiene concept must take into account the entire customer flows of the shopping centre.

<sup>6</sup> In deviation from sentence 1, the collection of pre-ordered goods in shops is permissible; sentence 4 nos. 1, 3 and 4 shall apply accordingly with the proviso that the protection and hygiene concept shall in particular provide for measures to avoid an accumulation of customers, e.g. by staggered time windows.

<sup>7</sup> In counties and independent cities where the 7-day incidence is between 50 and 100, the

the opening of shops for individual customers after prior booking for a fixed limited period of time.

In this case, sentence 4 nos. 1 to 4 shall apply with the proviso that the number of customers present in the shop at the same time does not exceed one customer per 40 m<sup>2</sup> of sales area; the operator shall collect the contact data of the customers in accordance with § 2.

<sup>8</sup> In districts and independent cities in which a 7-day incidence of 50 is not exceeded, the opening of shops with customer traffic is permissible in deviation from sentences 1 and 3 under the conditions of sentence 4.

(2) <sup>1</sup> Services where physical proximity to the customer is indispensable, such as massage practices, tattoo studios or similar businesses are prohibited. <sup>2</sup> Deviating from sentence 1 and from (1) sentence 1, hairdressing services may be offered, as well as non-medical foot, hand, nail and facial care to the extent required for hygienic or nursing reasons; in this respect, (1) sentence 4 shall apply accordingly, with the provisos that the staff must wear a medical face mask within the framework of occupational health and safety regulations and that access must be controlled by prior reservation of appointments. The staff must wear a medical face mask within the framework of occupational health and safety regulations and access must be controlled by booking appointments in advance. <sup>3</sup> The FFP2 mask requirement does not apply insofar as the nature of the service does not permit it. <sup>4</sup> The service provider shall collect the contact details of customers in accordance with § 2. collect.

(3) <sup>1</sup> The opening of doctors' surgeries, dentists' surgeries and all other surgeries, insofar as medical, therapeutic and nursing services are provided or medically necessary treatments are offered is permissible. <sup>2</sup> Subsection 1 sentence 4 nos. 1 and 3 shall apply accordingly, with the proviso that the mask requirement shall also be waived insofar as the type of service does not permit it. Further obligations to wear a medical mouth-nose protection shall remain unaffected.

(4) <sup>1</sup> Markets are prohibited. <sup>2</sup> Only the sale of food, plants and flowers is excluded.

<sup>3</sup> Paragraph 1 sentence 4 nos. 1 and 4 shall apply mutatis mutandis to their organisers, with the proviso that the protection and hygiene concept hygiene concept shall be drawn up on the basis of a framework concept published by the State Ministries for Economic Affairs, Regional Development and Energy and for Health and Care. <sup>4</sup> For the sales staff, customers and their escorts, para. 1 sentence 4 no. 3 shall apply accordingly.

## § 13 Gastronomy

(1) Catering establishments of any kind, including company canteens, are prohibited subject to subsections and.

(2) <sup>1</sup> The distribution and delivery of take-away food and beverages is permitted. <sup>2</sup> For the staff, insofar as they come into contact with clients, and for clients, § 12 Para. 1 Sentence 4 No. 3 shall apply accordingly. <sup>3</sup> When food and drinks are handed out, consumption on site is prohibited.

(3) The operation of company canteens that are not open to the public shall be permitted by way of exception under the following conditions:

1. the consumption of food and beverages on site is mandatory for the operations.
2. a minimum distance of 1.5 m is guaranteed between all guests who do not belong to the same household.
3. the operator shall draw up a protection and hygiene concept and submit it to the competent district administrative authority upon request.

## § 14 Accommodation

(1) <sup>1</sup> Accommodation offers may only be made by hotels, lodging establishments, school hostels, youth hostels, campsites and all other commercial or paid accommodations for be made available for credibly necessary purposes, in particular for professional and business purposes. <sup>2</sup> Overnight accommodation for tourist purposes is prohibited.

(2) The following shall apply to overnight accommodation pursuant to subsection 1 sentence 1:

1. The operator shall take appropriate measures to ensure that a minimum distance of 1.5 m is maintained between guests who do not belong to the same household and between guests and staff.
2. guests who do not belong to the same household in relation to each other may not be accommodated together in one room or accommodation unit.
3. masks shall be compulsory for staff in the service area or in areas where a minimum distance of 1.5 m cannot be maintained, as well as for guests as long as they are not at the table in the restaurant area or in their accommodation unit; § 12 para. 1 sentence 4 no. 3 half-sentence 2 shall apply accordingly.
4. The operator shall prepare a protection and hygiene concept on the basis of a framework concept for accommodation establishments published by the State Ministries for Economic Affairs, Regional Development and Energy and for Health and Care and submit it to the competent district administrative authority upon request.

5. the operator shall collect the contact details of the guests in accordance with § 2.

(2) For gastronomic offers, the respective special regulations of this Ordinance shall apply.

## **§ 15 Conferences, congresses, trade fairs**

Conferences, congresses, trade fairs and comparable events are prohibited.

## **§ 16 Business accommodation**

<sup>1</sup> For enterprises and farms employing at least 50 persons who are accommodated in collective accommodation or in company-owned or rented accommodation, the following may be ordered the protective and hygienic measures required from the point of view of infection control law may be ordered by the competent district administrative authority in individual cases. <sup>2</sup> The operators are responsible for The operators are responsible for compliance with the protective and hygienic measures and must check and document this regularly.

## **Part 5 Education and Culture**

### **§ 17 Auditing**

<sup>1</sup> The taking of tests is only permitted if a minimum distance of 1.5 m is maintained between all participants. <sup>2</sup> If compliance with the minimum distance is not possible due to the nature of the test, equally effective other protective measures shall be taken. <sup>3</sup> Spectators who are not part of the spectators are not permitted.

### **§ 18 Schools**

(1) 1 Instruction and other school events within the meaning of the Bavarian Law on Education and Teaching (BayEUG) as well as lunchtime supervision at schools are subject to the following conditions of the following sentences are permissible if appropriate measures are taken to ensure that protection against infection is taken into account. <sup>2</sup> The schools and the providers of the lunchtime supervision shall for all The school authorities shall draw up a protection and hygiene concept for all activities on the school premises and in emergency care on the basis of a hygiene plan (framework hygiene plan) made available to them by the State Ministries for Education and Culture and for Health and Car (framework hygiene plan) provided by the State Ministries for Education and Culture and for Health and Care and to submit it to the competent district administrative authority upon request. <sup>3</sup> From 15 March 2021:

1. in counties and independent cities in which a 7-day incidence of 100 is exceeded, takes place
  - (a) in final year classes, face-to-face teaching, provided that the minimum distance of 1,5 m can be maintained continuously and reliably, or alternating teaching; and
  - (b) distance learning takes place at all other school types and grades;
2. in districts and independent cities where the 7-day incidence is between 50 and 100, face-to-face teaching shall take place, provided that the minimum distance of 1.5 m can be maintained continuously and reliably, or alternating teaching shall take place;
3. in counties and independent cities in which a 7-day incidence of 50 is not exceeded, takes place
  - (a) face-to-face teaching in the primary classes; and
  - (b) at all other school types and grades, face-to-face teaching, provided that the minimum distance of 1.5 m can be maintained continuously and reliably, or alternating teaching takes place.

<sup>4</sup> By way of derogation from § 3, the competent district administrative authority shall determine by official announcement on Friday of each week, the relevant incidence classification for the respective district or the district-free city according to the current status of the publication of the Robert Koch Institute. <sup>5</sup> The regulation applicable to the incidence area then applies to the district or city concerned for the duration of the following calendar week. city for the duration of the following calendar week from Monday to the end of the following Sunday. <sup>6</sup> Regulations on emergency care are issued by the competent State Ministry.

- (2) <sup>1</sup> Masks are compulsory on the school premises, in the lunchtime supervision and in all emergency care services. Masks are compulsory; teachers are also required to wear a medical mask.

Gesichtsmaske im Rahmen der arbeitsschutzrechtlichen Bestimmungen. <sup>2</sup>Unbeschadet des § 1 sind von der Maskenpflicht ausgenommen:

1. pupils after approval by the supervising staff for compelling pedagogical-didactic or school organisational reasons,
2. school administrative staff after reaching the respective workplace, unless other persons are present,
3. pupils during efficient shock ventilation of the classroom or common room, as well as briefly outdoors in the open air, as long as a sufficient minimum distance is reliably maintained.

<sup>3</sup> If the obligation according to sentence 1 is not fulfilled, the head teacher shall expel the person from the school premises. <sup>4</sup> The respective legal guardians must ensure that the pupils comply with the obligation to wear masks.

- (3) Subsections (1) to (2) shall also apply to teaching and study at the State Institute for the Training of Subject Teachers and at the State Institute for the Training of Support Teachers.

- (4) Until the expiry of 14 March 2021, section 18(1) of the Eleventh Bavarian Infection Protection Measures Ordinance (11th BayIfSMV) in the version in force on 5 March 2021 shall continue to apply with regard to the schools referred to in subsection 1 sentence 1 in each administrative district and each independent city.

## **§ 19 Day care services for children, adolescents and young adults**

- (1) <sup>1</sup> The operation of child day care facilities, child day care centres, holiday day care and organised play groups for children is permitted from 15 March 2021 under the following conditions:

1. in districts and independent cities where a 7-day incidence of 100 is exceeded, the facilities shall be closed; regulations on emergency care shall be issued by the State Ministry for Family Affairs, Labour and Social Affairs in consultation with the State Ministry for Health and Care by notice;
2. in districts and independent cities where the 7-day incidence is between 50 and 100, facilities can only open if care is provided in fixed groups (restricted regular operation);
3. in districts and independent cities where a 7-day incidence of 50 is not exceeded, the facilities may open.

<sup>2</sup> The respective providers shall draw up a protection and hygiene concept on the basis of a framework hygiene plan made available to them by the State Ministries for Family Affairs, Labour and Social Affairs and for Health and Care and shall submit it to the competent district administrative authority upon request. in this context, facility-specific requirements and the circumstances on site shall be taken into account. <sup>3</sup> Article 18 paragraph 1 sentences 4 to 5 shall apply accordingly. <sup>4</sup> Until the end of 14 March 2021, § 19. Paragraph 1 of the 11th BayIfSMV in the version applicable on 5 March 2021 shall continue to apply.

- (2) <sup>1</sup> For curative day care centres, the respective providers shall draw up a protection and hygiene concept on the basis of a framework hygiene concept made available to them by the State Ministries for Family, Labour and Social Affairs and for Health and Care and submit it to the competent district administrative authority upon request. <sup>2</sup> Facility-specific requirements and local circumstances must be taken into account.

## **§ 20 Extracurricular education, music schools, driving schools**

- (1) <sup>1</sup> Offers of vocational training, further training and continuing education are permissible in presence form if a minimum distance of 1.5 m is maintained between all participants. <sup>2</sup> Masks are compulsory if the minimum distance cannot be reliably maintained, especially in traffic and meeting areas, as well as during presence events on the square. <sup>3</sup> § Section 17 sentence 2 shall apply accordingly. <sup>4</sup> The operator shall draw up a protection and hygiene concept and submit it to the competent district administrative authority upon request. <sup>5</sup> In districts and independent cities in which a 7-day incidence of 100 is exceeded, offers according to sentence 1 in presence form are prohibited subject to para. 3. <sup>6</sup> The admission pursuant to Section 20 (1) sentence 2 of the 11th BayIfSMV in the version applicable until 21 February 2021 for final years of vocational schools shall remain unaffected.
- (2) <sup>1</sup> For adult education programmes under the Bavarian Adult Education Promotion Act (Bayerisches Erwachsenenbildungsförderungsgesetz) and comparable programmes offered by other providers, as well as other extracurricular educational programmes, the following shall apply as of 15 March 2021, para. 1 sentences 1 to 5 shall apply accordingly. <sup>2</sup> Until the end of 14 March 2021, offers pursuant to sentence 1 are prohibited in face-to-face form, subject to para. 3.



(3) <sup>1</sup> First-aid courses and the training of volunteer members of the fire brigade, rescue service and technical aid organisation are rescue service and the technical relief organisation are permissible if a minimum distance of 1.5 m is maintained between all participants. <sup>2</sup> Masks are compulsory if the minimum distance cannot be reliably maintained, especially in traffic and meeting areas, as well as during presence events on the square. <sup>3</sup> § 17 sentence 2 applies accordingly. <sup>4</sup> The operator shall prepare a protection and hygiene concept and submit it to the competent district administrative authority upon request.

1. (4) Instrumental and singing lessons may only be given as individual lessons in face-to-face form under the following conditions:
2. A minimum distance of 2 m can be maintained consistently and reliably; teaching staff are required to wear a medical face mask within the framework of occupational health and safety regulations; pupils are required to wear FFP2 masks; these obligations only cease to apply insofar as and as long as active music-making does not permit a mask requirement;
3. the operator shall draw up a protection and hygiene concept and submit it to the competent district administrative authority upon request.

<sup>2</sup> In districts and independent cities where a 7-day incidence of 100 is exceeded, instrumental and singing lessons in face-to-face form are prohibited. <sup>1</sup> For theoretical driving instruction, refresher courses, aptitude seminars and theoretical driving tests, teaching staff are required to wear a medical face mask within the scope of occupational health and safety regulations and otherwise FFP2 masks are mandatory; para. 3 sentences 1 and 4 apply accordingly. <sup>2</sup> For practical driving lessons and practical examinations, FFP2 masks are compulsory for the teaching staff within the framework of the occupational health and safety regulations as well as for the other vehicle occupants.

## **§ 21 Universities**

<sup>1</sup> There are no face-to-face events at the universities. <sup>2</sup> Practical and artistic training periods as well as events requiring special laboratories or workrooms at the higher education institutions are universities are permissible in deviation from sentence 1 if it is ensured that a minimum distance of 1.5 m is maintained between all participants. <sup>3</sup> In events according to sentence 2, masks are compulsory. <sup>4</sup> More specific regulations under this Ordinance shall remain unaffected.

## **§ 22 Libraries, archives**

Libraries and archives may be opened under the conditions of § 12 para. 1 sentence 4.

## **§ 23 Cultural sites**

- (1) Theatres, operas, concert halls, stages, cinemas and similar establishments are closed.
- (2) The following shall apply to museums, exhibitions, memorials, objects of the Bavarian Administration of State Palaces, Gardens and Lakes and comparable cultural sites as well as zoological and botanical gardens:

1. in districts and independent cities where a 7-day incidence of 100 is exceeded, the cultural sites mentioned are closed.
2. in counties and independent cities where the 7-day incidence is between 50 and 100, the above-mentioned cultural sites can only open for visitors after prior appointment booking under the following conditions:
  - a) the permissible number of visitors is determined by the existing visitor space, where a minimum distance of 1.5 m is reliably maintained;
  - b) FFP2 masks are compulsory for visitors;
  - c) the operator shall prepare a protection and hygiene concept and submit it to the competent district administrative authority upon request;
  - d) the operator shall collect the contact details of customers in accordance with § 2.
3. in districts and independent cities where a 7-day incidence of 50 is not exceeded, No. 2 applies with the proviso that prior appointment booking and contact data collection are not required

## **Part 6 Special areas**

### **§ 24 Further mask obligation, alcohol ban, tracking of infection chains**

(1) Masks are compulsory

1. in central meeting places to be determined by the competent district administrative authority in city centres or other open-air public places where people are either in close proximity or not only temporarily,
2. on the meeting and circulation areas including lifts of public buildings as well as other buildings accessible to the public for which no special regulations are provided in this Ordinance,
3. in the meeting and circulation areas of the workplace, in particular in lifts, corridors, canteens and entrances; the same applies to the workplace if the minimum distance of 1.5 m cannot be reliably maintained.

(2) <sup>1</sup> The consumption of alcohol is prohibited on the public thoroughfares of city centres and in other open public places in the open air where people are present either in a confined space or not only temporarily. <sup>2</sup> The concrete locations affected are to be determined in each case by the competent district administrative authority.

(3) As soon as a complete tracing of infection chains can no longer be ensured in a district or an independent city in terms of personnel, the competent district administrative authority shall

1. report this to the competent government; and
2. to request personnel reinforcement, for example by police and Bundeswehr forces.

## **Part 7 Incidence-based measures**

### **§ 25 Regulations with significantly increased 7-day incidence**

<sup>1</sup> If a district or an independent city has a significantly higher 7-day incidence than the national average, the competent 7-day incidence is significantly higher than the national average, the competent district administrative authority shall, in agreement with the competent government and without prejudice to § 28, issue further orders. <sup>2</sup> If there are indications that the increased incidence value is also due to the entry of infections from neighbouring risk areas according to § 2 No. 17 IfSG, the competent district administrative authority shall in particular order additional exit restrictions for cross-border commuters and border commuters as well as additional protective and hygiene measures for businesses employing cross-border commuters.

### **§ 26 Regulations for 7-day incidence over 100, night curfew**

In districts and independent cities where a 7-day incidence of 100 is exceeded, staying outside a dwelling is prohibited from 10 p.m. to 5 a.m., unless this is justified due to

1. a medical or veterinary emergency or other medically urgent treatment,
2. the exercise of professional or official activities or educational purposes that cannot be postponed,
3. the exercise of custody and access rights,
4. the care of persons in need of support and minors that cannot be postponed,
5. the accompaniment of the dying,
6. of acts for the care of animals or
7. of similarly weighty and irrefutable reasons.

### **§ 27 Further opening steps**

(1) If the 7-day incidence of 100 is not exceeded for at least 14 consecutive days in a district or an independent city and if the development of the incidence of infection appears to be stable or declining, the competent district administrative authority may, in agreement with the State Ministry for Health and Care, at the earliest with effect from 22 March 2021. March 2021 at the earliest and in accordance with framework concepts to be published by the competent state ministries in agreement with the State Ministry for Health and Care and in which the necessary protection and hygiene measures are to be specified, the competent district administrative authority may permit the following further openings:

1. opening the outdoor dining area to visitors with prior appointment booking with documentation for contact

tracking; if people from multiple households are sitting at a table, a daily COVID-19 quick or self-test of table guests is required;

2. opening theatres, concert halls, opera houses and cinemas to visitors with a daily COVID-19 rapid or self-test;
3. indoor non-contact sports and outdoor contact sports provided that all participants have a daily COVID-19 rapid or self-test.
  - (1) If the 7-day incidence of 50 is not exceeded for at least 14 consecutive days in a district or an independent city and the development of the incidence of infection appears to be stable or declining, the competent district administrative authority may, in agreement with the State Ministry for Health and Care, grant further facilitating derogations from the provisions of this Ordinance with regard to the following, at the earliest from 22 March 2021 onwards
    1. the opening of the outdoor gastronomy,
    2. the opening of theatres, concert halls, opera houses and cinemas; and
    3. Indoor non-contact sports and outdoor contact sports.

in accordance with framework concepts to be published by the competent state ministries in agreement with the State Ministry for Health and Care, in which the necessary protective and hygienic measures are to be specified.

## **Part 8 Final provisions**

### **§ 28 Local measures, supplementary orders, exceptions**

- (1) <sup>1</sup> Further-reaching orders of the local authorities responsible for the enforcement of the Infection Protection Act shall remain unaffected. <sup>2</sup> The competent district administrative authorities may, also insofar as this Ordinance prescribes Ordinance, the competent district administrative authorities may, even if protective measures or protective and hygiene concepts are prescribed in this Ordinance, issue supplementary orders in individual cases, insofar as this is necessary from the point of view of infection control law.
- (2) (2) <sup>1</sup> Exception permits may be granted in individual cases upon application by the competent district administrative authority, insofar as this is justifiable from the point of view of infection control law.  
<sup>2</sup> Exemptions concerning a general group of persons or a general constellation of cases may only be granted in agreement with the competent government under the conditions of sentence 1.

### **§ 29 Administrative offences**

A regulatory offence within the meaning of § 73 Para. 1a No. 24 IfSG is committed by anyone who intentionally or negligently

1. provides false contact details contrary to § 2 sentence 1 no. 2,
2. is staying with other persons in contravention of § 4 par. 1,
3. conducts an event or meeting in contravention of section 5, sentence 1 or section 7, subsection 2, fails to submit a protection and hygiene concept as organiser in contravention of section 7, subsection 2, no. 4, or participates in an event or meeting in contravention of section 5, sentence 1 or section 7, subsection 1, sentence 1,
4. celebrates in public places or facilities contrary to § 5 sentence 2,
5. fails to comply with the obligation to wear a mask as a participant in a meeting in contravention of section 7(1) sentence 3 or section 7(2) no. 3,
6. in contravention of §§ 8, 9, 12, 13, 14, 22 or 23, as a visitor, customer, accompanying person or guest, fails to comply with the mask obligation or the FFP2 mask obligation,
7. contrary to § 9, the operator of a facility is unable to submit a protection and hygiene concept,
8. engages in sport contrary to section 10 sub-section 1 or 2, allows spectators contrary to section 10 sub-section 2 no. 1, operates or uses sports halls, sports grounds, fitness studios, dance schools or other sports facilities contrary to section 10 sub-section 3,
9. organises or conducts tourist bus tours in contravention of section 8, sentence 3, operates facilities in contravention of section 11, subsections 1, 4 to 6, or conducts tourist tours in contravention of section 11,

subsection 3,

10. in contravention of section 12, opens a shop or a collection service or organises a market or, as the operator of a shop, a point of sale at a market or a shopping centre or as the person responsible for a service business or a practice, fails to comply with the obligations specified therein or fails to ensure that staff comply with the obligation to wear a mask or the obligation to wear a medical mask or, as the organiser of a market, fails to comply with the obligations specified therein,
11. opens or operates a catering establishment in contravention of section 13, fails to ensure that staff comply with the obligation to wear masks, or consumes food or drink on site as a customer in contravention of section 13(2) sentence 3,
12. contrary to § 14, provides accommodation without complying with the obligations specified therein or fails to ensure that staff comply with the mask obligation,
13. conducts conferences, congresses or trade fairs contrary to § 15,
14. contrary to § 16, as operator, fails to comply with the ordered protective and hygiene measures, tolerates non-compliance by employees or fails to comply with the obligations to check or document,
15. conducts examinations contrary to § 17,
16. contrary to section 18, operates public schools pursuant to Art. 90 et seq. BayEUG, without complying with the obligations specified in § 18 sub-section 1, or who fails to ensure that the mask obligation pursuant to § 18 sub-section 2 is complied with at such a school, or who, contrary to § 18 sub-section 2 sentence 4, as a legal guardian repeatedly and persistently fails to ensure that the mask obligation is complied with, opens or operates a child day care facility, child day care centre, curative day care centre, holiday day care centre or organised playgroup
17. contrary to section 19, opens or operates a child day care facility, child day care centre, curative day care centre, holiday day care or organised playgroup,
18. fails to comply with the obligation to wear a mask in contravention of § 24 par. 1 or consumes alcohol in contravention of § 24 par. 2,
19. stays outside a dwelling in contravention of section 26.

Munich, 5 March 2021

Bavarian State Ministry of Health and Care

Klaus Holetschek, Minister of State