



# Arizona Restaurant Association

3333 East Camelback Road, Suite 285, Phoenix, Arizona 85018

P: 602.307.9134 F: 602.307.9139 [azrestaurant.org](http://azrestaurant.org)

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Craig Sullivan  
Executive Director  
County Supervisors Association  
1905 West Washington Street, Suite 100  
Phoenix, Arizona 85009

Tom Belshe  
Executive Director  
League of Arizona Cities and Towns  
1820 West Washington Street  
Phoenix, Arizona 85007

Dear Mr. Sullivan and Mr. Belshe,

I am writing you on behalf of the Arizona Restaurant Association (ARA) and our industry to express concerns about recent mask wearing regulations issued or being considered by Arizona's counties and cities. While the ARA would have preferred a standard statewide approach to the introduction of mask wearing requirements for the general public, we must now deal with the reality of local jurisdictions implementing these requirements. Several of the orders we have seen issued in the past few days contain troubling provisions that can create dangerous situations within a restaurant setting. I respectfully ask that you review the concerns below and encourage your membership to amend any current orders or to carefully craft future orders to avoid these pitfalls.

## **Item 1: When is a Mask Required?**

Several cities have adopted ordinances which do not address specific exemptions for restaurants<sup>1</sup> and other have been overly prescriptive by requiring a mask anytime a restaurant patron is not seated within the establishment<sup>2</sup>.

I would first like to address the jurisdictions that have not provided a clear exemption for restaurant operations. This leaves both the public and restaurant operators confused about what activity is allowed or not allowed. For example, there are many who interpret these orders as prohibiting on-site dining activities because it does not allow for the removal of a face mask to consume food or drink.

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<sup>1</sup> Carefree, Chandler, South Tucson, and Yuma

<sup>2</sup> Casa Grande, Guadalupe, Glendale, Globe, Mesa, Scottsdale, Surprise, Tempe, Tucson

While I am confident this is not the goal of these municipalities, it would be helpful to clarify this in the order.

Secondly, for the cities that are only granting an exemption for when patrons are seated at a restaurant, I would like to address a safety concern. While I understand the intent to keep patrons in masks as much as possible to promote safety, these provisions can cause public harm. As we know, the removal and redonning of masks should be done in a way to discourage an individual from touching the outside of the mask (where a large viral load can be sitting) and the individual should sanitize their hands both before and after this action. In a restaurant, there are many reasons for a patron to get up from their table before they are done dining, including to use the restroom, to take a phone call outside, to grab additional napkins, etc. Requiring patrons to redon their masks each time increases their potential contact with the outside of the mask. Additionally, hand sanitization should be encouraged anytime a mask is removed or put on. At the table is the wrong place for this as tables do not have hand sanitizer or a sink. Instead, the best place for mask removal would be the entrance to the restaurant where hand sanitizer is likely to be located or quick access to the restroom is available. This allows the patron to remove their mask, store it, and sanitize their hands decreasing likely touchpoints of contamination.

Remember, restaurants are already required to be set up for social distancing and all restaurant staff must be in masks. Cities and counties should consider altering these provisions to read as follows:

“Masks are not required after entering a restaurant or bar where social distancing protocols are in place.”

## **Item 2: How is Enforcement Handled?**

A large number of cities have placed the responsibility for enforcing their mask ordinance on private businesses.<sup>3</sup> While this is less concerning for restaurants if our recommendation in Item 1 is adopted, it still is an issue worth addressing. Requiring restaurants to remove or refuse service to customers not complying with a city order places our staff in the role of a police force, a task we are not trained for and the consequences of requiring this type of action by a restaurant can be dire. Last month, a restaurant employee in Oklahoma was shot by a customer after asking them to leave the premises due to COVID-19 restrictions.<sup>4</sup> Additionally, a security guard at a Family Dollar in Michigan was shot and killed for telling a family they must be wearing a mask to enter the establishment.<sup>5</sup> While I understand the desire of cities to have businesses reinforce their order by applying a customer’s compliance to their ability to access services, such a structure can have horrible unintended consequences.

This remains an inappropriate function of a restaurant and places our employees in danger and should be removed. Instead, cities and counties should consider a sign posting requirement that informs the

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<sup>3</sup> Casa Grande, Chandler, Flagstaff, Guadalupe, Glendale, Mesa, Peoria, Scottsdale, Tempe

<sup>4</sup> (Lewis, 2020) - <https://www.cbsnews.com/news/mcdonalds-shooting-employee-dining-area-closed-oklahoma-city/>

<sup>5</sup> (Snyder, Alsharif, & Waldrop, 2020) - <https://www.cnn.com/2020/05/04/us/michigan-security-guard-mask-killing-trnd/index.html>

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public of their responsibilities before entering an establishment. If such a route is taken, the city and/or county should provide a downloadable sign for businesses to use.

**Item 3: City and County Conformity**

Recognizing that we are in a new world now and that the ability for cities and counties to require face masks was a quick decision with little outreach by the Governor's Office, and that cities and counties are trying to respond as best as they can to the public health emergency, we must also take steps to make compliance as easy as possible for both the public and businesses. Many Arizona cities exist within larger metropolitan areas where crossing city boundaries is a daily accordance in most people's lives. When these cities adopt varying mask wearing requirements confusion and frustration become a major problem. For example, in Maricopa County, the County's age exemption for wearing masks is 2-years old. However, Tempe, Scottsdale, Phoenix, Peoria, Mesa, Gilbert, Glendale, Goodyear, and Chandler all list this exemption at either 5-years old or 6-years old.

Furthermore, a restaurant patron could enter a restaurant in Phoenix, where a more general exemption for restaurant patrons exists, and remove their mask upon entering the facility. That same patron could travel across the street to a restaurant located in Scottsdale and discover that removing their mask before being seated at their table could result in a Class 1 Misdemeanor.

Cities and counties should work with each other to coordinate efforts on mask wearing requirements to decrease the variation between municipalities grouped together.

I would like to thank you in advance for your consideration of these topics and please communicate to your member cities and counties that the ARA is here and ready to assist in any way possible.

Sincerely,



Dan Bogert

Chief Operating Officer

Arizona Restaurant Association