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ORDER

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to novel coronavirus (COVID-19) public health emergency. Pursuant to the authority in KRS Chapter 39A, including but not limited to KRS 39A.100(f), KRS 39A.100(j), and KRS 39A.180(l), and further pursuant to KRS Chapter 238, Executive Order 2020-215, and the Cabinet for Health and Family Services Order of March 17, 2020, the Public Protection Cabinet issued an Order on March 18, 2020, suspending all charitable gaming licenses issued pursuant to KRS Chapter 238, suspending all charitable gaming activity conduct by charitable organizations exempt from licensure pursuant to KRS 238.535, and suspending all charitable gaming facility licenses issued pursuant to KRS Chapter 238. The Cabinet entered an Order on June 11, 2020, that rescinded all previous Orders and reinstated all charitable gaming licenses, effective June 15, 2020, but provided that charitable organizations could not yet resume conducting charity fundraising events (“CFEs”).

As the Commonwealth of Kentucky continues the transition from Healthy at Home to Healthy at Work, the Public Protection Cabinet has determined it is advisable to amend and clarify its prior Order concerning charitable gaming. Accordingly, I, Kerry B. Harvey, Secretary of the Public Protection Cabinet, hereby ORDER as follows:

Effective July 9, 2020, Paragraph 7 of the Order entered June 11, 2020, that prohibits organizations from conducting CFEs is **RESCINDED**. Effective July 9, 2020, charitable organizations may conduct CFEs, including special limited charity fundraising events, subject to the following conditions:

General Requirements:

1. All licensed charitable organizations and organizations exempt from licensure (“organizations”) that elect to resume the conduct of CFEs shall comply with the Requirements for Venues and Events Spaces, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky. The Requirements for Venues and Events Spaces and the minimum requirements for all entities are attached to this Order and incorporated by reference herein, and are available online at: <https://healthyatwork.ky.gov>.

2. Organizations may conduct CFEs only at licensed charitable gaming facilities (“facilities”) or locations that are otherwise permitted to be open pursuant to Executive Orders and Orders of the Cabinet for Health and Family Services. If the charitable organization conducts a CFE at a location other than a licensed charitable gaming facility, the organization must, in addition to the minimum requirements for all entities in the Commonwealth, comply with the specific requirements for the business, entity, or location in which the charitable gaming activity is conducted. The requirements for specific entities and businesses are available online at: <https://healthyatwork.ky.gov>.
3. All licensees shall further comply with all current and future Executive Orders and Orders from the Cabinet for Health and Family Services and the Public Protection Cabinet.
4. Facilities and organizations should establish a policy as to whether to serve customers who do not adhere to the facility’s policy on requiring face coverings while in common areas. Facilities and organizations may choose not to serve customers who refuse to wear a face covering while on the premises in order to protect their employees, volunteers, and other customers.

Social Distancing Requirements:

1. Facilities and organizations shall limit the number of customers present in any given facility to 50% of the Fire Marshal’s maximum permitted occupancy of capacity, excluding employees and volunteers, assuming all individuals in the facility are able to maintain six (6) feet of space between each other with that level of occupancy. The facility must limit the number of individuals in the facility to the greatest number that permits proper social distancing. Facilities should consider installation of portable or permanent non-porous physical barriers (e.g., Plexiglas shields) between tables.
2. Facilities and organizations shall implement entry screening and temperature taking protocols for all employees, volunteers, and customers. Anyone who does not pass the initial medical screening shall be denied entry. Anyone registering a temperature in excess of 100.4 degrees F will be offered a secondary check, and if the second reading is also elevated they shall be denied entry.
3. Facilities and organizations should ensure social distancing by limiting customer movement through the facility to the greatest extent practicable. Facilities should inform customers that they may travel to entries, exits, and the restroom, unless circumstances (e.g., health and safety) require otherwise. Facilities and organizations should, to the greatest extent practicable, modify the facility’s traffic flow to minimize contacts, and may provide directional signage and/or markings to assist with flow.

4. If an organization has more customers wishing to enter the facility than is possible under the current social distancing requirements of six (6) feet between all individuals, the organization should establish a system for limiting entry and tracking occupancy numbers. Once a facility has reached its capacity, the organization should permit a new customer inside only after a previous customer has left the premises on a one-to-one basis. Organizations experiencing lines or waits outside their doors should establish a safe means for customers to await entry, such as asking customers to remain in their cars and notifying them via telephone when they are able to enter the facility or demarking spots six (6) feet apart where customers can safely stand without congregating.
5. Members of the same household may sit or stand in line within six (6) feet of one another. The facility and organization shall take reasonable steps to ensure that all other people remain at least six (6) feet apart while participating in the playing of charitable gaming and while waiting in line to purchase charitable gaming items.
6. Organizations and facilities shall ensure employees and volunteers wear face masks for any interactions with customers, co-workers, or while in common travel areas of the business (e.g., aisles, hallways, loading docks, breakrooms, bathrooms, entries and exits). Facility and organization employees and volunteers are not required to wear face masks while alone in personal offices, while more than ten (10) feet from any other individual, or if doing so would pose a serious threat to their health or safety. Facilities and organizations shall provide personal protective equipment (“PPE”) at no cost to employees and volunteers and should offer instruction on proper use of masks and PPE.
7. Facilities should, to the greatest extent practicable, modify internal traffic flow to minimize contacts between employees and customers.
8. Facilities should, to the greatest extent practicable, demarcate six feet of distance between customers and employees except at the moment of payment and/or exchange of food and drink.
9. Facilities and organizations should, to the greatest extent practicable, limit the number of individuals in a restroom to ensure proper social distancing and ensure that frequently touched surfaces are appropriately disinfected (e.g., door knobs and handles).
10. Facilities should, to the greatest extent practicable, install floor decals in cashier and queuing areas to establish safe waiting distance.
11. Facilities shall install barriers between volunteers and players at counters and cashier stations.
12. If an organization is licensed to utilize electronic pulltab devices during a CFE session, the organization and facility shall ensure that all playable electronic pulltab device stations

are at least six feet away from the nearest playable station or seating area. If the device stations are installed in a linear bank configuration (side by side), then the facility may install Plexiglas or similar barriers in lieu of the six-foot separation requirement.

13. Facilities must place conspicuous signage at entrances and throughout the restaurant alerting staff and customers to the required occupancy limits, six feet of physical distance, and policy on face coverings. Signage should inform employees, volunteers, and customers about good hygiene and new practices. Facilities should post signage outside or on the entrance door that no one with a fever or symptoms of COVID-19 is to be permitted in the facility.

Sanitation, Cleaning, and Disinfecting Requirements:

1. Facilities and organizations should provide hand sanitizer, handwashing facilities, and tissues in convenient locations to the greatest extent practicable.
2. Facilities and organizations should ensure all points of sale, gaming equipment, and seating areas are properly cleaned and ventilated.
3. Facilities and organizations should encourage employees and volunteers to frequently wash their hands or use hand sanitizer, which should be provided by the facility or organization.
4. Facilities and organizations must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Areas with frequently touched surfaces or items, include all seating, table-tops, and other table-top items, door handles, phones, pens, and keypads. Appropriate disinfectants include EPA-registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol. Facilities and organizations must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.
5. Facilities and organizations should ensure employees and volunteers wipe their workstations/cash registers and all gaming equipment with disinfectant at the end of their shift or at any time they discontinue use of their workstations/cash register for a significant period of time.
6. Facilities and organizations must train employees and volunteers to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
7. Facilities and organizations must ensure, to the greatest extent practicable, that employees use gloves, along with any PPE normally used for routine job tasks, when cleaning equipment, workspaces, and high-touch areas of the business.

8. Facilities and organizations must ensure employees wash their hands with soap and water and/or use hand sanitizer frequently after any direct contact customers, and when engaging in high touch activities.

Conclusion

1. Violation of this Order shall require an immediate cessation of all charitable gaming activities until the facility or organization takes all necessary steps to bring their premises and operations in to full compliance with this Order. This shall be in addition to any other applicable penalties.

2. This Order shall take effect on July 9, 2020, at 8:00 a.m. EDT.

So ORDERED on July 8, 2020.



Kerry E. Harvey, Secretary
Public Protection Cabinet