

## **Enforcing the Infection Protection Act (the “Act”)**

### **Provisional Curfew Order Issued on the Occasion of the Corona Pandemic**

#### **Official Announcement by the Bavarian State Ministry of Public Health and Healthcare dated March 20, 2020, File No Z6a-G8000-2020/122-98**

On the grounds of § 28, Clause 1, Sentences 1 and 2, of the Infection Protection Act (the “Act”), in conjunction with § 65, Sentence 2, No. 2, of the Allocation of Responsibilities Ordinance (the “Ordinance”), the Bavarian State Ministry hereby issues the

#### General Decree

as set out below:

1. All persons are hereby ordered to reduce to the absolutely necessary minimum any physical and social contact with other persons outside their own household. Wherever possible, a minimum distance of 1.5 metres between any two persons shall be observed.
2. Any and all hospitality-industry operations shall be prohibited. Sales and deliveries of take-away meals will be exempt from this provision.
3. Prohibitions covered by this General Decree shall include visits to:
  - a) hospitals as well as facilities of preventive medicine and rehabilitation which offer a type of medical care similar to that provided by hospitals (i.e. facilities pursuant to § 23, Clause 3, Nos 1 and 3 of the Act); exceptions thereto will include childbirth units and children’s wards visited by closest relatives, as well as palliative care units and hospices;
  - b) nursing facilities operating in a fully stationary manner as specified in § 71, Clause 2, of Chapter Eleven of the German Social Code (“SGB XI”);
  - c) facilities for persons with disablements as specified in § 2, Clause 1, of Chapter Nine of the German Social Code (“SGB IX”), which provide rehabilitation services on a 24/7 basis;
  - d) assisted living communities attended to in accordance with Article 2, Clause 3, of the Assisted Living Residential Quality Act (“PfleWoqG”) for the purposes of out-of-hospital intensive care (“IntensivpflegeWGs”), where nursing services are provided on a non-stationary basis pursuant to § 23, Clause 6a of the Act; and
  - e) homes for the aged and retirement homes.
4. No one may leave their places of residence unless valid reasons apply.

5. Valid reasons will in particular include:
  - a) the exercise of professional activities;
  - b) the use of services involving medical and veterinary care (e.g. visits to doctors, medical treatments; blood donations are expressly allowed), as well as visits to members of healthcare professions to such extent as shall be medically imperative (e.g. psychotherapists and physiotherapists);
  - c) errands for day-to-day needs (e.g. food supplies, cash-and-carry drinks, pet supplies, mail-order trade, pharmacies, non-dispensing chemists, medical supplies, opticians, hearing-aid acousticians, banks and cash dispensers, post offices, petrol stations, motor-vehicle repair shops, cleaners, as well as delivery of postal voting documents). The covering of day-to-day needs will not include the use of other services such as visits to hairdressers;
  - d) visits to life partners, senior citizens, persons with illnesses or subject to restrictions (outside of facilities), as well as the exercise of legal custody within the respective private sphere;
  - e) accompanying persons in need of support, or minors;
  - f) provision of care for the dying, as well as burials within a person's immediate family circle;
  - g) sport and exercise in the fresh air but only on one's own or with members of one's own household, and without any other type of group formation; and
  - h) any activity involving animal care.
6. The police will be under an obligation to check compliance with the requirements of the curfew order. In the event of any such check, the persons affected shall give plausible explanations of their valid reasons.
7. Any infraction of the provisions of this General Decree may have penal consequences as an administrative offence pursuant to § 73, Clause 1a, No. 6, of the Infection Protection Act.
8. Any further-reaching orders issued by local public-health authorities shall remain unaffected.
9. In accordance with § 28, Clause 3, and § 16, Clause 8, of the Infection Protection Act, this General Decree shall be immediately enforceable.
10. This General Decree shall enter into force on March 21, 2020, 00:00 hrs, and shall become invalid upon the expiry of April 3, 2020. The curfew order will hence cease to apply on April 3, 2020, 24:00 hrs.