

Ordinance of the Saxon State Ministry for Social Affairs and Social Cohesion to protect against the SARS-CoV-2 and COVID-19 coronavirus

(Saxon Corona Protection Ordinance - SächsCoronaSchVO)

17 April 2020

On the basis of Section 32 Sentence 1 in conjunction with Section 28 Paragraph 1 Sentences 1 and 2 of the Infection Protection Act of July 20, 2000 (BGBl. I S. 1045), of which § 28 paragraph 1 sentences 1 and 2 by Article 1 number 6 of the law of March 27, 2020 (BGBl. I p.587), and with § 7 of the Ordinance of the Saxon State Government and the Saxon State Ministry for Social Cohesion to regulate the responsibilities under the Infection Protection Act and for reimbursement of costs for vaccinations and other prophylaxis measures from 9 January 2019 (Sächs- GVBl. P. 83), which is governed by the Ordinance of 13 March 2020 (SächsGVBl. P. 82) has been changed, the Saxon State Ministry for Social Affairs and Social Cohesion decrees:

§ 1

General

(1) On the occasion of the corona pandemic, everyone is encouraged to reduce the physical-social contacts to people other than their own household or to their partner to an absolutely necessary minimum, and wherever possible, there is a minimum distance to other people to comply with the relatives of your own household of 1.5 meters or the implementation of further measures to prevent contagion (contact restriction). This principle applies to all areas of life, especially to workplaces. It is strongly recommended to wear a mouth and nose cover in public spaces, especially when in contact with high-risk individuals, to reduce the risk of infection for yourself and others. This also includes regular hand hygiene and the avoidance of hand-face contact. Parents and legal guardians should ensure that their children or guardians comply with these recommendations if they are able to do so.

(2) In order to reduce the spread of the virus over a wide area, citizens are asked to generally refrain from private trips, excursions and visits - including by relatives. This also applies to national day trips.

§ 2

Contact restriction

(1) Spending time in public space is only permitted alone or accompanied by the partner or with relatives of your own household or with another person not living in the household or for exercising custody and access rights.

(2) In public spaces, a minimum distance of 1.5 meters must be maintained, except for the persons mentioned in paragraph 1.

Ban on gatherings of people

(1) All events, gatherings and other gatherings are prohibited. This also applies to meetings in churches, mosques, synagogues and the meetings of other faith communities as well as meetings in associations.

(2) Except for

1. Events of the state parliament, the state government and the municipal representative bodies as well as of the authorities, courts, public prosecutors or other bodies that carry out public tasks and events that serve the care or health care of the population,
2. unavoidable meetings that are absolutely necessary for the performance of professional activities as well as the taking of examinations and support services,
3. Meetings in the closest family circle of no more than five people to accompany the dying and for services up to 15 visitors. This also applies to funerals, funerals and weddings,
4. the use of public transport if a mouth and nose cover is worn; otherwise § 1 paragraph 1 sentence 5 applies,
5. attending public and free schools for the purpose of preparing and conducting exams and for emergency care,
6. Educational institutions and training centers for vocational education and training, for the preparation and implementation of chamber exams for the current training year,
7. the visit of childcare facilities for emergency care.

(3) In individual cases, exemptions can be granted on request, in particular for assemblies within the meaning of the Saxon Assembly Act, from the responsible district or the responsible city, insofar as this is justifiable from an infection protection perspective.

Operating bans

(1) The following facilities or offers may not be opened to the public:

1. Sports facilities, club sports, fitness and sports studios, wellness centers, bathing establishments, saunas and steam baths, playgrounds,
2. Theaters, musical theaters, film theaters, cinemas, concert halls, concert venues, operas, offers in literary houses, museums, memorials, district cultural centers, town houses, exhibitions, exhibition halls, planetariums, animal parks, botanical and zoological gardens,
3. Offers from educational institutions, further and advanced training centers, adult education centers, language and integration courses of the integration course providers, music schools, libraries,
4. Offers of open child and youth work, youth hostels, school campsites,
5. Fairs, special markets,

6. Folk festivals, fairs, dance amusements, dance schools, discotheques, clubs, music clubs, arcades, casinos, betting shops and similar companies, prostitution centers, prostitution events, prostitution mediation, amusement venues, amusement and amusement parks,

7. Meeting points for senior citizens, coach tours, city tours.

(2) In particular, the opening of

1. public and free schools for the purpose of exam preparation and implementation as well as for emergency care,

2. Specialist libraries and archives,

3. Educational institutions and training centers for vocational education and training, for the preparation and implementation of chamber exams for the current training year,

4. Universities and the vocational academy,

5. Training institutions of the authorities,

6. Childcare facilities for emergency care,

7. Craft businesses and health care facilities,

8. Institutions for specialist advice in the social and psychosocial field,

if they observe the hygiene regulations stipulated by the general decree of the State Ministry for Social Affairs and Social Cohesion.

(3) In exceptional cases, the practice of sport in sports facilities can be permitted with the written approval of the State Ministry of the Interior in agreement with the State Ministry for Social Affairs and Social Cohesion. Exceptions are only possible if

1. there is an employment contract for the athletes, which obliges them to perform a sporting activity for a fee and which mainly serves to secure their livelihood or

2. the athletes belong to the federal squad (Olympic squad, perspective squad, junior squad 1) of the German Olympic Sports Confederation or the top squad of the German Disabled Sports Association

and the owner or operator of the respective sports facility approves the application in writing and confirms that it is possible to practice sports while observing the hygienic requirements on the sports facility.

§ 5

Catering businesses

All types of catering establishments are prohibited. This also applies to refectories and university cafeterias. The delivery and delivery of take-away meals and staff restaurants and canteens are exempted if they comply with the hygiene regulations stipulated by the general decree of the State Ministry for Social Affairs and Social Cohesion.

§ 6

Hotels and accommodation facilities

The operation of hotel and accommodation businesses and the provision of any accommodation for private tourist purposes is prohibited. Necessary accommodation offers are permitted, such as for business travellers. The State Ministry for Social Affairs and Social Cohesion can issue hygiene regulations for necessary accommodation offers by means of a general decree.

§ 7

Shops and businesses

(1) The operation of shopping centers and large-scale retail is generally prohibited. Only the opening of the following shops for daily needs and basic supplies is permitted there: grocery, pet supplies, beverage markets, pick-up and delivery services, pharmacies, drugstores, medical supply stores, opticians, hearing care professionals, savings banks and banks, post offices as well as dry cleaners, laundromats and shops selling newspapers and stores that have separate outside customer access and no more than 800 square meters of retail space. A reduction by closing off the shop space or similar measures is not permitted.

(2) The opening of shops is prohibited. An exception to this rule is:

1. Shops for daily needs, such as: grocery, beverage markets, farm shops, mobile sales stand in the open air or in market halls for food, self-produced horticultural and nursery products,
2. Shops necessary for basic care, such as banks, savings banks, ATMs, pharmacies, medical supply stores, drugstores, opticians, hearing care professionals, sales of press articles, mail and mail order branches, book stores, dry cleaners, laundromats, online shops, garden and hardware stores, Shops of craft businesses, petrol stations, car dealerships, bicycle shops, car and bicycle workshops and relevant spare parts sales outlets, self-producing and marketing nurseries and horticultural companies, animal supplies,
3. Retail shops of all kinds up to a sales area of 800 square meters, as long as they are not in shopping centers and large-scale retail stores. A reduction of the shop space by means of a barrier or similar measures is not permitted,
4. Wholesale stores.

(3) The opening of transactions in accordance with paragraphs 1 and 2 is only permitted if

1. the required minimum distance of 1.5 meters in the store and in the waiting area in front of the store is observed,
2. the staff and the customers wear a mouth-and-nose cover while in the shop, otherwise § 1 paragraph 1 sentence 5 applies,
3. the maximum number of customers in the store is limited to one customer per 20 square meters of retail space by appropriate customer management,

4. a person responsible for compliance with the rules is named and provides information during controls,
5. further hygiene regulations that may have been laid down by the State Ministry for Social Affairs and Social Cohesion by general decree are met.

§ 8

Service companies

(1) Service companies with direct customer contact with the exception of necessary medical treatments are prohibited.

(2) In service companies with public traffic and in the waiting area, a minimum distance of 1.5 meters must be observed. No more than ten people may be in the waiting area.

§ 9

Visiting restrictions

(1) Visiting is prohibited

1. Old people's and nursing homes, with the exception of, for example, visiting close relatives to assist close relatives with the death, including pastoral care,
2. Institutions and outpatient living communities and groups with people with disabilities that fall within the scope according to § 2 of the Saxon Care and Housing Quality Act of July 12, 2012 (SächsGVBl. P. 397), which was last amended by the law of June 6, 2019 (SächsGVBl. P. 466) has been changed, recorded,
3. Hospitals as well as preventive and rehabilitation facilities in which medical care comparable to that of hospitals is provided (facilities in accordance with section 23 (3) sentence 1 numbers 1 and 3 of the Infection Protection Act of July 20, 2000 (BGBl. L p. 1045), most recently by Article 1 to 3 of the law of March 27, 2020 (Federal Law Gazette I p. 587) has been changed),
4. Inpatient facilities for child and youth welfare requiring approval in accordance with sections 13 (3) sentence 1, 19 (1) sentence 1, 34 sentence 1, 35, 35a (2) numbers 3 and 4, 42 (1) sentences 2 and 42a (1) of the Eighth Book of the Social Code - Children and youth welfare - in the version of the announcement of September 11, 2012 (Federal Law Gazette I p. 2022), which was last amended by Article 36 of the Law of December 12, 2019 (Federal Law Gazette I p. 2652), as well as Places of residence in which integration assistance is provided to children and adolescents.

(2) Exceptions to Paragraph 1 Number 3 are visits by close relatives to maternity, child and palliative care units, as well as hospices and close relatives to assist in dying. In addition, visits for pastoral purposes are permitted.

(3) Exceptions from paragraph 1 number 4 are necessary visits by employees of the youth welfare office including the ASD (General Social Service), the official guardian and visits by persons with legal custody or judges and other parties involved in proceedings in the event of a court-ordered personal hearing and in the event of an urgent medical emergency. These people must coordinate their visit in advance with the facility management. In the event of suspected cases, access is generally to be denied in accordance with the requirements of the RKI (Robert Koch Institute).

(4) The facilities in accordance with paragraph 1, numbers 1 to 4, must particularly point out the behaviour to ensure hygiene. Entering the aforementioned facilities for therapeutic or medical purposes, structural measures on and in the building that cannot be postponed, or for repairs to infrastructure facilities is not considered a visit within the meaning of this regulation.

(5) The State Ministry for Social Affairs and Social Cohesion can, by general decree, allow exceptions to the visit ban in accordance with paragraph 1 and issue hygiene regulations. Exceptions can be made by the responsible administrative districts and independent cities in agreement with the State Ministry for Social Affairs and Social Cohesion, even in special cases, as far as this is justifiable under infection protection law.

(6) The facilities in accordance with paragraph 1, numbers 1 to 4, must particularly point out the behaviour to ensure hygiene.

(7) Entering the aforementioned facilities for therapeutic or medical purposes and for carrying out outpatient assistance as well as for construction measures on and in the building that cannot be postponed and repairs to infrastructure facilities is not considered a visit within the meaning of this regulation.

§ 10

Tightening measures

For areas with an increased risk of infection, which extend over more than one district or an independent city, the Ministry of Social Affairs and Social Cohesion can determine tightening measures by means of a general directive.

§ 11

Enforcement assistance, administrative offenses

(1) The authorities responsible pursuant to Section 1 Paragraph 1 Sentence 1 of the Ordinance of the Saxon State Government and the Saxon State Ministry for Social Affairs and Social Cohesion to regulate the responsibilities under the Infection Protection Act and for reimbursement of costs for vaccinations and other prophylactic measures,

1. comply with this Regulation;
2. the tasks and powers performed by the highest state health authority in accordance with Section 1 (1) sentence 3 of the Ordinance of the Saxon State Government and the Saxon State Ministry for Social Affairs and Social Cohesion to regulate responsibilities under the Infection Protection Act and for reimbursement of costs for vaccinations and other prophylaxis measures in urgent cases and
3. the measures taken by the highest state health authority in accordance with Section 1 Paragraph 2 of the Ordinance of the Saxon State Government and the Saxon State Ministry for Social Affairs and Social Cohesion to regulate responsibilities under the Infection Protection Act and for reimbursement of costs for vaccinations and other prophylactic measures

specifications. The principle of proportionality must be observed. You can ask the local police authorities for enforcement assistance.

(2) Whoever acts in violation of the law within the meaning of Section 73 (1a) number 24 If SG

1. intentionally contrary to § 2 paragraph 1 does not keep the minimum distance or violates § 2 paragraph 2,
or negligent or wilful,
2. organizes or participates in an event, gathering or meeting contrary to § 3 paragraph 1,
3. runs facilities, tours or tours of the city contrary to § 4 paragraph 1,
4. visits one of the named facilities contrary to § 4 paragraph 1,
5. operates catering businesses contrary to § 5,
6. operates hotels or accommodation facilities or provides accommodation contrary to Section 6,
7. opens retail stores contrary to § 7 paragraph 1 and 2,
8. contrary to Section 8 Paragraph 2, as the person responsible for a service company, allows more than ten people to be in waiting areas
9. enters an institution contrary to Section 9 (1).

§ 12

(Entry into force, expiry)

(1) This Ordinance will enter into force on April 20, 2020 and will expire on May 3, 2020.

(2) With the entry into force of this regulation, the general decree of the Saxon State Ministry for Social Affairs and Social Cohesion of March 31, 2020, Az. 15-5422 / 5 (Enforcement of the Infection Protection Act - Corona Pandemic Measures - Ban on Events).

Dresden, April 17th, 2020

for social and social cohesion

Petra Köpping

Reason

A. General part

On March 11, 2020, the World Health Organization classified the spread of the novel SARS-CoV-2 coronavirus and the resulting disease COVID-19 as a pandemic. The spread of this virus is a very dynamic and serious strain on the health system. If the measures taken so far are not further developed and consolidated, a sharp increase in the number of cases can still be expected. It is also important to keep the number of seriously ill people who need intensive care as low as possible so as not to overload the health system.

The Robert Koch Institute currently assesses the overall risk to the health of the population in Germany as high. Older people in particular and those with pre-existing basic illnesses are affected by severe illnesses and can die from the illness without the need for any treatment measures. Since neither vaccination nor specific therapy is currently available, all measures must be taken to delay the further spread of the virus. The only way to ensure that the health system remains functional is to slow the infection down quickly.

The purpose of the Infection Protection Act is to prevent communicable diseases in humans, to recognize infections at an early stage and to prevent their further spread. According to Section 28 Paragraph 1 IfSG, the competent authority can take protective measures and restrict or prohibit events and other gatherings of a large number of people. Due to the predominant transmission pathway of SARS-CoV-2 (droplets), for example through coughing, sneezing or partly mildly ill or asymptotically infected persons, transmission from person to person can occur. It is therefore necessary to keep physical social contacts between people to a minimum.

With the Saxon Corona Protection Ordinance of March 31, 2020, contact bans, visiting bans and exit restrictions were issued. In view of the slowdown in the rate of infection in Saxony, the initial restrictions will now be lifted. However, contact and visiting bans remain in place.

With the general decree of the Saxon State Ministry of Social Affairs and Social Cohesion for the implementation of the Infection Protection Act of March 31, 2020, file number 15-5422 / 5 (measures on the occasion of the corona pandemic - ban on events), extensive operating prohibitions were pronounced, retail shops and catering establishments as well as Hotels and accommodation facilities are closed. In principle, these measures are still required under infection protection law, but are gradually being relaxed in view of the current epidemiological development.

In terms of control technology, the Saxon Corona Protection Ordinance that is valid until April 19, 2020 will be revised. At the same time, the contents of the general decree of the Saxon State Ministry of Social Affairs and Social Cohesion for the implementation of the Infection Protection Act of March 31, 2020, file number 15-5422 / 5 (measures on the occasion of the corona pandemic - ban on events) are revised and incorporated into the Saxon Corona Protection Regulation integrated.

These are the most important new Features:

1. Abolition of exit restrictions,
2. Extension of the catalog of the shops necessary for the basic supply, for example with the book trade and with hardware stores, car dealerships and bicycle shops,
3. basic opening of retail shops with a sales area of up to 800 square meters,

4. Clarification of the hygiene regulations to be complied with by the business through the general decree of the Saxon State Ministry for Social Affairs and Social Cohesion.

B. Special part

To § 1 (principle)

Section 1 establishes the principle that, on the occasion of the corona pandemic, physical and social contacts with other people outside the home are to be reduced to an absolutely necessary minimum. A minimum distance of 1.5 meters between two people is specified. The distance requirement is expanded to include the recommendation to wear a mouth and nose cover in public spaces and especially when in contact with risk groups. Citizens continue to be asked to generally refrain from private trips, excursions and visits - including by relatives.

To § 2 (contact restriction)

The contact restriction is the central measure required under infection protection law. It is specified in paragraph 2.

Paragraph 1 limits group formation in public space to people who belong to the same household. Only people living alone are permitted to stay in public space together with another person who does not live with him in the household. There are also meetings to exercise custody and access rights.

Regarding § 3 (ban on gathering of people)

On the basis of current developments and knowledge, it is generally to be assumed that events and gatherings within the meaning of the assembly law and gatherings within the meaning of the Infection Protection Act cannot be taken as protective measures that are equally effective but less intervention-intensive than the event, assembly or gathering does not take place. The following meetings are exempt from the ban:

1. Events of the state parliament, the state government and the municipal representative bodies as well as of the authorities, courts, public prosecutors or other bodies that carry out public tasks and events that serve the care or health care of the population,
2. unavoidable meetings which are absolutely necessary for the exercise of professional activities as well as the taking of examinations and support services,
3. Meetings in the closest family circle of no more than five people to accompany the dying and for services up to 15 visitors,
4. Use of public transport if a mouth and nose cover is worn,
5. attending public and free schools for the purpose of preparing and conducting exams and for emergency care,
6. educational institutions and training centers for vocational education and training, for the preparation and implementation of chamber exams for the current training year,
7. Visiting childcare facilities for emergency care.

In individual cases, exemptions can be granted on request, in particular for assemblies within the meaning of the Saxon Assembly Act, from the responsible district or the responsible city, insofar as this is justifiable from an infection protection perspective.

Section 4 (operating prohibitions)

Due to the high risk of infection, certain facilities or offers are closed to the public. These are in particular sports facilities and cultural institutions as well as educational offers, offers for child and youth work, trade fairs, special markets, amusements, senior meeting points, coach tours and city tours.

These facilities and offers regularly pose a high risk of infection due to the proximity of the people present in the normal business to one another and the average duration of their stay. It is therefore necessary and appropriate to continue to keep the above facilities and offers closed.

The following facilities are also excluded:

- public and free schools for the purpose of exam preparation and implementation as well as for emergency care,
- specialist libraries and archives,

Educational institutions and training centers for vocational education and training, for the preparation and implementation of chamber exams for the current training year,

- universities and vocational academies,

Training institutions of the authorities,

Childcare facilities for emergency care,

Craft businesses and health care facilities,

Institutions for specialist advice in the social and psychosocial field.

A prerequisite for the admissibility of the company is that they observe the hygiene regulations stipulated by the general decree of the State Ministry for Social Affairs and Social Cohesion

To § 5 (catering establishments)

The epidemic has not yet been overcome in view of the slowdown in the infection chains in recent weeks. The necessary contact restrictions are particularly difficult to implement in restaurants. Also, with increasing alcohol consumption, the risk increases that the guests do not adhere to the restrictions. The measure is therefore still necessary to effectively limit the emergence of new chains of infection.

To § 6 (Hotels and accommodation companies)

In order to prevent the virus from spreading as far as possible, citizens are asked to generally refrain from private trips and visits, especially from relatives. This not only applies to Saxony and national day trips, but also nationwide. In order to take appropriate incentives, it is necessary to keep the hotel and accommodation industry closed. There are still exceptions for necessary overnight offers, such as for business travellers.

To § 7 (shops and businesses)

In general, shops remain closed.

The retail trade for daily needs, such as in particular the food trade and certain shops necessary for basic care, such as drugstores and pharmacies, are also excluded.

In view of the success in slowing the infection rate, however, the list of businesses necessary for basic care is being expanded. In the future, it will be possible in particular to open hardware stores, shops of handicraft businesses, car dealerships and bicycle shops as well as sales outlets for press articles. In addition, shops with a sales area of no more than 800 square meters should be able to open again in the future.

The operation of shopping centers and large-scale retail is still fundamentally prohibited. Only the opening of explicitly mentioned shops for daily needs and basic services is permitted there.

For all permitted exceptions, compliance with the hygiene regulations specified by the Saxon State Ministry for Social Affairs and Social Cohesion is mandatory.

To § 8 (service companies)

Paragraph 1 prohibits service companies with direct customer contact, such as hairdressers. In the course of the further review of the necessity of the measures, it is also planned to provide openings for service companies, if necessary, in compliance with hygiene regulations. Until further notice, the interruption of infection chains is a priority.

Services in connection with necessary medical treatment are excluded from the ban.

Paragraph 2 specifies the contact restrictions in the waiting area.

Regarding § 9 (visit restrictions)

Due to the latest developments and findings and in the sense of reducing contacts and interrupting potential infection routes, visit restrictions within the facilities are appropriate and necessary for vulnerable groups such as sick, elderly and people in need of care as well as people with disabilities and children and adolescents. In the facilities mentioned, people are often cared for who would be particularly seriously at risk of health if they were infected with the new pathogen. In addition, the risk of illness and failure of the medical staff or nursing staff is reduced, so that the operation can be maintained.

The State Ministry of Social Affairs and Social Cohesion can, in addition to the exceptions mentioned in paragraphs 2 and 3, allow further exceptions to the restrictions imposed by the general decree and lay down hygiene rules. This also does not affect the option of establishing additional special protective measures for the vulnerable groups mentioned in Section 9 by means of a general decree.

Regarding § 10 (tightening measures)

Section 10 is intended to enable the Saxon State Ministry for Social Affairs and Social Cohesion in the event of an increased risk of infection in certain regions to be able to impose nationally tightening measures for the affected areas. This is to avoid that the local health authorities make different orders.

Regarding § 11 (enforcement assistance, administrative offenses)

According to the Ordinance on the Protection Against Infection Law, the authorities of the public health service are basically responsible for the implementation of the Infection Protection Law at the district and urban district level. Paragraph 1 clarifies that these are also responsible for the enforcement of tasks and powers performed by the supreme state health authority in urgent cases and for the implementation of measures that the supreme state health authority takes if several counties and independent cities are affected.

Reference is made to the possibility of asking local police authorities for enforcement assistance in suitable cases.

Paragraph 2 describes the necessary facts of the administrative offenses to be punished.

Re § 12 (entry into force, expiry)

The regulation regulates the entry into force and limits the period of validity of the regulation in the interest of proportionality until the end of May 3, 2020. With the entry into force of this regulation, the general decree of the Saxon State Ministry for Social Affairs and Social Cohesion of March 31, 2020, Az. 15-5422 / 5 (Enforcement of the Infection Protection Act - Corona Pandemic Measures - Ban on Events).