



October 27, 2020

Commissioner Steve Grove and Kevin McKinnon, Minnesota Department of Employment and Economic Development
Laura Oliven, Minnesota Department of Health

Sent via email

Dear Commissioner Grove, Kevin McKinnon, and Laura Oliven:

We are writing on behalf of the Minnesota Operators of Music and Amusements (MOMA) and the Minnesota Licensed Beverage Association (MLBA). MOMA represents 21 member companies that employ hundreds of people across the state and its members operate dart boards, pool tables, jukeboxes, and arcade games primarily in bars and restaurants. MLBA has 1975 members that employ tens of thousands in their bars and restaurants across the state. The MLBA has been a non-profit trade association since 1952 and has successfully represented each and every liquor licensed establishment since then. MOMA members work directly with MLBA member locations to provide games, music, and organized league programs that help bars and restaurants generate food and beverage revenue as well as increased patronage.

Both MOMA and MLBA are deeply concerned over the guidance that was announced on October 21, 2020 that allows pool and darts to only be played during organized league play and forces these bars and restaurants to operate at a 25% capacity. The guidance also prohibits the use of those games and all other "amusement devices" during all other non-league operating hours. Organized league play takes place on certain nights during the week, for about a two-hour time frame, and typically involves 6-8 people on average at a specific bar. Not allowing the bar to stay at 50% capacity and also not allowing game play during non-league times will put MOMA and MLBA member companies out of business and at the same time further diminishing a bar or restaurant's ability to generate much needed revenue due to the current pandemic capacity limits.

The MLBA has been working with DEED, MDH, and other governmental entities since March 16, 2020. In May of this year, MOMA began working with DEED and MDH as part of the Small/Medium Indoor Entertainment group in helping to get these businesses back open safely so that we could get our games operating again. When the reopening guidance was finalized in June, we were told operating amusement games was permitted in the bars and restaurants, along with all other indoor entertainment spaces. Since that time, we have been operating our games in the bars and have done so safely. We are unaware of any COVID -19 outbreaks being traced back to people playing amusement games in bar or restaurant. The following protocols and procedures were put in place to keep people safe:

- Adopted regular cleaning and sanitation protocols that are based on CDC standards. (see attachment)
- Installed stickers on each game and signage in locations. (see attachment)
- Spaced out games to allow for proper social distancing.
- Installed sanitation stations in game areas for game players. (see attachment)
- Provided league players with league play protocols that keeps them safe. (see attachment)

MOMA and MLBA take the health and safety of our employees and customers seriously. We appreciate the work that DEED and the MDH has done to work with businesses as they navigate through this pandemic. With that said, our organizations request that guidance for operation of amusement games in bars and restaurants be revised in order to reverse the catastrophic results from guidance that was announced on October 21, 2020.

Proposed Guidance for Pool Tables/Dart Boards/Corn Hole/ Other Indoor Games

- Only active players are permitted to be present at the game station.
- Limit the number of players of each game to 4 or less. (One player at a time)
- Space Pool Tables and Dart Boards to provide for adequate social distancing between players.
- Players must wear face coverings.
- Encourage players to use their own darts, pool cues, or other equipment required to play the game.
- Eliminate areas where people can congregate.

Proposed Guidance for Amusement and Video Games

- Only active players are permitted to be present at the game station.
- Limit the number of players to 2 or less.
- Players must wear face coverings.
- Space games to provide adequate social distancing between players.
- All high touch surfaces should be cleaned on a regular schedule.

We would like to reiterate that mandating a bar or restaurant to reduce their capacity from 50% to 25% because of game play does not make sense both logically and financially.

- Games in a bar or restaurant are very different than games in an Arcade or other indoor entertainment venues. Bars and restaurants typically have 2-4 games at their location whereas an Arcade would have 50 or more games or machines.
- Most games are 1-2 players at a time and involve individuals who arrive together and eat together so they do not encourage crowding.
- The game area of a bar or restaurant is separate or off to the side so as to not to interfere with servers or patrons eating and drinking.
- A person playing a game in the bar is no different than them buying pull-tabs from a machine, a booth, checking out an E-tab device or buying lottery tickets from a vending machine in the bar.

We appreciate the fact that DEED and MDH are willing to listen and work with our two industries to find a solution that reverses the devastating consequences of this new guidance. We are certain what we are suggesting allows for safe game play within a bar or restaurant during all open hours without having to reduce capacity. The states of Arizona, Ohio, Florida, and many others have adopted rules just like what we have proposed and are operating safely.

We would request a follow up call or Zoom meeting so we can answer any questions you may have.

Very truly yours,

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