

## NH Arts Sector Reopening Guidance Questions, Concerns and Proposed Edits

As an industry, we are very concerned that safety and reopening go hand in hand. It is vital to the survival of our organizations that, while we commit to reopening safely, we also recognize that there may be a need to delay or even reverse the reopening process based on the trajectory of the pandemic.

**Future effort.** Once the Task Force has concluded its work, who becomes the industry’s contact for revision of guidelines and operational questions?

**Discrepancies between Guidelines.** The greatest challenge is reconciling the differing standards for differing industries (indoor restaurant seating without masks when compared to indoor theatre seating while requiring masks). What considerations need to be made considering indoor versus outdoor performances? There also is a discrepancy between how musicians are being allowed to perform in outdoor restaurant venues (Restaurant Guidance, Consumer Productions, #9) compared to performing arts venues/streaming media guidance. It is believed that the reference to the Streaming Media guidance (Performing Arts Additional Process Guidance for Presenting Venues and Performers #8) should be removed and pertinent information incorporated into the document.

**Contract considerations.** Contracts need flexibility for cancellations should government guidelines shut venues down or continue to limit capacity. Industry needs protection from potential civil suits from language in contracts. Needs opinion from AG on claims of force majeure, etc.

**Face masks/social distancing/audience proximity.** How is capacity calculated when considering mask use \*with\* social distancing? Additionally, there is language in the guidance that infers duration of performance (shorter performances, no intermission). What mitigating factors might allow relaxation of the social distancing requirements (especially regarding singing). If clear physical barriers are placed between artist and audience, would this be sufficient to relax the more extreme standards (25 feet between front row and artist). Regarding consumer confidence, most performing arts venues are likely to require mask use by patrons. See the following scenario as a basis for considering relaxing capacity standards for performing arts venues.

	# of Guest/Audience	# of Servers/Workers/ Performers	Mask Use*	% of total wearing masks
Restaurants	100	10	10	9.09%
Performance Venues	100	10	105	95.45%

\*NOTE: This assumes that performers are not wearing masks on stage, and that diners are not wearing masks while eating; support staff (servers and theatre personnel) are wearing masks. If mask use plays any role in suppressing contagion, then one would expect that a correlation of mask use to space capacity might allow for increased capacity as mask use goes up. This might be in the form of increased proximity. Additionally, fixed seating in most performing arts venues is far more directionally controlled than fluid restaurant seating.

**Performance Group Size.** Streaming Media Business Process Adaptations #7 limits *indoor* performer group sizes to 5 people or fewer (excluding other support or media streaming staff), with performers seated or positioned 8 – 10 feet apart. Should this be interpreted as 5 or fewer total, or might there be a larger cast as long as there are no more than 5 performers on stage at a time? A literal interpretation also conflicts with language in the section on Additional Process Guidance for Presenting Venues and Performers, which implies that larger groups of performers are allowed: “10. If a performance/show is conducted that requires larger groups or close contact between performers (e.g., theater)”. Should the notion of group size be removed as the Emergency Order governing group size restrictions was rescinded?

**Performer proximity.** Recommend adjusting close contact language to read: “Activities that involve direct contact with respiratory or mouth secretions are not allowed unless the individuals are isolated together.” This would allow flexibility in regards to special precautions for performers who cohabitate.

**HVAC/Ventilation.** Additional Process Guidance for Presenting Venues and Performers, #9 states that if a performance/show is conducted with singing or wind instrument performances, facilities should pay particular attention to ensuring that building ventilation is increased, air exchanges with outdoor air are maximized, and internal air is not re-circulated (the last point is in direct contradiction to how HVAC systems operate). If HVAC can be maximized according to requirements, would the 25 foot distance from performers to audience still be required? How might other factors such as percentage of air exchange (impacted by seasonal considerations), physical barriers, special filters, and auxiliary “air cleaning” equipment impact restrictions? Will there be funding available for smaller organizations that might be disproportionately impacted?

**Interactions/Entrances and Exits.** Additional Process Guidance for Presenting Venues and Performers #11 states that performers must not interact directly with the audience. Is this solely a physical restriction? Many smaller venues utilize aisles for entrances/exits to and from the performing area. Presuming that audiences are seated at the time, this should be considered an allowed use.

**Vocal performance.** Streaming Media Business Process Adaptations #6 limits *outdoor* performer group sizes to 10 people total (excluding other support or media streaming staff), with performers seated or positioned more than 6 feet apart. Does this include singers? (Streaming Media Business Process Adaptations #7 is explicit about singing *indoors* and requires artists to be 8 – 10 feet apart.) As mentioned above, this conflicts with Restaurant Guidance Consumer Protection, Point 9 language that refers to 6 foot distancing apart from one another and patrons. Additional Process Guidance for Presenting Venues and Performers #10 states that performers should wear cloth face coverings or face masks during performances if possible. If applied to singers, might this allow closer proximity when performing outdoors? If not, then are they bound by the Streaming Media Business Process Adaptations #6 (“performers should be seated or positioned more than 6 feet apart”)? See recommendation above to incorporate Streaming Media directly in the guidance document.

**On-site merchandise sales.** Venue vs. Touring Staff. Can specific guidelines be written to establish clear expectations (e.g. artist selling tour merchandise, venue selling concessions, etc. Current guidelines suggest that venues need to provide that service (if it is to happen at all).

**Concessions.** These are relatively clear in guidance, if cabaret seating, should be in line with restaurants. Once a performance has begun should concessions close? Several venues will see a significant negative financial impact. Are there other suggestions on how to allow food service during performances/intermission based on site specific options? Some organizations may be able to establish clear processes for audiences on how to do this safely. Who might review such proposals?

**Hospitality requests by artists.** National publications/guidelines have addressed this, i.e., packaged food, no buffets, etc. “grab and go” foods/beverages.