

## **Guidance for Licensees in “Green” Counties**

On May 27, 2020, the Governor’s office issued additional guidance as part of his ongoing response to the COVID-19 public health crisis. This additional guidance included the designation of several counties as “green” counties, effective May 29, 2020. The Governor's office also provided some [additional guidance for businesses in the restaurant industry](#), which all licensees are encouraged to review, and the following information supplements that direction for licenses in green counties.

### **Indoor Seating for Restaurant, Retail Dispenser and Hotel Licensees**

Indoor seating in green counties is allowed but not required for restaurant, retail dispenser and hotel licensees. Seating is limited to the lesser of 50% of stated fire capacity or 12 persons per 1,000 square feet. For example, if your stated fire capacity is 40 and you have a building that is 2,000 square feet in size, you may have no more than 24 customers ( $2,000 \div 1,000 = 2$ ;  $2 \times 12 = 24$ , which is less than 40).

If a licensee chooses to provide seating for on-premises consumption of alcohol, then they must also provide for on-premises consumption of food. All additional conditions set forth in the [Governor's guidance issued on May 27, 2020](#), must be adhered to. These restrictions include the requirement that customers must be at least six feet away from each other or be separated by physical barriers. In addition, standing in a bar area is not permitted, alcohol service is limited to table or bar service (except for golf courses) and no more than four customers with a common relationship (a family, for example) may sit together at a bar.

### **Outdoor Seating for Restaurant, Retail Dispenser and Hotel Licensees**

Outside seating in both licensed and unlicensed locations is permitted. The same restrictions imposed on indoor seating, such as no more than four customers sitting together and a minimum of six feet or a physical barrier between customers, apply to outdoor seating as well.

If the outside area is licensed, then service of food and alcohol there is permitted.

If the outside area is not licensed, then service of food is permitted, but service of alcohol is NOT permitted.

- However, patrons may purchase up to 192 ounces of beer to go on the licensed premises, then carry it to and consume it on the unlicensed service area.
- Further, if the licensee holds a wine expanded permit, then patrons may purchase up to 3 liters of wine on the licensed premises, then consume it on the unlicensed service area.

- Finally, if the licensee qualifies to sell prepared beverages and mixed drinks to go, then a patron may purchase a prepared beverage and mixed drink of between 4 and 64 ounces in a closed container on the licensed premises, open the container once they leave the licensed premises and consume it on the unlicensed service area.

### **Clubs and Catering Clubs**

Holders of club and catering club licenses may allow members to be served on the licensed premises. Food sales are permitted, but not required, at club locations. If a club decides to allow members on the licensed premises, it must follow the social distancing rules set forth above for restaurant industry members, such as limiting occupancy and limiting seating at a bar to no more than 4 members with a common relationship. As a reminder, clubs and catering clubs cannot sell any alcohol for off-premises consumption.

### **Breweries, Limited Wineries, Distilleries and Limited Distilleries**

Many manufacturers, such as breweries, limited wineries, distilleries and limited distilleries, also offer food and drink for on-premises consumption. The rules applicable to restaurant, retail dispenser and hotel licensees are likewise applicable to them. Specifically, on-premises consumption of food and alcohol is now permissible so long as the occupancy limitations, social distancing limitations and the other limitations set forth above are adhered to. In addition, the rules for social gathering for outside locations likewise apply.

Note that a holder of a brewery license who also holds a brewpub license must offer food for on-premises consumption if they are offering beer for on-premises consumption.

As a reminder, breweries, limited wineries, distilleries and limited distilleries may sell their own products for off-premises consumption, but may not sell products acquired from other breweries, limited wineries, distilleries and limited distilleries to go, although such products may be sold for on-premises consumption.

### **Special Occasion, Off-Premises Catering, Exposition and Farmers Market Permits**

Licensees are reminded that permits such as special occasion permits, off-premises catering permits, exposition permits and farmers market permits each have specific eligibility requirements and those requirements must be followed or licensees risk citation.

### **Golf Courses**

Licensees that are located at golf courses were previously informed that they may provide alcohol service to individuals playing golf. That remains true even though such service would not be at a table.