

Guidance for Licensees in All Counties (13th update)

Given that the emergency declaration previously effective, which had allowed certain changes to how alcohol was sold and regulated over the last 16 months, was terminated on June 15, 2021, this message clarifies what reverts back to pre-pandemic rules as of June 15, 2021.

As background, on March 6, 2020, Governor Wolf declared a disaster emergency as a result of the COVID-19 health epidemic as authorized by the Emergency Management Services Code, 35 Pa. C.S. §7301. Under the original series of declarations, licensees could not sell food or alcohol for on premises consumption. This, in turn, meant that retail licensees could not comply with various provisions of the Liquor Code without running afoul of the Governor's declaration. The Board responded to the COVID-19 emergency declaration by informing licensees that they should follow the Governor's emergency orders rather than any contrary Liquor Code provisions.

Further, the Board, beginning in March 2020, took certain steps to help the licensed community. These steps included waiving the safekeeping requirements for licensees who were no longer able to offer on-premises consumption of food on their premises, waiving certain late fees associated with the filing of applications and implementing a fast track procedure to process applications for temporary extensions of licensed areas to include outside service areas. The Legislature also attempted to help the licensed community by passing Act 21 of 2020, which allowed for the sale of mixed drinks to go by certain retail licensees, and Act 29 of 2020, which eliminated the \$700 yearly surcharge for certain licensees.

In May 2021, the voters in Pennsylvania approved a constitutional amendment which allows the legislature to terminate a disaster emergency declaration upon a majority vote of the House and Senate. The Pennsylvania House and Senate voted to terminate the current disaster emergency declaration on June 10, 2021. With the June 15, 2021 certification by the Department of State of the vote on the constitutional amendment, the emergency declarations that had been in effect since March 6, 2020, are no longer in effect.

The following went into effect on June 15, 2021:

- Pre-pandemic food, seating, square footage and health permit requirements for licensees now apply.
- Retail licensees that wish to sell malt or brewed beverages for off-premises consumption must also make malt or brewed beverages available for consumption on the licensed premises. Similarly, holders of wine expanded permits that wish to sell wine for off-premises consumption must also make wine available for consumption on the licensed premises. For further information on this requirement, see [Advisory Notice No. 24](#).

- Act 21 of 2020, which authorized most retail licensees to sell mixed drinks to go and bottles of liquor to each other under certain circumstances, is no longer in effect. Since the authority to sell mixed drinks to go was associated with the emergency declaration, all sales of mixed drinks to go authorized by Act 21 of 2020 must cease now that the emergency declaration is terminated.
- The procedures adopted by the Board to expedite the process for licensees that want to temporarily extend their licensed premises to include additional outside areas are no longer in effect, and those areas are no longer considered licensed. Licensees that wish to continue to use these outside areas for alcohol sales and service will need to immediately file an application to extend their licensed premises to include those areas, along with the appropriate fee. A decision on whether to allow the use of those areas during the pendency of the application will be made on a case-by-case basis.
- The Board had previously indicated that time in safekeeping status while the emergency declaration was in effect would not count against the time limits on safekeeping status set forth by the Liquor Code, i.e., the Board had stopped the safekeeping “clock” on March 6, 2020. With the end of the emergency declaration, time in safekeeping will again count against the time limits on safekeeping status set forth by the Liquor Code. All license-holders with licenses in safekeeping will be notified of the safekeeping dates applicable to them.

The Board has decided to honor its commitment made last December to not collect certain license fees during calendar year 2021, notwithstanding the end of the emergency declaration. Those fees will continue to be waived this year.