

COVID-19 (CORONAVIRUS) MANDATES AND PRECAUTIONS FOR ALCOHOL INDUSTRY LICENSEES



Current as of 3:30 P.M. EDT,
March 17, 2020



COVID-19 (coronavirus) continues to invade nations, societies and industries at an alarming rate. As the pandemic spreads, lawmakers and business leaders are working to address the disease's consequences – quarantined populations, disrupted supply chains and a consumer population under increasing pressure to conform to “social distancing” and stay home.

The consequences of COVID-19 are especially hard on America's hospitality industry generally, and the on-premises segment of the industry in particular. Public venues such as Walt Disney World and Universal Studios have closed their theme parks. Professional sports leagues such as the National Basketball Association and the National Hockey League have suspended their seasons. Key data points for the dine-in restaurant trade already reflect alarming downward trends.

GAUGING THE IMPACT OF COVID-19 ON AMERICA'S ALCOHOL INDUSTRY

The impact of COVID-19 on the commercialization of alcohol beverages, as with almost all aspects of alcohol regulation in America, varies from state to state. In a growing number of states, the government has ordered mandatory closings for bars, restaurants, nightclubs, theaters, arenas and similar venues. But in other states, the restrictions are limited to the number of patrons permitted on the premises at one time. And in a few states, the government has decided to impose no restrictions at all, relying instead on suggested guidance regarding social distancing and taking a wait-and-see attitude.

GrayRobinson's *Nationwide Alcohol Industry Team* prepared this analysis to inform industry members regarding the current status of COVID-19 restrictions on alcohol commerce, and to offer

alcohol regulators the opportunity to compare and contrast the positions – and often creative solutions – developed by states to address the pandemic’s challenges. For example, it is noteworthy that state government leaders from Connecticut, New Jersey and New York coordinated their actions to produce a uniform approach to address COVID-19’s impact of the hospitality industry regionally. Likewise, the survey reflects a very non-traditional step that several states have taken – allowing on-premises licensees to sell alcohol off-premises in order to ameliorate the substantial losses that will occur from mandated restrictions and social distancing.

CAVEATS

As you review the 50-state summaries (plus D.C.), please bear in mind the following caveats:

1. *Summaries not Legal Advice*: These summaries reflect the status of state restrictions and pronouncements as of 9:00 A.M. on March 17, 2020, as described by government agencies or officials. The contents of these summaries should not be construed as legal advice.
2. *Rapid Changes*: Because of rapidly changing developments associated with COVID-19 containment, any future actions considering these summaries should be based on updated information.
3. *Local Mandates*: The summaries below primarily focus on state actions, *e.g.*, emergency declarations from state governors, limits on public gatherings, mandated closures, *etc.* However, as noted in select examples, local restrictions imposed through municipal ordinances or local police powers not only exist, but in numerous cases impose stricter restrictions than their state counterparts. Any future actions should take into account both state and local mandates.
4. *Common Sense*: As reflected by this analysis, states are all over the board in how they are reacting to the COVID-19 challenge. Some state, and especially local, actions are predicated on an abundance of caution. Others seem to be politically-driven, based on community attitudes. In this environment, several nationwide brands such as *Chick-fil-A* and *Starbucks* restaurants have voluntarily taken additional protective steps, *e.g.*, limiting in-store seating to promote social distancing. Because government mandates (or lack thereof) represent the minimum threshold, industry members should exercise independent judgement regarding whether precautions greater than those mandated are appropriate to best protect the health and safety of both patrons and employees alike.

COVID-19 DIRECTIVES BY JURISDICTION

Federal:

Guidance Warning Against Mass Gathering in Excess of 50 People: On March 15, 2020, the U.S. Centers for Disease Control and Prevention advised that large events and mass gatherings can contribute to the spread of COVID-19 in the United States via travelers who attend these events and introduce the virus to new communities. Examples of large events and mass gatherings include conferences, festivals, parades, concerts, sporting events, weddings, and other types of assemblies. These events can be planned not only by organizations and communities but also by individuals.

CDC, in accordance with its guidance for [large events and mass gatherings](#), recommends that for the next 8 weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States. Events of any size should only be continued if they can be carried out with adherence to guidelines for protecting [vulnerable populations, hand hygiene, and social distancing](#). When feasible, organizers could modify events to be virtual.

CDC's recommendation does not apply to the day to day operation of organizations such as [schools, institutes of higher learning, or businesses](#). This recommendation is made in an attempt to reduce introduction of the virus into new communities and to slow the spread of infection in communities already affected by the virus. This recommendation is not intended to supersede the advice of local public health officials.

Relaxation of Consignment Sale Prohibition during COVID-19-related Cancellations: Given the unexpected and widespread nature of the concerns involving COVID-19, the U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB) announced that it will not consider returns of alcohol beverage products purchased to sell during such cancelled events to violate federal consignment sales rules provided the products were not initially purchased or sold with the privilege of return. The federal consignment sales rules generally prohibit the sale or purchase of alcohol beverage products with the privilege of return. *See* 27 CFR 11.21. Returns for ordinary and usual commercial reasons arising after the product has been sold are not prohibited, but the return or exchange of a product because it is overstocked or slow-moving does not constitute a return for ordinary and commercial reasons. *See* 27 CFR 11.45.

Local officials and event organizers have begun announcing cancellations of widely-attended events, such as parades, festivals, fairs, concerts, and sporting events based on concerns about COVID-19. These announcements may be made after wholesalers and retailers purchased large quantities of products to sell during those events.

NOTE: Even though such returns are lawful, a producer or wholesaler is not required to accept returns of such products.

Any questions concerning federal consignment sales rules can be directed to TTB at tradepractices@ttb.gov or to GrayRobinson at beveragelaw@gray-robinson.com

Alabama:

Declaration of Statewide Health Emergency: On March 13, 2020, Governor Ivey signed a [proclamation](#) declaring a state of emergency regarding coronavirus in Alabama. The emergency order provided for closing public schools and state government offices as needed, but makes no provision for closing of public hospitality and entertainment venues. As of March 16, 2020, the Alabama ABC has issued no statements regarding COVID-19.

Alaska:

Declaration of Statewide Health Emergency Mandate: On March 13, 2020, Alaska Governor Dunleavy, with the Alaska Department of Health and Social Services (DHSS) issued the State of Alaska's first COVID-19 Health Mandate. The mandate suspends and limits general public

visitation to the following state institutions until otherwise rescinded by DHSS and the Office of the Governor:

Suspended Visitation

- Department of Corrections (DOC) Facilities
- Division of Juvenile Justice Facilities
- Alaska Military Youth Academy
- Alaska Psychiatric Institute

Limited Visitation

- Alaska Pioneer Homes

Additionally, public school days between March 16, 2020 and March 30, 2020 will be non-student contact days in which students will not be attending school and all after school activities will be suspended.

Alaska as of March 16, 2020, has made no provision for closing of public hospitality and entertainment venues, and the Alaska Alcohol & Marijuana Control Office has issued no statements regarding COVID-19.

Arizona:

Declaration of Statewide Health Emergency: On March 11, 2020, Governor Ducey issued a Declaration of Emergency and an Executive Order. The declaration: (i) establishes the Arizona Department of Health Services (ADHS) as the entity responsible for coordinating all matters pertaining to the public health emergency response of the State; (ii) allows ADHS to waive licensing requirements to provide healthcare officials with assistance in delivering services during times of heightened demand; (iii) allows the state to access \$500,000 in emergency funds to aid in measures and resources to protect public health; and (iv) provides the state with emergency procurement authority to procure goods and services as needed to protect public health. The executive order: (a) requires insurance companies and health plans to cover out of network providers, including out of plan laboratories and telemedicine providers; (b) waives all copays, coinsurance, and deductibles for consumers related to COVID-19 diagnostic testing and decreases co-pays for telemedicine visits; (c) implements consumer protections, including prohibiting price-gouging on COVID-19 of diagnosis and treatment-related services; and (d) requires symptom checks of healthcare workers and visitors at skilled nursing facilities, nursing homes, and assisted living facilities. Additionally, on March 15, 2020, Governor Ducey and Superintendent Kathy Hoffman announced a statewide closure of Arizona schools from March 16, 2020 through March 27, 2020.

However, as of 9:00 A.M. on March 17, 2020, Arizona has made no provision for closing of public hospitality and entertainment venues, and the Arizona Department of Liquor Licenses and Control has issued no statements regarding COVID-19.

Arkansas:

Temporary School Closings Only: On March 16, 2020, Arkansas Governor Hutchinson announced that the state's COVID-19 strategy is to be ahead of the curve by mitigation, including

closing school for two weeks and preventing large gatherings. However, the governor also said restaurants and bars in the state can remain open at this time during the coronavirus pandemic. As of 9:00 A.M. on March 17, 2020, the Arkansas Department of Finance and Administration's Alcoholic Beverage Control Division has issued no statement or guidance regarding COVID-19.

Voluntary Actions: Several Arkansas restaurants have limited in-store seating, including nationwide brands like *Chick-fil-A* and *Starbucks* and local stores like *Loblolly Creamery*. Little Rock restaurant *Scallions* is offering delivery for those impacted by the virus and several other restaurants in the city have offered curbside pick-up. Arkansas restaurant company *Yellow Rocket Concepts* is suspending all dine-in services at their restaurants until further notice across the entire state. That includes *Lost Forty Brewing*, *Local Lime*, *Heights Taco & Tamale*, *ZaZa* and *Big Orange*. The restaurants will still offer take-away, delivery and curb-side pick-up.

California:

Restrictions on public hospitality and entertainment venues: As part of the state's response to address the global COVID-19 outbreak, Governor Newsom declared a State of Emergency and called for bars, nightclubs, wineries and brewpubs to voluntarily close. The Governor also asked that all restaurants cut their occupancy in half and implement social distancing practices for their dining rooms.

Local Restrictions: Additionally, **Los Angeles** Mayor Garcetti ordered the closing of all Los Angeles bars, restaurants, nightclubs and "entertainment venues," effective until at least March 31, 2020. Restaurants can continue takeout, drive thru and delivery services. He also ordered movie theaters, bowling allies, performance venues, gyms and similar establishments closed. The order was effective at 12:00 A.M. Monday March 16th through March 31st, 2020.

Six Bay Area counties announced a "shelter in place" order for all residents on March 16th — the strictest measure of its kind in the country — directing everyone to stay inside their homes and away from others as much as possible for the next three weeks. The directive begins at 12:01 a.m. Tuesday and involves **San Francisco, Santa Clara, San Mateo, Marin, Contra Costa and Alameda counties** — a combined population of more than 6.7 million. It is to stay in place until at least April 7, 2020. Three other Bay Area counties — Sonoma, Solano and Napa — were not immediately included.

Colorado:

Restrictions on public hospitality and entertainment venues: Colorado Gov. Polis declared a state of emergency and closed all ski resorts for a minimum period of one week. However, as of March 16, 2020, neither the governor nor the Colorado Department of Public Health and Environment (CDPHE) has issued a closure order relating to bars, restaurants, theaters, *etc.* References to the CDC's guidelines for public gatherings have been referenced as strong recommendations only.

Local Restrictions: **Denver** Mayor Michael Hancock on Monday ordered Denver's bars and restaurants to close to dine-in customers in response to the COVID-19 outbreak. The emergency order goes into effect at 8:00 A.M. on March 17, 2020, and will be in place for at least eight weeks. Restaurants and bars still will be allowed to offer carryout and deliveries.

Connecticut:

Restrictions on public hospitality and entertainment venues: Governor Lamont has ordered that all bars, restaurants, gyms and movie theaters are to close state wide as of March 16, 2020. Restaurants may still offer take-out and delivery; however, bars that do not serve food will be required to temporarily close. Also, the state's physical off-track betting facilities are closing. Executive Order No. 7 D sets the duration of the restaurant and bar closure period from March 16th at 8:00 P.M. through April 30, 2020, unless modified, extended or terminated. Delivery service and pick-up of food for off premises consumption is permitted.

Delaware:

Restrictions on public hospitality and entertainment venues: On Thursday, March 12, Governor Carney issued a [State of Emergency declaration](#) to mobilize state resources to prepare for the spread of coronavirus across Delaware. On March 16, 2020, Delaware Governor Carney [modified](#) his March 12th emergency declaration to limit Delaware restaurants, taverns and bars to take-out and delivery service only to help prevent spread of the coronavirus (COVID-19). Governor Carney's [updated emergency declaration](#) — which takes effect at 8:00 P.M. on March 16th — also bans public gatherings of 50 or more people, consistent with [updated guidance](#) from the Centers for Disease Control and Prevention (CDC), and closes gaming activity at Delaware casinos.

District of Columbia:

All pub crawl permits for events scheduled to take place in Washington, DC through March 31, 2020 have been revoked effective immediately. The 6-0 decision by the Alcoholic Beverage Control (ABC) Board was made based on guidance from the District's Department of Health (DOH) that all non-essential mass gatherings of more than 1,000 persons be cancelled to prevent the spread of coronavirus (COVID-19). Mayor's Orders 2020-045 and 2020-046 indicate that the spread of COVID-19 represents an imminent threat to the health, safety, and welfare of District residents that requires emergency protective actions to be undertaken by the District Government. The permit revocation applies to three (3) pub crawl events scheduled for Saturday, March 14, 2020 including:

- *The Shamrock Crawl 2020* - Neighborhoods: Dupont Circle
- *St. Patrick's Day Crawl* - Neighborhood: Dupont Circle
- *Chase the Green Crawl* - Neighborhood: U Street

Pub crawl permits for events taking place in April 2020 and beyond remain in effect. Event ticket holders are encouraged to regularly check ABRA's website and social channels for updates—and contact event organizers directly with questions.

Florida:

Declaration of Statewide Health Emergency and Closure of Bars: Although Governor DeSantis has ordered the Florida Surgeon General to declare a statewide health emergency, neither the Governor nor the Florida Division of Alcoholic Beverages and Tobacco had issued any specific orders mandating specific COVID-19 restrictions on licensees or statewide hospitality industry activities. However, on March 17, 2020, Governor DeSantis announced via his Twitter account

that: “bars closed for 30 days starting today at 5 p.m. State will impose requirements that restaurants impose staggered seatings, six-feet distance and encourage take-out. 'This is the floor;' expect tougher measures locally.” The details of which licensees are included, and whether bona fide restaurants subsequently were released that same afternoon by the Florida Department of Business and Professional Regulation, in a bulletin which is accessible online at: http://www.myfloridalicense.com/DBPR/os/documents/FLRequirements_for_Restaurants_Bars_Nightclubs.pdf. Florida’s orders for restaurants and bars to close will be enforced by the state Department of Business and Professional Regulation. Governor DeSantis previously has directed the Department of Business and Professional Regulation Secretary Halsey Beshears, in coordination with the Florida Department of Health, to issue social distancing guidance to restaurants and bars. Included in the new directive is the obligation for restaurant employers to screen all employees and prohibit entry for employees that answer “yes” to any of the following questions:

- o Have you returned from international travel or been on a cruise within the last 14 days?
- o Have you been in contact with anyone who has returned from international travel or been on a cruise within the last 14 days?
- o Have you been in any gathering of 50 people or more in the last 14 days?
- o Have you traveled to any area known to have high numbers of positive cases of COVID-19, including but not limited to California, Washington, New York, Massachusetts and Washington, D.C.?
- o Have you experienced signs or symptoms of COVID-19, such as fever, cough or shortness of breath?

Local Restrictions: On March 15, 2020, **Miami Beach** and **Fort Lauderdale** announced sweeping measures to shut down their most popular public beaches and close “non-essential” businesses by 10:00 P.M. Miami Beach has also mandated that every bar, restaurant and retailer in the city close early, and is urging businesses to decrease their capacity by fifty percent (50%) to create social distancing. One day later, **Miami-Dade County** ordered that starting March 16, 2020, all bars and clubs in Miami-Dade County close their doors by 11:00 P.M., each evening. Restaurants must close their dining rooms by 11:00 P.M., but restaurant kitchens may remain open for takeout and delivery. In addition, all bars, clubs, restaurants and movie theaters in Miami-Dade County were ordered to cut their capacity by 50 percent, up to a maximum of 250 patrons at a time, regardless of original capacity. This also applies to banquet halls and hotels facilitating the practice of "social distancing," which is defined as leaving about six feet of space between persons.

On March 16, 2020, **Jacksonville** Mayor Lenny Curry imposed new limits on the number of people allowed inside certain Jacksonville businesses at any one time, including restaurants and bars, in hopes of curbing the spread of coronavirus. Citing new federal guidelines discouraging large-scale public gatherings, the mayor issued an order banning establishments from having more than 50 people inside at once until further notice. He also banned the sale of alcohol between the hours of midnight and 8:00 A.M. The rules go into effect beginning at 5:00 P.M. on March 16, 2020. They apply to buildings that tend to be social settings such as restaurants and bars, and those where people have a choice of being there, like movie theaters and retail stores, but not to manufacturing plants and businesses where everyone present is an employee. Exceptions to the rules exist for businesses including grocery stores.

On March 17, 2020, the **City of St. Petersburg** and the **City of Tampa** both imposed a 9:00 P.M. “last call” for on-premises alcohol sales, and requested a reduction in occupancy by fifty percent (50%) at all local restaurants, bars, cafes, bowling alleys, movie theaters and the Cross-Bay Ferry.

Also on March 17, 2020, **Orlando** Mayor Buddy Dyer issued the following statement via Twitter: “Each of us must make real sacrifices to help prevent the spread of COVID-19 and save lives. Effective immediately @citybeautiful is prohibiting the sale or distribution of alcoholic beverages at bars, clubs, restaurants, hotels or other venues where alcohol is typically consumed.”

CAUTION: Regulation via Twitter is highly unorthodox and problematic for many reasons. While exigent circumstances often call for quick action, industry members are cautioned to verify executive acts communicated by Tweet to confirm their efficacy and application.

Georgia:

Declaration of Statewide Health Emergency: On March 14, 2020, Governor Kemp signed a [public health state of emergency](#) to address novel coronavirus and COVID-19 in Georgia. The emergency order makes no provision for closing of public hospitality and entertainment venues. As of March 16, 2020, the Georgia Department of Revenue’s Alcohol and Tax Division only published direction on COVID-19 encourages licenses to conduct their business with the DOR and its Alcohol and Tax Division through online services.

Hawaii:

Caution Recommended, but Little Formal Action: As of March 16, 2020, other than extending public schools’ spring break by an extra week, the State of Hawaii has taken no formal action in terms of declaring a state of emergency or mandating business closures in response to COVID-19. Nor have any island liquor commissions issued any directives or guidance to the industry regarding COVID-19 as of March 16, 2020.

Idaho:

Declared State of Emergency, but no state-ordered closures: On March 13, 2020, Idaho Governor Brad Little proclaimed a state of emergency as a proactive step to prevent the spread of coronavirus COVID-19. However, on March 15th, Governor Little declined to order a statewide closure of schools, restaurants, bars or other public venues, instead telling community leaders that the decision on whether to close to slow the spread of coronavirus should be made locally.

The Idaho State Police’s Alcohol Beverage Control Bureau has issued a statement or guidance regarding COVID-19. In fact, the only relevant statement from the Idaho ABC is a notice on the bureau’s Website that an online renewal option was advertised in error. While the bureau is working to have this option available as soon as possible, all liquor licenses will still receive paper copies until further notice.

Illinois:

Restrictions on public hospitality and entertainment venues: Governor JB Pritzker announced that all bars and restaurants will remain closed through March 30th. Bar and restaurant owners will still be able to deliver food and provide drive-thru and curbside pickup options. State officials are

working closely with bar and restaurant owners and to ensure kitchens can remain open. The ban applies only to onsite patrons.

Pursuant to Executive Order No. 5, effective at 9:00 P.M. on March 16, 2020, all Illinois businesses that offer food or beverages for on-premises consumption "including restaurants, bars, grocery stores, and food halls" must suspend on-premises service. Businesses are encouraged "to serve food and beverages so that they may be consumed off-premises, as permitted by law, through means such as in-house delivery, third-party delivery, drive-through, and curbside pick-up." Customers also are permitted to enter such businesses to purchase food and beverages for carry-out.

- Any business offering food and beverages for carry-out must ensure that "they have an environment where patrons maintain adequate social distancing."
- Hotel restaurants may continue to provide room service and carry-out options.
- Catering services similarly may continue to operate.

In addition to these restrictions, Executive Order No. 5 prohibits "public and private gatherings" of 50 people or more. This includes sporting events, concerts, conventions, health clubs, private clubs, bowling alleys, private clubs and theaters. Grocery stores and gas stations (deemed businesses providing essential goods and services) are exempt from this portion of the order.

Indiana:

Restrictions on public hospitality and entertainment venues: Governor Holcomb announced that Indiana will adhere to the Centers for Disease Control and Prevention for large events and mass gatherings. The guidance recommends no in-person events of more than 50 people. Here is a link to the guidance: <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html>

On March 16, 2020, Governor Holcomb extended preventive measures by ordering Indiana bars, nightclubs and restaurants to close to in-person patrons and may provide take-out and delivery services only through March 31, 2020.

Iowa:

No State Mandates. On March 16, 2020, Iowa Governor Reynolds announced her recommendation (but not mandate) that Iowa schools close for four weeks in response to the spread of the COVID-19 virus. As of 9:00 A.M. on March 17th, the state has not ordered any closure or restrictions on hospitality venues in Iowa, and the Iowa Alcoholic Beverages Commission has issued no statement or guidance to the industry regarding COVID-19.

Local Restrictions: The City of Cedar Rapids is requesting all Cedar Rapids bars and restaurants adhere to the following guidelines when open:

- No more than 25 people may be present at the same time;
- Bar seating is suspended;
- Standing patrons should not be served;
- Individual tables may not seat more than six people;
- Occupied tables and booths must be separated by at least six feet;
- Waiting patrons should not congregate in lobby/waiting areas or outside entrances; and
- Encourage carry out and delivery food orders.

Kansas:

Emergency Declaration, Restrictions on Public Gatherings, and School Closings: On March 12, 2020, Kansas Governor Laura Kelly issued an emergency declaration for the State of Kansas in response to COVID-19. The declaration authorizes the use of state resources and personnel to assist with response and recovery operations in affected counties that meet certain criteria. On Monday evening, March 16, 2020, Governor Kelly issued additional executive orders banning public gatherings of fifty (50) or more people for the next two months and blocked utilities from cutting off services until mid-April. The previous day, Governor Kelly recommended, but did not mandate, public school closings. As of 9:00 A.M. on March 17, 2020, Kansas has not imposed any statewide restrictions on the hospitality industry, including restaurants, bars, theaters or similar public venues. As of 9:00 A.M. on March 17, 2020, the Kansas Department of Revenue's Alcoholic Beverage Control Division has not issued any statement or guidance regarding COVID-19.

Kentucky:

Restrictions on public hospitality and entertainment venues: On March 16, 2020, Kentucky Governor Beshear signed an executive order restricting the sale of food, beverages, and all alcohol beverages to carry-out, delivery and drive-thru; the order prohibiting onsite consumption. In addition, the order mandates social distancing of six feet for patrons and employees engaging in carry-out, delivery and drive-thru services. At this time, the Kentucky Alcoholic Beverage Control board has not offered guidance on how the order will impact its operations and whether it will grant relief in licensing, renewal, and/or operations of affected Kentucky licensees.

Louisiana:

Restrictions on public hospitality and entertainment venues: On March 13, 2020, Louisiana Governor John Bel Edwards signed a proclamation that among other actions immediately halted any gathering of more than 250 people until Monday, April 13th, and closed all K-12 public schools statewide effective March 16th resuming April 13th, as Louisiana seeks to slow the spread of COVID-19 in the state. On March 16th, Governor Bel Edwards intensified restrictions statewide, ordering bars and movie theaters to close and limiting restaurants to delivery and takeout only. The new restrictions, which last until April 13th, took effect at midnight on March 16th and mandate the following:

- Gatherings are limited to no more than 50 people.
- Casinos and bars will be closed.
- Restaurants will be closed to patrons eating on site. Take-out, drive-through and delivery orders are allowed.
- Movie theaters will be closed.

This order applies to all Class A-General (AG) permit holders, with the exceptions of existing drive through daiquiri shops and restaurants granted conditional use permits. Because the order also limits restaurant functions to take-out, delivery, or drive through service only, businesses and their employees are urged to limit physical contact with the public and adhere to the social distancing policy. The governor will reevaluate the restrictions a week before business operations can resume as normal, to determine if the restrictions should be continued.

Expedited Issuance of Delivery Permits: The Louisiana Alcohol and Tobacco Control Commission announced on March 16, 2020, that, on a temporary basis, ATC will allow restaurant permit holders to sell or offer for sale prepackaged beer and/or wine through drive through or curbside pick-up. Any restaurant intending to offer delivery of food with beer or wine by their own employees may submit to the ATC an application for alcohol delivery. ATC will prioritize the processing of all delivery applications. The ATC encourages businesses to submit their applications online, but they also may submit applications by mail or via email directly to ATC-Attorneys@atc.la.gov. Only W-2 employees of the permit holder may make alcohol delivery in Louisiana. Here is the link to the delivery permit application for Class AR permit holders: <https://atc.louisiana.gov/docs/Application%20for%20Delivery%20Permit%20>

Maine:

Declaration of Emergency and Recommendations: On March 15, 2020, Maine Governor Janet Mills declared a “civil emergency” and announced several steps to try and stop the spread of coronavirus, COVID-19 including social distancing and possibly closing schools. The governor’s statement recommended, but did not mandate:

- *Ending classroom instruction in all public schools as soon as reasonably practical.*
- *Postponing all non-urgent medical procedures, elective surgeries, and appointments at hospitals and health care providers across the state until further notice.*
- *Restricting visitors and all non-essential health care personnel to long-term care facilities except for certain compassionate care situations such as end of life until further notice.*
- *Postponing all events with 50 or more people all gatherings of more than 10 that include individuals who are at higher risk for severe illness, such as seniors, until further notice.*

As of 9:00 A.M. on March 17, 2020, Maine has not imposed any statewide restrictions on the hospitality industry, including restaurants, bars, theaters or similar public venues. As of 9:00 A.M. on March 17, 2020, the Maine Bureau of Alcoholic Beverages and Lottery has not issued any statement or guidance regarding COVID-19.

Maryland:

Restrictions on public hospitality and entertainment venues: On March 16, 2020, Governor Larry Hogan ordered the closure of bars, restaurants, theaters, fitness centers and bingo halls, and expanded the prohibition on gatherings to those of more than 50 people—the latest in a series of unprecedented actions to slow the spread of the COVID-19 pandemic. Generally, the emergency order allows for restaurants to continue carry-out, drive-thru, and delivery services, and allows for eateries in health care facilities to remain open. Specifically, the Order includes the following:

- **LARGE GATHERINGS:** Social, community, spiritual, religious, recreational, leisure, and sporting gatherings and events ("large gatherings and events") of more than 50 people are hereby prohibited at all locations and venues, including but not limited to parades, festivals, conventions, and fundraisers. Planned large gatherings and events must be canceled or postponed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.
- **RESTAURANTS AND BARS:** This Order controls the occupancy and use of restaurants, bars, and other similar establishments that sell food or beverages for consumption on-

premises in Maryland ("Restaurants and Bars"). This Order does not apply to food or beverage services in health care facilities, which are expressly excluded from the definition of "Restaurants and Bars." All Restaurants and Bars are hereby closed to the general public, effective as of 5:00 p.m. on March 16, 2020, except that, to the extent permitted by applicable law, and in accordance with any social-distancing recommendations of the Maryland Department of Health, food and beverages may be sold if such food or beverages are promptly taken from the premises, *i.e.*, on a carry-out or drive-through basis; and delivered to customers off the premises.

- **FITNESS CENTERS:** This Order controls the occupancy and use of fitness centers, health clubs, health spas, gyms, aquatic centers, and self-defense schools in Maryland ("Fitness Centers"). All Fitness Centers are hereby closed to the general public, effective as of 5:00 p.m. on March 16, 2020, except that the portion of any Fitness Center that is licensed or otherwise permitted by applicable law, regulation, or order to provide child care services may remain open to the general public for the purpose of continuing to provide such child care services.
- **THEATRES:** This Order controls the occupancy and use of theatres in Maryland at which live performances occur or motion pictures are shown ("Theaters"). All Theaters are hereby closed to the general public, effective as of 5:00 p.m. on March 16, 2020.
- **BINGO HALLS:** All bingo halls in Maryland are hereby closed to the general public, effective as of 5:00 p.m. on March 16, 2020

Massachusetts:

Restrictions on public hospitality and entertainment venues: Massachusetts Governor Baker issued an emergency order limiting gatherings to twenty-five (25) individuals and prohibiting on-premises consumption of food or drink at bars and restaurants, beginning on March 17, 2020, and effective until April 6, 2020, unless further extended. Gatherings subject to Gov. Baker's order include, without limitation: community, civic, public, leisure, faith-based events, sporting events with spectators, concerts, conventions, fundraisers, parades, fairs, festivals, and any similar event or activity that brings together 25 or more persons in a single room or single space at the same time in a venue such as an auditorium, stadium, arena, large conference room, meeting hall, theatre, gymnasium, fitness center, private club, or any other confined indoor or outdoor space.

Any restaurant, bar, or establishment that offers food or drink shall not permit on-premises consumption of food or drink; provided that such establishments may continue to offer food for take-out and by delivery provided that they follow the social distancing protocols set forth in Department of Public Health guidance.

Local Regulations: On March 17, 2020, the City of Cambridge ordered that all food establishments that have licenses for on-premises consumption of food are permitted from March 17, 2020 through April 5, 2020, to provide food to the public by take-out or delivery service regardless of whether such establishments are currently permitted to provide such service. The City's Commissioner of Inspectional Services has advised that due to the public health emergency, through April 5, 2020, the Inspectional Services Department will temporarily cease enforcement of the provisions of the Cambridge Zoning Ordinance that restrict fast-food type activity, so that establishments may provide take-out or delivery services during this emergency period. If an establishment will be providing take-out or delivery services during this period and the

establishment has not been previously providing such services, it should inform the Cambridge License Commission as soon as possible by emailing license@cambridgema.gov, and please inform the Cambridge Inspectional Services Department by emailing atuccinardi@cambridgema.gov.

Michigan

Restrictions on public hospitality and entertainment venues: Governor Whitmer signed Executive Order 2020-9, which temporarily closes theaters, bars, and casinos, and limits restaurants to carry-out and delivery orders. Under Executive Order 2020-9, effective March 16th at 3:00 P.M., the following places of public accommodation will be closed; restaurants, cafes, coffee houses, bars, taverns, brewpubs, distilleries, clubs, movie theaters, indoor and outdoor performance venues, gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, spas, and casinos.

Gov. Whitmer's order does not restrict a place of business from offering food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service. Places of public accommodation are encouraged to do so and use precautions to mitigate potential transmission of COVID-19, including social distancing. Restaurants may allow five people inside at a time to pick up orders, so long as they stay six feet apart from each other.

These restrictions also do not apply to the following locations: office buildings, grocery stores, markets, food pantries, pharmacies, drug stores, and providers of medical equipment and supplies, health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities, warehouse and distribution centers, and industrial and manufacturing facilities.

Order restrictions will remain in place until Monday, March 30 at 11:59 P.M.

License Renewals Extended: Michigan Liquor Control Commission Chairman Pat Gagliardi issued Administrative Order 2020-05 on March 13, 2020 extending the annual liquor license renewal deadline for all licenses. Instead of the usual April 30 deadline, this year all licenses will remain active until May 31 to provide an extra month for renewal.

Minnesota:

Declaration of Statewide Health Emergency: On March 13, 2020, Governor Walz issued Executive Order 20-01 declaring a peacetime emergency in Minnesota and unveiled legislative proposals to prepare for the COVID-19 pandemic. These actions came in conjunction with the Minnesota Department of Health announcing new community mitigation strategies to limit the spread of the virus. Governor Walz urged Minnesotans to:

- Cancel or postpone large events in excess of 250 people gathered together;
- Ensure space for social distancing of six feet per person at smaller events and gatherings (less than 250 people); and
- Limit gatherings with participants at high risk for severe disease to less than 10 people.

On March 15th Governor Walz issued Executive Order 20-2, closing all public schools from March 18th through March 27th.

However, as of March 16, 2020, Minnesota has made no provision for closing of public hospitality and entertainment venues, and the Minnesota Department of Public Safety's Alcohol Enforcement Unit has issued no statements regarding COVID-19.

Missouri:

Declaration of Statewide Health Emergency: Governor Parson signed Executive Order 20-02 declaring a statewide health emergency, and has urged (but not mandated) the cancellation or suspension of public gatherings of 50 individuals or more with the exception of educational institutions, daycare facilities, and business operations. Neither the Governor nor the Missouri ABC has issued any specific orders mandating specific COVID-19 restrictions on licensees or statewide hospitality industry activities.

In the event that Governor Parson orders "dine-in" closure with only allowing carry-out and delivery of alcohol allowed, licensees should be aware of the following information:

- All Retail by the Drink Licensees also are allowed to sell to customers for off-premises consumption alcohol products in their Original Package, *i.e.*, products still in the sealed and original container (this does not include mixed drinks); and
- All Retailers choosing to deliver alcohol must comply with the Missouri ATC's "Industry Circular-Guidelines for Retailers Who Want to Deliver Alcohol," which is accessible online at <https://atc.dps.mo.gov/IndustryCircular/guidelines-for-retailers-to-deliver-2-26-19.pdf> . Please note that a signature of the customer is not required, however, the Retailer: "5) Must make sure the delivery driver requests ID from the person receiving the alcohol for proof they are 21 years of age or older (Section 311.185.5(2))."

Mississippi:

Declaration of Emergency but No Closings or Mandated Restrictions: On March 16, 2020, Mississippi Governor Reeves signed two executive orders regarding COVID-19. Executive Order No. 1459 activates the Mississippi National Guard to support mobile testing units and support Mississippi State Department of Health and Mississippi Emergency Management Agency at the testing locations. Reeves plans to implement the additional mobile testing sites throughout Mississippi in the coming days. Executive Order No. 1458 allows state agencies to determine which state employees are essential and send everyone else home. The Governor encouraged other businesses in Mississippi to do the same with their employees. As of 9:00 A.M. on March 17, 2020, Mississippi has not imposed any statewide restrictions on the hospitality industry, including restaurants, bars, theaters or similar public venues. As of 9:00 A.M. on March 17, 2020, the Mississippi Department of Alcoholic Beverage Control has not issued any statement or guidance regarding COVID-19.

Montana:

Declaration of Emergency and School Closings: On March 15, 2020, Montana Governor Bullock issued emergency orders closing K-12 schools for two weeks until March 27th, and suspending visitation to nursing homes to slow the spread of coronavirus. The governor also strongly recommended, but did not mandate, that:

- The public limits all gatherings, especially those more than 50 people, in every community across the state.
- Individuals over the age of 60 with compromised immune systems or chronic health conditions not participate in gatherings of more than 20 people.
- Parents avoid, if possible, placing children for childcare with grandparents or individuals over the age of 60 or with compromised immune systems.
- Schools will continue to receive all state funding during this two-week closure, Bullock said.

As of 9:00 A.M. on March 17, 2020, Montana has not imposed any statewide restrictions on the hospitality industry, including restaurants, bars, theaters or similar public venues. As of 9:00 A.M. on March 17, 2020, the Montana Department of Revenue's Alcohol and Tobacco Division has not issued any statement or guidance regarding COVID-19.

Nebraska:

Restrictions on public gatherings, restaurants and bars: On March 16, 2020, Nebraska Governor Ricketts issued the following emergency orders: (i) Public events and gatherings are limited to 50 people or less statewide; and (ii) bars and restaurants will move to takeout only on a regional basis. On March 16, 2020, Governor Ricketts updated Nebraska's guidance for closures and event sizes; for the next two weeks, public events and gatherings, including gatherings at bars and restaurants, are limited to 10 people or less statewide.

Local Restrictions: Omaha Mayor Jean Stothert announced that bars and restaurants in Omaha will be limited to crowds of 50 people or less to contain the spread of the Coronavirus.

Nevada:

Announcement of Limited Statewide Health Emergency Measures: On March 15, 2020, Governor Sisolak announced three major steps to respond to the threat of COVID-19: (i) all Nevada schools will remain closed from March 16th until April 6, 2020; (ii) directing executive branch agency leadership to close state offices to the public - as soon as possible; and (iii) instituting a hiring freeze and encouraging state agencies to limit spending to essential, emergency purchases.

As of March 16, 2020, Nevada has made no provision for closing of public hospitality and entertainment venues, and the Nevada Division of Taxation has issued no statement regarding COVID-19.

New Hampshire:

Restrictions on public gatherings, restaurants and bars: On March 16, 2020, Governor Sununu signed Emergency Order #2 and announced that the State of New Hampshire is prohibiting scheduled public gatherings over 50 people and transitioning restaurants and bars to mandatory offsite eating effective at close of business on March 16th. All restaurants and bars in the State of New Hampshire will be required to serve patrons by takeout, delivery, and drive-through methods only. Service industry employees affected by this temporary change will be able to qualify for unemployment benefits effective immediately, and the state will set up a hotline and website for any worker adversely affected by the COVID-19 pandemic.

The dine-in prohibition does not apply to food and beverage service in: (i) healthcare facilities, (ii) airports, or (iii) cafeterias located in businesses that are primarily serving the business' employees. The governor's Emergency Order #2 order affecting restaurants and public gatherings will remain in effect until Monday, April 7, 2020.

New Jersey:

Restrictions on public hospitality and entertainment venues: On March 16, 2020, New Jersey Governor Murphy signed Executive Order No. 104, ordered that all bars, restaurants, gyms, casinos, and movie theaters are close statewide as of 8:00 P.M. on March 16, 2020. All restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, **but are limited to offering only food delivery and/or take-out services.** If alcohol beverages are to be sold from a restaurant, dining establishment or bar with a liquor license, such sales shall be limited to original containers sold from the principal public barroom. All retail sales of alcohol beverages by limited brewery licensees, restricted brewery licensees, plenary and farm winery licensees (and associated salesrooms), craft distillery licensees and cidery and meadery licensees must be in original containers and must be delivered by licensed entities and/or by customer pick up. Restaurants will be allowed to offer take-out and delivery service only. These restrictions remain in effect until further notice.

Governor Murphy also ordered that all gatherings of persons in the State of New Jersey shall be limited to fifty (50) persons or fewer, excluding normal operations at airports, bus and train stations, medical facilities, office environments, factories, assemblages for the purpose of industrial or manufacturing work, construction sites, mass transit, or the purchase of groceries or consumer goods.

Details of Governor Murphy's executive order define the businesses to be closed or restricted in operations as including the following:

- Casino gaming floors, including retail sports wagering lounges, and casino concert and entertainment venues. Online and mobile sports and casino gaming services may continue to be offered notwithstanding the closure of the physical facility.
- Racetracks, including stabling facilities and retail sports wagering lounges.
- Mobile sports wagering services may continue to be offered notwithstanding the closure of the physical facility.
- Gyms and fitness centers and classes.
- Entertainment centers, including but not limited to, movie theaters, performing arts centers, other concert venues, and nightclubs.
- Other non-essential retail, recreational, and entertainment businesses must cease daily operations from 8:00 p.m. until 5:00 a.m.. From 5:00 a.m. until 8:00 p.m., these businesses may remain open if they limit their occupancy to no more than 50 persons and adhere to social distancing guidelines. Examples of essential businesses excluded from this directive include: grocery/food stores, pharmacies, medical supply stores, gas stations, healthcare facilities and ancillary stores within healthcare facilities.
- The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and

exclusions to the list of essential businesses and to the timelines applicable to operating hours.

- All restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services. If alcoholic beverages are to be sold from a restaurant, dining establishment or bar with a liquor license, such sales shall be limited to original containers sold from the principal public barroom.
- All retail sales of alcoholic beverages by limited brewery licensees, restricted brewery licensees, plenary and farm winery licensees (and associated salesrooms), craft distillery licensees and cidery and meadery licensees must be in original containers and must be delivered by licensed entities and/or by customer pick up.

Transit Insignias for Alcohol Deliveries: New Jersey alcohol licensees require a transit insignia if they are delivering alcohol beverages. During the emergency measures, the New Jersey Division of Alcoholic Beverage Control will accept a copy of the receipt of the Transit insignia permit the licensee received from the ABC Posse system, which should be kept in the licensee's delivery vehicle.

New Mexico:

Limited Closures Only: On March 11, 2020, the New Mexico Health Secretary issued a [public health order](#) temporarily prohibiting mass gatherings in New Mexico that brings together 100 or more people in a single room. The public health order defines mass gatherings where people gather in space like auditoriums, stadiums, arenas, conference centers and theaters. According to a release, places exempt from the order are airports, other mass transit, shopping malls, shelters, retail and grocery stores, offices and businesses, courthouses, all educational institutions, child-care centers, health care facilities and other congregate care facilities and places of worship. Movie theaters are open however they can only sell up to 100 seats per theater.

On March 15, 2020, New Mexico Governor Grisham issued a directive to all state agencies to accelerate remote-work initiatives in the wake of the COVID-19 public health emergency and to temporarily adjust, and in some cases suspend, certain functions in order to minimize public health risks. As part of the directive, New Mexico state agencies will make adjustments to their operations, including:

- Closing all state museums, state historic sites, state parks, and cultural institutions to the public effective Monday, March 15.
- In government offices that provide direct service (like the MVD), limiting staff and moving to an alternative or remote model of service; all other state government buildings and leased state offices are closed to the public.
- Completing the transition of all employees who are able to work remotely to a remote work model.

Governor Grisham has encouraged local governments to follow suit and implement telework policies for as many employees as possible and take other steps to limit person-to-person contact in order to emphasize social distancing.

However, the directive affects only employees of the state government's executive branch and excludes those deemed essential to public health and safety and protecting vulnerable populations. Moreover, as of March 16, 2020, New Mexico has made no provision for closing of public hospitality and entertainment venues, and the New Mexico Regulation and Licensing Department's only statement regarding COVID-19 recommends that licensees conduct as much of their business with the RLD online as possible.

New York:

Restrictions on public hospitality and entertainment venues: Governor Cuomo has issued an executive order mandating that all public hospitality and entertainment venues, including bars, restaurants, gyms, casinos, and movie theaters, are closed statewide as of March 16, 2020; these establishments which are licensed to sell alcohol will be provided a waiver for carry-out alcohol. Restaurants may still offer full menu take-out and delivery. This will remain in effect until otherwise stated by Governor Cuomo.

Permitted Exchanges and Safe-Keeping Waivers. Additionally, The NYSLA held a special Board meeting to outline the agency's Covid-19 relief plan:

1. Wholesalers may accept exchanges from retailers for credit for items purchased from March 1st through March 17th at the actual price paid;
2. The NYSLA is waiving the obligation to place licenses into safe-keeping upon closure for the next 90 days.

Specific Industry Guidance. On March 16, 2020, the NYSLA also published the following specific guidance to the industry:

* Any on-premises licensee and any manufacturing licensee with on-premises retail privileges may sell for off-premises consumption any alcoholic beverages that it is able to sell for on premises consumption under the law. For example, a tavern wine licensee may sell beer, wine, cider, mead, and wine product, but not liquor, and a farm winery may sell any New York State labeled wine, beer, cider, mead, or liquor, but not non-New York State products unless it has an on-premises license as well.

* Alcoholic beverage sold for off-premises consumption pursuant to this guidance may be sold in any closed and sealed original container of any size. Provided that:

- The sale of each container shall be accompanied by the purchase of food;
- Sales should be consistent with municipal open container ordinances.

-- Alcoholic beverages sold for off-premises consumption pursuant to this guidance may be sold for takeout from the licensed premises or may be delivered to the customer's residence.

* Deliveries shall be made in a vehicle permitted by the NYSLA (e.g., a third-party delivery

service), or a vehicle-owned and -operated, or hired and operated by the licensee or its employee. A copy of the permit or license must be present in the vehicle.

* Alcoholic beverages sold for off-premises consumption pursuant to this guidance may only be sold during the on-premises hours of operation of the county in which the premises is located or, if different, the hours of operation set forth in the licensee's method of operation with the Authority.

* Any licensed business found to be operating in violation of the Governor's order restricting on-premises sales of alcoholic beverages shall face a monetary penalty (retail maximum of \$10,000/manufacturer maximum of \$100,000), and/or suspension, cancellation, or revocation of its license.

These guidelines are accessible online at: <https://sla.ny.gov/Restrictions-in-Response-to-COVID-19>

North Carolina:

Declaration of Statewide Health Emergency: On March 14, 2020, Governor Cooper signed Executive Order 117 declaring a statewide health emergency, and has mandated the cancellation or suspension of public gatherings of 1000 individuals or more. Neither the Governor nor the North Carolina ABC has issued any specific orders mandating COVID-19 restrictions on licensees or statewide hospitality industry activities. On March 16, 2020, State Health Director Elizabeth Tilson announced that North Carolina is matching guidance from the Centers for Disease Control and Prevention to limit gatherings to no more than 50 people for the next eight weeks; however, police can enforce only the ban on events of 100 or more people that Gov. Cooper issued two days prior.

North Dakota:

Declaration of Statewide Health Emergency: On March 13, 2020, Governor Burgum declared a State of Emergency for North Dakota, mirroring the federal declaration. However, as of 9:00 A.M. on March 17, 2020, the state had only closed schools for one week, and had not closed or restricted any businesses.

Ohio:

Restrictions on public hospitality and entertainment venues: Governor DeWine has issued an executive order mandating that all public hospitality and entertainment venues, including bars, restaurants, gyms, casinos, fitness centers, recreation centers, bowling alleys, indoor water parks, trampoline parks and movie theaters, are to close statewide.

Delivery Rules: Restaurants may still offer take-out and delivery, and the Ohio order specifically exempts carry-out and delivery of alcohol (meaning beer and wine only). This will remain in effect until otherwise stated by Governor DeWine. Delivery should be designed to minimize any contact between the licensee's employee and customer. Payment should be made in advance electronically or via telephone, and there should be no contact between persons other than physically delivering the order to the customer. In addition to these considerations about contact, Ohio restaurants should note that (i) food can be delivered by employees or third-party services, but beer and wine cannot

be delivered using third party services unless they have an H-class permit; and (ii) an employee must be 18 years old to deliver or sell carry-out alcohol.

Reduced Public Gatherings: Also, a previously-issued Ohio ban on mass gatherings will be reduced from 100 to 50 persons as well. Per the Ohio Department of Health's March 15th order, "[l]ines for carry-out in these establishments must have an environment where patrons and staff maintain social distancing (six feet away from other people) whenever possible."

Return of High Proof Liquor Products: On March 14, 2020, Ohio announced that bars and restaurants will be allowed to return a high proof liquor product, purchased within the past 30 days. The process is noted to be easy and permitted, hoping to provide some help for small businesses during the Coronavirus pandemic in Ohio. The [Ohio Restaurant Association](#) is keeping a list of resources of developing changes that bars and restaurants should be aware of.

How to Return Liquor in Ohio During the Coronavirus Pandemic:

- All a bar/restaurant or F2 permit holder needs to do is bring the unopened product back to the Agency from which they purchased the product.
- The Agencies will call the Liquor Enterprise Service Center (LESC) for approval. Approval is immediate, but awareness of the return is necessary.
- For questions or more information regarding the one-time high proof liquor buy back, contact the LESL at 877-812-0013 or OhioLiquorInfo@com.ohio.gov
- This courtesy also extends to those who may have obtained a temporary permit (F2) for an event, scheduled between 3/12 – 4/6, and that event is now cancelled. Additional consideration will be given closer to 4/6 if needed.

Oklahoma:

Issuance of a Statewide Health Emergency Order: Governor Stitt issued an executive order declaring an emergency in all 77 counties to provide public health officials, health care providers, state agencies and small businesses support as a result of the national spread of COVID-19. However, as of March 16, 2020, neither the Governor nor the Oklahoma ABLE Commission has issued any specific orders mandating specific COVID-19 restrictions on licensees or statewide hospitality industry activities.

Local Restrictions: Norman, Oklahoma Mayor Breea Clark has ordered all restaurants to stop offering dine-in services; however, take-out and delivery service will be permitted. All bars, lounges, taverns, theatres, and commercial amusement facilities in the City of Norman will be closed beginning Wednesday, March 18th at 8:00 P.M.

Oregon:

Declaration of Statewide Health Emergency: On March 12, 2020, Governor Brown issued Executive Order 20-05, which outlines rules addressing large gatherings and social distancing. Governor Brown also issued guidelines for workplaces, schools, care facilities, and other community-wide mitigation efforts to help protect vulnerable and high-risk residents and to protect Oregon's health care system capacity. The measures are based on the recommendations of the Centers for Disease Control and Prevention (CDC), Oregon public health experts, epidemiologists, and health professionals.

Restrictions on public hospitality and entertainment venues: Governor Brown is expected to issue restrictions on restaurant and entertainment venues as early as March 16, 2020.

Pennsylvania:

Requested restrictions on public hospitality and entertainment venues: On March 16, 2020, Pennsylvania Governor Wolf strongly urged all non-essential businesses, such as restaurants, bars and non-supermarket/gas station retail locations to close for on-premises sales across the Commonwealth. To-go, curbside and delivery sales are still permitted by food and beverage businesses. Although grocery stores and gas station/convenience stores are required to have on-premises consumption, Liquor Control Enforcement will be relaxing those requirements and permitting restaurant licensees to sell food, beer and wine ONLY for off-premises consumption. The requested closure directive goes into effect at 12:01 A.M. on March 16th for a preliminary fourteen (14) day period, subject to extension by the governor.

Later in the evening on March 16, 2020, Governor Wolf issued a press release defining what constituted an “essential service” for purposes of the closure order: “Essential services and sectors include but are not limited to food processing, agriculture, industrial manufacturing, feed mills, construction, trash collection, grocery and household goods (including convenience stores), home repair/hardware and auto repair, pharmacy and other medical facilities, biomedical and healthcare, post offices and shipping outlets, insurance, banks, gas stations, laundromats, veterinary clinics and pet stores, warehousing, storage, and distribution, public transportation, and hotel and commercial lodging.”

Closure of State-Operated Retail Stores: Additionally, on March 16, 2020, the Pennsylvania Liquor Control Board announced the indefinite closure of all its state-run Fine Wine & Good Spirits stores and licensee service centers, effective at 9:00 P.M. Tuesday, March 17th, to help slow the spread of the COVID-19 virus. Additionally, all state-operated online sales at www.FineWineAndGoodSpirits.com ceased at 5:00 P.M. on March 16th. Toward the end of the month, the PLCB will re-evaluate its operations, guided by the strategy developed by the Governor’s Office and the Pennsylvania Department of Health.

Limits on PLCB Activities: The PLCB and Commonwealth reportedly have curtailed non-essential meetings and field work, including PLCB investigations, with no timetable for such work to resume. Any pending investigations reportedly will be put on hold.

Safekeeping requirements for Pennsylvania liquor licenses: The requirement to place a license in safekeeping when a licensee is not operational for 14 days is suspended indefinitely, as are safekeeping deadlines and related penalties. If a PLCB licensee closes or ceases operating for more than fifteen (15) consecutive days, the Pennsylvania Liquor Code and PLCB regulations require the licensee to place its liquor license in safekeeping via PLCB+. There is no fee to place a PLCB license in safekeeping, and there is no investigation upon releasing the license within 90 days of placing it in safekeeping. The fee to release a license is \$50 if released before 90 days, or \$150 if released after 90 days. The PLCB recommends that licensees file to release their license from safekeeping at least 30 days prior to a planned reopening date.

Licenses operating as a to-go, curbside or delivery business can continue operating and do not need to place a license in safekeeping. Additionally, if a licensee operates for to-go, curbside or delivery sales before closing for a total of 15 consecutive days pursuant to Governor Wolf's directive, the licensee need not put its license in safekeeping. However, if the licensed business is closed with no sales for more than 15 consecutive days, the license must be placed in safekeeping. Licensees must continue to renew or validate liquor licenses. A license may remain in safekeeping for a period of 2 years without incurring any additional fees.

Extended Expirations: The PLCB also is extending operating authority for all licensees whose license may expire before normal PLCB operations may resume, and all related penalties will be waived. However, again, licensees are strongly encouraged to heed public health officials' request to cease non-essential operations, limit group gatherings and practice social distancing. In light of the direction that bars and restaurants suspend dine-in service for at least the next two weeks, the PLCB will temporarily adopt lenient measures to enable licensees in those counties to continue selling beer and wine for off-premises consumption.

Retail Beer and Wine To Go Without Food Sales: Retail licensees – including restaurants, bars, hotels, eating places, grocery stores, convenience stores, *etc.* – may continue selling beer to go, even in the absence of restaurant operations, and those with Wine Expanded Permits may also continue selling wine to go even if the licensee makes the business decision not to sell food for takeout. There is no change to quantity limits or requirements regarding how sales are to be made.

- Quantity limits of 192 ounces of beer and three liters of wine per transaction still apply.
- Sales for wine must still be transacted by RAMP-trained employees according to standard identification requirements at registers previously designated for alcohol sales.
- No special provisions for delivery or curbside service are allowed. Additionally, producers including breweries, wineries and distilleries must indefinitely suspend all dine-in service, but they may continue selling their own products for off-premises consumption.

Club Closures: Clubs and catering clubs must cease all on-premises consumption. No other special exceptions or allowances are available at this time.

Local Restrictions: Additionally, **Philadelphia** Mayor Jim Kenney has required all businesses, other than supermarkets, big box stores, pharmacies, daycare centers, hardware stores, gas stations, banks and vets, to close after 5:00 P.M. on 3/16/20 until 3/27/20. Food and beverage businesses such as restaurants, breweries and bars, can still offer online or to-go sales but may not offer on-premises sales. This is consistent with the actions Governor Wolf took on March 15, 2020, for the four counties surrounding Philadelphia. If you operate supermarkets or gas stations with beer and wine to-go sales, you should still be able to make those sales.

Rhode Island:

Restrictions on public hospitality and entertainment venues: Governor Raimondo issued an executive order closing all Rhode Island restaurants for on-premises service through March 30, 2020. Restaurants will be allowed to provide take-out and delivery service during this time.

South Carolina:

Declaration of Statewide Health Emergency: On March 15, 2020, Governor McMaster declared a statewide health emergency, and has mandated the temporary cancellation of public schools. Neither the Governor nor the South Carolina Department of Revenue has issued any specific orders mandating COVID-19 restrictions on licensees or statewide hospitality industry activities. The SC-DOR has cancelled the Manufacturing Sales & Use Tax Seminar scheduled for March 19th in Columbia; SC-DOR also is cancelling the in-person component of its Sales Tax Workshop scheduled for March 31st (although online participation is still an option).

South Dakota:

Suggested Guidance Only: As of 9:00 A.M. on March 17, 2020, the state has taken no action to close or restrict any businesses as a result of COVID-19. State actions have focused on providing guidance and voluntary suggested steps for the public to prepare for the possibility of a COVID-19 outbreak in South Dakota.

Tennessee:

Declaration of Emergency and School Closings Only: On March 12, 2020, Tennessee Governor Lee issued Executive Order No. 14 declaring an emergency in response to COVID-19. On March 16, 2020, Governor Lee issued a statement directing (but not mandating) the closure of Tennessee schools by March 20, 2020 at the latest. Schools should remain closed through March 31, 2020 to further mitigate the spread of COVID-19 disease. The governor will issue further guidance prior to March 31st. Otherwise, as of 9:00 A.M. on March 17, 2020, Tennessee has made no provision for closing public hospitality and entertainment venues. The Tennessee Alcoholic Beverage Commission's has published a statement relating to COVID-19 as a banner on its Website's home page, requesting that all business with the agency be conducted online or via telephone at (615) 741-1602.

Texas:

Declaration of Emergency and Waiver of Laws Prohibiting Alcohol Delivery Trucks from Delivering Supplies to Grocery Stores: On March 13, 2020, Texas Governor Abbott declared a state of emergency in response to COVID-19. On March 15, 2020, Governor Abbott waived state laws that prohibit alcohol industry trucks from delivering supplies to grocery stores, providing grocers with another private sector option to keep shelves stocked. By waiving these regulations, Texas is seeking to streamline the process to replenish the shelves in grocery stores across the state.

TABC Office Closure: Beginning March 13, 2020, the TABC's El Paso office will be temporarily closed. For licensing questions, contact the Lubbock office at (806) 793-3221. If you need additional assistance, you may contact TABC's Austin headquarters at (512) 206-3333.

Utah:

School "Soft Closure" and Suggested Guidance Only: On March 13, 2020, Utah Governor Herbert announced that Utah's public schools will implement a two-week dismissal, or "soft closure," starting Monday, March 16th. The dismissal is designed to help implement social distancing and slow the spread of novel coronavirus in our communities. Otherwise, Utah's government reaction to COVID-19 has been limited to recommending the voluntary

implementation of several precautionary measures across the state of Utah for two weeks, to help slow the spread of coronavirus:

- Limiting mass gatherings of more than 100 people
- Recommending that individuals over 60 should not participate in gatherings with more than 20 people
- Recommending that individuals who are immunocompromised should not participate in gatherings with more than 20 people
- Restricting visitor access to long-term care facilities and monitoring employees and visitors for symptoms of COVID-19

As of March 16, 2020, the State of Utah had mandated no closing of businesses or restrictions on hospitality and entertainment venues.

Local Restrictions: On March 16, 2020, two Utah Counties implemented local regulations relating to COVID-19 precautions that included the 30 day closure of restaurants and bars. Salt Lake County and Summit County adopted similar emergency ordinances that provided as follows:

Restaurants, Bars, and Taverns. Effective at 11:00 P.M. (MDT) on March 16, 2020, all food service, restaurants, self-serve buffets, salad bars, unpackaged self-serve food services, bars, taverns, nightclubs, private liquor clubs, and saloons in Salt Lake County shall immediately close to members, guests, patrons, customers, and the general public. Notwithstanding the foregoing, food service may operate on a limited basis subject to the following operational restrictions and prohibitions:

- Prohibition on all dine-in food service, whether inside or outside the establishment, and prohibition of admitting members, guests, patrons, and customers inside the establishment except to pick up food for take-out only.
- Curbside take-out, drive-thru food service or pickup service is permitted. Cash payments are strongly discouraged. Staff who take cash or credit card payments shall use cleansing measures between each transaction, including using any best practices issued by the Health Department. Where possible, on-line (e.g.; *Venmo*, *Squarecash*, *Googlepay*, and similar payment apps) and telephonic credit card transactions are highly encouraged. Staff who handle cash or credit cards shall not be involved in the preparation, handling, or delivery of food.
- For hotel restaurants, food items may only be delivered as room service delivered to the door or curbside service as described above.
- Third party food delivery services (i.e. *Uber Eats*, *Door Dash*, etc.) are required to observe "no contact delivery" which means these services cannot have person to person contact. All employees of such services must not engage in any delivery services if they present any symptoms of illness.
- Management shall and must ensure, on a daily basis, that no employee who presents symptoms of illness will be permitted to work.
- Due to the evolving situation with the potential spread of the COVID-19 virus, violations of these operational restrictions shall result in the immediate closure of individual businesses and establishments to all business activity.

General Protocols for Businesses. Effective immediately, all establishments shall comply with the following regulations:

- Implement social distancing (six feet) measures in communal areas of the establishment.
- Staff who have to take cash or credit cards shall use cleansing measures, including best practices issued by the Salt Lake County Health Department, between transactions. Cash transactions are discouraged, but not prohibited.
- Management shall and must ensure, on a daily basis, that no employee who presents symptoms of illness will be permitted to work.
- • Members, guests, patrons, or customers who present symptoms of illness shall be excluded from the establishment.
- Management shall post signage approved by the Salt Lake County Health Department which advises patrons of COVID-19 protocols.

General Prohibitions. Effective immediately, the following prohibitions shall apply throughout Salt Lake County:

- No mass gatherings over fifty (50) people shall be held.
- Access to long-term care facilities shall be governed by the guidance issued by the Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality.

The ordinances take effect on March 16, 2020, and are in place for thirty (30) days.

Vermont:

Restrictions on public hospitality and entertainment venues: On March 16, 2020, Vermont Governor Scott ordered the closing of bars and restaurants across the state effective 2:00 P.M. on March 17th. Establishments must remain closed through April 6th. In the meantime, restaurants will be allowed to offer takeout and delivery services. The announcement was made on the heels of a decision earlier in the day to ban gatherings of more than 50 people — indoors or outdoors — in gyms, auditoriums, meeting halls, stadiums and arenas. As of 9:00 A.M. on March 17, 2020, the Vermont Division of Liquor Control had not issued any statement or guidance regarding COVID-19.

Local Restrictions: Prior to Governor Scott's order, **Burlington** Mayor Miro Weinberger announced the closing of bars and eat-in-dining in the city for at least 24 hours starting at 6 A.M. Tuesday on March 17th.

Virginia:

Declaration of Emergency but No Closures: As of March 17, 2020, Virginia Governor Northam continues to defer banning in-restaurant dining. Rather, the Governor is directing Virginia restaurants to follow the CDC guidelines and limit gathering of patrons to no more than ten (10) and further encouraging restaurants to offer carry-out and delivery of food to consumers. Details on how Virginia will enforce this limitation have not been developed, with the Governor stating he would prefer to use a carrot than a stick to gain compliance.

ABC's Responses to Covid-19: In addition, the Virginia ABC has temporarily suspended its regulation that requires restaurants and other retailers to obtain a signature when delivering wine and beer to consumers; however, the person making the delivery must include the full name of the

recipient of the delivery on the invoice as well as the method of verification of the age of the recipient. Also, the Virginia ABC has temporarily suspended the tied-house prohibition on wholesalers taking back wine and beer from retailers and providing a refund for the same products, as well as the requirement that the wholesaler obtain a signature from the retailer when delivering wine and beer.

The Virginia ABC's 388 stores and 10 enforcement offices remain open, but the agency recommends that customers call before they come. If employee illnesses prevent the ABC from properly staffing these areas, the agency may temporarily close some stores or regional offices. These decisions will be made on a case-by-case basis. The ABC's Richmond central office remains open and the Virginia ABC warehouse continues to accept and receive shipments.

Following the Centers for Disease Control's suggestion to practice social distancing, ABC employees who are able to work remotely are being encouraged to do so beginning Monday, March 16th. Employees whose jobs require working on-site will follow social distancing practices with customers and co-workers. Additionally, the ABC has cancelled in-store tasting events and on-site RSVP and MART trainings until further notice. Scheduled informal conferences for licensees with violations will take place as scheduled via teleconference, but hearings will be postponed. All application hearings that are currently scheduled will occur.

Additionally, the Virginia ABC has temporarily suspended its regulation that requires restaurants and other retailers to obtain a signature when delivering wine and beer to consumers; however, the person making the delivery must include the full name of the recipient of the delivery on the invoice as well as the method of verification of the age of the recipient.

Finally, the Virginia ABC Authority has temporarily suspended the tied-house prohibition on wholesalers taking back wine and beer from retailers and providing a refund for the same products, as well as the requirement that the wholesaler obtain a signature from the retailer when delivering wine and beer.

Licensees are encouraged to visit the Virginia ABC's website for current information about modified regulations that will go into effect as a result of COVID-19. Individuals and businesses applying for banquet licenses are strongly encouraged to complete the application online to expedite timely processing.

Washington State:

Restrictions on public hospitality and entertainment venues: On March 16, 2020, Governor Inslee signed a statewide emergency proclamation to temporarily shut down restaurants, bars and entertainment and recreational facilities. Restaurants will be allowed to provide take-out and delivery services but no in-person dining will be permitted. The ban will not apply to grocery stores and pharmacies. Other retail outlets will have reduced occupancy.

Also, all gatherings with over 50 participants are prohibited, and all gatherings under 50 participants are prohibited unless previously announced criteria for public health and social distancing are met.

West Virginia:

Government Travel Bans and School Closings: On March 13, 2020, Governor Justice announced that all public K-12 schools would be closed for the foreseeable future. Earlier, the governor issued a travel ban for all state employees and requested that citizens of West Virginia reconsider any non-essential travel. Government agencies were also told to avoid having large meetings or gatherings. As of March 16, 2020, West Virginia has made no provision for closing of public hospitality and entertainment venues, and the West Virginia ABC has issued no statement regarding COVID-19.

Wisconsin:

Restrictions on public hospitality and entertainment venues: On March 16, 2020, Wisconsin Governor Evers ordered an indefinite ban on all gatherings of more than fifty (50) people. Governor Evers said he was following recommendations made on March 15, 2020, by the Centers for Disease Control and Prevention in setting the cap at 50 people. Enforcing the order will be up to local law enforcement agencies. The ban on gatherings of more than 50 people begins March 17th, and exempts airports, grocery stores, food pantries, childcare centers, pharmacies, and hospitals. The order requires bars and restaurants to limit the number of customers to no more than 50, or half of their licensed capacity, whichever is smaller.

Wyoming:

School Closings Only: On March 13, 2020, Wyoming Governor Gordon declared an emergency in the midst of the coronavirus outbreak. On March 15, 2020, Wyoming Governor Gordon and state Superintendent Balow announced that they recommended all Wyoming schools be closed through the first week of April because of concerns related to the coronavirus. After Gordon's statement, the Natrona County School District said that it would follow the governor's recommendation and close its schools. The closures will begin March 16th and extend through April 5, 2020. School districts in Laramie and Teton counties also announced they would temporarily close. However, as of March 16, 2020, Wyoming has made no provision for closing of public hospitality and entertainment venues, and the Wyoming Department of Revenue's Liquor Division has issued no statement regarding COVID-19.

**FOR MORE INFORMATION OR SPECIFIC GUIDANCE
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