

# SLA COVID-19 Guidance on Restrictions, To-Go & Delivery, and Q & A

## New York State Liquor Authority Guidance on Restrictions for Licensees and To-Go & Delivery Sales in Response to COVID-19 Outbreak

*Effective Monday, March 16, 2020 at 8:00PM until Further Notice*

Pursuant to the Governor's order, effective Monday, March 16, 2020 at 8:00PM, all licensed on-premises establishments (e.g. restaurants, bars, taverns, clubs, arenas, catering establishments, etc.) must cease on-premises sales of alcoholic beverages and/or food. Additionally, all licensed manufacturers with on-premises privileges must also cease on-premises sales of alcoholic beverages and/or food; however, a licensed manufacturer may continue all manufacturing operations. This restriction shall continue until April 15, 2020 but may be extended or reduced depending upon the circumstances.

To aid in prevention of the spread of the coronavirus and assist businesses impacted by the current state of emergency, the Governor has ordered the State Liquor Authority (SLA) to promulgate guidance on new off-premises privileges for licensed businesses with on-premises privileges.

### **The State Liquor Authority offers the following guidance:**

- 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 any 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 Authority (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.
- While this guidance restricts on-premises privileges, this does not modify any off-premises privileges currently included with your license.
  - For example, breweries, micro-breweries and farm breweries have always had the privilege to sell beer to go to customers at the premises; this privilege is unchanged. Under the new guidelines, breweries, micro-breweries and farm breweries who

do not also hold an on-premises license may take orders from persons not at the premises for delivery of beer, however these orders for delivery must include food.

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.

## Q & A Regarding the Shutdown

At the direction of Governor Cuomo, in order to alleviate the economic hardships faced by our licensees, the SLA has developed new rules to allow for the sale of wine and spirits for delivery and takeout orders for on-premises licensees.

We are receiving several questions from retailers and manufacturers. Below are examples of questions and answers provided to retailers/manufacturers; please check back frequently as we will update as new questions come in.

**I operate a tavern with limited food, can I deliver/sell for takeout alcoholic beverages with orders of food consisting of items such as potato chips, pretzels, peanuts, etc.?**

Yes, if this is the standard food requirement for your license, you may sell alcoholic beverages for takeout or delivery with these items.

**Can I sell mixed drinks for takeout or for delivery sales?**

Yes, provided the beverage is placed in a closed container. All sales must be consistent with municipal open container ordinances.

**Do private clubs, VFWs, Elks Clubs, American Legions, etc., fall under the shutdown for on-premises sales?**

Yes, private clubs fall under the shutdown guidelines.

**I operate a micro-brewery, farm brewery or brewery, can I sell beer to go without the customer ordering food?**

Yes, if the sale takes place on your premises. However, under the new guidelines, while breweries who do not also hold an on-premises license may take orders from persons not at the premises for delivery of beer, these orders for delivery must include food.

**I operate a distillery, cidery or winery, can I sell products I produce without the customer ordering food?**

You may for sales that occur in person at your premises; for orders from persons not at the premises, these orders for delivery must include food.