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ARTICLE

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INDUSTRY NOTICE: What To Do If Your County's Reopening Status Changes

To: Businesses That Sell Directly to Consumers

As hospitalization rates and case counts fluctuate in Texas, your business's operational status under Gov. Greg Abbott's executive orders could change. When this happens, TABC has the information you need to operate legally and safely.

Bars That Previously Updated Operations to Qualify as Restaurants

Check Your Operational Status Daily (see the *"Industry's Operational Status Under GA-32"* section of the [TABC Coronavirus Information](#) page)

- **Bars and similar on-premise retail operations** can operate at 50% capacity if their county is opted-in to reopen ([see TABC's map](#)). If bars and similar establishments are in a county where they're not allowed to operate, they can [re-establish their business as a restaurant with TABC](#).
- **Restaurants and other on-premise retail operations** can operate at 75% capacity if they are in a county that appears on [this attestation list](#) or if they are in a county that does NOT appear on this list of [areas with high COVID-19 hospitalizations](#). Otherwise, restaurants and other on-premise retail operations may operate at 50% capacity.
- All businesses must follow the current executive orders and health protocols related to their business operations, which can be found at open.texas.gov.

Bars and Similar Establishments That Filed with TABC to Qualify as Restaurants During the Pandemic

If you're now in a county where bars are allowed to operate (the green counties on the map at the top of the [TABC Coronavirus Information](#) page):

- You may begin operating like a bar again (i.e., conduct alcohol sales at 51% or more) without filing anything with TABC.
- If you qualified as a restaurant by filing a 51% Affidavit with TABC, in the event you're contacted by a TABC auditor who is doing a 51% audit on your business, you only need to tell the auditor that you're now operating as a bar because you're located in a county where bars may open.
- If you qualified as a restaurant by getting a Food and Beverage (FB) Certificate, you must comply with the 60% limit on alcohol sales if you wish to keep your FB Certificate.

If you're now in a county where bars must be closed again (the white counties on the map at the top of the [TABC Coronavirus Information](#) page):

- You may once again begin operating like a restaurant (i.e., alcohol sales are less than 51%) without filing anything new with TABC if you previously qualified as a restaurant by either filing a 51% Affidavit with TABC or getting a Food and Beverage (FB) Certificate.
- If you plan to operate differently than as indicated in your 51% Affidavit or your FB Certificate application, contact TABC at audit@tabc.texas.gov.
- If you're contacted by a TABC auditor who is doing a 51% audit on your business, tell the auditor that you're operating like a restaurant again, you have a 51% Affidavit on file with TABC or an FB Certificate, and you'd like to exempt your sales data from the time that you were allowed to operate as a bar.

Updates to TABC’s Coronavirus Webpage and Guidance

TABC has updated it’s “Qualifying as a Restaurant” guidance document to include the information above. Visit the [TABC Coronavirus Information](#) page to learn more.

[Read updated notice.](#)

Visit the [TABC Coronavirus Information](#) page to learn more.

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