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Liquor Authority ([/web/20210116003822/https://sla.ny.gov/](https://web/20210116003822/https://sla.ny.gov/))

State Liquor Authority Guidance on Closing of Indoor Dining in New York City

(<https://web.archive.org/web/20210116003822/https://sla.ny.gov/IndoorDiningNYC>)

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 8:00 P.M.

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.

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. These privileges shall continue until **January 29, 2021**, but may be extended or reduced depending on circumstances.

(Note: this guidance has been modified by a subsequent guidance to add additional privileges for certain licensees in phase 2 regions. That guidance can be read

(<https://web.archive.org/web/20210116003822/https://sla.ny.gov/new-york-state-liquor-authority-guidance-outdoor-expansion-licensed-premises-response-covid-19>)_ here and reads in relevant part:

“Effective Thursday, June 4, 2020, all licensees in regions that have entered phase 2 of reopening and which have on-premises service privileges under the Alcoholic Beverage Control Law (ABC Law) may, subject to the guidance [here \(link\)](#), resume outdoor, on-premises service of alcoholic beverages and/or food. This guidance shall continue until January 29, 2021 but may be extended or reduced depending upon the circumstances.)

(Note: this guidance has been modified by a subsequent executive order which restricts the sale by licensees with on premises sales privileges of all alcoholic beverages which are not served along with food.)

(Note, 11-11-20: this guidance has been modified by a subsequent executive order which, effective 11-13-20 at 10:00PM, prohibits to-go and delivery sales of alcoholic beverages daily starting at 10:00PM and continuing until the later of any stipulated opening hour or the county opening hour for on premises sales.)

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 or 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 except to the extent that any beer, or cider which could otherwise be sold by an on premises retail licensee for off premises consumption without the inclusion of food must, under this guidance, be accompanied the purchase of food consistent with the food availability requirement of the license under the Alcoholic Beverage Control Law.
 - 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.

Must bars, restaurants, liquor stores, grocery stores, wholesalers and manufacturers close following the Governor's announcement today of 100% shutdown of non-essential businesses?

No, under the Governor's direction, the manufacture, distribution and sale of alcoholic beverages are deemed essential, thus not subject to the Governor's ordered workforce reductions.

Please view the guidelines from Empire State Development outlining essential businesses, including essential food, beverage and retail establishments:

<https://esd.ny.gov/guidance-executive-order-2026>

(<https://web.archive.org/web/20210116003822/https://esd.ny.gov/guidance-executive-order-2026>).

On premises retailers should not be open except for "to-go" or delivery service, with customers in the establishment solely for the purpose of pickup, with NO consumption of food or drink, and NO lingering.

Do on-premises licensees need to obtain a waiver from the SLA in order to sell wine, spirits and mixed drinks for takeout and delivery sales?

No, you do not need to obtain a waiver from the SLA.

During the temporary shutdown period these new privileges are granted as part of your license.

A craft manufacturer may currently sell closed containers of its beer, wine, or spirit (depending on license type) for

off-premises consumption without an attendant food sale. The guidance released today mentioned that an attendant food sale is required for off-premises sales. Can you confirm that this requirement does not apply to manufacturers who are already permitted to make off-premises sales without an attendant food sale?

The guidance relates to sales that are not made under the current off-premises privileges of your license. So if the sale is to someone not at the licensed manufacturing premises or the sale is of a product not in an original bottle, for example, then food must be included in that sales transaction.

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.? No, a tavern license's minimum food requirement is soups, sandwiches, and the like. Any sale made pursuant to the guidance must include such an item.

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

Yes, if you have current on premises sales privileges under the law, and 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. Private clubs may provide takeout and delivery to members and their guests.

I operate a licensed manufacturing facility, can I sell alcoholic beverages to go without the customer ordering food?

Yes, but only if you currently have off premises sales privileges under the law and the sale takes place at your premises, i.e., the customer is there in person. Additionally, if you have a separate on premises license, you may sell beer to-go without food, not any other type of alcoholic beverage.

I have received orders for food in addition to ten (or more) mixed drinks, is this permissible?

Yes, if you are allowed to sell under the guidelines, the guidelines do not include restrictions on the quantity of alcoholic beverages, again provided they are in sealed containers and the food provided is consistent with the food standard of your license.

My license is pending, but am currently operating under a temporary permit, do I have the same privileges for delivery and takeout orders?

Yes, temporary permit holders have the same privileges as licensees.

Can a manufacturer launch a website where customers may purchase closed containers of the licensee's beer, wine, or spirit for pick up at a scheduled time from the manufacturer's licensed premises?

Yes, this is permissible, as long as the licensee has off premises sales privileges under the law and guidance.

Are liquor stores required to close during the temporary shutdown period?

No, liquor and wine stores may remain open. Licensees are reminded that social distancing remains one of our best defenses against the spread of the coronavirus.

Are licensees required to place their license in safekeeping with the SLA if they close because of COVID-19 concerns?

No, the SLA is suspending the safekeeping requirement for licensees during for temporary closures through July 1, 2020. Licensees may temporarily close during this period and keep their license on-premises. Licensees that permanently close during this period, are still obligated to surrender their license to the SLA.

Does the temporary shutdown for of on-premises sales at bars, restaurants and manufacturers also apply to outdoor areas such as open-air patios, beer gardens, etc?

Yes, the temporary shutdown also applies to outdoor areas. That includes service or consumption in outdoor areas of the licensed premises (patios, gardens) and the area immediately outside your establishment. Food and alcoholic beverages sold “to go” must be carried away, in service of the policy goal of preventing the congregation of people to slow the spread of coronavirus.

Are bowling alleys and other recreational facilities with liquor licenses that have now been closed able to deliver or sell for takeout alcoholic beverages with food orders?

Yes, for takeout and delivery only. Indoor recreational facilities like bowling alleys, shooting ranges arcades, etc., cannot be open to patrons for any purposes pursuant to

Do catering halls fall under the guidelines for takeout and delivery sales?

Yes.

Can I deliver alcoholic beverages to a customer using a common carrier (FedEx, UPS, etc.)?

Yes, so long as you have off premises privileges pursuant to the law or guidance and are following the guidance. The container must be a closed container or the original, sealed container. The order must include a food item which is consistent with the food requirement of your license, e.g., a manufacturer without an on premises must include finger foods; a tavern must include soups, sandwiches, or the like, etc. Note again that the guidance does not modify any current privileges to sell for off premises, e.g., an on premises retailer's ability to sell beer without inclusion of food, or a winery's ability to ship direct to consumer without inclusion of food, etc.

I have a truck with a tap system allowing me to drive through neighborhoods where I can fill pints, growlers, etc, is this now allowed?

No. Selling of beer, wine, or liquor from a vehicle is not permitted under any circumstances. Due to state-wide restrictions on on-premises sales, certain licensees have been given narrow permission to sell alcohol "to go" or to deliver alcohol ordered from their licensed premises. Such "to go" and delivery orders must be taken in the licensed premises. Any product that is transported in a delivery vehicle for retail purposes should already have been purchased by the consumer and be out for delivery.

Otherwise, the vehicle is operating as an unlawful mobile bar.

I operate a licensed golf course, can I sell alcoholic beverages to my customers to be consumed on the golf course?

No, pursuant to guidance by Empire State Development found [here](#)

(<https://web.archive.org/web/20210116003822/https://esd.ny.gov/guidance-executive-order-2026>), golf courses are non-essential. You may continue to serve for take out and delivery pursuant to SLA's guidance, but there can be no service or consumption of food or alcoholic beverages in-house, or in any outdoor patio or seating area or on the course, and customers should not be mingling or sitting at the bar or at tables while waiting for their orders.

My license expires on April 1st (or May 1st) do I need to submit a renewal?

Yes, you will need to submit the renewal application, however at this time you do not need to submit the payment associated with renewal. Please click here to view recent actions taken by the SLA in response to the Coronavirus <https://on.ny.gov/2JbKrCu>
(<https://web.archive.org/web/20210116003822/https://on.ny.gov/2JbKrCu>)

Any questions can be emailed to the Authority at web.master@sla.ny.gov (<mailto:web.master@sla.ny.gov>)

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