



State Liquor Authority Relief for Restaurants, Bars, and Breweries

Syracuse ♦ Ithaca ♦ New York City

March 2020

In the wake of COVID-19 closures, the NY State Liquor Authority (the "SLA") issued guidance this week permitting on-premises establishments to sell alcohol for off-premises consumption. The change was effective March 16, 2020 and continues until the SLA issues further guidance. Licensees do not need to notify the SLA or seek a waiver to begin selling alcohol for off-premises consumption. The additional privileges are effective automatically.

Under the guidance, any on-premises licensee, such as restaurants and taverns, may sell for off-premises consumption any alcoholic beverage that the establishment is licensed to sell for on-premises consumption. The SLA noted that for off-premises consumption sales:

- Alcoholic beverages sold must be accompanied by the purchase of food;
- Alcoholic beverages must be sold in a closed container or its original container;
- Alcoholic beverages may be sold in any sized closed or original container;
- Alcoholic beverages may be sold for takeout or delivery, provided the deliveries are completed in an SLA-approved vehicle; and
- Licensees must comply with the hours of operation set forth in their method of operation on-file with the SLA.

Based on the foregoing, an on-premises licensee is now permitted to sell an alcoholic mixed drink in a closed container with a food order, provided the licensee could lawfully sell the mixed drink for on-premises consumption. Furthermore, there is no restriction on the quantity of sealed alcoholic beverages sold with any food order. Therefore, for example, a licensee may sell ten (or more) mixed drinks or beers with a single food order.

The recent guidance provides privileges for licensees *in addition* to any existing privileges. A licensee's existing privileges included with its license are not modified. For example, brewery licensees were always able to sell beer to-go to individuals at their premises. With the guidance, breweries may now sell beer for delivery to individuals not at the premises, but such order must include food.

The SLA continues to issue guidance and update its website concerning Coronavirus/COVID-19. Bousquet Holstein PLLC is keeping abreast of the regulatory issues and is available for existing and new clients with questions.



For more information or to discuss how changes to laws and regulations for businesses will impact your business, please call or email:

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