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Frequently Asked Questions Regarding August 10th Guidelines for Bars and Restaurants

Note: All answers contained in this document are contingent on the business's ability to comply with the Healthy at Work guidelines found at:

<https://govstatus.egov.com/ky-healthy-at-work#:~:text=Healthy%20at%20Work%20is%20a,protecting%20the%20most%20vulnerable%20Kentuckians.>

Q: What is new?

A: Bars and Restaurants are able to operate at a 50% capacity inside. Food and alcohol service should end by 11:00 pm and the establishment must be closed by 12:00 am (local times). Patrons must remain seated at their tables while inside the establishment. Movement throughout should be limited to accessing the restrooms and exits.

Q: Do the new guidelines apply to event venues?

A: No. However, event venues must continue to comply with Healthy at Work Guidelines.

Q: Do the new guidelines apply to wine samplings?

A: No. However, wine sampling events must continue to comply with Healthy at Work Guidelines.

Q: Do the new guidelines apply to distilleries, microbreweries/breweries, or small farm wineries?

A: The 12:00 am closure order does not apply to the facility as a whole. However, the 11:00 PM last call and 12:00 am closure order (and all new guidelines for bars and restaurants) does apply to bars or restaurants operating within those facilities.

Q: If an establishment has both indoor and outdoor seating does the 50% capacity apply to just the indoor area or to the indoor and outdoor area as a whole?

A: The 50% capacity applies to indoor seating with appropriate social distancing and other Healthy at Work guidelines. Outdoor seating is not capacity-based but must also comply with appropriate distancing and other Healthy at Work guidelines for restaurants and bars. Outdoor seating is encouraged.

Q: Is live music allowed if patrons remain at their tables?

A: Yes.

Q: May a licensee expand outdoor seating in a parking lot, yard or other adjacent area?

A: The licensee may put tables in its parking lot/back yard, etc. if the area is part of its deeded/leased property without further steps related to alcohol licensing. Servers can bring the alcohol from inside the restaurant/bar outside to the patrons at the tables.

If the business somehow expands the outdoor area to a different parcel that isn't in its deed/lease (for example, a neighbor business allows them to use their portion of a backyard or parking lot), the licensee will need to send a letter of material change to notify ABC (an email will suffice). If the business wants to set up an additional bar outside with its outdoor seating, a supplemental license is required.

**Any action related to expanding outdoor seating or structures also requires compliance with the regulatory authority of the Kentucky Department of Housing, Buildings, and Construction. By way of example only, occupancy permits may be based on plumbing facilities sufficient to serve the intended capacity. Expanded outside capacity must be consistent with these requirements. By way of further example, certain temporary outdoor structures and certain types of tents may require a Certificate of Occupancy from the Kentucky Department of Housing, Building and Construction before utilization.*

Q: May restaurants continue to provide alcohol to go with curbside service, carry-out and delivery orders?

A: Yes. Alcohol "to go" must accompany food orders. Bars may not offer mixed drinks or other alcohol by the drink, for curbside service, carry-out, or delivery.

Q: If a bar has a food permit, will minors be allowed on the premises?

A: No. License types that exclude minors should continue to comply with laws related to minors on the premises.

Q: Are bar and restaurant patrons permitted to play pool, darts, corn hole, or other activities requiring patrons to be out of their seats while in the establishment, like dancing or singing karaoke?

A: No. Patrons are required to remain seated at tables while patronizing bars and restaurants. However, pool halls and bars may allow for APA, LAP, BCA, NAPA or TAP league and tournament play that is in compliance with and monitored for league safety guidelines. Non-league play/practice is prohibited. Bars should continue to comply with guidelines related to 11 pm last call and 12 am closing times.

Q: Does the 12am closure order apply to bowling alleys, gaming facilities, activity centers, pool halls, movie theaters or similar establishments?

A: No, however these entities must follow the 11:00 pm last call and 12:00 am closure orders as they relate to bars or restaurants operating within the facility. Alcohol service must stop at 11:00 pm, and alcoholic beverages may not be *consumed* on premises after 12:00 am, but the establishment does not have to cease its operations that do not involve alcohol (e.g. bowling, billiards, etc.). Activities in these establishments must comply with all general Healthy at Work guidelines including, but not limited to, social distancing, masks, sanitizing surfaces, and minimizing patron foot traffic. If not entering, exiting, using the restroom, or directly participating in entertainment activities (e.g. if it is not a patron's turn to bowl), patrons must remain seated.

Q: When an establishment closes at 12:00 am, what time is it allowed to reopen?

A: The guidelines do not outline a time that businesses may reopen the following day. However, state law mandates that alcohol cannot be served until 6:00 am and not at all on Sunday unless otherwise outlined in local ordinance. Licensees should verify local rules related to this question before providing alcohol to patrons at bars and restaurants at 6:00 am.

Please direct questions to Allyson.Taylor@ky.gov