



SUMMARY OF NYS GUIDANCE FOR OUTDOOR AND TAKE-OUT/DELIVERY FOOD SERVICES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

New York State has announced that restaurants and taverns may begin outdoor service in regions of the State that have entered phase two of reopening.

The detailed guidance provided by the State is available [here](#). Business owners are required to read the full guidance and complete an affirmation at the end that they have read and understood the guidance.

Most important things you need to know:

- An “outdoor space” is defined as an open-air space without a fixed roof (besides a temporary or seasonal awning or cover).
- All tables with seats must be at least six feet from any other table, seat, patron, or pedestrian thoroughfare. Wherever distancing is not feasible between tables, Responsible Parties must enact physical barriers between tables. The physical barriers must be at least five feet in height and must not block emergency and/or fire exits.
- No more than 10 people at a table and everyone at a table must be from the same party. Communal tables in which multiple parties are seated at the same large table are only permitted if a distance of at least six feet can be maintained between the parties.
- Customers may sit at outdoor bar areas as long as a distance of six feet can be maintained.
- Customers older than two years old must wear a face covering when not seated at their table.
- Restaurant staff must wear a face covering at all times.
- Indoor seating must remain closed to customers. Bathroom access is allowed if social distance can be maintained.
- Customers should be encouraged to wait in their car or outside at an appropriate social distance until food is ready to be picked up or they are ready to be seated.
- Establishments must post signs throughout the site, consistent with DOH COVID-19 signage. They can develop their own customized signage specific to their workplace, as long as it is consistent with the Department’s signage. Signage should be used to remind employees and patrons to:
 - Cover their nose and mouth with a mask or cloth face-covering.
 - Properly store and, when necessary, discard PPE.
 - Adhere to physical distancing instructions.
 - Report symptoms of or exposure to COVID-19, and how they should do so.
 - Follow hand hygiene and cleaning and disinfection guidelines.
 - Follow appropriate respiratory hygiene and cough etiquette

Please read the full guidance provided by the State and make every effort to comply with all provisions. If you have any questions or need further assistance please do not hesitate to contact the Association.

NY State Liquor Authority Guidance on Outdoor Expansion of Licensed Premises In Response to COVID-19 Outbreak

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 Chairman of the State Liquor Authority (SLA) to promulgate guidance on a streamlined process for expansion of licensed premises for service of alcoholic beverages.

Expansion of Premises:

- Section 99-d of the ABC Law, under normal conditions, governs the process for substantial alterations of a licensed premises. Pursuant to this guidance, however, a licensee may, for the duration that this guidance remains in effect, use any outdoor, open-air part of its existing premises for which it has control by deed, lease, management agreement, or other agreement of control. Provided however that if a licensee's existing license is subject to a stipulation with a municipality or other entity limiting the use of certain parts of the premises, such licensee must submit a letter from the municipality or other entity with which it has stipulated approving such additional outdoor use of premises.
- Any licensee that expands its premises pursuant to the immediately foregoing paragraph shall within 5 business days of doing so submit an updated diagram to the SLA at temporaryalterations@sla.ny.gov. Failure to do so shall subject a licensee to disciplinary charges for illegal extension of premises.
- Should any municipality elect to make available to licensees any municipally owned lands (e.g. sidewalks, streets, etc.) contiguous to the licensed premises for service of food and/or beverages (a "Municipal Extension"), and should such municipality want or expect the SLA to have jurisdiction over a licensee's operations over such Municipal Extension, such municipality must submit to the SLA a plan for such municipal outdoor dining area on the following [form](#) and deliver to the SLA the written acceptance of responsibility for such Municipal Extension from each implicated licensee by also including the following [form](#). Service that occurs in a municipal dining area for which a municipality has not submitted a form and licensee written acceptance shall be outside the jurisdiction of the SLA.
- Any movement of an existing point of sale while keeping the number of currently licensed points of sale the same must be noted in the diagram submitted pursuant to this guidance, the addition of a new point of sale in excess of the number of currently licensed points of sale shall require application to the SLA for and additional bar license.