



UPDATED

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Frequently Asked Questions for Restaurant and Bar Owners Related to Executive Order 77

Q: What kinds of establishments may reopen?

A: TABC licensees, including nightclubs, bars, and limited service restaurants may open for business and are expected to follow the Governor's Tennessee Pledge guidelines. Customers may only be served if they are seated at tables. However, if you are located in one of the six counties with locally run health departments (Davidson, Hamilton, Knox, Madison, Shelby or Sullivan), you are subject to orders issued by those health departments which may include further restrictions on reopening and stricter seating requirements.

Q: Are there any limits on the number of guests that may attend a social gathering?

A: While there are no specific limits on the total number of guests that may attend a social gathering, licensees must follow the Governor's Tennessee Pledge guidelines by taking into account critical factors such as venue capacity, physical characteristics, and other factors to ensure social distancing.

Q: During what times may I deliver alcohol or offer it for carryout?

A: During the typical business hours designated by law for your business.

Q: If I run out of alcohol, can I buy alcohol from package stores?

A: No. You may only purchase alcoholic beverages from a licensed wholesaler.

Q: If I am a hotel, caterer or another type of LBD other than a restaurant, am I covered by this order and may I sell alcohol for off-premises consumption?

A: No. This order only applies to establishments licensed as full-service restaurants, wine only restaurants, and limited-service restaurants.

Q: Does an employee who will be delivering or selling alcohol for carryout need a server permit?

A: No, not at this time.

Q: Can I still offer carryout and delivery of alcoholic beverages and beer?

A: Restaurants, wine-only restaurants, and limited service restaurants may continue to offer carryout and delivery of alcoholic beverages through May 31, 2021, except as otherwise may be extended by Executive Order. No other on-premise liquor-by-the-drink license types may offer alcoholic beverages for carryout or delivery.

Q: Can I sell bottles of spirits?

A: No, bottles of wine and beer may be sold, and individual servings containing wine, beer, or spirits may be sold, but you may not sell bottles of spirits.

Q: Can I sell pitchers, half-gallons or gallons of mixed drinks?

A: No, bottles of wine and beer may be sold, and individual servings containing wine, beer, or spirits may be sold. Multi-serving containers are prohibited.

Q: What are the maximum limits of a single serving?

A: Typical serving sizes are 12 ounces of beer, 5 ounces of wine or 1.5 ounces of spirits. For purposes of enforcing this Order, the TABC considers a single serving to be a beverage containing no more than 16 ounces of beer, 9 ounces of wine, or 4 ounces of spirits and no more than 16 ounces of total liquid in the serving container. However, if your local beer board allows you to sell low gravity beer for carryout or delivery at a greater amount, then you may do so for purposes of low gravity beer only. Low gravity beer is beer equal to or less than 8% ABW or 10.1% ABV.

Q: What type of lid is required for single servings of alcoholic beverages?

A: Retailers must cover containers in a reasonable manner that would require the consumer to unpackage them for consumption. For example, a lid that does not have any access point, or a lid that has any access point sealed or taped.

Q: Must I sell food with every order containing alcohol?

A: Yes. Alcohol may not be sold as a stand-alone item. Food must

be purchased at the same time in the same order.

Q: Must we physically touch identification cards to verify age?

A: No, any reasonable visual inspection will suffice.

Q: Do I need an additional license, permit or permission to deliver?

A: No. You may deliver yourself without additional permission. You may also use third party delivery services that may or may not hold a TABC delivery service license, but you may be liable for any infractions by that third party such as sales to minors.

Q: If my city prohibits the delivery of beer, may I still deliver beer according to this executive order?

A: Yes, if you are a TABC licensed restaurant or limited-service restaurant, the executive order supersedes any local ordinance to the contrary. If you do not hold a TABC license, your local beer board must allow delivery of beer.

Q: What should the open container warning sign say that is required to be posted pursuant to the executive order?

A: The warning must include this language: “No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state.”

Q: May a licensed restaurant or bar allow alcoholic beverages to be purchased for consumption near their establishment while a customer is waiting to pick up a food order?

A: No. Regarding allowing customers to consume alcoholic

beverages near, but outside, the establishment, such as at a city sidewalk or the establishment's parking lot, please know that while licensed restaurants and bars are allowed by the executive order to sell alcoholic beverages and beer for off-premises consumption, this activity can only be performed within specific guidelines and requirements. These guidelines and requirements are explained elsewhere in this FAQ, but they include that such sales must be "accompanied by the sale of food in the same order". This requires that the alcoholic beverages or beer be provided to the customer contemporaneously with food. Therefore, a restaurant could not sell or provide an alcoholic beverage to a customer significantly before the sale and provision of food to the customer. Also, a customer who consumes alcoholic beverages in such areas may be in violation of local open container laws.

Q: When I dine in a reopened restaurant, may I take a drink to go with me?

A: If an alcoholic beverage was part of your dine-in order for on-premise consumption, then you may not take that beverage to-go for off-premise consumption. However, you may place a separate to-go order for off-premise consumption, as long as the order for alcoholic beverages is placed with food, pursuant to TABC guidance.

Q: What if my restaurant or bar temporarily or permanently closes during the pandemic?

A: If a licensee temporarily closes or ceases to do business due to the COVID-19 pandemic, management or ownership should notify TABC legal staff at Sean.J.Atkins@tn.gov. Such temporary closures shall only be for such period as is necessary to combat the

pandemic in accordance with any orders issued by state or local government. Any licensee that permanently ceases to do business must notify the TABC and surrender the license by mailing it to our Nashville office.

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