

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 11B

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC –
CONSOLIDATION OF ORDERS PERTAINING TO LIQUOR PERMITS**

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies remained in effect until February 9, 2021; and

WHEREAS, on January 26, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until April 20, 2021, unless earlier terminated; and

WHEREAS, on March 31, 2021, I signed into law Special Act 21-2, through which the General Assembly ratified the previously mentioned declarations and endorsed a renewal and extension of such declarations through May 20, 2021; and

WHEREAS, pursuant to such declarations, I have issued various executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic (the “COVID-19 Orders”); and

WHEREAS, on April 19, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until through May 20, 2021; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and transmission or “shedding” of the coronavirus that causes COVID-19 may be most virulent before a person shows any symptoms; and

WHEREAS, the CDC has recommended that people with mild symptoms consistent with COVID-19 be assumed to be infected with the disease; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including limitation on the size of gatherings, maintaining a safe distance from others, and wearing masks or face coverings; and

WHEREAS, because COVID-19 has caused unanticipated health effects that are not fully understood by the medical community, residents, businesses, and government, agencies face new and unanticipated economic, fiscal, and operational challenges because of the COVID-19 pandemic; and

WHEREAS, infections with highly transmissible variants of the coronavirus that causes COVID-19 have spread widely in the United Kingdom and elsewhere and have been discovered in Connecticut and other states, increasing the risk of greater transmission of COVID-19 throughout Connecticut; and

WHEREAS, the state has reviewed best health practices for various business sectors and developed rules that businesses and other entities must follow to limit the transmission of COVID-19; and

WHEREAS, certain statutes, municipal ordinances, regulations, and procedures may prevent the timely implementation of protective measures to provide for safe resumption of economic activity, including some outdoor dining with liquor service, which resumption is essential to sustaining compliance with and effectiveness of other efforts to respond to and mitigate the effects of COVID-19; and

WHEREAS, while limitations on gathering sizes and social distancing requirements restrict the ability of charitable organizations to hold in-person fundraising events, permitting alternative means of selling alcoholic liquor by such organizations can allow their fundraising to proceed in compliance with critical public health protective measures; and

WHEREAS, because service of alcohol without food or table service in certain circumstances increases the likelihood of COVID-19 transmission because patrons are more likely to gather in close proximity, Executive Order No. 7D, Section 2, as amended by various orders and most recently extended by Executive Order No. 9K, Section 7, prohibited the sale of alcohol by certain liquor permittees without the sale of food; and

WHEREAS, the extension of such restrictions has prevented some on-premise liquor permittees from enjoying the full benefit of their liquor permits, and the provision of alternative methods of sales and service continues to promote compliance with pandemic-related safety restrictions; and

WHEREAS, because of significant challenges for businesses posed by such prohibitions, modifying the effective date of certain changes in permitting fee structures enacted through Public Act 19-24, which took effect on July 1, 2020, during the COVID-19 pandemic, can serve to promote compliance with the prohibition on service of alcohol without the sale of food; and

WHEREAS, Executive Order No. 10 extended certain liquor permit renewal deadlines through April 20, 2021; and

WHEREAS, in addition to the previously mentioned executive orders, in order to promote safer social and economic activity, I have issued several additional executive orders to modify statutes or regulations or otherwise promulgate rules related to service of alcohol; and

WHEREAS, to promote clarity and assist the public and the regulated community in complying with the various orders related to service of alcohol, it is useful to consolidate such orders into one document;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, and pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020, January 26, 2021, and April 19, 2021, and the new public health and civil preparedness emergencies declared on April 19, 2021, do hereby **ORDER AND DIRECT**:

- 1. Sale of Alcoholic Liquor for Pick-Up or Delivery.** Subject to any implementing order or guidance issued by the Commissioner of the Department of Consumer Protection, active liquor permittees may engage in the following activity so long as such activity is consistent with local open container ordinances or other local requirements:
 - a. Any business with a restaurant, hotel, or tavern liquor permit issued by the Department of Consumer Protection, or a café permit as defined by Connecticut General Statutes § 30-22a(c) as amended by Public Act 19-24, shall be permitted to sell sealed containers of alcoholic liquor and mixed drinks for pick up or delivery under the following conditions: (i) the sale shall accompany a pick-up or delivery order of food prepared on the premise, (ii) the type of alcoholic liquor sold for off-premise consumption shall be the same as what the permit type allows for on-premise consumption, and (iii) the hours of such sales that include alcoholic liquor as part of the pick-up or delivery order shall be the same as those for a package store. This order supersedes Executive Order Nos. 7G, Section 3; 7T, Section 2; 7PP, Section 5; and 7ZZ, Section 5.
 - b. Any business whose liquor permit allows for the manufacture of alcoholic liquor may sell for pick up or delivery sealed bottles of alcoholic liquor for off-premise

consumption in a manner consistent with their permit type. Such permittees may additionally sell mixed drinks for pick up or delivery with food prepared on the premise under the same conditions for restaurants. This order supersedes Executive Order Nos. 7G, Section 3a; 7T, Section 2; and 7PP, Section 5.

- c. Holders of (i) club, nonprofit club and golf country club permits issued before July 1, 2020, and (ii) café permits issued pursuant to Sections 30-22a (g), (h), and (i) of the Connecticut General Statutes on or after July 1, 2020, shall be permitted to sell sealed containers of alcoholic liquor and mixed drinks for pick up or delivery with food prepared on the premise under the same conditions for restaurants, except that such sales shall only be to their members. Section 30-23a of Connecticut General Statutes and Section 30-6-B39 of the Regulations of Connecticut State Agencies are modified to waive the guestbook requirement. This order supersedes Executive Order Nos. 7MM, Section 4; 7PP, Section 5; and 7RR, Section 3.
- d. Sections 30-20 and 30-74(c) of the Connecticut General Statutes and Section 30-6-B55(b) of the Regulations of Connecticut State Agencies are modified to allow the holders of package store liquor permits and grocery store beer permits to extend their permit premise to provide for curbside pickup of all alcoholic liquor allowed by their permit type in any space adjacent to their permit premise. Such curbside sales are permitted during the days and hours allowed for legal sale pursuant to Section 30-91(d), unless a more restrictive municipal ordinance limits the hours of alcoholic liquor sales. Nothing in this order shall relieve any permit holder from the responsibility to comply with existing law requiring verification of identification. This order supersedes Executive Order No. 7R, Section 5.
- e. Section 30-37b of the Connecticut General Statutes is modified to authorize the Commissioner of Consumer Protection to allow charitable organizations to engage in the retail sale of alcoholic liquor for off-premise consumption if such alcoholic liquor is in its original sealed container as received from a licensed wholesaler or retailer, and such retail sales are in furtherance of fundraising for the organization's charitable purpose. Such retail sales need not occur during the hours required by Section 30-91(a), but the consumer may pick up the product only during those hours. This order supersedes Executive Order No. 9O, Section 2.

2. Liquor Permit Approval Process Modifications. Subject to any implementing order or guidance issued by the Commissioner of the Department of Consumer Protection, the following statutes and regulations are modified to simplify the process for businesses to obtain permits and offer liquor with outdoor dining:

- a. Section 30-35b of the Connecticut General Statutes is modified to authorize the Commissioner of Consumer Protection, or her designee, to review and approve the issuance of provisional permits, the renewal of such permits and any follow-up review, which would otherwise have been reviewed and approved by the Liquor Control Commission. Any such decisions shall be made public by posting them on the Commission's web site and including them on the agenda for the next regularly

scheduled meeting of the Liquor Control Commission. This order supersedes Executive Order No. 7W, Section 6.

- b. Section 30-53 of the Connecticut General Statutes and Section 30-6-A7 of the Regulations of Connecticut State Agencies are suspended in all towns where the town clerk's office is closed or so reduced in hours that it makes it unreasonable to have the permit recorded. Permits shall be recorded as soon as the relevant town clerk's office is reopened and staffed for routine business. This order supersedes Executive Order No. 7W, Section 8.

3. Alcoholic Liquor Sales by Caterers for Virtual or Remote Events. Subject to any implementing order or guidance issued by the Commissioner of the Department of Consumer Protection, Section 30-37j of the Connecticut General Statutes is modified to allow caterer liquor permittees to sell and provide closed or sealed containers of alcoholic liquor, including mixed drinks, to persons or businesses for which they have been hired to provide catered food service for off-premise private gatherings or special events, including events that will be held virtually or remotely. To provide alcoholic liquor for off-premise consumption, the caterer liquor permittee must abide by the following conditions:

- a. All alcoholic liquor must accompany an order of food to be prepared by the caterer;
- b. The caterer may allow the person or business who contracted with the caterer to pick-up the alcoholic liquor with the entire food order at the caterer's premise, or the caterer may directly deliver the alcoholic liquor with the entire food order to such person or business;
- c. The caterer may allow individual persons, who are participating in the private gathering or special event for which the caterer was hired to provide food, to pick-up their own personal catered meal and alcoholic liquor at the caterer's premise, but the caterer cannot deliver alcoholic liquor to such individual persons; and
- d. All alcoholic liquor must be either delivered or picked-up during the same hours package stores can operate.

This order supersedes Executive Order No. 9R, Section 3.

4. Liquor Service in Connection with Indoor and Outdoor Dining. Subject to any implementing order or guidance issued by the Commissioner of the Department of Consumer Protection, Title 30 of the Connecticut General Statutes, and any corresponding regulations or practices, are modified to require that any indoor or outdoor on-premise service of alcoholic liquor is limited to when a patron is consuming food prepared on the premise, and so long as the permittee is in compliance with (i) any Executive Order concerning indoor or outdoor dining; (ii) any rules for indoor or outdoor dining, including social distancing and capacity requirements, issued by the Department of Economic and Community Development (DECD); and (iii) any town or

municipal requirements related to dining and alcoholic liquor sales. A liquor permittee who serves alcoholic liquor in conjunction with on-premise dining may serve only the types of alcoholic liquor allowed by their permit type and shall abide by the following conditions:

- a. The permittee must comply with all other laws and regulations under Title 30, including prohibitions on sales to minors or intoxicated persons, and restrictions on the times such sales may occur.
- b. Alcoholic beverages may not be served to any patron unless such individual is seated at a table or bar and is presently consuming food prepared on the premise, although alcoholic beverages may be served when food has been ordered and will be imminently served.
- c. Additional alcoholic beverages may be purchased while the patron is still consuming the food, but service must stop once the food is finished.
- d. There shall be no consumer bars in use either inside or outside the permit premise.
- e. "Food" for purposes of this section means food that creates a sit-down dining experience and is similar in quality and substance to a meal.
- f. Food may be provided from an on-site food truck or on-site caterer.
- g. Food does not include items brought to the premise by the patron from home or other location.
- h. If a permittee is permitted by local authorities to provide outdoor dining in space outside their permitted premise, including public sidewalks, parking lots or space owned by an adjacent business, such space shall be deemed to be part of the permitted premise for the duration of this order and the permittee shall be responsible for any liquor violations in that area.
- i. There shall be no live entertainment in any outdoor dining space unless live entertainment was previously permitted in the outdoor space, or the permittee obtains permission pursuant to this order or underlying rules, and such entertainment complies with all other social distancing rules.
- j. Holders of (i) club, nonprofit club and golf country club permits issued before July 1, 2020, and (ii) café permits issued pursuant to Sections 30-22a (g), (h), and (i) of the Connecticut General Statutes on or after July 1, 2020, may only provide indoor or outdoor dining for members and their families and guests.
- k. Holders of Caterer Liquor Permits and Restaurant Permits for Catering Establishments may provide indoor or outdoor alcoholic liquor service at any location allowed by their license type, so long as the event is a bona fide catering

event for which they have been hired and the alcoholic liquor service complies with the requirements of this Section.

This order supersedes and further clarifies Executive Order No. 7PP, Section 1a and supersedes Executive Order Nos. 7D, Section 2; 7WW, Section 3; and 9K, Section 7.

- 5. Renewals of Liquor Permits Extended.** The Department of Consumer Protection shall extend all café permit liquor permits due to expire on or before April 20, 2021 that were club, non-profit club, golf country club, airport airline club liquor, airport bar liquor, airport restaurant liquor, boat liquor, bowling establishment beer and wine, bowling establishment liquor, racquetball facility liquor, railroad liquor, special outing facility beer, special outing facility liquor, special sporting facility bar liquor, special sporting facility concession liquor, special sporting facility guest liquor, special sporting facility restaurant liquor, tavern liquor, university beer only, university beer and wine, university liquor permits prior to the enactment of Public Act 19-24, such that they shall now expire on May 20, 2021, unless otherwise provided by law. This order supersedes Executive Order No. 10, Section 5.

Unless otherwise provided herein, this order shall take effect immediately and remain in effect through May 20, 2021.

Dated at Hartford, Connecticut, this 19th day of April, 2021.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State

