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Frequently Asked Questions Regarding Executive Order 2020-968

The function of Executive Order 2020-968 which went into effect on November 20, 2020 is to facilitate mask wearing in all public locations. All restaurants and bars must cease all indoor food and beverage consumption. Food courts are included in this order. Food service may be provided outdoors at tables with a maximum of eight people per table, with tables spaced at least six feet apart. Tent guidance is available on the Healthy at Work website.

Q: What is new?

A: Bars and Restaurants are closed to indoor food and beverage service. Curbside pick-up, delivery and carry-out are permissible and encouraged. Outdoor table seating is also permissible.

Q: Does curbside pick-up, delivery and carry-out have to follow an 11:00 pm last call and 12:00 am (local time) closure?

A: No, these services may continue past midnight.

Q: Is service at outside eating areas required to end at 11:00 pm with a 12:00 am closure time?

A: Yes.

Q: Does the order apply to event venues?

A: Yes. Event venues should operate with 25 people or less per room and there should be no indoor food or drink consumption.

Q: Does the order apply to samplings?

A: No. However, sampling events must continue to comply with Healthy at Work Guidelines and outdoor sampling is encouraged.

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

A: Yes, indoor consumption of food and drink at bars and restaurants operating inside distilleries, microbreweries/breweries, and small farm wineries, is prohibited.

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.*

If an establishment uses a tent, at least 50% of the tent perimeter (e.g., 2 sides of a square tent) must remain completely open at all times and six (6) feet of space must be maintained between customers at different tables. If an establishment uses a tent with fewer than 50% of the perimeter (e.g., for a square tent, fewer than 2 sides) completely open, that tent is considered interior space and, therefore, food or drink service or consumption is prohibited.

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 unless it is served with food and the bar has a food permit.

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?

A: All patrons must remain masked and the establishments must operate at no more than 33% capacity. There should be no indoor consumption of food or drinks. Any activity where patrons are unmasked is prohibited.

Q: Does the order apply to bowling alleys, gaming facilities, activity centers, pool halls and similar establishments?

A: Yes. These facilities must operate at no more than 33% capacity and there is to be no indoor consumption of food or drink.

Please direct questions to Allyson.Taylor@ky.gov