

**COVID-19 DINING UPDATE FAQ:
GOVERNOR'S EXECUTIVE ORDER 202.81 AND
STATE LIQUOR AUTHORITY GUIDANCE**

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Is indoor dining allowed in New York City?

No. Under Governor Executive Order No. 202.81, indoor dining is not allowed in New York City from December 14, 2020 until further notice.

The **State Liquor Authority (SLA)** has released [guidance](#) on Executive Order 202.81 for all SLA-licensed establishments in New York City.

What types of establishments does the State's guidance apply to?

All **SLA-licensed establishments** with on-premises services, including:

- Restaurants
- Taverns
- Catering halls
- Clubs
- Manufacturers with tasting rooms

What are the State's current rules for SLA-licensed establishments for takeout and delivery?

- Customers may order and pick up food inside of the establishment until 10:00 p.m. daily.
- At and after 10:00 p.m. daily, orders must be placed by remote means (phone, internet, etc.) and pick-up should be curbside outdoors, through a window, or other similar outdoor means.
- No alcoholic beverages may be purchased for off-premises consumption after 10:00 p.m.

Under what circumstances may customers enter an SLA-licensed establishment under the State's rules?

Customers may enter the inside of a licensed establishment:

- To order and pick up food until 10:00 p.m. daily.
- To use the restroom.
- If the establishment has a licensed outdoor area accessible only through an interior space, to transit through the interior of the premises to access the licensed outdoor area.

Customers must wear face coverings and may not linger or form lines while inside of the establishment. Separate parties must be distanced properly while transiting through the interior.

Under what circumstances may delivery workers for wholesalers and other businesses enter an SLA-licensed establishment to deliver products?

Delivery workers may enter an establishment so long as they wear face coverings and do not linger.

What are the State's restrictions for employees of SLA-licensed establishments?

In addition to customers and delivery workers, only verifiable employees who are on the clock may be inside the establishment.

What are the State's employee restrictions on eating and drinking inside SLA-licensed establishments?

- Employees and/or owners may consume meals and non-alcoholic beverages only as a shift meal and only pursuant to N.Y. State Department of Health Interim Guidance on outdoor dining.
- Employees and/or owners may not consume alcoholic beverages inside the establishment under any circumstances. Otherwise, they will be considered patrons for purposes of enforcement.
- Any employee dining within the establishment must comply with NYC Health Code requirements.

What are the State's rules for outdoor dining structures?

Outdoor dining service may be provided in an outdoor structure subject to the following requirements:

- The structure must have at least two open sides for airflow.
 - If the structure has only one open side, or no open sides, it is considered an indoor dining area and may not be used for dining unless: a) the structure is modified to comply with New York State's guidelines; or b) State officials announce that indoor dining may resume.
- Sides are not considered "open" if covered in clear plastic or other material restricting air flow.
- Additional guidance on outdoor dining structures for participants in NYC's Open Restaurants program is available [here](#).

What are some helpful resources?

- [Governor Executive Order 202.81](#)
- [SLA Guidance on Closing of Indoor Dining in NYC](#)
- [NYC DOT Open Restaurants](#)
- [NYS Outdoor and Take-Out/Delivery Food Services Guidelines](#)
- [Counsel to the Mayor Outdoor Dining FAQs](#)