

State of Louisiana

Office of Alcohol and Tobacco Control

JOHN BEL EDWARDS
GOVERNOR



ERNEST P. LEGIER, JR.
COMMISSIONER

September 2, 2020

UPDATE to Phase Two: Roadmap for a Resilient Louisiana Additional Phase 2 Mitigation Measures extended to September 11th

In an effort to further reduce the surge in COVID-19 cases, Governor Edwards has extended Phase Two through September 11, 2020. This extension includes a mask mandate, restrictions on social gatherings to no more than fifty (50) total people, and restrictions for on premise consumption at bars. Bars may continue to offer curbside services in accordance with the guidance below. All restrictions previously imposed during Phase Two remain in effect.

It is crucial that Businesses review and adhere to all guidelines including mandatory mask requirements, live entertainment rules, and strict social distancing rules issued by Governor Edwards, the Office of the State Fire Marshal ("SFM") and the Louisiana Department of Health ("LDH"). For specific guidelines and resources, please visit www.opensafely.la.gov.

Bars (Class AG permit holders) and Curbside Services

Under Governor Edwards Order, Proclamation No. 110 JBE 2020, all bars or businesses holding a Class A-General permit, with or without a food service permit from LDH, shall be required to close all on premises consumption services through September 11, 2020 unless otherwise notified. In accordance with 110 JBE 2020, no persons, other than employees, shall be permitted inside the bar establishment and that inside and outside dine-in food services are prohibited. However, businesses are allowed to offer curbside or drive-thru services, including alcoholic beverages, pursuant to Proclamation No. 110 JBE 2020.

Accordingly, ATC encourages curbside services whereby orders are placed ahead of time and delivered to patrons' vehicles. Businesses are reminded that curbside services must be conducted in compliance with both state and local laws with respect to open containers. Businesses may only offer alcoholic drinks in sealed or factory-sealed containers through curbside or drive thru services and the sale of single serving or mixed alcoholic drinks are subject to applicable local ordinances.

In accordance with guidance issued by ATC on July 30, 2020, Class A-General permit holders cannot circumvent the prohibition for on-premises consumption services under Proclamation No. 110 JBE 2020 by labeling the gathering or event as "private," as Class A-General permit holders are subject to all applicable rules and regulations regardless as to whether their premises are open to the public.

In addition to this guidance, ATC has received numerous requests as to whether Proclamation No. 110 JBE 2020 applies to hookah lounges which typically allow patrons to smoke hookah products within the establishment. It is determined that hookah lounges are categorized as a place of public amusement which operate in a manner similar to bars in terms of social interaction within an indoor setting and thus represents a potent hub for the spread of COVID-19. As such, hookah lounges are subject to the same restrictions applied to places of public amusement and/or bars and shall be required to remain closed to the public.

Restaurant Conditional Permits

Businesses that have been previously issued a "Restaurant Conditional" permit by ATC are permitted to operate under the guidelines issued to restaurants. Bars with existing LDH food service certificates will not be issued a Restaurant Conditional permit unless the business meets the requirements of a restaurant establishment. These requirements currently include businesses having a fully equipped kitchen capable of preparing uncooked food (i.e. capable of cooking raw food to the point where it is suitable for human consumption), businesses having a full menu including the food/meals available for

sale and prices for the same, and businesses serving food at all hours of operation. Eligible businesses granted a Restaurant Conditional permit will have a limited period of time after issuance of the permit to demonstrate that food sales will exceed 50% of its gross revenue. Likewise, businesses that obtain Restaurant Conditional permits may continue to allow patrons onto its premises for on-premises consumption of food and beverage under the same guidelines issued to restaurants and shall be required to serve food during all hours of operation. Businesses may apply for a Restaurant Conditional permit by submitting an application directly to ATC, and applications are available online at <https://atc.louisiana.gov/arc.php>.

All Applicants for and those currently operating under the Restaurant Conditional permit are reminded that smoking is prohibited in restaurant establishments.

ATC remains committed to serving the public and appreciates the patience that permit-holders have exhibited. We look forward to the day when the State returns to normal operations. Should you have any questions or concerns, please contact ATC at 225-925-4041.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E. Legier, Jr.', with a stylized flourish at the end.

Ernest P. Legier, Jr., Commissioner
Office of Alcohol and Tobacco Control