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Easing Restrictions for Bars and Restaurants

All guidance contained in this document is contingent on the business's ability to comply with the Healthy at Work minimum requirements at:

<https://chfs.ky.gov/agencies/dph/covid19/HAWMinimumRequirements.pdf>

As of May 28, 2021, the following restrictions are lifted or amended as noted:

1. Capacity restrictions are amended, increasing from 60% to 75%.
2. Last call/closing time requirements are lifted. Bars and restaurants are no longer required to close at 1:00 am.
3. Bar seating and service restrictions are lifted. Bar seating and service may resume.

Q: If an establishment has both indoor and outdoor seating does the 75% capacity apply to just the indoor area or to the indoor and outdoor area as a whole?

A: The 75% capacity applies to indoor seating with minimum requirements. Outdoor seating is not capacity-limited.

As of June 11, 2021, all restrictions are lifted. This includes the restriction on activities such as karaoke, billiards, etc.

Expanded premises

Many establishments have taken advantage of the opportunity to expand their seating and service area outside of their licensed premises. For those wishing to continue that practice, the area utilized must now become part of the officially licensed premises for the establishment.

Please email your expansion plan to Kellie Lovan, ABC Licensing Director, at Kellie.Lovan@ky.gov for approval by July 11th. An ABC officer will contact you for an inspection to approve the planned permanent expansion. Establishments may continue to operate expanded premises pending that inspection so long as the plan has been forwarded by July 11th. Previous guidance related to this practice is below.

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 and local ordinances. 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.*

Please direct questions to Allyson.Taylor@ky.gov