FAQs for Liquor Permit Holders Amid COVID-19

The Division of Liquor Control would like to share some information for liquor permit holders during the current State of Emergency declared by the Governor Mike DeWine. This State of Emergency extends the previous health orders and incorporates the opening of certain businesses and services as part of the Responsible Restart Ohio plan. These Orders are an effort to help prevent the spread of COVID-19 and will remain in effect until the current State of Emergency declared by the Governor is no longer.

Can I sell alcohol drinks for on-premises consumption?

- Yes, the Ohio Liquor Control Commission passed an emergency rule on July 31, 2020, requiring all liquor permit holders to stop on-premises sale of alcohol at 10 p.m. and restrict on-premise alcohol consumption between the hours of 11 p.m. and 5:30 a.m. Businesses are permitted to remain open for operation and are permitted to sell drinks-to-go during that time as long as all health precautions are in place.

Can I sell alcohol drinks for off-premises consumption?

- Yes, the Ohio Liquor Control Commission passed an emergency rule on July 31, 2020, that allows all establishments with existing on-premises general consumption liquor permit privileges to sell and deliver for off-premises consumption beer, wine, mixed beverages, or spirituous liquor by the individual drink, given the following requirements are met:
  - The permit holder may sell and deliver drinks that it prepares on the premises for a personal consumer for off-premises consumption;
  - Spirituous liquor drinks cannot contain more than two ounces of spirituous liquor per container;
  - All drinks sold must be in a closed container;
  - Any sale under this paragraph shall include a food purchase from the premises;
  - No more than three drinks may be sold per meal;
  - The permit holder must comply with all applicable state tax laws; and
  - The permit holder remains subject to all liquor laws and rules including hours of operation, minimum age requirements, and the prohibition against sales to intoxicated persons.

All purchases of alcohol remain subject to Ohio’s open container law upon leaving the premises.

This rule is in effect for 120 days, unless rescinded earlier by the Liquor Control Commission.
What operating procedures are required to ensure the safety of my employees and customers?

- The Responsible RestartOhio Order lays out these minimum steps for businesses to follow when resuming operations:
  1. Designate 6-foot distances for employees and customers. Utilize barriers if applicable.
  2. Make hand sanitizer and sanitizing products readily available for employees and customers.
  3. Must require all employees to wear facial covering except where prohibited by law or exceptions exists such as a health condition, the employee is working alone, or it creates an unsafe environment.
  4. Implement separate operating hours for elderly and vulnerable customers when possible; and
  5. Offer online and remote access of facility hours/operations and inform customers on how best to reach the business.

You can read the full Responsible RestartOhio guidance and recommended best practices here.

What is the one-time Liquor Rebate Program?
- The one-time Liquor Rebate Program is designed to help Ohio bars and restaurants as they navigate reopening in the coming weeks. Eligible permit holders can receive a $500 rebate to purchase high proof spirituous liquor at their assigned wholesale Contract Liquor Agency. JobsOhio and the Ohio Department of Commerce are working together to assist businesses’ efforts to maintain operations as a result of the health crisis. For more information and to register for the program, click here.

Is my license fee due mid-May for the June renewal for District 2/the western portion of the state?
- No. The May 18, 2020 filing deadline for the June 1 renewal period is being waived at this time. A new filing deadline will be established when the Director of the Ohio Department of Health lifts her order.

Who is eligible for the Liquor Permit Renewal Extension?
- Class C and D Liquor permit holders are eligible in District 2/the western portion of the state who have on-premises general consumption permits due for renewal on June 1.

What if I already submitted my renewal?
- The Division will contact the permit holder to determine if they’d like to proceed with their renewal.

Can Contract Liquor Agencies sell high proof spirituous liquor to non-Ohio residents?
- Yes. An Order that previously limited the in-person purchasing of high proof spirituous liquor to customers who are not Ohio residents in Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, and Belmont counties was lifted on May 29, 2020.
Can I return spirituous liquor to an Ohio Contract Liquor Agency?
The Division ended the Liquor Buyback Program on June 30, 2020 for unopened high proof spirituous liquor purchased from mid-February through mid-March 2020. If a permit holder would still like to return product purchased during this period, they should contact the Liquor Enterprise Service Center at 877-812-0013 or OhioLiquorInfo@com.ohio.gov.

Can I return beer/wine to a distributor?
- The Division has approved the pick-up and future replacement of beer, wine, or mixed beverages from a retail permit holder, at the Distributor’s discretion. The product must be in its original sealed packaging and must have been purchased after February 15 for a specific event (i.e. Opening Day, St. Patrick’s Day, NCAA, etc). You must reorder the same amount of product that you returned. For example, if you return 5 kegs of beer to a distributor, upon re-opening, you must buy 5 kegs of beer from that same distributor.
- This temporary alteration in the return policy is also subject to the federal Tax and Trade Bureau (TTB) restriction. It is our understanding that TTB views only products purchased for events cancelled due to the COVID-19 crisis to be exempt from the normal restrictions on consignment sales. TTB has stressed the voluntary nature of accepting these returns.
- Future guidance from TTB may also be forthcoming on this matter.

Can I sell bottles of spirituous liquor to patrons?
- No. Retail liquor establishments cannot sell any bottles of spirituous liquor, including 50mL bottles, to patrons. The ONLY sale permitted for off-premises consumption is under the requirements in the Ohio Liquor Control Commission’s emergency rule. (see requirement above)

Can I legally deliver drinks to go?
- Up to three drinks per meal may be delivered under the requirements in the Ohio Liquor Control Commission’s emergency rule. The permit holder or their employee may deliver that product.
- Permit holders may continue selling beer, wine, and prepackaged mixed beverages in their original sealed containers for off-premises consumption in accordance with the privileges granted under their permit. The permit holder or their employee may deliver that product.
- H-class permit holders may also deliver alcohol beverage products but cannot sell them.
- The permit holder is responsible for verifying that they don’t sell to underage persons.
- Private clubs issued the D-4 liquor permit may sell and deliver drinks for off-premises consumption to their members only under the Ohio Liquor Control Commission’s emergency rule. (see requirement above)

Are D-4 permits and gentlemen’s clubs included with the shutdown since clubs were not mentioned?
- Yes. All liquor permits, including D-4 permits, are included in the Director of Health’s Order to cease sales of alcohol beverages for on-premises consumption.
Are manufacturing permits and tasting rooms included with the shutdown?
• Yes. All liquor permits, including manufacturing permits, are included in the Director of Health’s Order to cease sales of alcohol beverages for on-premises consumption.

Are patrons allowed inside the premises to pick up food or alcohol or utilize curbside/delivery?
• Yes. Customers may pick up their food or alcohol on-premises, at the drive-thru, or through delivery. Again, D-4 permit holders can only sell and deliver drinks for off-premises consumption to their members under the Ohio Liquor Control Commission’s emergency rule. (see requirement above)

What are the penalties for the sale of alcohol for on-premises consumption after 10 p.m. and who enforces if the Order is not followed?
• The Ohio Liquor Control Commission passed an emergency rule on July 31, 2020, requiring all liquor permit holders to stop on-premises sale of alcohol at 10 p.m. and restrict on-premise alcohol consumption between the hours of 11 p.m. and 5:30 a.m. Permit holders should know such sales after 10 p.m. are now prohibited and failure to comply with the Order may subject a permit holder to administrative action against their liquor permit, which could include an emergency order of suspension, citation, rejection of a renewal or transfer application, or revocation.

Who do I contact to report a non-compliant permit holder?
• If you have any questions, or would like to report a violation, you may contact:
  o The Department of Public Safety’s, Ohio Investigative Unit Liquor Agents here.
  o The Division of Liquor Control’s Investigative Services Supervisors and Legal Counsel at the following phone numbers and/or email addresses:
    ▪ Frank Chung, Investigative Services Eastern Ohio Region, 614-546-8492, Frank.chung@com.state.oh.us
    ▪ Shaun Powers, Investigative Services Western Ohio Region, 614-546-5658, Shaun.powers@com.state.oh.us
    ▪ Dominic Panzera, Legal Counsel, Ohio Division of Liquor Control, 614-644-2489, Dominic.Panzera@com.state.oh.us

Who should I call to get answers about the Mass Gathering Health Order?
• Contact your local Health Department.
• Call the COVID-19 hotline at 833-427-5634 or 833-4-ASK ODH.
• Call the Governor’s Constituent Services line at 614-466-3555

All Ohio liquor laws and rules are available via the Division of Liquor Control website under “Resources.”

As a reminder, many of the Division of Liquor Control staff will be teleworking during this public health emergency. The Division asks for your patience as staff respond to your needs through the remote network. As always, you may also email web.liqr@com.state.oh.us with any questions.

** PLEASE NOTE: This document is subject to change as new information becomes available**