

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

**AN 2021-02 -- ADVISORY NOTICE TO THE INDUSTRY REGARDING EXECUTIVE ORDER
NO. 219 (2021) THAT INCREASES INDOOR DINING CAPACITY TO 35 % AND PERMITS
INDOOR DINING OPERATIONS BETWEEN THE HOURS OF 10 P.M. AND 5 A.M.**

Background. On November 10, 2020, Governor Murphy signed Executive Order No. 194 (2020) (“EO No. 194”), which included new mitigation measures to address the recent spike in COVID-19 cases in New Jersey. EO No. 194 placed new restrictions on businesses that served food and drinks to the public and became effective on Thursday, November 12, 2020 at 6:00 a.m. On November 12, 2020, Governor Murphy signed Executive Order No. 195 (2020) (“EO No. 195”), that was effective immediately, which permitted municipalities and counties to further impose additional restrictions on the hours of operation of, among other things, non-essential businesses and food and beverage establishments, between the hours of 8:00 p.m. and 5:00 a.m.

In addition to EO No. 194 and EO No. 195, the Department of Health (“DOH”) issued revised Health and Safety Standards for Outdoor Dining Pursuant to Executive Order Nos. 150, 157 and 194 (November 12, 2020) and Health and Safety Standards for Indoor Dining Pursuant to Executive Order Nos. 183 and 194 (December 11, 2020) (collectively referred to as “DOH Health and Safety Standards”).

The Division issued AN 2020-10 on December 22, 2020 to assist licensees in complying with EO Nos. 194 and 195 and the revised DOH Health and Safety Standards.

EO 219. On February 3, 2021, Governor Murphy signed Executive Order No. 219 (2021) (“EO No. 219”), which described the statewide rate of COVID-19 transmission and the number of new hospital admissions, current hospitalized patients, ventilators in use, and patients in intensive care, have remained the same or have decreased over the past several weeks. Because of the improvements in

these key areas, EO No. 219 lifts certain restrictions that were designed to limit person-to-person contact.

Except for the two changes explained below, all other prior mitigating provisions, such as social distancing and face masking, as identified in the Executive Orders and DOH Health and Safety Standards and the Division's AN 2020-10 remain in effect.

1. **Permissible Indoor Dining Capacity.** The number of patrons permitted in indoor areas has been increased from 25 % to 35 % of the establishment's stated maximum capacity, excluding its employees. This new limit will continue to minimize congregation of large numbers of individuals in indoor settings.
2. **Permissible Indoor Dining Operating Hours.** Food and beverage establishments, as listed in the Applicability Section below, may resume in-person service at indoor areas from the hours of 10 p.m. and 5 a.m., unless otherwise restricted by municipal or county ordinance.** However, other mitigation protocols, including the prohibition on indoor bar seating or standing, remain in effect.

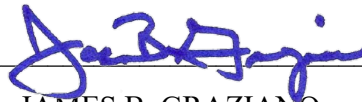
Food and beverage establishments and their patrons must comply with all health and safety measures required by Executive Orders and/or revised DOH Health and Safety Standards for Indoor Dining.

** Please note that municipalities and counties may impose additional restrictions on a licensee's hours of operation pursuant to EO No. 195. However, no municipality or county can prevent a licensee from arranging for the pickup or delivery of goods or otherwise limit their scope of operations. *See* Para 3 of EO No. 195 (2020).

Applicability. The following licensees or permittees (collectively referred to as “licensees”) with on-premises retail consumption privileges must comply with the new indoor dining requirements as outlined in EO No. 219 beginning at 8:00 a.m. on February 5, 2021:

1. Plenary Retail Consumption licensees (“33”);
2. Plenary Retail Consumption licensees with the “broad package privilege” (“32”);
3. Seasonal Retail Consumption licensees (“34”);
4. Plenary Retail Consumption licensees operating under the Hotel/Motel exception (“36”);
5. State Concessionaire permittees (“14”);
6. Golf Facility permittees (“40”);
7. Club licensees (“31”);
8. Limited Brewery licensees (“11”);
9. Restricted Brewery licensees (“08”);
10. Plenary Winery licensees (“21”);
11. Farm Winery licensees (“22”);
12. Cidery and Meadery licensees (“02”); and
13. Craft Distillery licensees (“07”).

Establishment owners, employees, and patrons should review EO No. 219, all other applicable Executive Orders, and revised DOH Health and Safety Standards for Outdoor and Indoor Dining. Any questions concerning this Advisory Notice should be directed to DAG Amy Beth Cohn at (609) 376-9672.



JAMES B. GRAZIANO
DIRECTOR

Dated: February 19, 2021
JBG/ABC