

Bars, Restaurants, Can Soon Double Their Indoor Capacity

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Pennsylvania bars and restaurants are finally getting a break they've been looking for from Gov. Tom Wolf, but it comes with some new stipulations.

The good news for the hospitality industry is that starting September 21, it can increase its indoor seating to 50% of its capacity, up from 25% since July. This comes at a time when restaurants have started to be concerned about what's going to happen to their when the colder temperatures of fall and winter descend upon the state and outdoor seating likely no longer will be available or desired.

But with the good news, there still are some drawbacks, which like prior orders, seem somewhat arbitrary when it comes to the spread of COVID-19. The governor's new directive requires all bars and restaurants that serve alcohol to stop alcohol sales at 10 p.m. Also, all former rules continue to be in place, such as the needs for a "meal" to be served with any purchase of any alcohol purchased for on-site consumption.

Also, any establishment that wishes to increase their indoor seating capacity to the 50% level must fill out new self-certification documents the state is providing. The self-certification documents will be available September 21, and must be completed by October 5.

According to the governor's office, the self-certification documents will include:

- A list of requirements contained in the current restaurant industry guidance and enforcement efforts.
- A statement that the owner has reviewed and agrees to follow these requirements.
- The business' maximum indoor occupancy number based on the fire code.
- A statement that the owner understands that the certification is subject to penalties for unsworn falsification to authorities.

Once a business completes the process, it will be entered into a searchable database of "Open & Certified Pennsylvania." The governor's office believes that appearing in this database "shows it cares about its customers, employees, community and the economic future of the state," [according to a news release](#).

The certification also will help the state with its enforcement efforts. Enforcement is conducted by Department of Agriculture and Pennsylvania State Police Bureau of Liquor Control Enforcement, and will be shared with the departments of State, Labor & Industry and Health, and other enforcement agencies, according to the release.

All establishments choosing to move to 50% of indoor capacity should self-certify as soon as possible and continue to comply with the state's mandates for mitigation of COVID-19. [The state also has added a FAQ sheet](#) to help businesses with some of their questions. If you have any questions on filling out the forms, please [contact me](#)

or any of the attorneys in the [Barley Snyder Hospitality Industry Group](#).

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