

Cocktails-to-Go Hoping to Help Restaurants and Bars

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With the stroke of the Gov. Tom Wolf's pen, some - but not all - Pennsylvania restaurant liquor license holders are able to sell cocktails to go, at least for now.

The "Cocktails-to-Go" bill intends to help restaurants and bars that have been impacted by the COVID-19 pandemic, as many of those establishments teeter on the edge of closing since under Gov. Wolf's stay-at-home order, they are not allowed to have people eating or drinking on-site. All food and drinks prepared must be for takeout only.

Under the new law, the prepared beverage/mixed drink must be in a sealed container of no less than 4 fluid ounces and not greater than 64 fluid ounces in a single transaction that is mixed on the licensed premises.

A "sealed container" is a packaged container with a secure lid or cap designed to prevent consumption without removal of the lid or cap, so the law specifically means the lids cannot have unsealed straw holes.

To qualify, the licensee holding a valid restaurant or hotel license must have lost more than 25% of its average monthly total sales because of the restrictions imposed from the COVID-19 pandemic.

License holders can prepare these drinks for off-premises consumption prior to 11 p.m. at establishments where meals prepared for pick-up or curbside pick-up are also available. Within 60 days of the law's effective date - May 21 - licensees selling the drinks to-go must begin utilizing a transaction scan device to verify the age of the customer if the person appears to be under 35 years old. There must be signage posted including language that the drinks to-go may only be transported by the driver of a motor vehicle in the vehicle's trunk or another area that is not occupied by a person.

The Pennsylvania Liquor Control Board has [published a FAQ sheet](#) to help license holders with all of the mandates of the new law, and to help train their staff. The Pennsylvania Restaurant and Lodging Association also has [provided a sheet bars and restaurants should post in their establishments](#).

These provisions will only be in effect during this emergency, as well as after the termination of the emergency while the licensee is operating at less than 60% capacity.

If you have any questions about the new "cocktails-to-go" legislation, please [contact me](#) or any member of the [Barley Snyder Hospitality Industry Group](#).

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