

Pa. Restaurants, Bars Get Some Clarity on Operating

PUBLISHED ON
July 23, 2020

Restaurants and bars have criticized Pennsylvania Gov. Tom Wolf not only for issuing orders that restrict their ability to generate revenue during the COVID-19 pandemic, but also for issuing orders that are either unclear, contradictory or lacking consistency while limiting their operation and occupancy.

On Wednesday, [the state responded with guidance](#) for its latest restrictions announced last week, after the latest orders resulted in dozens of questions. The hospitality industry probably won't like the way its questions were answered.

The new guidance goes into additional details about the [latest state mandates](#), which reduced the amount of indoor capacity restaurants can occupy, banned patrons from sitting at the bar of any establishment and - in what has become the most debated and controversial segment - ordered that patrons can only order alcohol with a "meal."

In the Pennsylvania Liquor Code, the state defines "meal" as "food prepared on the premises, sufficient to constitute breakfast, lunch or dinner; it shall not mean a snack, such as pretzels, popcorn, chips or similar food." The definition still led to some businesses that normally don't serve meals to get creative, offering \$1 hot dogs or bowls of cereal. But the guidance released Wednesday could put a stop to some of that. In addition to the questions about what constitutes a meal, the industry also questioned whether everyone in the group was required to order a meal and whether each drink required its own meal.

One of the components of the new guidance mandates that restaurant patrons - indoor or outdoor - can only consume alcohol while eating their meal. Once the meal is completed, a restaurant is no longer allowed to serve them alcohol. A patron looking to have more than one drink (responsibly) likely would have to eat a good amount of Cheerios and Oscar Mayers to stay at the establishment that doesn't normally serve food.

A saving grace is that according to the guidance, the state is allowing establishments that don't normally serve food to use a third-party vendor - like a food truck - to serve a meal to its patrons that want to purchase alcohol for on-site consumption. The establishment, however, is "to ensure that their customers have purchased a meal when alcoholic beverages are purchased," according to the [state's Q&A FAQ regarding the restrictions](#).

Some of the other [highlights](#) in the new guidance, according to the state:

- A group of customers who wish to consume alcohol on premises may do so as long as a meal is part of the purchase made by the group.
- Casinos may no longer provide drink service on the casino floor.

- If a club does not sell food, either directly or through a concessionaire, it cannot use its liquor license.
- Establishments considered "nightclubs" under the state's Clean Indoor Air Act may not operate.

If you have any questions about the state's mandates for operating with a liquor license, please [contact me](#) or any member of the [Barley Snyder Hospitality Industry Group](#).

WRITTEN BY:



Derek P. Dissinger

Partner

Tel: (717) 553-1075

Email: ddissinger@barley.com