

## **DBR LIQUOR SECTION - INFORMATION FOR COVID-19**

**This page was last updated on June 22, 2020.**

**As this is a constantly evolving situation, liquor businesses are responsible for staying updated on relevant Executive Orders and health protocols.  
See [www.reopeningri.com](http://www.reopeningri.com).**

**Compliance** - Licensees shall comply with all Executive Orders and state agency directives and guidance issued concerning the COVID-19 public health emergency.

**General Statement Regarding Delivery Services** - The Department reminds licensees that they can deliver and/or ship if specifically permitted by current law, executive order, or other DBR guidance. Any licensee who is permitted to do so must follow any and all specific requirements applicable.

Per R.I. Gen. Laws § 3-8-9, deliveries of alcoholic beverages can only be conducted by persons 21 years of age or older. All licensees must strictly abide by the laws prohibiting sales to minors by properly checking valid government issued identification. Similarly, licensees must strictly follow the laws prohibiting sales to intoxicated persons by evaluating signs of intoxication as taught in server training.

Finally, licensees should keep detailed records of their compliance with all of these requirements for any delivery/shipment it chooses to make. Such records are subject to inspection by the Department.

### **Class B Restaurants/ Bars**

The Governor's Executive Order on May 29, 2020 gives Class B liquor licensee's (restaurants) the ability during the COVID-19 outbreak to sell the below listed alcoholic beverages in the amounts stated with take- out food only.

Section 3-7-7 of the Rhode Island General Laws requiring a Class B licensee to sell alcohol for consumption only on the premises shall continue to be suspended. A Class B licensee will now be permitted to sell, with take-out food orders, up to 2 bottles of wine, 144 ounces of beer or mixed beverages in original factory sealed containers, and 144 ounces of draft beer or 72 ounces of mixed beverages containing not more than 9 ounces of distilled spirits in growlers, bottles or other containers sealed in such a way as to prevent re-opening without obvious evidence that the seal was removed or broken, provided such sales shall be made in accordance with Section 1.4.10 of the Department of Business Regulation (DBR) Liquor Control Administration Regulations, 230-RICR-30-10-1 and any guidance or other DBR regulations. Any restaurant, bar or establishment that offers beer, mixed beverages or wine pursuant to this Order must do so in accordance with the social distancing protocols, regulations and guidance set forth by RIDOH.

Delivery of alcoholic beverages with food from a Class B (restaurant) is still prohibited.

See [www.reopeningri.com](http://www.reopeningri.com) for restaurant guidelines pertaining to outdoor and limited indoor dining.

### **Class A Liquor Stores**

A Class A liquor license (liquor or package store) can deliver alcoholic beverages subject to the conditions set forth in the liquor regulations. This is not a special COVID-19 rule; rather, such deliveries were permitted under laws already in place.

#### 1.4.10 Deliveries – Retail

- A. A Class A alcoholic beverage licensee may deliver alcoholic beverages to the residence of a customer. In making a permissible delivery, a licensee must be sure that the alcoholic beverage is not delivered into the possession of a person under the age of twenty-one (21). No identification documents shall be accepted unless they bear a photographic representation of the person accepting the delivery.
- B. Sale and delivery shall be made only during the legal hours of business for a Class A license by an employee and/or owner of the licensed establishment.
- C. Each delivery must be accompanied by an invoice which shall state at a minimum: 1. Name of licensed establishment or person making delivery; 2. Name and address of purchaser; 3. Date of delivery; 4. List of products being delivered; and 5. Signature of consignee.

**Breweries and Distilleries** can take online or phone orders (for amounts up to their statutory caps for off premises sales) and the customer can pick up the order at the facility or curbside (following social distancing). There is no provision allowing for home delivery.

Breweries and distilleries are authorized to follow the restaurant guidelines for outdoor and limited indoor service. See [www.reopeningri.com](http://www.reopeningri.com).

**Farmer-Wineries** may ship wine to customers pursuant to R.I. Gen. Laws § 3-6-1.1(e) (as in through the mail by common carrier). There is no provision allowing for home delivery (as in transport by the farmer-winery's employees).

If Farmer-Wineries choose to ship under R.I. Gen. Laws § 3-6-1.1(e), they must follow provisions of § 3-4-8, specifically: (1) "order for intoxicating beverages personally placed by the purchaser at the manufacturer's premises;" (2) "for nonbusiness purpose" (i.e. not delivering to a restaurant or liquor store or other business); and "any shipment of intoxicating beverages pursuant to this section shall contain the language: 'Contains Alcohol, Adult Signature (over 21) Required for Delivery.'"

Farmer-wineries may also conduct outdoor and limited indoor service under the restaurant guidelines. See [www.reopeningri.com](http://www.reopeningri.com).

### **Class P Caterer Liquor Licensees**

The Class P liquor license is for alcohol service at catered events only. The delivery of beer,

wine, spirits and pre-mixed cocktails by a Class P (Caterer) liquor licensee is permitted only for such catered events.

### **Signature Requirements for Liquor Sale Transactions – Sanitary Concerns**

DBR is aware of sanitary concerns with physically passing paper/pens and/or electronic devices between employees and customers during the COVID19 situation. As such, DBR will consider a licensee to be compliant with the signature requirements if the delivering employee signs in the format of "(Employee Name) FOR (Customer Name)," provided proper identity and age verification has been conducted.

Similarly, in the situation of a wholesaler delivering to a retailer or a wholesaler obtaining product from a manufacturer, one party may sign to document the transaction without physically passing paper or electronic devices to the other party, using the "(Employee Name) FOR (Customer Name)" signature format.

### **Questions about Insurance**

Liquor licensees who are required to maintain liquor liability or any other type of insurance pursuant to the applicable statutes, regulations, and/or ordinances should maintain such insurance if any portion of the business continues to operate, even after a partial closure or restriction on scope of permitted activities as a result of an Executive Order during a State of Emergency (including the COVID-19 pandemic).

Holders of locally issued liquor licenses who are completely closed and not operating should contact the issuing authority as to whether action would be taken by the municipality if they fail to maintain coverage during closure based on COVID-19, fail to provide notice of cancellation of coverage to the Board, or other related concerns. Note that because local liquor license revocations are appealable to the Department of Business Regulation, the Department does not opine on specific matters that could come before it on appeal.

Liquor licensees should contact their insurance company and/or legal counsel to discuss how their coverage may be affected by the change in the scope of activity during the COVID-19 situation (for example, some insurance policies may contain an "On-Premises Endorsement").

Those discussions may reveal that additional coverage may be required or that the coverage already addresses the change in scope of activity.