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Frequently Asked Questions Regarding Bar Closures and Reduced Capacity

Note: All answers contained in this document are contingent on the business's ability to comply with the reopening guidelines found at: https://govsite-assets.s3.amazonaws.com/TdYXqclstJGOgl4XOBf8_Healthy%20at%20Work%20Regs%20-%20Restaurants%20-%20Final%20Version%201.0.pdf

Q: Who can remain open?

A: Licensees that operate as traditional restaurants and licensees that have a food permit so long as they are actively providing food to patrons, not just alcohol. This does not include businesses primarily engaged in the sale of alcoholic drinks that serve popcorn, hot dogs, snacks or other concessions incident to its primary pursuit

Q: Can a licensee with a concession permit remain open?

A: No. The licensee must have a food permit at minimum.

Q: May a licensee without a food permit partner with a caterer, food truck, or local restaurant and remain open?

A: No, the bar will need to obtain a food permit to remain open.

Q: If an establishment has both indoor and outdoor seating does the 25% capacity apply to just the indoor area or to the indoor and outdoor area as a whole?

A: The 25% capacity applies to indoor seating with appropriate social distancing and other Healthy at Work guidelines. Outdoor seating is not capacity-based but must also comply with appropriate distancing and other Healthy at Work guidelines for restaurants.

Q: Is live music allowed if people remain at their tables and comply with all guidelines related to social distancing, etc.?

A: Yes

Q: May a licensee expand outdoor seating in a parking lot, yard or other adjacent area?

A: The licensee may put tables in its parking lot/back yard, etc. if the area is part of its deeded/leased property without further steps related to alcohol licensing. Servers can bring the alcohol from inside the restaurant outside to the patrons at the tables.

If the business somehow expands the outdoor area to a different parcel that isn't in its deed/lease (for example, a neighbor business allows them to use their portion of a backyard or parking lot), the licensee will need to send a letter of material change to notify ABC (an email will suffice). If the business wants to set up an additional bar outside with its outdoor seating, a supplemental license is required.

****Any action related to expanding outdoor seating or structures also requires compliance with the regulatory authority of the Kentucky Department of Housing, Buildings, and Construction. By way of example only, occupancy permits may be based on plumbing facilities sufficient to serve the intended capacity. Expanded outside capacity must be consistent with these requirements. By way of further example, certain temporary outdoor structures and certain types of tents may require a Certificate of Occupancy from the Kentucky Department of Housing, Building and Construction before utilization.***

Q: Are restaurant patrons able to go to the bar just to drink and not order food?

A: No.

Q: May restaurants continue to provide alcohol to go with curbside service, carry-out and delivery orders?

A: Yes.

Q: If a bar has a food permit, will minors be allowed on the premises?

A: No. License types that exclude minors should continue to comply with laws related to minors on the premises.

Q: Are golf course licensees with food permits allowed to remain open?

A: Yes.

Please direct questions to Allyson.Taylor@ky.gov