



Relative and Applicable Statutes and Rules: RSA 178:22; 178:13; 178:6; 178:12; 178:12-a; 178:8; 178:7; 178:20-a

Outside Area Reopening for On- Premises Licensees

1. Purpose

In our continued efforts to assist New Hampshire liquor licensees during the COVID-19 pandemic, the New Hampshire Liquor Commission-Division of Enforcement & Licensing would like to offer additional information relative to Emergency Order #40 Exhibit C- Reopening Guidelines for Restaurants, as it relates to **outside areas**.

2. Discussion

Emergency Order #40 Exhibit C states, in part, “As an extension of the curbside and delivery model, restaurants are permitted to offer outdoor dining beginning on May 18, 2020. Restaurants are permitted to expand outside wherever an outdoor area can be set up safely, such as parking spaces close to entrances, sidewalks, existing patios, lawn areas. Outdoor areas must be able to be cleaned and disinfected, as appropriate. The outdoor space must be clearly delineated and distanced from the general public. If expansion is in shared space, restaurants must coordinate and seek approval from local authorities.”

In addition to restaurants, the order to open outside areas also applies to other on-premises licensees to include:

Certain Cocktail Lounge licensees, pursuant to RSA 178:22 to include:

Airports

Veterans Clubs, Private Clubs and Social Clubs

Hotels

Vessels

Sports Recreation Facility- Relative to Emergency Order #40

NEW HAMPSHIRE LIQUOR COMMISSION

Division of Enforcement, Licensing and Education

Industry Circular

Number 2020-08

Issued: May 6, 2020



Brew Pub licensees, pursuant to RSA 178:13- Restaurant/ tasting.

Liquor Manufacturer licensees, pursuant to RSA 178:6- Restaurant/ tasting.

Beverage Manufacturer licensees, pursuant to RSA 178:12- Restaurant/ tasting.

Nano- Brewery licensees, pursuant to RSA 178:12-a- Restaurant/ tasting.

Wine Manufacturer licensees, pursuant to RSA 178:8- Restaurant/ tasting.

Rectifier licensees, pursuant to RSA 178:7- Tasting only.

On-Premises Cigar, Beverage, and Liquor Licenses, pursuant to RSA 178:20-a.

All provisions of Exhibit C will apply to the above licensees if they choose to open outside areas.

The link to Exhibit C is: <https://www.governor.nh.gov/news-media/stay-at-home/documents/20200501-restaurants.pdf>

Please send notification, documents and/ or approvals to reopen@liquor.nh.gov.

3. Questions

Please contact the New Hampshire Liquor Commission- Division of Enforcement & Licensing at 603-271-3521.

Frequently Asked Questions

Q. Can I serve alcohol in an outside area?

A. Yes. Beginning on May 18, 2020 and pursuant to Executive Order 40, Exhibit C provides an extension of the curbside and delivery model. Restaurant are permitted to expand outside wherever an outdoor area can be set up safely, such as parking spaces close to entrances, sidewalks, existing patios, lawn areas. Outdoor areas must be able to be cleaned and disinfected, as appropriate. The outdoor space must be clearly delineated and distanced from the general public. If expansion is in a shared space, restaurants must coordinate and seek approval from local authorities.



Q. Can I serve spirits (liquor) outside?

A. If your licensee through the New Hampshire Liquor Commission- Division of Enforcement & Licensing allows you to serve spirits (liquor) under normal circumstances, you are allowed to serve spirits (liquor) to your extended service area outside.

Q. Can I put a mobile bar in the outside area?

A. Yes. You can set up a mobile bar/ serving station in the outside area. If the area is a shared space (i.e. shared parking lot, sidewalk, roadways), you are required to get approval from local authorities.

Q. If my outside area is already approved, do I need to seek additional approvals?

A. No. If your outside area is previously approved as a permanent extension of service, you do not need any additional approvals.

Q. Do I need approval if I want to extend my service outside in a shared space (i.e. shared parking lot, sidewalk, roadways)?

A. Yes. You are required to communicate with local authorities in order to get approval to extend your service to an area you would not typically be authorized to do so. Once approval is obtained from local authorities, documents can be sent to reopen@liquor.nh.gov.

Q. How do I notify the Division of Enforcement & Licensing about the extension of service to an outside area?

A. Please send all local approvals and notifications to reopen@liquor.nh.gov.

Q. How long does the extension of service to an outside area last?

A. The temporary extension of service to an outside area will last throughout the duration of the Executive Order. If you intend to have your outside area a permanent extension, normal procedures for approvals apply.

Q. Where can I obtain additional information on the reopening guidelines?

A. Additional information can be obtained on the New Hampshire Liquor Commission Division of Enforcement website at <https://www.nh.gov/liquor/enforcement/> under "News & Events". Direct link to the Stay at Home 2.0 Restaurants- Covid- 19 Reopening Guidance can be found at <https://www.governor.nh.gov/news-media/stay-at-home/documents/20200501-restaurants.pdf>.