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Breadcrumbs

[ATC](#) Covid 19 Action

COVID-19 Action

** The most recently posted policies and procedures supersedes any conflicting policy or procedure previously posted.*

- **COVID19 Resources:** Below are some resources to guide you through COVID19 and its business implications.
 - [Click here](#) for the Indiana State Department of Health
 - [Click here](#) for the Center for Disease Control
 - [Click here](#) for Governor Holcomb's Stay at Home Executive Order, deeming grocery stores, restaurants for carryout and liquor stores as essential services
 - [Click here](#) for Frequently Asked Questions regarding the Stay at Home order
 - [Click here](#) for information on the State's hotline to help businesses & industry with the Stay-at-Home Order
 - [Click here](#) for Governor Holcomb's Executive Order on the Carryout Consumption of Alcohol
 - [Click here](#) for Governor Holcomb's Executive Order on the Enforcement Directive Regarding Prohibition of In-Person Dining
 - [Click here](#) for Governor Holcomb's Executive Order on the Continuation of EOs 20-04, 20-10, and 20-11 Pertaining to Restaurants and Alcoholic Beverages
 - [Click here](#) for Governor Holcomb's Executive Order on Continued Directive for Hoosiers to Stay at Home; Extension of Continuity of Operations of Government; and Extension of Executive Orders Pertaining to Restaurants and Alcoholic Beverages
 - [Click here](#) for Governor Holcomb's Executive Order 20-26, Roadmap to Reopening Indiana for Hoosiers
 - [Back On Track Indiana](#) site
 - [Click here](#) for Governor Holcomb's Executive Order 20-28, Back on Track: Reopening Indiana in Stage Three
 - [Click here](#) for Governor Holcomb's Executive Order 20-31, Additional Extensions of Time in Response to the Covid-19 Public Health Emergency

- [Click here](#) for Governor Holcomb's Executive Order 20-32, Back on Track Indiana: Stage Four
- [Click here](#) for Governor Holcomb's Executive Order 20-34, Fourth Renewal of Public Health Emergency Declaration For the Covid~19 Outbreak
- [Click here](#) for Governor Holcomb's Executive Order 20-35, Back on Track Indiana: Stage 4.5
- [Click here for](#) Governor Holcomb's Executive Order 20-36, Continuation of Stage 4.5
- [Click here](#) for Governor Holcomb's Executive Order 20-39, Back on Track Indiana: Second Continuation of Stage 4.5
- [Click here](#) for Governor Holcomb's Executive Order 20-42, Third Continuation of Stage 4.5 of Indiana's Back On Track
- [Click here](#) for Governor Holcomb's Executive Order 20-43, Back on Track Indiana: Stage Five - The New Normal During a Global Pandemic
- [Click here](#) for Governor Holcomb's Executive Order 20-44, Seventh Renewal of the Public Health Emergency Declaration for the Covid-19 Outbreak
- [Click here](#) for Governor Holcomb's Executive Order 20-47, Eight Renewal of the Public Health Emergency Declaration for the Covid-19 Outbreak
- [Click here](#) for Governor Holcomb's Executive Order 20-48, County-Based Measures and Restrictions Based on the Impact and Spread of the Coronavirus Disease (Covid-19)
- [Click here](#) for Information on County-Based Assessments
- [Click here](#) for Governor Holcomb's Executive Order 20-49, Ninth Renewal of the Public Health Emergency Declaration for the Covid-19 Outbreak
- [Click here](#) for Governor Holcomb's Executive Order 20-53, Extension of Executive Order 20-50 with Continuation of County-Based Measures and Restrictions Based on the Impact and Spread of the Coronavirus Disease (COVID-19)

• **June 2021 - Information on [Executive Order 21-13, Recession of Prior Directives](#)**

- EO 21-13 makes the following changes to prior alcoholic beverage executive orders
 - The directive in Executive Order 20-11 ¶ 1 allowing certain retail restaurant locations to fill growlers and sell alcoholic beverages for carryout and will be rescinded and cease on June 30, 2021.
 - The directives in Executive Order 20-11 ¶ 2 and Executive Order 20-14 ¶ 3 excluding carryout alcohol sales made during the duration of the declared emergency from counting toward the restaurants carryout sales under Ind. Code § 7.1-3-20-9.5 (requires at least 60% of alcohol be sold for on-premises consumption) will be rescinded and cease on June 30, 2021.
 - Permittees with permanent carryout subtype: Gross Retail Income Required will need to begin tracking their on-premises/off-premises alcoholic beverage sales beginning July 1, 2021.
 - The directive in Executive Order 20-14 ¶ 3(a) permitting a restaurant employee to bring alcoholic beverages to an area adjacent to the permit premises for the purpose of completing a transaction will be rescinded and cease on June 30, 2021, as this provision has been codified for certain permittees in [HEA 1396-2021](#) which becomes effective July 1, 2021.
 - The directives in Executive Order 20-23 ¶¶ 4 & 5 pertaining to documents submitted during permit hearings will be rescinded and cease as of June 30, 2021, as in-person meetings and hearings resume.
 - Specifically, a property tax clearance Form 1 must once again include an embossed seal of the county treasurer for the application of a new, transfer, or renewal alcoholic beverage permit as required by Ind. Code § 7.1-3-21-15.
 - Additionally, an applicant for a new or transfer alcoholic beverage permit in a county having a consolidated city must again provide documentation required by Ind. Code §§ 7.1-3-1-5.5 and 7.1-3-1-5.6 at the public hearing and will no longer be permitted to provided the documentation after the hearing.

- [EO 21-12](#) extends Executive Order 20-14, which allows permittees not otherwise eligible for carryout, to sell alcoholic beverages for carryout and allows permittees to take alcohol to a vehicle adjacent to a restaurant premises until May 31, 2021.
- **April 9, 2021 - Information on [Executive Order 21-09](#), Modification of county-based measures and restrictions based on the impact and spread of the coronavirus disease (COVID-19)**
 - *Individuals are encouraged to wear a face covering over the nose and mouth in public locations
 - *Customers are no longer required to be seated while in a bar or restaurant
 - *Restaurants, bars, taverns, nightclubs, and other establishments are encouraged to continue to arrange tables and seating in a manner that allows for 6 feet of separation between different household groups. Local governments and private businesses may still have more restrictive measures in place. It is important for alcoholic beverage permittees to work with local government officials and county health departments to determine what, if any, local directives are in place.

December 1, 2020 *Edited March 31, 2021* - Information on Executive Order 20-49, Back on Track Indiana: Stage Five, Information on Executive Order 21-08, Thirteenth Renewal of the Public Health Emergency Declaration for the COVID-19 Outbreak

- Previously issued capacity limits for restaurants, bars, taverns, nightclubs and other establishments providing in-person food and/or drink service have been rescinded and replaced with the following requirements:
 - all patrons must remain seated while consuming food and/or drink or when otherwise remaining on the premises; and
 - seating must be arranged and maintained so that individuals, households or parties are spaced at least six feet apart from any other individual, household or party.
 - Self-service beverage stations are permitted and self-service food stations (buffets, salad bars, etc.) are permitted but not recommended unless a staff member serves patrons.
 - Information on county-based restrictions can be found [here](#). Information on county assessments can be found [here](#).
 - EO 20-49 & EO 21-08 extends Executive Order 20-14, which allows permittees not otherwise eligible for carryout, to sell alcoholic beverages for carryout and allows permittees to take alcohol to a vehicle adjacent to a restaurant premises until **April 30, 2021**.
 - **November 20, 2020 - Expanded Floorplans for Manufacturers**
 - Manufacturers who wish to expand their floorplan to accommodate outdoor seating and social distancing during the public health emergency may do so by emailing their local Excise lieutenant with an outline of the amended floorplan. These privileges be available for the duration of the Governor's public health emergency.
1. Can a manufacturer expand a patio area into the right-of-way including a sidewalk or closed street? Yes, if the location has permission from the local unit of government.
 2. How do I notify Indiana State Excise Police about my amended floor plan? Send your amended floorplan to the district commander of the Excise district where your establishment is located. Information on Excise districts can be found [here](#). (District 1 – ncanal@atc.in.gov; District 2 – krinehart@atc.in.gov; District 3 – kakers@atc.in.gov; District 4 – blang@atc.in.gov; District 5 – tthickstun@atc.in.gov; District 6 – jlang@atc.in.gov)

3. How do I indicate the new foot print of my patio area? The temporary patio area must be delineated in some manner by rail, wall, or hedge. The delineation may be a temporary structure for the duration of the public health emergency.

4. Can I add an outdoor bar to my patio? No. Outdoor bars are not allowed for many permit types. Alcoholic beverage service on patios should be through table service only.

5. If we are currently limited to 21 and over, can we allow minors on our new patio area? No. Your age restrictions must remain the same as they were before the temporary floor plan amendment.

- **Nov. 2, 2020 - Information on Executive Order 20-47, Back on Track Indiana: Stage Five**

- Previously issued capacity limits for restaurants, bars, taverns, nightclubs and other establishments providing in-person food and/or drink service have been rescinded and replaced with the following requirements:
 - all patrons must remain seated while consuming food and/or drink or when otherwise remaining on the premises; and
 - seating must be arranged and maintained so that individuals, households or parties are spaced at least six feet apart from any other individual, household or party.
- Self-service beverage stations are permitted and self-service food stations (buffets, salad bars, etc.) are permitted but not recommended unless a staff member serves patrons.
- EO 20-47 extends Executive Order 20-14, which allows permittees not otherwise eligible for carryout, to sell alcoholic beverages for carryout and allows permittees to take alcohol to a vehicle adjacent to a restaurant premises until **December 1, 2020**

- **Sept. 28, 2020 - Information on Executive Order 20-43 and 20-44, Back on Track Indiana: Stage Five**

- Previously issued capacity limits for restaurants, bars, taverns, nightclubs and other establishments providing in-person food and/or drink service have been rescinded and replaced with the following requirements:
 - all patrons must remain seated while consuming food and/or drink or when otherwise remaining on the premises; and
 - seating must be arranged and maintained so that individuals, households or parties are spaced at least six feet apart from any other individual, household or party.
- Self-service beverage stations are permitted and self-service food stations (buffets, salad bars, etc.) are permitted but not recommended unless a staff member serves patrons.
- EO 20-44 extends Executive Order 20-14, which allows permittees not otherwise eligible for carryout, to sell alcoholic beverages for carryout and allows permittees to take alcohol to a vehicle adjacent to a restaurant premises until **November 1, 2020**.

- **Sept. 8, 2020 - Limited Separation**

- Pursuant to Executive Order 20-10, the Chairman of the Indiana Alcohol and Tobacco Commission made the following amendments to 905 IAC 1-42-2, Separation of Rooms.
- 905 IAC 1-42-2 Separation of rooms

Authority: IC 7.1-2-3-7

Sec. 2. (a) In a permit premises meeting the criteria in this section, the separation of the bar area from the dining area, where minors may be served, may be a structure or barrier that reasonably deters free access and egress without requirement for doors or gates. In order to qualify for the bar area separation permitted in this section, a permittee or applicant must have a minimum gross food sales or minimum projected food sales of **one hundred thirty-two thousand dollars (\$132,000)** per permit year or sixty percent (60%) of the gross food and alcoholic beverage sales or projected sales, **not** including carry out or catering food sales, must be in the sale of food.

(b) In all other permit premises covered by a retail permit, a room containing a bar must be separated from any family room where minors are to be permitted. The family room shall be separated from the barroom by a nontransparent wall at least seventy-two inches high. The barroom may be accessed by one (1) or more doorways. An open archway of no more than five (5) feet in width is sufficient.

(c) In a permit premises covered by a retail permit, in a room that contains no bar, the area from which the alcoholic beverages are dispensed must not be located in the eating area and must not be accessible to the consuming public.

(d) In a permit premises described in subsection (a) or (b), alcoholic beverage service may be provided by a cart; however, only brandy, fortified wines, and cordials may be served from such cart.

(e) An approved floor plan must be on file with the Indiana alcoholic beverage commission. (*Alcohol and Tobacco Commission; 905 IAC 1-41-2; filed Sep 5, 1996, 11:00 a.m.: 20 IR 19; errata filed Oct 28, 1996, 10:30 a.m.: 20 IR 760; readopted filed Jan 7, 2003, 4:31 p.m.: 26 IR 1735; readopted filed 905090609RFA; readopted filed Nov 16, 2015, 2:55 p.m.: 20151216-IR-905150254RFA*)

- **July 17, 2020 - Temporary Event Permit Rule Amendment**
- The chairman temporarily amends 905 IAC 1-11.1-1, temporary beer and wine permits, to read as follows:
 - The fee for a temporary beer and wine permit is fifty dollars (\$50) per day. Except as provided in subsection (2), no rain checks will be given on any of the above events.
 - Temporary event permits issued on or after **March 1, 2020** that were cancelled or rescheduled as a result of the public health emergency related to COVID-19, may be:
 - Rescheduled within six (6) months of the original event date upon request of the applicant; or
 - Refunded upon request of the applicant.
- [Click here](#) for the form to request refund of temporary event permit
- **July 1, 2020 - Information on Executive Orders 20-34, 20-35, 20-36, 20-39, 20-42: Stage 4.5 - Edited August 28, 2020**
 - Through at least **September 25, 2020**, dining room food service may continue operations at up to 75 percent capacity as long as social distancing is observed. Bar seating in restaurants may continue operations at 50 percent capacity. Bars and nightclubs may continue operations open at 50 percent capacity as long as they adhere to social distancing guidelines.
 - Am I still able to sell alcoholic beverages for carryout without applying for the privilege? Yes. EO 20-34 extends Executive Order 20-11, which allows permittees not otherwise eligible for carryout, to sell alcoholic beverages for carryout until **September 25, 2020**.
 - How can I verify the age of an alcoholic beverage or tobacco or e-liquid purchaser? It is the responsibility of permittees to ensure alcohol and tobacco are not served or sold to minors. If permittees are unable or unwilling to verify age or identification because the customer cannot or will not remove their mask, then they run the risk that alcohol or tobacco will be served or sold to a minor. Additionally, dealer permittees such as grocery stores and package liquor stores are statutorily-required to check the identification of individuals purchasing alcohol who appear less than 40 years of age. There is no legal requirement to sell or serve alcohol or tobacco to a person if the licensee is not satisfied that the customer is 21 or older. The ATC has suggested that checking ID and having the customer remove their mask could be done at a safe distance,

but that is ultimately up to them. Simply put, not removing the mask will not insulate the licensee from liability for serving alcohol to a minor.

- What if I can't get a County Surveyor Form because the Surveyor's office is closed? It is our understanding that the Marion County Surveyor's Office is now open, therefore the Indiana Alcohol and Tobacco Commission will require the county verification of business location be included with the initial application.
- Is curbside service still permitted during Stage 4.5? Yes.
- As a permittee selling beer for retail in Indiana, can I still sell beer in a growler, crowler, etc. during Stage 4.5? Yes.

- **June 11, 2020 - Information on Executive Order 20-32: Stage Four**

- Permittees with inperson full service dining (restaurants, wineries, country clubs, etc.):
 - Bar seating: During Stage 4, bar seating may reopen at 50% seating capacity
 - Dining Area: Dining areas other than the bar may be open at 75% capacity.
- Permittees without inperson full service dining (i.e. bars, taverns, nightclubs, breweries, wineries, artisan distilleries, etc.):
 - Bar seating: During Stage 4, bar seating may open at 50% seating capacity.
 - Dining area: Areas other than the bar may be open at 50% capacity, determined by your local fire or building code inspector.
- Type II Gaming
 - Working within Governor Holcomb's Roadmap to Safely Reopen Indiana, licensed Type II gaming activities are permitted to resume beginning Monday, June 15, 2020 at 6:00 a.m. Local governments may impose more restrictive guidelines. Please contact individual charities for specific opening times and plans.
 - [Click here](#) for the ATC Health and Safety Reopening Guidelines for Type II Gaming.
- FAQs
 - Am I still able to sell alcoholic beverages for carryout without applying for the privilege? Yes. EO 20-32 extends Executive Order 20-11, which allows permittees not otherwise eligible for carryout, to sell alcoholic beverages for carryout until July 3, 2020.
 - How can I verify the age of an alcoholic beverage or tobacco or e-liquid purchaser? It is the responsibility of permittees to ensure alcohol and tobacco are not served or sold to minors. If permittees are unable or unwilling to verify age or identification because the customer cannot or will not remove their mask, then they run the risk that alcohol or tobacco will be served or sold to a minor. Additionally, dealer permittees such as grocery stores and package liquor stores are statutorily-required to check the identification of individuals purchasing alcohol who appear less than 40 years of age. There is no legal requirement to sell or serve alcohol or tobacco to a person if the licensee is not satisfied that the customer is 21 or older. The ATC has suggested that checking ID and having the customer remove their mask could be done at a safe distance, but that is ultimately up to them. Simply put, not removing the mask will not insulate the licensee from liability for serving alcohol to a minor.
 - What if I can't get a County Surveyor Form because the Surveyor's office is closed? The ATC is aware that applicants are experiencing delays getting new applications filed for Marion County because of the closure of the Marion County Surveyor's Office. The ATC will temporarily accept applications for Marion County without the surveyor's form. The meeting will be scheduled for the local board indicated on the application. When the Marion County Surveyor's Office reopens, the applicant must submit the county verification form. If the information provided on the application does not match the surveyor's form, the ATC will not be able to adjust the local board assigned and the applicant will need to withdraw the application and start the application process over. The ATC suggests that the applicant use other means to verify the location's jurisdiction, including GIS Mapping and prior county surveyor forms for the location, before submitting an application. This exception to submitting a county verification form for Marion County will only be in place until the Marion County Surveyor's Office reopens. If there are other counties

that are closed and not providing county surveyor forms, please let the ATC know and we will evaluate how to proceed.

- Is live music permitted during Stage 4? Yes.
- Is curbside service still permitted during Stage 4? Yes.
- Is a disc jockey or karaoke considered live music and permitted in Stage 4? Yes.

- **June 5, 2020 - Information on Executive Order 20-31**

- All state-issued permits and licenses have been extended to June 30, 2020.
- This Executive Order lowers statutorily-required annual food sales figures proportional to the duration of the public health emergency.
- The drop-dead date of escrowed permits previously set for July 1, 2020 has been extended to October 1, 2020.

- **May 22, 2020 - FAQs on Executive Order 20-28, Reopening Indiana in Stage 3**

1. What is a “bar area”? The bar area for the purposes of Executive order 20-28 is the counter over which drinks are served. During Stage 3, this area should be for employees only. Chairs should be removed or marked as unavailable. Ordering, serving, and consuming food and drinks for on-premises consumption is prohibited in this area. To the extent that this area is being used for ordering and serving of carryout food orders, a business may continue to do this while following the CDC guidelines.
2. What is a bar or tavern that must remain closed under Paragraph 10b during Stage 3? A bar or tavern is a premises that prohibits the entry of anyone under the age of twenty-one and is not in the business of providing in-person full dining service. A business that merely meets the minimum food requirements outlined in 905 IAC 1-20-1 of having hot soups, hot sandwiches, coffee, soft drinks, and milk available does not qualify to open for on-premises sales during stage 3.
3. Can a retail restaurant permittee that is limited to customers twenty-one and over allow on-premises dining during Stage 3 at 50% capacity and following other social distancing and sanitation measures? Yes. The bar area must remain closed and the business must provide in-person full dining service. A business that merely meets the minimum food requirements outlined in 905 IAC 1-20-1 of having hot soups, hot sandwiches, coffee, soft drinks, and milk available does not qualify to open for on-premises sales during stage 3.
4. What is “in-person full dining service”? In-person full dining service is a menu with specific, dedicated courses and a wide selection of foods and beverages. Merely meeting the minimum food requirements outlined in 905 IAC 1-20-1 of having hot soups, hot sandwiches, coffee, soft drinks, and milk available is not enough for in-person full dining service.
5. Can farm winery, artisan distillery, and small brewery tasting rooms open in Stage 3 for retail, carryout sales? Yes, while following proper guidelines.
6. Can farm wineries, artisan distilleries, or small breweries use their tasting room bars for on-premises tastings when restaurants are allowed to open at 50% capacity? A tasting room bar that is a counter over which drinks are served must remain closed in Stage 3. Tables away from the counter over which drinks are served, may be used from on-premises consumption if the location provides in-person full dining services. The premises should also limit capacity to 50% of seating capacity, screen staff for COVID-19 symptoms, require all employees and staff to wear face coverings, space tables at least 6 feet apart, and seat customers in groups of 6 people or less.
7. Is live music prohibited in outside dining areas during Stage 3? Yes.
8. Is curbside service still permitted during Stage 3? Yes.

9. Is a disc jockey or karaoke considered live music and prohibited in Stage 3? Yes.
10. Can patrons play pool or billiards at a premises during stage 3? Yes. As long as the premises is providing in-person full dining service, limiting capacity to 50% of seating capacity, screening staff for COVID-19 symptoms, requiring all employees and staff to wear face coverings, spacing tables at least 6 feet apart, and seating customers in groups of 6 people or less.
11. Is pub trivia permitted during Stage 3? Yes. As long as the premises is providing in-person full dining service, limiting capacity to 50% of seating capacity, screening staff for COVID-19 symptoms, requiring all employees and staff to wear face coverings, spacing tables at least 6 feet apart, and seating customers in groups of 6 people or less.
12. Can a permittee sell for carryout and allow people to consume at a location on the property that is not part of the licensed premises? See the May 15, 2020 FAQs below on expanded floorplans.
13. Is type II gaming permitted during Stage 3? No. Gaming operations are permitted to resume during Stage 4.
14. Are fraternal and social clubs limited to the social gathering number restrictions or the 50% restaurant seating capacity? A fraternal club with in-person full service dining can may be open at 50% seating capacity throughout the venue. A fraternal club that does not have in-person full service dining must follow the social gathering restrictions. During Stage 3, the social gathering restrictions are no more than 100 people.
15. Can fraternal and social clubs have special events such as fish fries? If the event occurs at a location with in-person full service dining, the location should continue to follow the 50% seating capacity. If the location does not have in-person full service dining, the location should follow the social gathering restrictions. During Stage 3, the social gathering restrictions are no more than 100 people.
16. What if I can't get a County Surveyor Form because the Surveyor's office is closed? The ATC is aware that applicants are experiencing delays getting new applications filed for Marion County because of the closure of the Marion County Surveyor's Office. The ATC will temporarily accept applications for Marion County without the surveyor's form. The meeting will be scheduled for the local board indicated on the application. When the Marion County Surveyor's Office reopens, the applicant must submit the county verification form. If the information provided on the application does not match the surveyor's form, the ATC will not be able to adjust the local board assigned and the applicant will need to withdraw the application and start the application process over. The ATC suggests that the applicant use other means to verify the location's jurisdiction, including GIS Mapping and prior county surveyor forms for the location, before submitting an application. This exception to submitting a county verification form for Marion County will only be in place until the Marion County Surveyor's Office reopens. If there are other counties that are closed and not providing county surveyor forms, please let the ATC know and we will evaluate how to proceed.
17. How can I verify the age of an alcoholic beverage or tobacco or e-liquid purchaser? It is the responsibility of permittees to ensure alcohol and tobacco are not served or sold to minors. If permittees are unable or unwilling to verify age or identification because the customer cannot or will not remove their mask, then they run the risk that alcohol or tobacco will be served or sold to a minor. Additionally, dealer permittees such as grocery stores and package liquor stores are statutorily-required to check the identification of individuals purchasing alcohol who appear less than 40 years of age. There is no legal requirement to sell or serve alcohol or tobacco to a person if the licensee is not satisfied that the customer is 21 or older. The ATC has suggested that checking ID and having the customer remove their mask could be done at a safe distance, but that is ultimately up to them. Simply put, not removing the mask will not insulate the licensee from liability for serving alcohol to a minor.
18. Does a restaurant or bar that qualifies for "in-person full dining service" need to require customers to purchase food? No. The purchase of food is not required.
19. Am I still able to sell alcoholic beverages for carryout without applying for the privilege? Yes. EO 20-28 extends Executive Order 20-11, which allows permittees not otherwise eligible for carryout, to sell alcoholic beverages for

carryout until June 12, 2020.

- **May 18, 2020 - Announcement on Type II Gaming:** The ATC is actively reviewing Governor Holcomb's plan to get Indiana Back on Track and reopen safely. Details can be found here: <https://backontrack.in.gov/>. Gaming activities require specific considerations. The ATC intends to produce guidance that should be utilized in developing plans for conducting charitable gaming in light of COVID-19. Until further notice, no Type II gaming activities should be conducted. A timeline has not yet been determined but updates and the forthcoming guidelines will be posted to our website.
- **May 15, 2020: Frequently Asked Questions on Outdoor Seating & Patio Expansions**
 1. Can a restaurant expand the foot print of its restaurant by increasing the size of the patio? Yes as long as the restaurant continues to limit seating capacity to 50% of the original seating capacity of the restaurant, spaces the tables at least 6 feet apart, limits parties to 6 people or less, and only provides table service.
 2. Can a restaurant expand the seating capacity of its restaurant during Stage 2 and Stage 3? No.
 3. Can a restaurant add a patio area if the restaurant did not previously have a patio area? Yes as long as the restaurant continues to limit seating capacity to 50% of the original seating capacity of the restaurant, spaces the tables at least 6 feet apart, limits parties to 6 people or less, and only provides table service.
 4. Can a restaurant expand a patio area into the right-of-way including a sidewalk or closed street? Yes, if the restaurant has permission from the local unit of government and follows the other requirements of the executive order.
 5. How do I notify Indiana State Excise Police about my amended floor plan? Send your amended floorplan to the district commander of the Excise district where your establishment is located. Information on Excise districts can be found [here](#). (District 1 – ncanal@atc.in.gov; District 2 – krinehart@atc.in.gov; District 3 – kakers@atc.in.gov; District 4 – blang@atc.in.gov; District 5 – tthickstun@atc.in.gov; District 6 – jlang@atc.in.gov)
 6. How do I indicate the new foot print of my patio area? The temporary patio area must be delineated in some manner by rail, wall, or hedge. The delineation may be a temporary structure while the executive order is in place limiting the seating capacity of the restaurant.
 7. Can I add an outdoor bar to my patio? No. Outdoor bars are not allowed for many permit types. Additionally, bar areas must remain closed during Stage 2. Alcoholic beverage service on patios should be through table service only.
 8. If we are currently limited to 21 and over, can we allow minors on our new patio area? No. Your age restrictions must remain the same as they were before the temporary floor plan amendment.
- Any communications from the Indiana State Excise Police or the Indiana Enforcement Task Force related to Governor Holcomb's Executive Orders will be on official Alcohol and Tobacco Commission letterhead with corresponding contact information.
- **May 8, 2020: Frequently Asked Questions on EO 20-26, Roadmap to Reopen Indiana**
 1. What is a "bar area"? The bar area for the purposes of Executive order 20-26 is the counter over which drinks are served. During Stage 2, this area should be for employees only. Chairs should be removed or marked as unavailable. Ordering, serving, and consuming food and drinks for on-premises consumption is prohibited in this area. To the extent that this area is being used for ordering and serving of carryout food orders, a business may continue to do this while following the CDC guidelines.
 2. What is a bar or tavern that must remain closed under Paragraph 10. e. during Stage 2? A bar or tavern is a premises that prohibits the entry of anyone under the age of twenty-one and is not in the business

of providing in-person full dining service. A business that merely meets the minimum food requirements outlined in 905 IAC 1-20-1 of having hot soups, hot sandwiches, coffee, soft drinks, and milk available does not qualify to open for on-premises sales during stage 2.

3. Can a retail restaurant permittee that is limited to customers twenty-one and over allow on-premises dining during Stage 2 at 50% capacity and following other social distancing and sanitation measures? Yes. The bar area must remain closed and the business must provide in-person full dining service. A business that merely meets the minimum food requirements outlined in 905 IAC 1-20-1 of having hot soups, hot sandwiches, coffee, soft drinks, and milk available does not qualify to open for on-premises sales during stage 2.

4. What is “in-person full dining service”? In-person full dining service is a menu with specific, dedicated courses and a wide selection of foods and beverages. Merely meeting the minimum food requirements outlined in 905 IAC 1-20-1 of having hot soups, hot sandwiches, coffee, soft drinks, and milk available is not enough for in-person full dining service.

5. Can farm winery, artisan distillery, and small brewery tasting rooms open in Stage 2 for retail, carryout sales? Yes, while following proper guidelines.

6. Can farm wineries, artisan distilleries, or small breweries use their tasting room bars for on-premises tastings when restaurants are allowed to open at 50% capacity? A tasting room bar that is a counter over which drinks are served must remain closed in Stage 2. Tables away from the counter over which drinks are served, may be used from on-premises consumption if the location provides in-person full dining services. The premises should also limit capacity to 50% of seating capacity, screen staff for COVID-19 symptoms, require all employees and staff to wear face coverings, space tables at least 6 feet apart, and seat customers in groups of 6 people or less.

7. Is live music prohibited in outside dining areas during Stage 2? Yes.

8. Is curbside service still permitted during Stage 2? Yes.

9. Is a disc jockey or karaoke considered live music and prohibited in Stage 2? Yes.

10. Can patrons play pool or billiards at a premises during stage 2? Yes. As long as the premises is providing in-person full dining service, limiting capacity to 50% of seating capacity, screening staff for COVID-19 symptoms, requiring all employees and staff to wear face coverings, spacing tables at least 6 feet apart, and seating customers in groups of 6 people or less.

11. Is pub trivia permitted during Stage 2? Yes. As long as the premises is providing in-person full dining service, limiting capacity to 50% of seating capacity, screening staff for COVID-19 symptoms, requiring all employees and staff to wear face coverings, spacing tables at least 6 feet apart, and seating customers in groups of 6 people or less.

12. Can a permittee sell for carryout and allow people to consume at a location on the property that is not part of the licensed premises? Not during Stage 2.

13. Is type II gaming permitted during Stage 2? No. Gaming operations are permitted to resume during Stage 4.

14. Are fraternal and social clubs limited to the social gathering number restrictions or the 50% restaurant seating capacity? A fraternal club with in-person full service dining can may be open at 50% seating capacity throughout the venue. A fraternal club that does not have in-person full service dining must follow the social gathering restrictions. During Stage 2, the social gathering restrictions are no more than 25 people.

15. Can fraternal and social clubs have special events such as fish fries? If the event occurs at a location with in-person full service dining, the location should continue to follow the 50% seating capacity. If the location does not have in-person full service dining, the location should follow the social gathering restrictions. During Stage 2, the social gathering restrictions are no more than 25 people.

- **Announcement** - Virtual Local Board Hearings:

- Beginning in May, Local Board Hearings will recommence. To find information on how to attendee please visit the ATC's [Virtual Local Board Hearing](#) page.

- **Announcement** - Virtual Commission Meeting:

- The ATC will be conducting virtual commission meetings during times of restricted group gatherings. Please see the [Alcoholic Beverage Information](#) resource page for schedules and virtual attendee information.

- **April 7, 2020 - Essential Businesses**

- On April 6, 2020, Governor Holcomb issued Executive Order 20-18, which allows those businesses “providing the necessities of life,” such as grocery stores, supermarkets or mass merchandizers, to remain open to the public under specific conditions and restrictions outlined in Governor Holcomb’s order.

Those stores that do not sell the necessities of life, such as liquor stores, restaurants and tobacco stores, may remain open only for online or call-in ordering with home delivery (if legally permitted) or curbside pickup and must comply with social distancing and sanitation of applicable areas and other mitigation measures to protect its employees and the public.

Additionally, the carryout provisions for bars and restaurants in EO 20-04, EO 20-10 and 20-14 have been extended.

This Executive Order will remain in effect until 11:59 p.m. on April 20, 2020 unless otherwise rescinded, modified or extended by Governor Holcomb.

- **March 31, 2020**

- Governor Holcomb issued EO20-14 which extends the prior EOs related to alcohol, including the prohibition against dining on premises and the carryout provisions and the following:
 - EO 20-14 prohibits in-person dining in an establishment’s parking lot, patio and other outside seating
 - EO20-14 permits taking the alcohol to a vehicle adjacent to the restaurant premises. This does not change anything that was previously covered by the Chairman’s order on floor plans.
 - EO20-14 states that this does not permit the carryout of mixed drinks.
- Tobacco Business – Those establishments primarily engaged in the sale of tobacco products, e-liquid and e-cigarettes have been deemed to be non-essential businesses and must close under EO 20-08.

- **March 30th, 2020: Parking Lot Restaurants / Tailgating**

- The Governor’s executive order prohibits in person dining services, including service to vehicles for in person dining. The Governor’s Executive Orders are designed to eliminate large gatherings and maintain social distancing. Parking lot restaurants will be considered a violation of the Governor’s Executive Orders and will be treated accordingly.

- **March 24th, 2020:**

Amended Rules under Executive Order 20-05

- **Amended Floorplans**

The Chairman orders 905 IAC 1-41-2(e) temporarily suspended to the extent that it does not include areas where alcohol is sold to a person located in an area for pick up immediately adjacent to the licensed premises. The Chairman further orders that all licensed premises are automatically extended to include the areas where alcohol is sold to a person located in an area for pick up immediately adjacent to the licensed premises, including a parking lot area for vehicles.

- **Carryout of Alcoholic Beverages at Clubs**

The Chairman has temporarily suspended the provisions of 905 Indiana Administrative Code 1-13-3 to the extent it requires alcoholic beverages to be consumed on-premises, thereby allowing holders of club permits to sell alcoholic beverages for carryout consumption.

- **March 23rd, 2020: Executive Order 20-02 - Public Health Emergency**

On March 6, 2020, Indiana Governor Eric Holcomb signed Executive Order 20-02 declaring a public health emergency for the Coronavirus 2019 outbreak, enabling broad powers for his office to suspend, modify and amend current Indiana statutes and rules. On March 23, 2020, Governor Holcomb announced a number of modifications and suspensions of state statutes – please find those related to the Indiana Alcohol and Tobacco Commission outlined below:

Indiana Alcohol and Tobacco Commission Public Meetings

- Local Board Hearings
 - All local board hearings will be cancelled until further notice.
- Alcohol and Tobacco Commission Escrow Hearings
 - Previously-scheduled escrow hearings will be postponed. Those wanting to request escrow status can still submit the required information.
- Alcohol and Tobacco Commission Meetings
 - The Commission meeting previously scheduled for March 24, 2020 is cancelled.
- On-Premises Dining
 - Pursuant to Executive Order 20-10, the Chairman of the Indiana Alcohol and Tobacco Commission has the statutory authority under IC 7.1-2-3-11 to suspend the sale, transportation or movement of alcoholic beverages when, in the judgment of the commission, it is necessary during a time of public emergency, civil disturbance, riot or epidemic. This prohibition may be imposed without prior notice or advertisement and may be continued in force as long as the need continues. The Commission, therefore, can and will suspend the sale of alcoholic beverages for those permittees who are choosing to ignore Governor Holcomb's Executive Order 20-04. Additionally, compliance or noncompliance of the executive order related to on-premises consumption will be considered upon renewals of the alcoholic beverage permit.
 - This policy does not prohibit employees who are working a shift from consuming meals on the restaurant's premises if social distancing guidelines are followed.
 - To file a complaint with the Indiana State Excise Police, please contact your local ISEP district ([ISEP Contact Information](#)).
- Carry-Out of Alcoholic Beverages
 - The requirements of IC 7.1-3-20-9.5 have been suspended, allowing restaurants permitted to sell for carryout to sell alcoholic beverages for carryout only and eliminates the requirements that at least 60% of alcoholic beverages be sold for on-premises consumption.
 - Executive Order 20-11 relaxes the sale of carryout alcoholic beverages for dining establishments. This includes establishments that allow for on-premises consumption only (i.e. riverfront, civic centers, 210-1 permits, etc). If your permit is not otherwise eligible for carryout privileges, you do not need to apply for a carryout permit with the Alcohol and Tobacco Commission.
 - Executive Order 20-11 Suspends the provisions of Ind. Code to the extent they require alcoholic beverages to be consumed on-premises and to the extent it prohibits the fill, refill and carryout of alcoholic beverages in bottles or containers. Pursuant to this Order, all on-premises retail permit holders may sell alcoholic beverages for carryout consumption. Additionally, any beer retailer's permit holder may fill, refill, and carry out beer in permissible refillable containers (e.g. growlers, howlers, and crollers). Selling mixed drinks for carryout is prohibited.
- Application Processes
 - Extensions
 - Gov. Holcomb ordered an automatic extension of all state-issued licenses, including alcohol permits, employee permits and tobacco certificates, that expire during this emergency.
- Wholesaler Information
 - Return product – Please refer to the [Federal Alcohol and Tobacco Tax and Trade Bureau's newsletter](#) for more information and guidance regarding consignment sales during this crisis.
 - Credits and payments – During the governor's executive order, we will be respond to any complaints, but the Indiana State Excise Police will not be making the 15-day credit terms for retailers/dealers and wholesalers an enforcement priority.

- **Signature Upon Delivery** – There is nothing in statute that requires a signature to be obtained upon the delivery of alcohol. IC 7.1-4-2-7 and 905 1-31-3 requires the name, address and permit number of both the seller and the purchaser.

- **March 20th, 2020: Local Board Meetings, March & April Meetings Continued**

Local board meetings scheduled for the rest of March, as well as all meetings set for April, are being continued until at least after May 1st. If your permit is expiring and is impacted by commission or local board meeting delays or cancellations, please see the below March 18th posting for directions on applying for an extension.

- **March 20th, 2020: Starting Monday, March 23rd, 2020 all ATC & ISEP offices will be closed to the public until further notice**
- **March 19th, 2020: Group Purchased Product (GPA) Delivery Policy**

Bars and Restaurants

- Governor Holcomb's Executive Order 20-04 issued on March 16, 2020 stated "In consultation with and concurrence of the Commissioner of ISDH, restaurants, bars, nightclubs and other establishments that provide in-dining services are required to close to in-person patrons through the duration of EO 20-04, but these entities are authorized to provide drive-thru, take-out and delivery services." It is our interpretation that any establishment selling food or beverages for on-premises consumption is ordered to be closed

- **March 19th, 2020: Group Purchased Product (GPA) Delivery Policy**

The following relaxation of delivery rules are in effect during Indiana's State of Emergency;

Designated agents are encouraged to adhere to the Governor's and CDC directives to limit the number of persons gathered in groups to less than 50 people while maintaining appropriate social distancing. As an example, designated agents may be able to schedule specific times at which individual group members are assigned to arrive and take delivery of their GPA product thereby reducing the actual number of persons congregating at any one time to take delivery, in the alternative

The wholesaler, as long as the terms of the group purchase agreement are honored, may elect to make individual deliveries to GPA members.

This initiative is designed to comply with the Governor's Executive order restricting and limiting group gatherings, to discourage large gatherings congregating at the designated agent's premises, and to best protect the health of delivery drivers and designated agent personnel by minimizing exposure to as few of people as possible. This relaxation of the existing rules regarding delivery of GPA products expires with the Governor's State of Emergency.

Indiana Alcohol & Tobacco Commission

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