

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

**AN 2020-08 -- ADVISORY NOTICE TO THE INDUSTRY REGARDING  
EXECUTIVE ORDER NO. 183 AND RETURN TO REDUCED-CAPACITY INDOOR  
DINING**

On September 1, 2020, Governor Murphy signed [Executive Order No. 183](#) (“EO No. 183”), which, in part, permits “food or beverage establishments” to offer in-person service at indoor areas at a limit of 25 percent of the establishment’s indoor capacity. Food or beverage establishments” are defined as restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars and all other holders of a liquor license with retail consumption privileges.

In addition to EO No. 183, the Department of Health issued [Health and Safety Standards for Indoor Dining Pursuant to Executive Order No. 183](#) (“DOH Indoor Dining Standards”). Establishment owners, employees, and patrons shall comply with all requirements set forth in EO No. 183 and the DOH Indoor Dining Standards.

The following is provided as guidance to assist licensees in complying with EO No. 183 and the DOH Indoor Dining Standards. In the event of a conflict between this Advisory Notice and either EO No. 183 or the DOH Indoor Dining Standards, EO No. 183 or DOH’s Indoor Dining Standards shall govern.

**Applicability:** Pursuant to EO No. 183 the following licensees or permittees with on-premises retail consumption privileges may be open for reduced-capacity indoor dining, beginning on September 4, 2020:

1. Plenary Retail Consumption licensees (“33”);
2. Plenary Retail Consumption licensees with the “broad package privilege” (“32”);
3. Seasonal Retail Consumption licensees (“34”);
4. Plenary Retail Consumption licensees operating under the Hotel/Motel exception (“36”);
5. State Concessionaire permittees (“14”);
6. Golf Facility permittees (“40”);
7. Club licensees (“31”);
8. Limited Brewery licensees (“11”);
9. Restricted Brewery licensees (“08”);
10. Plenary Winery licensees (“21”);
11. Farm Winery licensees (“22”);
12. Cidery and Meadery licensees (“02”); and
13. Craft Distillery licensees (“07”).

**Permissible Capacity Limits:** The 25 percent indoor capacity limit for patrons is to be calculated based on the maximum occupancy as designated by the appropriate local authority (either: the local code enforcement officer for structures build after 1977, or the local fire official for structures built before 1977). Pursuant to the DOH Indoor Dining Standards, employees listed on the E141A form are excluded from indoor capacity limits, and establishments are required to conspicuously post their new maximum occupancy limits once calculated.

For establishments that have separate occupancy limits posted for distinct areas (for example, a bar area with a capacity of 20 separate from a dining area with a capacity of 60), the 25 percent indoor capacity may be calculated separately for each space (capacity of 5 in the bar, capacity of 15 in the dining area). See Uniform Fire Code, N.J.A.C. 5:70-3 and -4.11(f)(3)

**Face Coverings:** Face coverings are required at all times when inside the establishment for owners, employees and patrons, unless an individual is consuming food or drink. This requirement does not apply to patrons who have a medical reason for not wearing a face covering, or if the patron is a child under two years of age. In addition, employees are not required to wear a face covering in situations where doing so would inhibit the employee's health.

The DOH Indoor Dining Standards require licensees to decline entry to patrons not wearing a face covering unless the customer has a medical reason for not doing so or is a child under two years of age .

**Social Distance Requirements While in the Establishment:** It is the responsibility of the licensee or permittee to ensure that tables where individuals or groups are seated are at minimum six feet apart in all directions from any other table or seat and that individual seats in any shared area that is not reserved for individual groups, such as an indoor bar area, are also six feet apart in all directions from any other table or seat.

Pursuant to the DOH Indoor Dining Standards, a maximum of four patrons with a common relationship may sit together at a bar while adhering to physical distancing guidelines of at least six feet between other customers and groups. A maximum of eight patrons are permitted at a table (no maximum limit per table is imposed if all patrons are from a family from the same household).

Establishments must require that wait staff or other employees bring all food or beverages to seated customers. Patrons must be seated at a bar or table in order to place orders for on-premise consumption, and shall only consume food or beverages while seated. Especially for those establishments that operate indoor areas, such as nightclubs, pool halls, bowling alleys, sports facilities or music venues – ALL service and consumption must take place while patrons are seated at a bar or table. Standing at a bar or table while consuming food or beverages is not permitted.

Following DOH Guidelines, licensees must install physical barriers and partitions at cash registers, bars, host stands and other area where maintaining physical distance of 6 ft is difficult.

**Permissible Hours:** Licensees are permitted to operate their reduced capacity indoor dining during their regular business hours authorized by the municipality in which they are located.

**Privileges Associated with Reduced-Capacity Indoor Seating:**

Licensees may only exercise the privileges granted to them in their existing licenses.

Bars that do not sell and serve food in the ordinary course of business are not required to sell and serve food in order to offer reduced-capacity indoor seating.

Patrons are not required to order and consume food at a licensed establishment; patrons may order and consume only drinks.

Licensees' employees (e.g., those listed on the E-141A form, including servers, bus staff, entertainment and dancers) are required to minimize the time spent with customers who are within 6 feet.

In accordance with DOH Indoor Dining Standards, licensees must eliminate amenities and congregate areas such as dance floors and game rooms that encourage close person-to-person interaction. Musical and other

live performances are permitted but indoor capacity limits apply and performers must remain at least 10 feet from patrons and employees of the establishment while performing.

Any questions concerning this Advisory Notice should be directed to DAG Paul Urbish at (609) 376-9635.

A handwritten signature in black ink, appearing to read 'J. B. Graziano', with a stylized, cursive script.

JAMES B. GRAZIANO  
ACTING DIRECTOR

Dated: September 25, 2020