



OLCC COVID-19 Business Continuity

Alcohol FAQs: For Counties in **Extreme Risk Status**

(12/8/20)

[On December 1, 2020](#), Governor Kate Brown announced a new statewide framework for managing and reducing the spread of the COVID-19 virus. The new framework is called the "Risk and Protection Framework." The [risk level the county is in](#) determines what activities may occur in the county.

On December 03, 2020, Governor Kate Brown issued [Executive Order 20-66](#) to implement the new Risk and Protection Framework.

USING THIS DOCUMENT

- The information in this document applies only to counties in **Extreme Risk Status**.
- For more information about OLCC's COVID-19 modifications that apply regardless of the county's [Risk Level](#), see the OLCC's [COVID-19 Generally Applicable Alcohol FAQs](#).

This document will be updated regularly as policies change and new information or clarification is needed, ***so check back for updates regularly***. The document contains questions and answers fitting under the following broad categories. ***Click on the category to jump to that section of the document***. Topics covered under each of the broad categories are listed at a high-level. Using a word-search function will also allow you to find information quickly:

CATEGORIES & TOPICS

[On-premises sales and service](#)

[Specialized venues operations](#)

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On-premises sales and service

Can I offer on-premises service of alcohol if my county is in Extreme Risk status?

- To the extent that the type of venue is allowed to be open while the county is in Extreme Risk Status, alcohol licensees are limited to offering food and beverage (including alcohol) for on-premises consumption in outdoor areas only.

What does “outdoor” mean?

- The Oregon Health Authority (OHA) has created a definition of outdoor space: “any open-air space including any space which may have a temporary or fixed cover (e.g. awning or roof) and at least seventy-five percent of the square footage of its sides open for airflow.” OHA further cautioned that “Any space that is intended as an outdoor space that does not meet the definition of outdoor must comply with the requirements and guidance for indoor operations.”
- If your outdoor area does not meet the OHA definition of outdoor space, you may NOT permit food or beverage consumption in the area.

When (hours of the day) can I offer food and beverage for on-premises consumption in outdoor areas?

- 7:00 am – 11:00 pm.

Once I’ve stopped offering service of alcohol for on-premises consumption at 11 pm (or earlier), when may I start serving alcohol again?

- Licensees may start service again at 7 am on the following calendar day.

What is the maximum number of individuals I may serve in a party and what are the distancing requirements between parties?

- No more than 6 individuals to a party with no more than two households. See the distancing and occupancy section of [OHA’s Sector Guidance – Eating and Drinking Establishments](#) for information about distancing.

How many people can be in an outdoor area where on-site service and consumption of food and beverage is being offered?

- 50 individuals.

Does the 50 person limit include staff, performers, etc.?

- Yes. No more than 50 individuals may be in the outdoor area at one time.

Can I offer entertainment in the outdoor area, such as singing or dancing?

- You may be able to offer entertainment in the outdoor area. Any entertainment in the area must conform with [OHA’s Sector Guidance - Outdoor Entertainment Establishments](#).

Do people need to be seated in order to be served?

- Patrons are expected to be seated in order to be served.

Do people need to order food in order for me to serve alcohol to them?

- No. However, if your license requires food service, food must be available for ordering as required for the license. See below under “Operational Modifications” for more information.

Can I allow people to come in to use the bathroom when they are seated outside for eating and drinking?

- Yes, see [OHA’s Sector Guidance – Eating and Drinking Establishments](#) for more information about best practices related to patron access to restrooms.

Can people come in to place their orders for food and drink? If yes, can I provide the food or drink to the customer indoors for the customer to take it outside?

- Yes, provided that there is no consumption of the food or beverage allowed indoors. See [OHA’s Sector Guidance – Eating and Drinking Establishments](#) for additional information about line queuing and distancing requirements.

Can I offer indoor entertainment if no food and beverage service is occurring indoors?

- No. All [indoor entertainment](#), including Video Lottery Terminal use, is prohibited indoors while a county is in Extreme Risk status. For more information see the [OHA’s Sector Risk Level Guidance Chart](#).

Specialized venues operations

My business model is not really a conventional “eating and drinking establishment,” but I hold a liquor license that allows for on-premises sales and service of alcohol. Can I resume on-premises service of alcohol if my county is in Extreme Risk status?

- **First:** Visit the [Sector Risk Level Guidance Chart](#) to confirm the appropriate guidance to follow for based on the type of business you operate. If you have any questions after reviewing the OHA sector guidance or about whether all or part of your business is allowed to remain open to the public while your county is in Extreme Risk status [contact OHA](#).
- Fraternal organizations and social clubs: Only outdoor food and beverage service or off-premises sales (if business holds appropriate license). Follow the [OHA’s Sector Guidance – Eating and Drinking Establishments](#) for outdoor service.
- Mixed-use premises (i.e. entertainment/recreation complexes); Event center (i.e. civic center, stadium); Museums :
 - Indoor: Must be closed.
 - Outdoor: Total of 50 individuals in the whole venue. Outdoor food and beverage service or off-premises sales (if business holds appropriate license). Follow the [OHA’s Sector Guidance – Eating and Drinking Establishments](#) & [OHA’s Sector Guidance — Outdoor Entertainment Establishments](#).

- Zoos: Total of 50 individuals in the whole venue. Outdoor food and beverage service or off-premises sales (if hold appropriate license). Follow the [OHA's Sector Guidance – Eating and Drinking Establishments](#) & [Sector Guidance – Outdoor Entertainment Establishments](#).
- Theaters (i.e. movie, stage, drive-in):
 - Indoor (movie, stage): Must be closed.
 - Outdoor (movie/stage) that is NOT a drive-in theater:
 - 50 individuals. This limit applies to all outdoor portions of the property, including outdoor food & beverage service and consumption areas. See OHA's [Sector Guidance – Outdoor Entertainment Establishments](#) & [OHA's Sector Guidance – Eating and Drinking Establishments](#).
 - Drive-in: see [OHA's Statewide Reopening Guidance – Operators of Drive-Ins](#).
- Transient accommodations (i.e. resorts, hotels, lodges):
 - Outdoor food and beverage service (no more than 50 individuals) or off-premises sales (if hold appropriate license). Follow the OHA's Sector Guidance – Eating and Drinking Establishments.
- Golf courses: No more than 50 individuals in the whole venue.
 - If the actual course (fairways, greens, etc.) is part of the licensed premises: food and beverage service allowed on course. Follow the [OHA's Sector Guidance – Eating and Drinking Establishments](#) & [Sector Guidance – Outdoor Recreation and Outdoor Fitness Establishments](#)
 - If the actual course (e.g. fairways, greens, etc.) is NOT part of the licensed premises: The golf course operator/licensee may not sell and serve alcohol out on the course. On-premises sales and services are allowed in licensed outdoor areas in an Extreme Risk county.

[Expansion of the licensed premises](#)

I would like to license a new outdoor area. What do I need to do?

- See “Expansions of the Licensed Premises” section in the [COVID-19 Generally Applicable Alcohol FAQs](#) for more information.

[Off-Premises sales & delivery of alcohol](#)

I hold an off-premises sales license and operate a grocery store, convenience store, or other type of retail store. Are there any specific limits to how I can operate in an Extreme Risk county?

- Please see OHA's [Sector Risk Level Guidance Chart](#) and [OHA's Sector Guidance – Retail Stores](#) for more information about operational limitations that apply in an Extreme Risk county.

I plan to re-open for on-site consumption of food and beverage, but I also want to continue offering pick-up and delivery of alcohol. Will I need to stop?

- No. You may continue to offer takeout and delivery of alcohol as your license allows. You must continue to follow the delivery rules. See the [COVID-19 Generally Applicable Alcohol FAQs](#) for more information about off-premises sales and alcohol delivery.

When (hours of the day) can I offer food and beverage for off-premises consumption?

- If you hold a license that allows for off-premises sales of alcohol, you may sell alcohol for off-premises consumption (takeout) in accordance with the legal hours of sale in Oregon (6 am – 2:30 am for off-premises sales licenses; all others 7:00 am – 2:30 am, unless limited further by a license restriction).
- If you hold a license that allow for delivery of alcohol to consumers, you may conduct deliveries between the hours of 7:00 am and 10:00 pm. For more information see “Alcohol Delivery (to consumers)” section of the [COVID-19 Generally Applicable Alcohol FAQs](#).

I want to sell alcohol for off-premises consumption and delivery, but I am not sure if my license allows this. What can I do?

- If you want to sell alcohol for off-premises consumption, you must hold a license with the OLCC that allows for sales of alcohol for off-premises consumption. See the [Off-Premises Sales Privileges by Alcohol License and Retail Liquor Store table](#) for more information about which licenses allow to-go sales of alcohol (off-premises sales and delivery).
- If you hold a full or limited on-premises license and would like to be able to sell alcohol for off-premise consumption and delivery, the OLCC set up a fast-track process for applying for an off-premise sales license. For more information see “90-day Authorities to Operate for Off-Premises Sales license applications” section in the [COVID-19 Generally Applicable Alcohol FAQs](#).

Operational modifications related to license requirements

If I hold a Full-On Premises Commercial Sales license, am I required to have 30 indoor dining seats when the county is in Extreme Risk status and only outdoor food and beverage service is allowed?

- Licensees may have fewer than 30 indoor dining seats, provided food service is the primary activity on the premises.

My license has minimum food service requirements, but I need to operate with a simplified menu. Is there any flexibility regarding the number of different substantial food items or meals?

- Licensees may have fewer than the minimum number of meals or substantial food items available, provided that food service is the primary activity on the premises.

Is the OLCC allowing any modifications related to minor postings for licensees in Extreme Risk status counties?

- The OLCC is allowing modifications under limited circumstances. Minor patrons and employees may be on a premises or in an area where minors are prohibited under a minor posting assigned by the OLCC provided the licensee:
 - DOES NOT allow minors in an area where there are video lottery games (but not other games offered by the Oregon Lottery, such as scratch-its, keno, etc.) or nude entertainment and does not allow minors in an area where this entertainment is visible.
 - DOES ensure that in the area where minors are allowed that either:
 - The primary activity is patrons consuming food; or
 - If the primary activity is not solely patrons consuming food, there is NOT a combination of conditions or factors which create an environment where drinking alcohol is or appears to be the predominant activity. Typically, this scenario is created by the combination of several factors, such as dim lighting and the conspicuous display of multiple alcohol signs, banners, and posters.
- Once the licensee resumes operations in the premises or area that would make the area unsuitable for minor patrons, minor patrons would no longer be allowed in the area and minor employees may only be in the areas prohibited to minors as allowed in [OAR 845-006-0335\(4\)](#).

Can I temporarily rent out my licensed indoor space for another use that doesn't involve food and beverage service, such as band practice, a book club, or pool tournament? If yes, what are the limitations?

- The nature of the activity that will occur in the space determines whether or not it is allowed during Extreme Risk status. If the space will be used to operate something along the lines of a [retail store](#) (no food or beverage consumption, including no alcohol tastes or samples), then a max of 50% occupancy is allowed. However if it is for other [indoor entertainment](#) activities, it would likely not be allowed.
- Licensees will always be responsible for any liquor law violations at the premises if allowing another party to occupy the space for a different activity.

[Special Event licenses](#)

Is the OLCC approving special event licenses from applicants in counties in Extreme Risk status?

- For more information about how the OLCC is processing special event license applications under the Governor's Risk and Protection Framework, including how to request a refund if you need to cancel your special event because of the county's status at the time of your event, visit the [COVID-19 Modifications: Special Event Licensing](#) factsheet.

Additional Questions related to the Risk Level Framework

What is the OLCC penalty if I choose not to comply with the Governor's Executive Orders or OHA's public health guidance applicable to my licensed business?

- Failure to comply with applicable Executive Orders or OHA guidance is a [Category II violation](#) under OLCC's penalty schedule and may result in an immediate suspension of your liquor license. For more information, see [OAR 845-006-0345 \(16\)-\(17\)](#).

What happened to the Governor's "Phase I, Phase II..." reopening framework?

- It is gone and has been replaced by the "[Risk and Protection Framework](#)."

What if I have another question about how OHA guidance impacts operations at my business?

- OLCC is unable to address OHA guidance. OHA has information on its website: <https://govstatus.egov.com/OR-OHA-COVID-19> (which also has a "contact us" email button) or you can call OHA directly at: 503-947-2340.

For other, generally applicable modifications and operational changes the OLCC has implemented in response to the COVID-19 pandemic, visit the [COVID-19 Generally Applicable Alcohol FAQs](#).