

Subject Special limited off-sale; restaurants

Authors Housley and others

Analyst Christopher Kleman

Date April 17, 2020

Summary

S.F. 4489 would allow a restaurant to sell limited quantities of beer and wine at off-sale, with a takeout order of prepared food (i.e. prepared by the restaurant, not pre-made). A restaurant would have to be a “qualifying restaurant” under the bill, meaning that it has to hold either a full on-sale intoxicating liquor license or a wine license, as a restaurant. A restaurant that does not have one of these licenses (such as the holder of a taproom or on-sale 3.2 license) is not eligible.

The bill would allow up to 72 ounces of malt liquor (beer), hard seltzer, and cider and 750 milliliters of wine to be sold with each takeout order of prepared food. Liquor sales would be made from the restaurant premises for pick-up orders only (delivery of any sort would not be allowed), and must be incidental to the food order. In addition, the alcoholic beverages would be required to be sold in their original, unopened packaging and the restaurant would have to verify the age of the individual picking up the order.

All regulatory provisions relating to off-sale of liquor in chapter 340A would apply the authorized sales under the bill, such as age restrictions, state and local off-sale hours of sale, and the prohibition on service to intoxicated persons.

No new or additional license would be required for a restaurant to offer off-sale of beer and wine under the proposed special law, however a municipality could opt out of allowing restaurants in its jurisdiction to make these sales.

S.F. 4489 also clarifies that the bill does not affect any off-sale authority that a small brewer currently has, which would apply to growler sales and delivery.

The bill would be effective the day following final enactment.