STATE OF VERMONT

EXECUTIVE DEPARTMENT

GUBERNATORIAL DIRECTIVE TO THE BOARD AND COMMISSIONER OF THE DEPARTMENT OF LIQUOR AND LOTTERY

REGULATORY AMENDMENTS

Amended March 20, 2020

WHEREAS, on Friday, March 13, 2020, the Governor issued an Executive Order declaring a state of emergency for the State of Vermont in response to COVID-19; and

WHEREAS, since that time, many additional cases of COVID-19 have been tested as presumptively positive in the State; and

WHEREAS, on Monday, March 16, the Governor imposed additional social distancing measures in order to mitigate the spread of COVID-19 including the prohibition of on-premises consumption of food or drink at any restaurant, bar, or establishment that offers food or drink, effective Tuesday, March 17, 2020 at 2:00 p.m. and continuing in full force and effect until April 6, 2020; and

WHEREAS, restaurants, bars and establishments that offer food or drink may continue to offer food for take-out and by delivery; and

WHEREAS, alcohol sales can make up over 40% of the revenue of restaurants and establishments that offer food or drink; and

WHEREAS, it is critical the State avoid adverse economic impacts where possible; and

WHEREAS, in light of the significant economic impacts being imposed on restaurants and establishments that offer food or drink and their employees, as well as the social distancing measures being asked of Vermonters, the Governor has determined to permit "to-go" sales and delivery of beverage alcohol with the purchase of a meal, as well as the delivery of alcohol product by licensed retail stores.

NOW THEREFORE, I, Philip B. Scott, by virtue of the authority vested in me as Governor of Vermont by the Constitution of the State of Vermont, the emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 and other laws, specifically 20 V.S.A. § 8(b)(1), hereby order that the rules of the Board of the Department of Liquor and Lottery ("Board") are hereby amended or rescinded, as necessary, to permit "to-go" sales and delivery of beverage alcohol with the purchase of a meal, as well as the delivery of alcohol product by licensed retail stores, as follows:

1. 1st class licensees are hereby authorized to allow for take-out, curbside pickup and delivery of beverage alcohol, including spirit-based drinks and malt and vinous product accompanying food orders for off premise consumption.

2. 2nd and 4th class licensees shall be authorized to allow for delivery and curbside pickup of un-opened containers of spirits, spirit-based product and malt and vinous product.

3. Other licensees who serve food, or who partner with entities who serve food, are authorized to allow for take-out, curbside pickup and delivery of beverage alcohol, including spirit-based drinks and malt and vinous product accompanying food orders for off premise consumption.

4. The permissible hours for delivery shall be from 10:00 a.m. until 11:00 p.m.

5. For deliveries, the licensee shall be able to travel from town to town or from place to place carrying orders for delivery of any alcohol product they are licensed to sell and authorized to deliver hereunder without a delivery permit, provided the following conditions are met:
    a. The person making the delivery is at least 18 years old and is certified to sell or serve alcohol by the Board.
    b. All deliveries shall be in person to a physical building or residence.
    c. Licensees shall maintain an inspectable log of all deliveries made and such log shall at a minimum include:
        i. Name of recipient and physical address in Vermont to where the product was delivered;
        ii. How ID was verified;
        iii. A signature of recipient at least twenty-one (21) years of age;
        iv. Complete description of the product and quantity delivered;
        v. Time of delivery;
        vi. The name of the employee making the delivery.

6. Any additional guidance or recommendations by the Commissioner or the Board in this regard shall be subject to the Governor's review and approval. Any order of the Board relating to this matter following the declaration of the State of Emergency, which has not received the approval of the Governor, is hereby rescinded.

7. The Board shall not penalize any 1st class or 2nd class licensee who is in compliance with the terms of this Directive and any approved guidance issued hereunder.

This Directive shall take effect upon signing and shall continue in full force and effect until April 15, 2020, at which time the Governor, in consultation with VDH and DPS/VEM, shall assess the emergency and determine whether to amend or extend this Directive.

By the Governor:

Philip B. Scott
Governor

Brittney L. Wilson
Secretary of Civil and Military Affairs

Date: March 19, 2020