STATE OF VERMONT

EXECUTIVE DEPARTMENT

ADDENDUM 15 TO EXECUTIVE ORDER 01-20

[Outdoor Restaurants, Bars and Other Establishments that Offer Food and Drink]

WHEREAS, on Friday, March 13, 2020, the Governor issued Executive Order 01-20, Declaration of State of Emergency in Response to COVID-19 and National Guard Call-Out ("Executive Order"), declaring a state of emergency for the State of Vermont in response to COVID-19; and

WHEREAS, the Governor, in consultation with Vermont Department of Health ("VDH"), and the Vermont Agency of Human Services, has initiated aggressive and sustained efforts to protect property and public health, and to ensure public safety in this public health emergency including the issuance of Addendum 2 to the Executive Order issued March 17, 2020 ordering restaurants, bars, or establishments that offer food or drink to suspend on-premises consumption of food or drink; and

WHEREAS, modeling studies done for the State clearly show that, but for the mitigation measures taken to date, the number of COVID-19 cases and COVID-19 related deaths in the State and the region would be having a much more devastating effect on Vermonters and would be threatening to overwhelm the capacity of the Vermont health care system; and

WHEREAS, as of April 17, 2020, the Governor began to undertake a phased approach to reopen the economy, addressing the need to restore and strengthen the State's overall social and economic wellbeing while including measures for the prevention of a resurgence of COVID-19 that would undermine or lose the important public health outcomes achieved to date; and

WHEREAS, the Governor has determined, in consultation with the Commissioner of VDH, to consent to issuance by the Secretary of the Agency of Commerce and Community Development (ACCD), the limited, incremental, and phased resumption of restaurant and bar operations, subject to further action as needed to respond to continued COVID-19 response; and

WHEREAS, the Governor has further determined to provide clarity regarding the suspension of fairs and festivals in 2020.

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 hereby order as follows:

1. Restaurant and Bar Operations. Effective May 22, 2020, Addendum 2 to the Executive Order is hereby modified to allow the limited resumption of restaurant and bar operations in accordance with the general health and safety requirements and the mitigation requirements and procedures regarding restaurant operations issued by the Secretary of ACCD.

If the Commissioner of VDH has determined that a COVID-19 outbreak has occurred and restaurant and bar operations cannot safely operate in a way that 1) limits the exposure of customers and staff to COVID-19 and 2) does not threaten to overwhelm our hospitals and healthcare resources, he is hereby authorized, with approval of the Governor, to notify and require any or all restaurant or bar operations to return to certain standards of operation.

2. State Regulation. Effective May 22, 2020, the rules of the Board of the Department of Liquor and Lottery (Board) are hereby amended or rescinded, or shall be interpreted as necessary, to allow first, third and fourth class licensees to offer outdoor consumption of beverage alcohol with, or independent of the sale of food, as follows:

    - Licensees must submit a notice document to the Department of Liquor and Lottery (DLL), using an on-line form available at liquorcontrol.vermont.gov, to indicate intent to apply for an initial or modified Outdoor Consumption Permit. Upon submission of the notice, licensees may begin to offer outdoor consumption of beverage alcohol with, or independent of the sale of food in accordance with ACCD guidance.
    - Licensees must describe the area to be used for outdoor consumption of beverage alcohol and include in this description what physical barrier will define the perimeter of the area to be used.
    - A licensee must have a legal control over, local authority to use or a legally binding agreement to use, the area it is applying to utilize
    - A licensee shall immediately submit its Outdoor Consumption Permit application to DLL for approval.
    - DLL shall make best efforts to process all permit applications within 48 hours of submission.
    - Applicants shall have until June 12, 2020 to obtain the approval of the local jurisdiction and may operate in accordance with the DLL permit pending that determination.
    - Permits disapproved by a local jurisdiction shall be deemed disapproved by DLL.

    DLL will waive all fees for an application for an initial or modified Outdoor Consumption Permit.

    The Board shall not penalize any licensee who is in compliance with the terms of this Executive Order and any approved guidance issued hereunder.

    Restaurants, bars, or other establishments that offers food or drink may continue to offer food and beverage alcohol for take-out and delivery.

3. Local Ordinance and Regulation. Enforcement of all municipal ordinances and regulations requiring an applicant to receive an approval or permit for outdoor food and beverage service is hereby suspended until such time as the local jurisdiction has acted to disapprove an Outdoor Consumption Permit issued by DLL hereunder. All applications may be subject to review and approval by the local jurisdiction and reasonable conditions may be

imposed, provided that nothing in this Order shall require a municipality to approve an Outdoor Consumption Permit.

Failure of a local jurisdiction to impose conditions on, or disapprove, an Outdoor Consumption Permit on or before June 12, 2020 shall be deemed approval.

4. Fairs and Festivals. Vermonters planning fairs and festivals require certainty given the long lead time necessary for the successful operation of these fairs and festivals. For the sake of clarity, in light of the importance of maintaining the public health outcomes achieved to date, and continuing to make more progress in suppressing, containing and eliminating the spread of the virus, how people gather, and in what quantity, will continue to change in the months ahead. This will be problematic for large event planning purposes over the next 3-4 months and therefore traditional fairs and festivals are hereby cancelled until further notice.

   This shall not prevent fairgrounds and other indoor and outdoor venues from operating for sporting, entertainment, concerts and other events in accordance with then applicable VDH/ACCD guidance on gathering size, occupancy limits, distancing and other health and safety requirements.

This Addendum 15 shall take effect upon signing and shall continue in full force and effect until midnight on June 15, 2020, at which time the Governor, in consultation with the Vermont Department of Health and the Department of Public Safety shall assess the emergency and determine whether to amend or extend this Addendum.

By the Governor:

Philip B. Scott
Governor

Brittney L. Wilson
Secretary of Civil and Military Affairs

Executive Order No. 01-20 – Addendum 15

Dated: May 22, 2020