

Take-Out and Delivery Limitation Does Not Relax Rules for Bars and Restaurants During COVID-19 Pandemic

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Under Governor Phil Murphy's Executive Order No. 107 of March 21, 2020, New Jersey restaurants are precluded from serving on-premises food or beverages during the COVID-19 pandemic. However, restaurants are permitted to engage in take-out and delivery services. Bars and restaurants with alcoholic beverage licenses may operate on a delivery and take-out basis as to food and as to alcoholic beverages, but are still limited to the extent permitted by their existing alcoholic beverage licenses. Existing rules governing delivery of alcoholic beverages have not been relaxed during this health crisis and licensees must still fully comply with the regulations of their alcoholic license.

Alcoholic beverages can be sold in their original packaging only, and only if the licensee is already permitted to make such sales. Unlike the practices of some other states, in New Jersey the use of "go cups" or other open containers is not allowed.

Delivery of alcoholic beverages in original packaging is permitted so long as (a) payment is made before the beverages leave the licensed premises (e.g., by credit card over the telephone or internet), (b) the delivery occurs during the normal business hours of the licensee and (c) the delivery vehicle has a Transit Insignia Permit issued by the Division of Alcoholic Beverage Control. The vehicle must be identified on the licensee's twelve page application, so acquisition of a new vehicle requires an amendment to the application as well as a Transit Insignia Permit.

These rules continue to apply to brewpubs, breweries and wineries as well in accordance with their existing licenses.

Under Governor Philip Murphy's Executive Order No. 108 of March 21, 2020, municipalities may not impose regulations that interfere with those of Executive Order No. 107. This does not limit the ability of municipalities to enforce existing alcoholic beverage regulations.

If you are a restaurant owner with a question about operations during this or any other time, contact [Doug Lubic](#) or [John Hogan](#). For other COVID-19 focused guidance for your business, see the other sections of our [COVID-19 Resource Center](#).

Attorney

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