

## “You Won’t Get Any Dancing Here, It’s Illegal”: The State of COVID-19 Gatherings in New York

Do you feel like dancing? Although we don’t live in Bomont, Oklahoma, it may be a while before you can groove with your family and friends again. As New York gradually lifts restrictions on the size of gatherings, there are restrictions on the gatherings that licensed premises—those holding liquor licenses—must follow. **If licensed premises fail to do so, they risk their liquor license.** The State Liquor Authority (SLA) has issued Phase 3/4 Guidelines for Licensed On-Premises Establishments (the Guidelines) which set forth restrictions for licensed premises. We discuss some questions about the Guidelines, and what it means for licensed premises, below.

### When can indoor service of alcohol resume?

In every region except New York City, indoor service of alcohol could resume in Phase 3. Those serving alcohol indoors must continue to follow the reopening guidance on indoor food service (the Indoor Guidance), which may be found [here](#). The reopening guidance on outdoor food service (the Outdoor Guidance) may be found [here](#).

### May licensed premises host weddings, parties and other types of gatherings?

Subject to significant limits on attendance and activities, yes. We will discuss those restrictions below.

### How many people may attend a gathering (including weddings and parties)?

This depends on what phase your region is in. For Phase 3 regions, the gathering is limited to 25 or fewer people. For Phase 4 regions, the gathering is limited to 50 or fewer people. Note that a “gathering” is different than restaurant or bar capacity. Those are judged differently and subject to different rules.

### What are the restrictions upon gatherings?

All gatherings being hosted by a licensed premise must follow these rules:

1. Attendance restrictions must be obeyed.
2. Venues must continue to follow the Indoor Guidance and Outdoor Guidance. This means that people **must be seated** to be eating or drinking. People who are standing must be wearing face coverings and practicing social distancing. Tables must be at least six feet apart from one another, and a maximum of ten people may be seated at each table.
3. **Dancing or other standing activities are prohibited.** In addition, the Guidelines seemingly prohibit all types of bar games. The Guidelines state that a licensed premise cannot offer “bar games such as darts, pool or cornhole,” as “[c]ongregating other than persons seated at tables is not permissible. Patrons should be standing only for necessary reasons such as use of restrooms, entering, and exiting.”
  - a. **This diverges from the statewide guidance for low-risk outdoor recreational activities.** Certain low-risk recreational activities (such as horseshoes, bocce ball, bean-bag toss, badminton, frisbee, etc.), may now occur statewide. **According to the Guidelines, these activities may not occur at a licensed premise, either with a gathering present or not.**

4. If the licensed premises' liquor license allows for the venue to offer on-premise music, live music and/or a DJ may occur. Performers should be at least 12 feet from patrons. Patrons should not stand next to each other. Other types of performances (such as comedy shows) are prohibited. Again, note that dancing is prohibited.

### Can gatherings be hosted indoors?

Yes, except currently in New York City. Gatherings can be hosted outdoors in all regions.

If you have questions, or want to effect the standards applicable to your industry, please contact [Hermes Fernandez](#), [Caitlin Anderson](#) or the attorney at the firm with whom you are regularly in contact.



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