

## COCKTAILS-TO-GO HEALTH AND SAFETY RESTRICTIONS BY STATE

[2021 KY SB67](#) proposed bill to make the Governor’s temporary COVID-19 Order allowing restaurants, bars and other by-the-drink (on-premise) establishments to serve/sell cocktails-to-go and other alcoholic beverages to go passed the Senate Licensing and Occupations Committee today unanimously.

The Distilled Spirits Council of the United States testified to the Committee ([see letter](#)) in favor of the bill showing a map indicating....

- 2 states (Iowa and Ohio) have made cocktails-to-go permanent
- 22 states have 39 bills proposed providing for long-term extensions or permanent cocktails-to-go privileges
- 33 states plus the District of Columbia allow restaurants and/or bars to sell cocktails-to-go as temporary measures (ex – via a Governor’s COVID-19 Executive Order)
- 17 states do not allow cocktails-to-go

The chart below prepared by the Tara McGuire, State Alcohol PES, provides a quick glance at some of the health and safety restrictions some states included in their cocktails-to-go policies/proposals.

STATE	POLICY/PROPOSAL	HEALTH AND SAFETY RESTRICTIONS ( <i>all restrictions not listed</i> )				
		SEALED CONTAINER	TAMPER-EVIDENT SEAL	LABELED “CONTAINS ALCOHOL”	AGE VERIFICATION REQUIREMENTS INDICATED	LIMITS ON QUANTITY SOLD
KENTUCKY	<a href="#">SB 67</a> PROPOSED	YES	NO	NO	NO	NO – requires drinks purchased with meal
IOWA	<a href="#">HF 2540</a> PASSED	YES	YES	YES	YES	Unknown
OHIO	<a href="#">HB 669</a> PASSED	YES	YES	NO	YES	YES
OREGON	<a href="#">SB 1801</a> PASSED – expires 60 days after COVID Emergency Order lifted	YES	YES	NO	NO	YES
TEXAS	<a href="#">SB 298</a> & <a href="#">HB 1094</a> PROPOSED	YES	YES	YES	YES	NO – requires drinks purchased with meal
MICHIGAN	<a href="#">HB 5811</a> PASSED – expires after 12/31/2024	YES	NO	YES	YES	YES
FLORIDA	<a href="#">SB 134</a> , <a href="#">SB 148</a> & <a href="#">HB329</a> PROPOSED	YES	YES	NO	NO	unknown
NEBRASKA	<a href="#">TEMPERARY EXECUTIVE ORDER 20-06</a>	YES	NO	NO	NO	NO
NORTH CAROLINA	<a href="#">TEMPORARY EXECUTIVE ORDER NO. 183</a>	YES	YES	NO	YES	YES

*Please note, states summarized in the chart above were selected based on the most readily available/easily accessible information online based on states indicated on the map presented to the Senate Committee with policies or proposals related to Cocktails-to-go. Other states may be added to the chart at a later date as time and information available permits.*

*This chart was updated on 02/09/2021 for informational/educational purposes. For official information on a state's alcohol policies, please consult the state's legislative records and/or alcoholic beverage control/regulatory agency.*

---

## MORE DETAILED NOTES BY STATE:

- I. **06/29/2020 PASSED - [IOWA HOUSE FILE 2540](#)** – Allows bars to sell alcoholic beverages, mixed drinks and cocktails for carry-out and delivery, something only temporarily permitted under Iowa Governor Kim Reynolds' COVID-19 orders.
  - A. **BILL REQUIREMENTS:** Requires containers to be sold in a securely sealed method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent.
    1. **BILL TEXT: [RELATED TO WINE]** *"The container to be sold shall be securely sealed by a method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of wine has been tampered with or the sealed container has otherwise been reopened."*
    2. **BILL TEXT:** *"Mixed drinks or cocktails mixed on premises covered by a class liquor control license or a class "C" native distilled spirits liquor control license for consumption off the licensed premises may be sold if the mixed drink or cocktail is immediately sealed with a lid or other method of securing the product and is promptly taken from the licensed premises prior to consumption of the mixed drink or cocktail. A mixed drink or cocktail that is sold and sealed in compliance with the requirements of this subparagraph shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed."*
    3. **[ALCOHOLIC BEVERAGE DIVISION \(ABD\) ADMINISTRATIVE REGULATIONS](#)** –
      - *"Original container," for the purposes of this rule, means a vessel containing alcoholic liquor or native distilled spirits that has been lawfully obtained and has been securely capped, sealed, or corked at the location of manufacture.*
      - *"Sealed container," for the purposes of this rule, means a vessel containing a mixed drink or cocktail that is designed to prevent consumption without removal of the tamper-evident lid, cap, or seal.*
      - *"Sealed container" does not include a container with a lid with sipping holes or openings for straws, a cup made of plastic that is intended for one-time use, or a cup made of paper or polystyrene foam.*
      - *"Tamper-evident," for the purposes of this rule, means a lid, cap, or seal that visibly demonstrates when a container has been opened.*
      - *Sealing requirements. A sealed container shall bear one of the following tamper-evident sealing methods:*
        - a. *A plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid to form a seal that must be broken when the container is opened.*
        - b. *A screw top cap or lid that breaks apart when the container is opened.*
        - c. *A vacuum or heat-sealed pouch containing the mixed drink or cocktail.*
      - *4.10(4) Labeling requirements.*

a. *A sealed container shall bear a label affixed to the container in a conspicuous place legibly indicating the following information:*

1. *The business name of the licensee that sold the mixed drink or cocktail.*
2. *The words "CONTAINS ALCOHOL."*

- *4.10(5) Sealed container not deemed an open container. A sealed container shall not be deemed an open container, subject to the requirements of Iowa Code sections 321.284 and 321.284A, provided the sealed container is unopened, the seal has not been tampered with, and the contents of the sealed container have not been partially removed.*

B. **MEDIA:** 2020-06-30 Forbes.com - [Iowa Becomes First State Permanently Legalizing Cocktails To-Go—But More Likely Coming \(forbes.com\)](#)

II. **2020-10-14 – OHIO PASSED HB669** allowing establishments to continue selling alcohol-to-go even after the pandemic is over as long as alcohol is in a sealed container.

A. **BILL RESTRICTIONS**

1. *"An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing."*
2. *"Prior to delivering an alcoholic beverage to a personal consumer under this section, a qualified permit holder, or an employee of the qualified permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age."*
3. *"A qualified permit holder shall not sell more than three alcoholic beverages per meal to any individual under division (B)(1) of this section."*

III. **2020-03-26 NEBRASKA TEMPORARY EXECUTIVE ORDER NO. 20-06** – allows pre-made cocktails and other alcoholic beverages to be sold as long as the containers are sealed with a lid or other method of securing the product, and not partially consumed.

IV. **2021-01-12 TEXAS SB298 and HB 1094**

A. **BILL RESTRICTIONS:**

1. The bill would allow restaurants with mixed beverage permits and food and beverage certificates from TABC to sell beer, wine, and cocktails for pickup or delivery beyond the pandemic, including through third-party delivery companies.
2. In line with the current emergency requirements, alcoholic beverages would have to be purchased with food.
3. The bill also codifies the safety provisions in the governor's waiver, like labeling and sealing requirements.
4. **SB298** - "Tamper-proof container means a container that, once sealed, clearly shows whether it has been opened. The term includes a closed cup or similar container that is: placed into a bag that has been sealed with a zip tie or staple; sealed with shrink wrap or a similar seal; or sealed by other methods approved by rule of commission" .....
- a. "a tamper-proof container that is sealed by the permit holder and clearly labeled with the permit holder's business name and the words "alcoholic beverage"....
- b. "(c) An alcoholic beverage picked up or [may be] delivery under this section may be provided only to a person who is 21 years of age or older after the person picking up the alcoholic beverage or accepting the delivery presents valid proof of identity and age and:

- i. (1) the person picking up the alcoholic beverage or accepting the delivery personally signs a receipt, which may be electronic, acknowledging the pickup or delivery; or
- ii. (2) the person providing the beverage for pickup or making the delivery acknowledges the completion of the pickup or delivery through a software application.....
- c. (e) A person who picks up or delivers an alcoholic beverage described by Subsection (a-1)(3)(A)(ii) or (a-1)(3)(B)(ii) may not transport the alcoholic beverage in the passenger area of a motor vehicle....”

**V. 2020-12-21 OREGON COCKTAILS TO GO TEMPERARY [SB1801](#) PASSED**

- A. Oregon passed bill allows restaurants and bars to sell takeout cocktails. The bill expires 60-days after the Governor’s COVID-19 State of Emergency Order is lifted.
- B. The bill limits selling two servings of alcohol “per substantial food item ordered” in sealed containers, “key provisions to address concerns from some addiction recovery groups....” according to the [Seattle Times](#).
- C. [SB1801](#) - “Sealed container means a container: with a secure cap or lid that indicates whether the container has been opened... The cap or lid, and any seal, of the sealed container must be affixed to the container in a manner that makes it obvious when the cap or lid, and any seal, has been removed or broken. The cap or lid, and any seal, may be affixed with the use of tape or other adhesive...
  - 1. “Must provide that not more than a total of two beverages may be ordered per substantial food item ordered.”

**VI. 2020-07-01 MICHIGAN [HB5811](#) PASSED - amends the Michigan Liquor Control Code to allow, through December 31, 2024, a qualified licensee to sell cocktails/alcohol-to-go in qualified containers.**

- A. [HB5811](#) – “....The qualified licensee stamps, prints, or labels on the outside of the qualified container “Contains Alcohol. Must be delivered to a person 21 years of age or older. The recipient at the time of the delivery shall provide identification verifying his or her age. The qualified licensee or his or her agent seals the qualified container.....Qualified container means a clean, sealable container that is for the sale of alcoholic liquor for consumption off the premises, that has a liquid capacity that does not exceed 1 gallon, and that, after it is filled, is sealed with a device or material that is used to fully close off the container securely with no perforations or straw holes....”

**VII. 2020-12-04 FLORIDA [SB134](#), [SB148](#), and [HB329](#) PROPOSED**

- A. SB134 - “A licensee under this may sell or deliver alcoholic beverages by the package in a sealed container for off-premises consumption if the sale or delivery is accompanied by the sale of food within the same order.... May sell or deliver an individual serving of liquor or a liquor-based beverage prepared by the licensee for off-premises consumption if the liquor or liquor-based beverage is in a container sealed by the licensee.”
- B. SB148 – “A licensee under this subparagraph [food service establishment equipped to serve meals to 140 person at one time deriving at least 51% of its gross food and beverage revenue from the sale of food and nonalcoholic beverages] may sell or deliver alcoholic beverages by the package for off-premises if the alcoholic beverage is in a sealed container and is accompanied by the sale of food within the same order....”
- C. HB329 – “A licensee under this may sell or deliver alcoholic beverages by the package in a sealed container for off-premises consumption if the sale or delivery is accompanied by the sale of food within the same order. Such authorized sale or delivery includes wine<sup>83</sup> based and liquor-based beverages prepared by the licensee and packaged in a container sealed by the licensee. Any sale or delivery of malt beverages must comply with the container size, labeling, and filling requirements imposed under s. 563.06.... A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in

a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and full course meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine must be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.”

**VIII. NORTH CAROLINA [EXECUTIVE ORDER NO. 183](#)**

- A. “The mixed alcoholic beverage that is referenced in the Executive Order must be of the “standard size” sold by the permitted business, and must be in a container that is sealed in such a way that the customer cannot reseal the mixed alcoholic beverage after they have broken the seal to consume the drink. Executive Order No. 183 says that the sale of one carry-out mixed alcoholic beverage per customer at a time is allowed, and that multiple people at the same address or multiple people in the same group may place a single carry-out order that would equal one mixed alcoholic beverage per person. For example, individuals making these deliveries must be at least 21 years old, must meet certain training requirements, and are required to verify at the point of delivery that each customer receiving his or her single alcoholic beverage is at least 21 years of age.”
- B. “North Carolina General Statute § 18B-401 makes it a Class 3 misdemeanor to transport any spirituous liquor in the passenger area of a motor vehicle in anything other than the manufacturer’s unopened original container. Current State law makes it unlawful to transport a mixed alcoholic beverage in the passenger area of a motor vehicle even if a bar or restaurant mixes the alcoholic beverage and seals it in a container for transport. The passenger area of a motor vehicle means the area designed to seat the driver and passengers and any area within the reach of a seated driver or passenger, including the glove compartment of the vehicle. In the case of a station wagon, hatchback, sport utility vehicle, or other similar vehicle, the area behind the last upright back seat is not considered part of the passenger area.”