



LIQUOR STORES TO REMAIN OPEN AND PRODUCTION OF ALCOHOLIC BEVERAGES TO CONTINUE UNDER MINNESOTA'S SHELTER IN PLACE ORDER

March 26, 2020

This publication is intended to address questions regarding the availability, production, distribution, and sale of alcoholic beverages in light of Governor Walz's Executive Order 20-20 issued in response to the public health emergency presented by the COVID-19 pandemic. The information contained herein is provided as general information but is not legal advice; every situation requires a review of the specific factual circumstances. If you would like advice on situations specific to your company or organization, please do not hesitate to contact **Jeffrey O'Brien** at (612) 875-7586 or via e-mail at jobrien@chestnutcambronne.com or **Jennifer Crancer** at (612) 767-3612 or via e-mail at jcrancer@chestnutcambronne.com to discuss.

On March 25, 2020, Governor Walz issued Executive Order 20-20 instituting a Shelter in Place mandate requiring Minnesotans to stay in their home beginning at 5:00 p.m. on Friday, March 27, 2020 and continuing until 5:00 p.m. on April 10, 2020. Under the Shelter in Place Order, however, Minnesotans are not prohibited from doing certain essential activities and going to work if the employee works in a designated "critical sector."

Under the Shelter in Place Order, Minnesotans may still leave their homes to get food, beverages, which includes both alcoholic and non-alcohol beverages, and other grocery items. The Shelter in Place Order does not require restaurants and places of public accommodation to close, so long as they restrict the services being provided to carry-out or delivery of food to the public. For more on this, click the following link for a memorandum on [*Restaurant, Bar, Spa, and Public Accommodation Operations Following Governor Tim Walz's Shelter In Place Order.*](#) Please be advised that the Shelter in Place Order does not allow restaurants and bars to sell liquor for off-premise consumption.

Similarly, the Shelter in Place Order does not prohibit the public from leaving their homes to purchase alcohol. The Shelter in Place Order specifically designates alcoholic

beverages as an item that the public will be able to leave their homes to obtain during this shut-in period, and as such, the production, distribution, and sale of alcoholic beverages are deemed a “critical service” and authorized to continue during the two-week shelter in place order. Accordingly, liquor stores may continue to operate and remain open to sell liquor and other alcoholic beverages to the public. Breweries, wineries, and distilleries may also continue operations and production, so long as the premises are not open for purpose of serving the alcohol to the public and only sell packaged alcoholic beverages in a “to-go” manner.

It is important for breweries, wineries, and distilleries to be aware that under the Shelter in Place Order, they are not permitted to act beyond their existing off-sale rights (e.g., no selling six-packs out of the breweries). We will advise if there are any changes to these regulations.

While breweries, wineries, distilleries, and liquor stores continue to operate, they should be mindful to use best practices to prohibit the spread of COVID-19 – such as social distancing and online ordering for employees and customers. Employers should also be aware that under the Shelter in Place Order, any employee that can work from home or through telework or virtual work must be permitted to do so. If an employee working in a critical sector cannot perform his or her duties at home, however, the employer may require the employee to leave their home and go to work under the shelter in place order. During this time, employers should be mindful of employee rights and benefits available to employees who face reduced hours, furloughs, or layoffs as a result of COVID-19. More information on employee rights can be found at the following link [*Obligations of Employers and Employee Rights Amidst COVID-19 Public Health Emergency.*](#)

Chestnut Cambronne PA remains ready, willing, and able to assist breweries, distilleries, distributors, and liquor stores with their legal needs. If you want to discuss these or any other matters, please do not hesitate to contact **Jeffrey O’Brien** at (612) 875-7586 or via e-mail at [**jobrien@chestnutcambronne.com**](mailto:jobrien@chestnutcambronne.com) or **Jennifer Crancer** at (612) 767-3612 or via e-mail at [**jcrancer@chestnutcambronne.com**](mailto:jcrancer@chestnutcambronne.com).