July 16, 2020

Governor Greg Abbott
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Abbott,

Like many Texans, you and your office have been forced to make difficult decisions in an attempt to keep people safe during this uncertain time. We know you also care deeply about the Texas economy, including the livelihood of thousands of Texans who make their living in the restaurant industry. The restaurant industry directly and indirectly employs more than three million people, including farms, manufacturers, distributors, and suppliers. Additionally, the industry is a major tax contributor and community partner to towns and cities across Texas.

As Governor of Texas, we ask you to help this critical industry by amending or clarifying the definition of a restaurant in Executive Order No. GA-28. Currently, restaurants are defined as businesses “that have less than 51 percent of their gross receipts from the sale of alcoholic beverages.” All other businesses with a TABC permit are treated like a bar and required to close for onsite service. This has created significant confusion in the industry because many restaurants cross the 51% threshold simply because they sell affordably-priced food and higher-priced wine, beer, or cocktails.

The Texas Restaurant Association estimates this confusion has closed over 1,500 restaurants and put 35,000 employees out of work, making them once again reliant on unemployment benefits to help make ends meet. To save our state’s resources and get Texans back to work, we ask you to clarify that any business with a license or permit from TABC is still a restaurant if it meets the following criteria and abides by the Minimum Standard Health Protocols for Restaurants:

1. Has a permanent kitchen on its premises with an exhaust hood and fire suppression system;
2. Has the kitchen operational during all hours that the business is open, with multiple entrees available for consumption on the premises; and
3. Only serves patrons who are seated in accordance with the social distancing protocols for restaurants (aside from to-go and delivery service).

This definition provides clarity on some of the confusion many restaurant owners are facing and allows them to keep their doors open. Thank you for your willingness to listen and your leadership during this unprecedented time in our state’s history.

Sincerely,

Representative Matt Krause  
Senator Bryan Hughes
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