CALIFORNIA DEPARTMENT OF
Alcoholic Beverage Control

Oct 8, 2020

EN ESPAÑOL

Sixth Notice of Regulatory Relief

Pursuant to the Constitution of the State of California, Article XX, Section 22, and in furtherance of Governor Newsom's emergency declarations and orders regarding the spread of the COVID-19 virus, the Department of Alcoholic Beverage Control previously provided temporary relief measures which remain in place, and the Department now adds two new measures to this list.

The Department of Alcoholic Beverage Control previously suspended enforcement of the following legal prohibitions on a temporary basis:

1. Returns of Alcoholic Beverages
2. Retail-to-Retail Transactions

CORONAVIRUS (COVID-19) UPDATES

First Notice of

3. Extension of Credit
4. On-Sale Retailers Exercising Off-Sale Privileges
5. Sales of Alcoholic Beverages To-Go
6. Drive-Thru Windows for Off-Sale Transactions
7. Hours of Operations for Retail Sales
8. Deliveries to Consumers
9. Free Delivery
10. Delivery Hours Extended to Midnight
11. ~~Charitable Promotions and Sales~~ – Superseded by No. 18
12. Distilled Spirits Manufacturers Providing High-Proof Spirits for Disinfection Purposes
13. Virtual Wine Tastings
14. Expansion of Licensed Footprint
15. Extension of Regulatory Relief for Club Licenses: Type 50, 51 and 52
16. On-Sale Licensees without Kitchen Facilities

Unless otherwise noted, those temporary relief measures remain in place, and the Department now issues the following relief to enable winegrower, beer manufacturer, and certain other specified supplier licensees to partner with on-sale retailers to conduct "virtual meet the winemaker/brewer dinners" pursuant to Business and Professions Code sections 25503.4 and 25503.45 and subject to certain parameters, and renews its former relief given to allow for Charitable Promotions and Sales related to this State of Emergency that was previously allowed to expire:

17. "Virtual" Meet the Winemaker or Brewer Dinners

Business and Professions Code sections 25503.4 and 25503.45 are specific

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exceptions to tied-house “thing of value” prohibitions that authorize particularly identified licensees to work with on-sale retailers to conduct events. These events are commonly referred to as “meet the winemaker” (section 25503.4) and “meet the brewer” (section 25503.45) dinners. Licensees authorized to participate with on-sale retailers in such events are: (1) Pursuant to section 25503.4—winegrowers, California winegrower’s agents, or wine importers; (2) Pursuant to section 25503.45—licensed beer manufacturers or beer and wine importer’s general licensees.

Both section 25503.4 and section 25503.45 require that the authorized events occur on the premises of an on-sale licensee. By this Sixth Notice of Regulatory Relief, the Department will temporarily exercise its prosecutorial discretion and will not enforce this requirement as long as the following parameters are complied with in conducting such events:

1. The events must still be conducted by, with the permission of, and under the control of the on-sale retailer, and the winery or brewery (or other authorized licensee) may participate only to the same extent that they would be if the event was being held on the retailer’s premises.
2. The on-sale retailer must sell all food and alcoholic beverages to consumers (for delivery or pick-up). Meals included may be prepared by the on-sale retailer or may include ingredients for the consumer to prepare at home, or may be some combination thereof.
3. A participating winery or brewery (or

Questions

CONTACT

Additional information may be obtained by contacting:

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Email us at headquarters@abc.ca.gov
Call (916) 419-2500

other authorized licensee) may advertise the event in the same manner (and subject to the same limitations) as is permitted by the respective statutory authority.

4. The retailer and winery/brewery/authorized licensee may jointly host on-line instruction in connection with the event.
5. No wine or beer or any other alcoholic beverages may be provided by the winery or brewery (or other authorized licensee) to consumers in connection with the event. While section 25503.4 does provide for limited samples of wine to be provided by the authorized licensee in conjunction with events being held at the on-sale retailers premises, because it would be problematic for such licensees to provide such limited quantities in a compliant manner, as well as difficulties with oversight and enforcement, the Department is not authorizing this activity. There is no similar authority for beer samples to be provided even at events being held on the premises of the on-sale retailer.
6. Any costs associated with the delivery of food and alcohol, for hosting the online event, or otherwise related to the event, must be borne by the on-sale retailer.

18. Renewal of Relief for Charitable Promotions and Sales

The Department supports its licensees making monetary donations to bona fide charitable organizations, including such organizations established to support employees of licensed retailers, in connection with the COVID-19 crisis. With respect to promotional donations in which a manufacturer, wholesaler, or other supplier-type licensee advertises that a portion of the purchase price of the alcoholic beverages will be donated to a specified charitable organization, the Department is suspending enforcement of the prohibitions against provisions of things of value to retailers (Business and Professions Code Section 25500 or 25502) and the prohibition against the provision of premiums, gifts, or free goods in connection with the sale or marketing of alcoholic beverages (Business and Professions Code Section 25600), subject to the following limitations:

1. The donation and promotion involve a bona fide charitable organization providing relief related to the COVID-19 pandemic;
2. The promotion is in connection with the sale of sealed containers and does not encourage or promote the consumption of alcoholic beverages; and
3. A participating winery or brewery (or other authorized licensee) may advertise the event in the same manner (and subject to the same limitations) as is permitted by the respective statutory authority.

4. The donation and promotion do not identify, advertise, or otherwise promote or involve any retail licensee.

The Department has determined that this earlier relief shall be extended until further notice.

As with the prior measures in the First Notice, Second Notice, Third Notice, Fourth Notice, and Fifth Notice, this Notice of Regulatory Relief is designed to support the alcoholic beverage industry in its efforts to assist California in slowing the spread of the virus while assisting the industry in dealing with the economic challenges it is facing as a result. The Department has carefully considered the public's health, safety, and welfare in providing this relief, and the Department has concluded that the decision to defer enforcement of these measures, exercised on a temporary basis, will not jeopardize the public's health, safety, or welfare. In lieu of individual requests for relief submitted to the Department, the temporary relief from the enforcement of the regulatory requirements set forth in this notice are applicable to all affected Department licensees and will continue until further notice.

Limitations on Relief

The relief provided by this and prior notices is temporary and may be withdrawn by the Department at any time. The Department intends to provide a 10-day notice of the termination of any such relief, although such relief may be withdrawn immediately should the needs of public safety dictate. In addition, licensees are directed to use the relief provided by this notice responsibly without compromising the public's health, safety, or welfare. Notwithstanding any other provision of law, if the Department determines that any licensee is found to be

abusing the relief provided by this notice, or if the licensee's actions jeopardize public health, safety, or welfare, the Department may summarily rescind the relief as to that licensee at any time. Until the Department rescinds any of these temporary relief measures, whether as to all licensees or a particular licensee, any licensee adhering to the terms of this notice, and other applicable laws, may rely on this notice to utilize the privileges described without risk of enforcement by the Department against its license for actions taken up until the time of the rescission.

In addition, this notice does not exempt licensees from local ordinances, zoning restrictions, conditional use permits, and the like, over which the Department has no jurisdiction or control. That said, the Department will not consider any violation of such local controls to constitute a violation of the license issued by the Department.

We encourage all licensees to sign up with the Department for email notices regarding this and other issues. This is easily done by clicking Subscribe. If you have any questions, please contact the Department.