CALIFORNIA DEPARTMENT OF
Alcoholic Beverage Control

May 15, 2020

EN ESPAÑOL

Fourth 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 ~~Charitable Promotions and Sales~~ – Superseded by No. 18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

Unless otherwise noted, those temporary relief measures remain in place, and the Department now issues the following relief to enable licensees with on-sale privileges to reopen their businesses for on-site consumption that is consistent with the Governor's declarations and orders as well as other State and local health and safety guidelines:

14. Expansion of Licensed Footprint

This regulatory relief applies to ABC licensed on-sale dining establishments in counties where temporary stay at home orders have been lifted. Some level of inside dining and on-site alcohol consumption is now being allowed in **some specific locations in the state**. Visit the California COVID-19 Response website to learn which counties have loosened restrictions. For more specific information about guidance for bars and restaurants see the COVID-19 Industry Guidance: Dine-In Restaurants (PDF).

A COVID-19 Temporary Catering Authorization authorizes the on-sale

Regulatory Relief
Second Notice of Regulatory Relief
Third Notice of Regulatory Relief
Fourth Notice of Regulatory Relief
Fifth Notice of Regulatory Relief
Sixth Notice of Regulatory Relief
Seventh Notice of Regulatory Relief
Eighth Notice of Regulatory Relief
Renewal Fee Waiver
2021 Renewal Payment Extension
Guidance by License Type
Blueprint for a Safer Economy
Meal Requirement Guidance
Frequently Asked

consumption of those alcoholic beverages for which the licensee has on-sale privileges on property that is adjacent to the licensed premises, and that is under the control of the licensee.

The Department will grant these temporary authorizations only for areas in accordance with state and local health and safety directives (which includes approval for the county to move into Stage 2 by the California Department of Public Health), and the temporary authorization will be conditioned on the licensee adhering to such directives. The temporary authorization is limited to the service of those alcoholic beverages in the temporarily approved area that are authorized under its license. Such service of alcoholic beverages is subject to the same privileges and restrictions that apply on the licensee's permanently licensed premises. The tied-house laws that limit the business relationships between retail licensees and non-retail licensees remain in effect and will be enforced with the following exception: a non-retail license that does not operate a bona fide eating place may contract with a retail license to be a meal provider for the non-retail licensee under the temporary relief if there is no undue influence or quid pro quo. However, a non-retail licensee cannot be a meal provider to a retail licensee as this would be a prohibited thing of value to the retail licensee.

All conditions applicable to the permanently licensed premises shall remain in effect and subject to enforcement, except as to any conditions that the Department has determined will not be enforced under other Notices of Regulatory Relief. Although conditions may or may not be placed on the temporary catering authorization at the time of issuance, if the Department determines that operation of the temporarily authorized area is contrary to public health, safety, or welfare, new or

Questions

CONTACT

Additional information may be obtained by contacting:

Alcoholic Beverage Control
3927 Lennane Drive, Suite 100
Sacramento, CA 95834

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

additional conditions may be added to the temporary catering authorization after issuance or it may be cancelled.

Adjacent areas under the control of the licensee include, but are not limited to:

- Indoor areas that are accessible from within the licensed premises but not currently licensed;
- Outdoor areas that are accessible from the licensed premises but not currently licensed;
- Indoor and outdoor areas under the control of the licensee and one or more other businesses;
- Parking lots;
- Sidewalks and other public thoroughfares that are closed to public access during the period of service;
- Other areas within close proximity to the licensed premises that are immediately accessible to the licensee, and that are secured by and under the control of the licensee, at the discretion of the Department.

In all areas approved under the COVID-19 Temporary Catering Authorization, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises. Violations of these provisions, as well as the terms and conditions of the temporary catering authorization, may be grounds for suspension or revocation of the licensee's license, as though the violation occurred on the licensed premises. The

COVID-19 Temporary Catering Authorization may be immediately canceled by the Department if any violations occur within the temporarily authorized area or within the permanently licensed premises.

If the temporarily authorized area is being utilized by one or more other licensees, all licensees sharing the area will be jointly responsible for compliance with all applicable laws and rules pertaining to their respective licenses and authorizations and for any violations that may occur within the shared common temporarily authorized area. If at any point a licensee wants to terminate its liability for a shared area, it must cancel its authorization.

The COVID-19 Temporary Catering Authorization Application (Form ABC-218 CV19) shall include:

1. A diagram of the currently licensed premises and the proposed temporary area, clearly delineating the respective spaces;
2. An explanation of the licensee's legal ability to control the proposed temporary area (e.g., the licensee owns or rents the area, the local governing authority has authorized the licensee to use the area for the service of meals and/or alcoholic beverages, or the licensee has another type of permission to use it);
3. What temporary or fixed barriers or delineations will be utilized that will enable the licensee to control the temporary area;
4. Whether the temporary area will be shared with any other person, whether or

not a licensee, and whether any other licensee will be permitting the consumption of alcohol in the area;
5. A statement that a copy of the application has been forwarded to the appropriate local law enforcement agency;
6. A statement by the licensee that the temporary authorization is consistent with the terms herein, as well as all state and local directives; and
7. A **non-refundable** application fee of $100.

Upon filing of the application and payment of the fee, the applicant may begin exercising retail privileges in the temporarily authorized area. The authorization will be valid indefinitely, unless cancelled as provided below.

The authorization may be cancelled as follows:

1. Upon the termination of this COVID-19 Temporary Catering Authorization program;
2. For any violation of the ABC Act, or for violation of applicable laws, rules, ordinances, and other directives pertaining to business activities conducted on the premises and expanded area;
3. For disturbance of the quiet enjoyment of nearby residents;
4. Upon objection by local law enforcement;
5. If operation of the temporarily authorized area is inconsistent with State or local

public health directives, including social distancing directives or guidance; or

6. If in the discretion of the Department continuance of the temporary authorization will negatively impact the public's health, safety, or welfare.

VIEW APPLICATION

15. Extension of Regulatory Relief for Club Licenses: Type 50, 51 and 52

This regulatory relief applies to ABC licensed Clubs with types 50, 51 and 52 licenses. Please note that this applies to the delivery of alcoholic beverages. The service of alcoholic beverages on the licensed premises may occur (in counties approved for Stage 2) in accordance with the guidance provided in the Industry Advisory.

The Department has received requests to extend its Notice of Regulatory Relief for delivery of alcoholic beverages to licensed premises that hold Club Licenses, Type-50, Type-51, and Type-52. Normally, Club Licenses only have the privilege of serving alcohol to members upon their licensed premises. The Department has determined the public health, safety, and welfare will not be harmed if these privileges are temporarily extended to allow for the off-sale of alcoholic beverages in the same manner as for other types of on-sale licensees, as detailed in the Department's First Notice of Regulatory Relief (and related guidance), as long as the club limits such sales and deliveries to persons to whom the club licensee is authorized to sell alcoholic

beverages. Under this Notice of Regulatory Relief, a Club Licensee may temporarily sell and deliver alcoholic beverages in manufacturer sealed containers to its club members (or other persons to whom it is authorized to sell) away from its licensed premises. In addition, a Club Licensee may seal its own containers to sell and deliver alcoholic beverages to its members in accordance with the same guidelines provided to other licensees, including that the alcohol is only delivered in conjunction with a bona fide meal and the alcohol is transported in a safe manner. Please see the updated guidance by license type tool on the Department's website.

As with the prior measures in the First Notice, Second Notice, and Third 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.