



May 1, 2020

EN ESPAÑOL

Re-Opening of Licensed Premises in Violation of Stay at Home Orders

The Department has received numerous complaints in the past six weeks that licensees have opened their premises in defiance of these orders.

There are currently in place various emergency declarations, orders, and guidance issued by state and local public health authorities designed to stop the spread of the COVID-19 virus. These include measures that have resulted in the closure of some ABC licensed businesses as well as significant restrictions on the operations of others. These restrictions have most impacted the consumption of alcoholic beverages in restaurants, bars, wineries, breweries, and other licensed premises with on-sale privileges.

The current status of these various directives is that no licensee in this state may permit on-sale consumption, unless a specific waiver has been granted by the Department. The Department issues this advisory to remind licensees of these restrictions, particularly in light of the announcement by licensees that they intend to open for on-sale consumption in defiance of state and local directives on May 1, 2020.

The Department has received numerous complaints in the past six weeks that licensees have opened their premises in defiance of these orders. The Department has investigated

all of these complaints, and for those found to be so operating, the Department has contacted these licensees and advised them to close immediately. In more than 98% of the cases the Department has investigated, the licensee has agreed to shut down voluntarily pursuant to the Department's request. The Department will not pursue disciplinary action against these licensees. For any licensee who has continued to operate despite the Department's efforts to persuade them to voluntarily comply, the Department is pursuing administrative action against the licensed premises, an action that could result in the suspension or revocation of the license.

The Department's administrative actions are based on the prohibition against permitting a disorderly house, Business and Professions Code Section 25601, as well as other applicable laws. Section 25601 provides:

Every licensee, or agent or employee of a licensee, who keeps, permits to be used, or suffers to be used, in conjunction with a licensed premises, any disorderly house or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which people abide or to which people resort for purposes which are injurious to the public morals, health, convenience, or safety, is guilty of a misdemeanor.

Defiance of the statewide and local stay at home orders endangers public health and safety, and for licensed premises constitutes the keeping of, or permitting a licensed premises to operate as, a disorderly house.

Licensees are specifically advised that they must continue to:

- Keep their premises closed to dine-in customers and on-site consumption of alcoholic beverages;
- Permit only take-out or curbside pickup;
- Post signage indicating limited service; and
- Prohibit patrons from gathering or congregating in or about their premises.

There are relatively few licensees who have defied the stay at home orders and the Department's requests, and the industry should be proud that it is doing its part to combat this public health crisis. The Department recognizes the substantial economic impact this had had on licensees, and for that reason the Department has issued a variety of Notices of Regulatory Relief, which are posted on our [Coronavirus \(COVID-19\) Updates](#).

We continue to solicit proposals for regulatory relief to assist our licensees, and we invite all licensees to send us their ideas. In the meantime, for the health and safety of employees, patrons, and all Californians, licensees must abide by the stay at home orders.

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