

COVID-19 TEMPORARY CATERING AUTHORIZATION INFORMATION

Purpose of a COVID-19 Temporary Catering Authorization

The COVID-19 Temporary Catering Authorization is intended to assist qualified hospitality businesses with reopening in a manner that is consistent with local and state health and safety directives. This specifically includes temporarily expanding the licensed area of a qualified business to accommodate patrons while abiding by social distancing guidelines and directives.

Who May Obtain a COVID-19 Temporary Catering Authorization

Any licensee with on-sale retail privileges may qualify for a COVID-19 Temporary Catering Authorization. A Caterer's Permit (Type 58) is not required to qualify for this authorization. The COVID-19 Temporary Catering Authorization authorizes the on-site 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.

A COVID-19 Temporary Catering Authorization will only be considered for those businesses located in counties which have loosened restrictions regarding ABC licensed on-sale businesses. Applications submitted for counties which are not currently allowing this type of activity or that have not been approved to reopen by the State will be returned.

Acceptable Locations for a COVID-19 Temporary Catering Authorization

Qualified businesses may apply for a COVID-19 Temporary Catering Authorization that temporarily expands their existing licensed premises to include an area that is adjacent to the licensed premises and under the control of the licensee. 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 COVID-19 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 COVID-19 Temporary Catering Authorization.

Businesses licensed with an on-sale public premises license (e.g., Type 42, Type 48) cannot share an area with non-public premises license types as minors are not allowed on the premises.

How to Apply for a COVID-19 Temporary Catering Authorization

If you are a qualified business, you may apply for a COVID-19 Temporary Catering Authorization by submitting a completed COVID-19 Temporary Catering Authorization Application (Form ABC-218 CV19) to your nearest ABC office. You must also submit a Supplemental Diagram (Form ABC-253) which clearly identifies where the requested area is in relation to the existing licensed premises. The fee for a COVID-19 Temporary Catering Authorization is \$100.00. This fee is non-refundable regardless of whether the application is approved or denied.

Depending on the circumstances involving the temporary expansion you are requesting, the office accepting the application may also require that you submit additional forms. Each qualified licensed location may apply for only one COVID-19 Temporary Catering Authorization. However, a single authorization may include multiple adjacent areas under the licensee's control. Prior to submitting this application, it is your responsibility to:

- ensure you have legal authority to use the area(s) requested;
- ensure the temporary expansion request has the approval of applicable local agencies (i.e., zoning, law enforcement);
- ensure the temporary expansion request is being made in accordance with applicable city, county, and state guidelines regarding social distancing and the legality of your business being open for in-person service (This may vary by jurisdiction);
- ensure the temporary expansion request will not negatively impact the surrounding area (i.e., residences, nearby businesses).

Failure to do any of the above may result in denial of the application; or an immediate cancellation of the authorization if one has been issued and any of the above is subsequently determined to have not been met.

If your application for a COVID-19 Temporary Catering Authorization is approved, the approving office will send you a COVID-19 Temporary Catering Authorization via email. If you prefer, the authorization can be sent to you via U.S. mail as opposed to email. The authorization must be kept on-site along with the diagram of where the temporarily expanded area is in relation to the existing licensed premises. Pursuant to the Notice of Regulatory Relief which allows for the issuance of a COVID-19 Temporary Catering Authorization, qualified businesses may begin operating in the requested area(s) upon submission of a completed application and payment of the \$100 fee. However, please note that if the application is subsequently denied you will have to cease operation in the requested area(s) and will not be entitled to a refund. If your application for a COVID-19 Temporary Catering Authorization is denied, you will be notified of the denial along with the reason(s) which resulted in its denial.

If, after issuance of a COVID-19 Temporary Catering Authorization, you want to make changes to the temporarily authorized area(s) or add an additional area, you will need to complete and submit a new application and payment in the amount of \$100. If approved, the new authorization will replace the existing authorization on file.

Additional Information

If approved the COVID-19 Temporary Catering Authorization may be canceled as follows:

- for reasons indicated previously in this document;
- upon the termination of this COVID-19 Temporary Catering Authorization program;
- 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;
- for disturbance of the quiet enjoyment of nearby residents;
- upon objection by local law enforcement;
- if operation of the temporarily authorized area is inconsistent with State or local public health directives, including social distancing directives or guidance;
- if in the discretion of the Department continuance of the COVID-19 Catering Authorization will negatively impact the public's health, safety, or welfare.

Canceled COVID-19 Temporary Catering Authorizations will not be refunded.