

## CONCURRENCE IN SENATE AMENDMENTS

AB 592 (Gabriel, et al.)

As Amended July 21, 2025

Majority vote

**SUMMARY**

This bill, among other things, extends until January 1, 2029, the authority of the Department of Alcoholic Beverage Control (ABC) to permit licensees to exercise license privileges in an expanded license area authorized pursuant to a COVID-19 Temporary Catering Authorization (COVID-19 TCA) approved in accordance with the Fourth Notice of Regulatory Relief issued by the department on May 15, 2020. Additionally, this bill authorizes a food facility to operate using windows, folding doors, or non-fixed store fronts during hours of operation if the restaurant develops, and submits to the enforcement agency for approval, an integrated pest management and food safety risk mitigation plan and meets certain requirements, as specified.

**Senate Amendments**

- 1) Provide that ABC shall not issue any new COVID-19 Temporary Catering Authorizations on or after January 1, 2027.
- 2) Authorize a restaurant, as defined, to operate using open windows, folding doors, or non-fixed store fronts during hours of operation if the restaurant develops, and submits to the enforcement agency for approval, an integrated pest management and food safety risk mitigation plan and meets certain requirements, as specified.
- 3) Provide the restaurant shall self-close upon observation of vermin activity inside the facility, including droppings or markings, and remain closed and not operated until all vermin are eliminated.
- 4) Prohibit a local enforcement agency from unreasonably withholding approval of a proposed pest management and food safety risk mitigation plan and would require approval to be granted unless unique circumstances exist such that no reasonable conditions or measures can sufficiently mitigate a significant risk to public health or safety, as described.
- 5) Make technical and clarifying changes.
- 6) Add Coauthors.

**COMMENTS***Background.*

On March 4, 2020, Governor Newsom proclaimed a State of Emergency regarding the COVID-19 pandemic, and asked all restaurants statewide to suspend dine-in service and only allow take-out or delivery food service. Many businesses sought authorization to expand outdoor dining areas, either in their parking lots, streets, or other designated spaces, while following guidelines for safety and hygiene.

*ABC COVID-19 Temporary Catering Authorization.* ABC's Fourth Notice of Regulatory Relief created the COVID-19 Temporary Catering Authorization (TCA), authorizing the on-site

consumption of alcoholic beverages on property adjacent to the licensed premises and under the control of the licensee. An applicant must ensure the business has legal authority to use the adjacent area, and an issued permit may be revoked for disturbing nearby residents or upon objection by local law enforcement. The TCA allowed designated ABC businesses to maintain operations and generate income through alternative means during periods when in-person dining was restricted or limited. ABC has issued approximately 11,000 COVID-19 temporary authorizations.

AB 61 (Gabriel), Chapter 651, Statutes of 2021, codified this privilege until July 1, 2024, and AB 1217 (Gabriel), Chapter 569, Statutes of 2023, extended this privilege, as well as two other temporary relief measures enacted to help restaurants weather the COVID-19 pandemic, another two years, until July 1, 2026.

AB 592 would extend ABC's authorization until January 1, 2029, allowing restaurants to serve alcohol within an expanded licensed area while also facilitating additional outdoor food preparation and service. To qualify, establishments must hold on-sale privileges for property that is adjacent to the licensed premises, within the control of the licensee.

This bill would also prohibit the ABC from issuing any new COVID-19 TCA on or after January 1, 2027.

*California Retail Food Code.* The portion of the HSC known as the CRFC contains the structural, equipment, and operational requirements for all California retail food facilities. Provisions of the CRFC are primarily enforced by 62 local environmental health regulatory agencies. DPH's Food and Drug Branch plays a supporting role in the enforcement of the CRFC by providing technical expertise to evaluate processes and procedures and to answer technical and legal inquiries for local agencies, industry and consumers.

*Satellite Food Service.* CRFC requires a permanent food facility to obtain a permit to operate a satellite food service or operation. Satellite food service is a remotely located food service operation that is conducted on the same property as, in reasonable proximity to, and in conjunction with and by, a fully enclosed permanent food facility. This bill permanently extends a provision in existing law that allows a permitted food facility within any local jurisdiction that is subject to retail food operation restrictions related to a COVID-19 public health response to prepare and serve food as a temporary satellite food service without obtaining a separate satellite food service permit or submitting written operating procedures and requires the permitted food facility to maintain the written operating procedures onsite for review, upon request, by the local jurisdiction.

*Permanent Food Facilities.* Existing law requires permanent food facilities to be fully enclosed. This bill makes that requirement inoperative as of January 1, 2026 and allows, commencing January 1, 2026, permanent food facilities to use open windows, folding doors, or non-fixed store fronts during hours of operation while requiring permanent food facilities to be fully enclosed during non-operating hours.

This bill was amended in the Senate to allow a food facility to use open windows, folding doors, or non-fixed storefronts while operating—if they develop, and submit to the enforcement agency for approval, an integrated pest management and food safety risk mitigation plan that meets certain requirements, as specified. The bill requires the restaurant to self-close upon observation of vermin activity inside the facility and remain closed until all vermin are eliminated.

Additionally, the bill would prohibit a local enforcement agency from unreasonably withholding approval of a proposed pest management and food safety risk mitigation plan and would require approval to be granted unless unique circumstances exist such that no reasonable conditions or measures can sufficiently mitigate a significant risk to public health or safety.

### **According to the Author**

According to the author's office, "community restaurants are the heart and soul of California, offering vibrant and diverse dining experiences. These beloved restaurants are not just places to eat but they are also centers of culture and connection. After the devastating impact of the COVID-19 pandemic, many are still struggling to stay afloat. Rising costs, escalating labor costs, and inflation continue to threaten their existence. AB 592 is a lifeline for these essential small businesses, providing much-needed relief by cutting through unnecessary red tape and simplifying regulations."

### **Arguments in Support**

According to the California Restaurant Association, "AB 592 simply extends the timeline for restaurants to seek a 'temporary catering authorizations' from the [ABC]. The 'temporary catering authorization' is a modified regulatory process developed during the COVID-19 pandemic in an attempt to lower regulatory costs and hurdles for neighborhood restaurants looking to serve alcohol in newly expanded –and often noncontiguous – outdoor dining areas. AB 592 will provide critical support to countless local outdoor dining programs up and down the state, by building on local programs such as the City of San Francisco's 'shared spaces' program. These local programs have been a tremendous success – and have proven to be incredibly valuable for so many community restaurants throughout the state."

### **Arguments in Opposition**

This bill is opposed by the California Alcohol Policy Alliance and some member organizations, with the alliance arguing, "The economic urgency that made these measures critical has passed. The consequences, however, remains, including an elevated alcohol-mortality rate."

## **FISCAL COMMENTS**

According to the Senate Committee on Appropriations analysis, "the ABC's activities are funded by regulatory and license fees and generally, the department does not receive support from the General Fund. New legislative mandates, although modest in scope, may in totality create new cost pressures and impact the ABC's operating costs and future budget requests."

## **VOTES:**

### **ASM GOVERNMENTAL ORGANIZATION: 18-0-4**

**YES:** Blanca Rubio, Davies, Alvarez, Berman, Bryan, Dixon, Fong, Gabriel, McKinnor, Nguyen, Pacheco, Ramos, Michelle Rodriguez, Sanchez, Solache, Soria, Valencia, Wallis  
**ABS, ABST OR NV:** Carrillo, DeMaio, Gipson, Ta

### **ASM HEALTH: 16-0-0**

**YES:** Bonta, Chen, Addis, Aguiar-Curry, Rogers, Carrillo, Flora, Mark González, Krell, Patel, Patterson, Celeste Rodriguez, Sanchez, Schiavo, Sharp-Collins, Stefani

### **ASM APPROPRIATIONS: 14-0-1**

**YES:** Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Solache, Ta, Alanis

**ABS, ABST OR NV:** Pellerin

**ASSEMBLY FLOOR: 73-0-6**

**YES:** Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

**ABS, ABST OR NV:** Alanis, Arambula, Castillo, Quirk-Silva, Stefani, Tangipa

**UPDATED**

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