



California Legislation Effective Jan. 1, 2022

Alcohol Policy

AB 61 (Gabriel) – Alcohol Beverage Pandemic Relief: This bill allows ABC licensees to continue utilizing expanded outdoor space provided under an ABC approved COVID-19 Temporary Catering Authorization for 365 days following the end of the COVID-19 state of emergency, or until July 1, 2024, whichever occurs first. The bill is sponsored by the California Restaurant Association.

AB 239 (Villapudua and Rivas) – Refillable Wine Containers at Duplicate Premises: This bill allows wine containers to be refilled at a Duplicate-02 premise. Prior to the passage of this measure, containers could only be refilled at the Master-02 premise (i.e., winery). The bill was sponsored by the Monterey County Vintners & Growers Association. Wine Institute supported the bill.

AB 1149 (Villapudua) – Single-Serve Wine and Distilled Spirits Containers: This bill allows a distributor of single-serve distilled spirits and wine to remove the distributor's own products from an off-sale retailer storeroom for the purpose of restocking shelves. This bill is sponsored by California Beer and Beverage Distributors and is intended to align the privileges for single-serve wine and distilled spirits with the existing privileges for beer.

AB 1267 (Cunningham) – Charitable Promotions and Sales: This bill authorizes an alcohol beverage licensee to advertise or promote a donation to a nonprofit charitable organization in connection with the sale of an alcohol beverage. Wine Institute supported the bill.

SB 19 (Glazer) – Additional Tasting Rooms: This bill allows wineries to have three tasting rooms — one at the production facility and two offsite at duplicate premises. Wineries will need to pay a one-time \$440 application fee for the additional facility. Wine Institute supported the bill.

SB 314 (Wiener) – Bar and Restaurant Recovery Act: An urgency measure that went into immediate effect upon signature by the Governor, this bill authorizes ABC to, for 365 days from the date the COVID-19 state of emergency is lifted, allow licensees to continue to exercise license privileges in an expanded licensed area authorized pursuant to a COVID-19 temporary catering permit. In addition, the bill would allow a licensed manufacturer to share a common licensed area with multiple licensed retailers, in specified instances and with certain restrictions. Finally, this bill increases the number of times, from 24 to 36 in a calendar year, that the Department of ABC can issue a caterer's permit for use at any one location.

SB 386 (Umberg) – Tied-House Exception: This bill creates a tied-house exception to allow alcohol manufacturers to sponsor events and purchase advertising with on-premise retailers in a mixed-use district in Orange County (ocV!BE).

SB 389 (Dodd) – Cocktails To-Go: This bill, sponsored by DISCUS, allows on-sale retailers to sell cocktails and single-serve wine in non-manufacturer sealed containers for pickup by the customer. Amendments were taken at our request to make clear that nothing in the bill will impact DTC wine shipments and the delivery of manufacturer sealed containers by an on-sale retail licensee.

Employment Policy

AB 73 (Rivas) – Agriculture Worker Safety Wildfire Smoke: This bill expands the definition of essential workers to include agricultural workers for the purpose of accessing the personal protective equipment (PPE) stockpile for emergencies established by the State Department of Public Health and the Office of Emergency Services. The bill also directs the Division of Occupational Safety and Health (Cal/OSHA) to review and update the content of wildfire smoke training in existing regulations and requires training provided by employers to be in a language and manner readily understandable by employees. Wine Institute supported this bill.

AB 701 (Gonzalez) – Warehouse Distribution Centers: This bill requires an employer with 100 or more nonexempt employees at a single warehouse or 1000 or more nonexempt employees at warehouses around the state to provide each employee, as specified, with a written description of each quota to which the employee is subject and any potential adverse employment action that may result from failure to meet the quota.

AB 1003 (Gonzalez) – Wage Theft: This bill makes the intentional deprivation of wages by unlawful means, with the knowledge that the wages, gratuities, benefits, or other compensation is due to the employee under the law, punishable as Grand Theft under certain circumstances.

SB 331 (Leyva) – Non-Disclosure Agreements and Severance Agreements: This bill prohibits the use of non-disclosure agreements (NDAs) to settle employment and housing-related legal claims involving unlawful harassment, discrimination, or related retaliation of any kind, with limited exceptions when requested by the complainant. This bill also prohibits the inclusion, in an employment severance agreement, of terms that prohibit the separated employee from discussing unlawful conduct at their former workplace, unless the separated employee agrees to those terms under specified conditions designed to safeguard the separated employee's rights.

SB 606 (Gonzalez) – Workplace Safety Violations: This bill establishes a rebuttable presumption that an employer's written policy that violates specified health and safety regulations exists at all of an employer's worksites and adds a definition of "egregious violation" that carries specified additional penalties.

Environmental Policy

AB 315 (Stone) – Stream Restoration Property Owner Liability and Indemnification: This bill provides indemnity and limited liability protections for property owners who voluntarily permit a government-funded streambed restoration project to take place on their property.

AB 332 (Environmental Safety and Toxic Materials Committee) – Treated Wood Waste: This bill authorizes treated wood waste (TWW) to be managed under alternative management standards (AMS) instead of as a hazardous waste.

SB 27 (Skinner) – Natural and Working Lands Carbon Sequestration Projects: This bill creates the California Carbon Sequestration and Climate Resilience Project Registry to maintain a list of eligible but unfunded projects to mitigate California’s greenhouse gas (GHG) emissions and improve climate resilience.

Recycling and Single-Use Packaging

SB 343 (Allen) – Recycling Symbol: This bill tightens the requirements around the permissible use of the “chasing arrows” recycling symbol and when claims regarding recyclability can be made and requires the Department of Resources Recycling and Recovery (CalRecycle) to publish the types and forms of recyclable products and packaging.

Tax Policy

AB 80 (Burke) – PPP Loans: State Tax Deduction: This bill conforms, with certain modifications, state law to federal law with respect to the tax treatment of Paycheck Protection Program (PPP) loans and Economic Injury Disaster Loan (EIDL) advance grants under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Consolidated Appropriations Act of 2021.

SB 539 (Hertzberg) – Property Taxation: Intergenerational Transfers of Real Property: This bill enacts implementing provisions of Proposition 19 (2020). Specifically, the bill, 1) provides statutory detail for taxpayers to claim base year value transfers under Proposition 19, and 2) implements Proposition 19’s limitations on parent-child/grandparent-grandchild change in ownership exclusions.

Wildfire

AB 642 (Friedman) – Wildfires: This bill enacts numerous provisions intended to increase the use of prescribed burning, including the creation of a prescribed burning training center. Wine Institute supported this bill.

SB 332 (Dodd) – Prescribed Burn Liability: This bill releases from liability for the cost of fire suppression, unless conducted in a grossly negligent manner, a certified burn boss and a private landowner who performs, supervises, or oversees a prescribed burn. Wine Institute supported this bill.

Advertising

AB 390 (Berman) – Automatic Renewal and Continuous Service Offers: This bill would require a business that makes an automatic renewal or continuous service offer (wine club membership) to a consumer to provide the consumer with notice before the expiration of a free gift or trial, or temporary or promotional price, included with the offer, and requires these businesses to streamline the cancellation process in accordance with specified criteria.