

**REOPENING SAFER AT WORK AND IN THE COMMUNITY
FOR CONTROL OF COVID-19
CONDITIONAL OPENING OF WINERIES AND BREWERIES FOR
OUTDOOR DINING OPERATIONS WITH MODIFICATIONS—**

SURGE RESPONSE VERSION

Revised Order Issued: November 19, 2020

Effective as of November 20, 2020

Recent Update

11/19/2020 – Updated to do the following:

- Limit capacity of brewery and winery outdoor dining and outdoor wine service operations to 50% maximum occupancy of the outdoor dining/wine service area(s).
- Specify breweries and wineries must close for in-person outdoor dining and outdoor wine service at 10:00 p.m.
- Allow breweries and wineries to continue offering delivery and carry out during permitted hours of operation.

**Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both.
(California Health and Safety Code §120295; Los Angeles County Code § 11.02.080.)**

SUMMARY OF THE ORDER: This Order is directed solely by the Board of Supervisors. This Order supersedes the Order issued October 23, 2020, and is issued to clarify that this Order pertains only to establishments that produce their own beer or wine. Bars and craft distilleries remain closed. The County of Los Angeles is currently experiencing widespread transmission of COVID-19 and is in Tier 1 of the State of California Blueprint for a Safer Economy. The Order permits the conditional opening of wineries and breweries that do not serve food for outdoor dining operations. This Order permits breweries to serve beer when served with a bona fide meal prepared or served onsite by the approved food provider upon implementing the required infection control protocols issued by the Department of Public Health, which include but are not limited to, outside dining operations, implementation and adherence to appropriate social distancing and all required safety measures. Wineries that do not serve food may serve wine to customers outdoors with modifications. Wineries and breweries may continue to remain open for retail sales in compliance with Protocols for Retail Establishments Opening for In-person Shopping (**Appendix B**). **Changes from the previous Order are highlighted.**

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND
SAFETY CODE SECTIONS 101040, 101085, AND 120175,
THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:**

1. Breweries and wineries, with premises set aside for beer and/or wine tasting, that are exempt from the definition of a food facility by California Health and Safety Code Section 113789(c)(5), and do not hold a public health permit for preparing and serving food, on site, and presently possess a valid license type #1, 2 and/or 23 issued by the

California Department of Alcoholic Beverage Control may, on or after October 6, 2020, open for outdoor dining operations. Beginning November 20, 2020, breweries and wineries must limit outdoor dining and outdoor wine service operations to 50% maximum occupancy of the outdoor dining/wine service area(s). Breweries and wineries must close for in-person outdoor dining and for outdoor wine service at 10:00 p.m. Breweries and wineries may continue to offer delivery and carry out during permitted hours of operation.

2. Breweries, as defined above, (referred hereto as "Non-Restaurant"), may operate outdoors solely under the following conditions:
 - a) Sit-down, dine-in bona fide meals are prepared on-site or provided by an approved meal provider, which possesses a valid food facility permit issued by the County of Los Angeles Department of Public Health, and is regularly engaged in the business of preparing and offering bona fide meals for sale to the public, such as, a traditional restaurant, a fast food restaurant or a mobile meal provider (e.g. a food truck), or similar licensed businesses that prepares and serves bona fide meals. Through the County's permitting process for this activity, the Non-Restaurant must notify the County Department of Public Health, Environmental Health Division, of the agreement and the relationship between the Non-Restaurant and the County permitted approved meal provider; and, if requested, provide a copy of this agreement to Environmental Health. Approval shall be obtained from the County Department of Public Health, Environmental Health Division, prior to opening and start of operations.
 - b) All orders for food and alcoholic beverages are made to and coordinated by the Non-Restaurant. Orders and payments from customers for food and alcoholic beverages must be received by Non-Restaurant. The Non-Restaurant may then pass on the food order and a portion of the payment to the approved meal provider. **ALCOHOL MUST BE PURCHASED IN THE SAME TRANSACTION AS A BONA FIDE MEAL.**
 - c) Food, beverage, and alcohol service shall be provided to only customers seated at tables outdoors. Customers are prohibited from ordering and/or picking up food or beverages indoors for on-site dining.
 - d) The Non-Restaurant operates in accordance with applicable State and local laws and regulations, including but not limited to regulations implemented by the California Alcohol and Beverage Control.
3. In order to conditionally open, breweries and wineries must first implement and continually adhere to Protocol for Restaurants, Breweries and Wineries (**Appendix I**) issued by the County of Los Angeles Department of Public Health. Non-compliance with this Order or the required protocols may subject the breweries and wineries and/or the approved meal provider to an administrative fine and immediate closure.
4. Wineries with premises set aside for wine tasting, that are exempt from the definition of a food facility by California Health and Safety Code Section 113789(c)(5), and do not hold a public health permit, which are operated outdoors in adherence with the required protocols of **Appendix I**, are not required to provide a bona fide meal for wine served to customers.

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH
ORDER OF THE HEALTH OFFICER



5. Pursuant to Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and all chiefs of police in all cities located in the Los Angeles County Public Health Jurisdiction ensure compliance with and enforcement of this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance.
6. This Order shall become effective immediately on **November 20, 2020** and will continue to be until it is revised, rescinded, superseded, or amended in writing by the Health Officer.

IT IS SO ORDERED:

Muntu Davis, M.D., M.P.H.
Health Officer,
County of Los Angeles

11/19/2020

Date