

Introduced by Senator MelendezDecember 30, 2020

An act to add Sections 464.5 and 24200.8 to the Business and Professions Code, relating to business, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 102, as introduced, Melendez. COVID-19 emergency order violation: license revocation.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs and provides for the denial, suspension, and revocation of licenses for specified conduct.

Existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses. The act provides the grounds upon which the department may suspend or revoke licenses.

This bill would prohibit the Department of Consumer Affairs, a board within the Department of Consumer Affairs, and the Department of Alcoholic Beverage Control from revoking a license for failure to comply with any COVID-19 emergency orders unless the board or department can prove that lack of compliance resulted in transmission of COVID-19.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 464.5 is added to the Business and
2 Professions Code, to read:

3 464.5. The department and any board shall not revoke a license
4 for failure to comply with any COVID-19 emergency orders, unless
5 the department or board can prove that lack of compliance resulted
6 in the transmission of COVID-19.

7 SEC. 2. Section 24200.8 is added to the Business and
8 Professions Code, to read:

9 24200.8. The Department of Alcoholic Beverage Control shall
10 not revoke the license of any licensee for failure to comply with
11 any COVID-19 emergency orders unless the department can prove
12 that lack of compliance resulted in transmission of COVID-19.

13 SEC. 3. This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or safety within
15 the meaning of Article IV of the California Constitution and shall
16 go into immediate effect. The facts constituting the necessity are:

17 In order to protect businesses, including small businesses, which
18 continue to make significant contributions to economic security,
19 which helps ensure public safety, during these unprecedented times
20 caused by the COVID-19 pandemic, as soon as possible, it is
21 necessary for this act to take effect immediately