

ASSEMBLY BILL

No. 1670

Introduced by Assembly Member Dodd

January 15, 2016

An act to amend Section 23826.10 of, and to add Section 24045.77 to, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1670, as introduced, Dodd. Alcoholic beverages: licenses.

Existing law, the Alcoholic Beverage Control Act, regulates the application, issuance, and suspension of alcoholic beverage licenses by the Department of Alcoholic Beverage Control. The act provides that a violation of its provisions is a misdemeanor, unless otherwise specified.

The act provides for a limitation on the number of on-sale general licenses that may be issued by the department based on the population of the county in which the licensed premises are located, as provided. However, existing law provides an exception to this limitation for the County of Napa and authorizes the department to issue 5 additional new original on-sale general licenses per year for bona fide public eating places with a seating capacity for 50 or more diners, for a period of 3 years. Existing law prohibits more than 15 of these licenses from being issued pursuant to this exception.

This bill would additionally authorize the department to issue 5 additional new original on-sale general licenses per year to a bona fide public eating place with a seating capacity of 25 or more diners, for a period of 5 years. The bill would prohibit more than 25 of those licenses from being issued.

Existing law authorizes the Department of Alcoholic Beverage Control to issue a special on-sale general license to any nonprofit theater company, subject to specified requirements.

This bill would authorize the department to issue a special on-sale general license to the operator of any for-profit theater located in the County of Napa, configured with theatrical seating, and primarily devoted to live theatrical performances, which would permit sales, service, and consumption of alcoholic beverages in the lobbies and seating areas of the theater at specified times. The bill would not require the licensee to operate as a bona fide public eating place. By expanding the definition of a crime, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Napa.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 23826.10 of the Business and Professions
2 Code is amended to read:
3 23826.10. (a) (1) Notwithstanding any other provision of this
4 chapter, in any county of the 29th class, commencing January 1,
5 2009, the department may issue five additional new original on-sale
6 general licenses for bona fide public eating places per year, for a
7 period of three years. Any premises to qualify for a license under
8 this section shall have a seating capacity for 50 or more diners. In
9 no event shall more than 15 on-sale general licenses for bona fide
10 eating places be issued under this ~~section~~ paragraph.
11 (2) *Notwithstanding any other provision of this chapter, in any*
12 *county of the 29th class, commencing January 1, 2017, the*
13 *department, in addition to those licenses issued pursuant to*
14 *paragraph (1), may issue five additional new original on-sale*
15 *general licenses for bona fide public eating places per year, for a*
16 *period of five years. Any premises to qualify for a license under*

1 *this section shall have a seating capacity for 25 or more diners.*
 2 *In no event shall more than 25 on-sale general licenses for bona*
 3 *fide eating places be issued under this paragraph.*

4 (b) In issuing the licenses provided for in this section, the
 5 department shall follow the procedure set forth in Section 23961.

6 (c) Nothing in this chapter shall prohibit a person who currently
 7 holds a valid on-sale general license for seasonal business from
 8 applying for an original on-sale general license pursuant to this
 9 section.

10 (d) A license issued under this section shall not be transferred
 11 from one county to another nor shall it be transferred to any
 12 premises not qualifying under this section.

13 SEC. 2. Section 24045.77 is added to the Business and
 14 Professions Code, to read:

15 24045.77. (a) (1) The department may issue a special on-sale
 16 general license to the operator of any for-profit theater located
 17 within the County of Napa, configured with theatrical seating of
 18 at least 800 seats and primarily devoted to live theatrical
 19 performances.

20 (2) A special on-sale general license described by this section
 21 shall not be issued until any existing licenses issued by the
 22 department to the operator for the premises of the for-profit theater
 23 are canceled.

24 (b) The special on-sale general license shall permit sales, service,
 25 and consumption of alcoholic beverages in the lobbies and seating
 26 areas of the for-profit theater for the period beginning two
 27 consecutive hours prior to a live theatrical performance and ending
 28 three hours after the live theatrical performance is completed,
 29 subject to Section 25631. Any special on-sale general license issued
 30 pursuant to this section shall not be subject to the limitations
 31 provided by Section 23816 and shall not be required to be operated
 32 as a bona fide public eating place. The for-profit theater further
 33 shall not be subject to the provisions of Section 23793.

34 (c) For the purposes of this section, “for-profit theater” shall
 35 not include an adult or sexually oriented business, as defined in
 36 Section 318.5 of the Penal Code.

37 SEC. 3. The Legislature finds and declares that a special law
 38 is necessary and that a general law cannot be made applicable
 39 within the meaning of Section 16 of Article IV of the California
 40 Constitution because of the unique circumstances of the economy

1 of the County of Napa and the cultural importance of for-profit
2 theaters within the County of Napa.
3 SEC. 4. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

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