

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1211

Introduced by Senator Harman

February 13, 2008

An act to amend Section 23399 of the Business and Professions Code, relating to alcoholic beverages, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1211, as amended, Harman. Alcoholic beverage control: caterer's permits.

The Alcoholic Beverage Control Act provides for the issuance of licenses for which various annual fees are charged depending upon the type of license issued. The act authorizes the issuance of a caterer's permit, upon application to the Department of Alcoholic Beverage Control, to any licensee under an on-sale general license, a club license, or a veterans' club license authorizing the sale of alcoholic beverages at specified locations and events.

This bill would authorize the issuance of a caterer's permit to any licensee under an on-sale beer and wine license, authorizing the sale of beer and wine at specified locations and events.

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

Vote: ~~majority~~^{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 23399 of the Business and Professions
2 Code is amended to read:

3 23399. (a) An on-sale general license authorizes the sale of
4 beer, wine, and distilled spirits for consumption on the premises
5 where sold. Any licensee under an on-sale general license, an
6 on-sale beer and wine license, a club license, or a veterans' club
7 license may apply to the department for a caterer's permit. A
8 caterer's permit under an on-sale general license shall authorize
9 the sale of beer, wine, and distilled spirits for consumption at
10 conventions, sporting events, trade exhibits, picnics, social
11 gatherings, or similar events held any place in the state approved
12 by the department. A caterer's permit under an on-sale beer and
13 wine license shall authorize the sale of beer and wine for
14 consumption at conventions, sporting events, trade exhibits,
15 picnics, social gatherings, or similar events held any place in the
16 state approved by the department. A caterer's permit under a club
17 license or a veterans' club license shall authorize sales at these
18 events only upon the licensed club premises.

19 (b) Any licensee under an on-sale general license or an on-sale
20 beer and wine license may apply to the department for an event
21 permit. An event permit under an on-sale general license or an
22 on-sale beer and wine license shall authorize, at events held no
23 more frequently than four days in any single calendar year, the
24 sale of beer, wine, and distilled spirits only under an on-sale general
25 license or beer and wine only under an on-sale beer and wine
26 license for consumption on property adjacent to the licensed
27 premises and owned or under the control of the licensee. This
28 property shall be secured and controlled by the licensee and not
29 visible to the general public.

30 (c) This section shall in no way limit the power of the
31 department to issue special licenses under the provisions of Section
32 24045 or to issue daily on-sale general licenses under the provisions
33 of Section 24045.1. Consent for sales at each event shall be first
34 obtained from the department in the form of a catering or event
35 authorization issued pursuant to rules prescribed by it. Any event
36 authorization shall be subject to approval by the appropriate local
37 law enforcement agency. Each catering or event authorization shall
38 be issued at a fee not to exceed ten dollars (\$10) and this fee shall

1 be deposited in the Alcohol Beverage Control Fund as provided
2 in Section 25761.

3 (d) At all approved events, the licensee may exercise only those
4 privileges authorized by the licensee's license and shall comply
5 with all provisions of the act pertaining to the conduct of on-sale
6 premises and violation of those provisions may be grounds for
7 suspension or revocation of the licensee's license or permit, or
8 both, as though the violation occurred on the licensed premises.

9 (e) The fee for a caterer's permit for a licensee under an on-sale
10 general license, *a caterer's permit for a licensee under an on-sale*
11 *beer and wine license*, or an event permit for a licensee under an
12 on-sale general license or an on-sale beer and wine license shall
13 be one hundred four dollars (\$104) for permits issued during the
14 2002 calendar year, one hundred seven dollars (\$107) for permits
15 issued during the 2003 calendar year, one hundred ten dollars
16 (\$110) for permits issued during the 2004 calendar year, and for
17 permits issued during the years thereafter, the annual fee shall be
18 calculated pursuant to subdivisions (b) and (c) of Section 23320,
19 and the fee for a caterer's permit for a licensee under ~~an on-sale~~
20 ~~beer and wine license~~, a club license or a veterans' club license
21 shall be as specified in Section 23320, and the permit may be
22 renewable annually at the same time as the licensee's license. A
23 caterer's or event permit shall be transferable as a part of the
24 license.

25 *SEC. 2. This act is an urgency statute necessary for the*
26 *immediate preservation of the public peace, health, or safety within*
27 *the meaning of Article IV of the Constitution and shall go into*
28 *immediate effect. The facts constituting the necessity are:*

29 *In order to ensure that laws regulating alcoholic beverages are*
30 *enacted at the earliest possible time, thereby protecting public*
31 *health, it is necessary that this act take effect immediately.*