

AMENDED IN SENATE JUNE 21, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1748

Introduced by Assembly Member Hill

February 8, 2010

An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1748, as amended, Hill. Alcoholic beverage control: public schoolhouses.

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is possessed, consumed, or sold, pursuant to a license, for special events held at the facilities of a public community college located in a county of the 1st or 4th class.

This bill would expand the exception to this prohibition to include special events held at the facilities of a public community college located in a county of the 10th class.

This bill would incorporate additional changes to Section 25608 of the Business and Professions Code proposed by AB 1643 and AB 1860, to be operative only if AB 1643 and this bill, AB 1860 and this bill, or AB 1643, AB 1860, and this bill are enacted and become effective on or before January 1, 2011, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for a county of the 10th class.

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

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

1 SECTION 1. Section 25608 of the Business and Professions
2 Code is amended to read:

3 25608. (a) Every person who possesses, consumes, sells, gives,
4 or delivers to any other person, any alcoholic beverage in or on
5 any public schoolhouse or any of the grounds thereof, is guilty of
6 a misdemeanor. This section does not, however, make it unlawful
7 for any person to acquire, possess, or use any alcoholic beverage
8 in or on any public schoolhouse, or on any grounds thereof, if any
9 of the following applies:

10 (1) The alcoholic beverage possessed, consumed, or sold,
11 pursuant to a license obtained under this division, is wine that is
12 produced by a bonded winery owned or operated as part of an
13 instructional program in viticulture and enology.

14 (2) The alcoholic beverage is acquired, possessed, or used in
15 connection with a course of instruction given at the school and the
16 person has been authorized to acquire, possess, or use it by the
17 governing body or other administrative head of the school.

18 (3) The public schoolhouse is surplus school property and the
19 grounds thereof are leased to a lessee which is a general law city
20 with a population of less than 50,000, or the public schoolhouse
21 is surplus school property and the grounds thereof are located in
22 an unincorporated area and are leased to a lessee which is a civic
23 organization, and the property is to be used for community center
24 purposes and no public school education is to be conducted thereon
25 by either the lessor or the lessee and the property is not being used
26 by persons under the age of 21 years for recreational purposes at
27 any time during which alcoholic beverages are being sold or
28 consumed on the premises.

29 (4) The alcoholic beverages are acquired, possessed, or used
30 during events at a college-owned or college-operated veterans
31 stadium with a capacity of over 12,000 people, located in a county
32 with a population of over six million people. As used in this
33 subdivision, "events" mean football games sponsored by a college,
34 other than a public community college, or other events sponsored
35 by noncollege groups.

36 (5) The alcoholic beverages are acquired, possessed, or used
37 during an event not sponsored by any college at a performing arts
38 facility built on property owned by a community college district

1 and leased to a nonprofit organization which is a public benefit
2 corporation formed under Part 2 (commencing with Section 5110)
3 of Division 2 of Title 1 of the Corporations Code. As used in this
4 subdivision, “performing arts facility” means an auditorium with
5 more than 300 permanent seats.

6 (6) The alcoholic beverage is wine for sacramental or other
7 religious purposes and is used only during authorized religious
8 services held on or before January 1, 1995.

9 (7) The alcoholic beverages are acquired, possessed, or used
10 during an event at a community center owned by a community
11 services district and the event is not held at a time when students
12 are attending a public school-sponsored activity at the center.

13 (8) The alcoholic beverage is wine which is acquired, possessed,
14 or used during an event sponsored by a community college district
15 or an organization operated for the benefit of the community
16 college district where the college district maintains both an
17 instructional program in viticulture on no less than five acres of
18 land owned by the district and an instructional program in enology,
19 which includes sales and marketing.

20 (9) The alcoholic beverage is acquired, possessed, or used at a
21 professional minor league baseball game conducted at the stadium
22 of a community college located in a county with a population of
23 less than 250,000 inhabitants, and the baseball game is conducted
24 pursuant to a contract between the community college district and
25 a professional sports organization.

26 (10) The alcoholic beverages are acquired, possessed, or used
27 during events at a college-owned or college-operated stadium or
28 other facility. As used in this subdivision, “events” means
29 fundraisers held to benefit a nonprofit corporation that has obtained
30 a license pursuant to this division for the event. “Events” does not
31 include football games or other athletic contests sponsored by any
32 college or public community college. This subdivision shall not
33 apply to any public education facility in which any grade from
34 kindergarten to grade 12, inclusive, is schooled.

35 (11) The alcoholic beverages are possessed, consumed, or sold,
36 pursuant to a license obtained under this division, for an event
37 during the weekend or at other times when pupils are not on the
38 grounds of an overnight retreat facility owned and operated by a
39 county office of education in a county of the 18th or 20th class.

1 (12) The grounds of the public schoolhouse on which the
2 alcoholic beverage is acquired, possessed, used, or consumed is
3 property that has been developed and is used for residential
4 facilities or housing that is offered for rent, lease, or sale
5 exclusively to faculty or staff of a public school or community
6 college.

7 (13) The grounds of a public schoolhouse on which the alcoholic
8 beverage is acquired, possessed, used, or consumed is property of
9 a community college that is leased, licensed, or otherwise provided
10 for use as a water conservation demonstration garden and
11 community passive recreation resource by a joint powers agency
12 comprised of public agencies, including the community college,
13 and the event at which the alcoholic beverage is acquired,
14 possessed, used, or consumed is conducted pursuant to a written
15 policy adopted by the governing body of the joint powers agency
16 and no public funds are used for the purchase or provision of the
17 alcoholic beverage.

18 (14) The alcoholic beverage is beer or wine acquired, possessed,
19 used, sold, or consumed only in connection with a course of
20 instruction, sponsored dinner, or meal demonstration given as part
21 of a culinary arts program at a campus of a California community
22 college and the person has been authorized to acquire, possess,
23 use, sell, or consume the beer or wine by the governing body or
24 other administrative head of the school.

25 (15) The alcoholic beverages are possessed, consumed, or sold,
26 pursuant to a license or permit obtained under this division for
27 special events held at the facilities of a public community college,
28 located in a county of the first class, a county of the fourth class,
29 or a county of the tenth class, during the special event. As used in
30 ~~this subdivision~~ *paragraph*, “special event” means festivals, shows,
31 private parties, concerts, theatrical productions, and other events
32 held on the premises of the public community college, pursuant
33 to a license or permit, and for which the principal attendees are
34 members of the general public or invited guests and not students
35 of the public community college.

36 (b) Any person convicted of a violation of this section shall, in
37 addition to the penalty imposed for the misdemeanor, be barred
38 from having or receiving any privilege of the use of public school
39 property which is accorded by Article 2 (commencing with Section

1 82537) of Chapter 8 of Part 49 of *Division 7 of Title 3* of the
2 Education Code.

3 *SEC. 1.3. Section 25608 of the Business and Professions Code*
4 *is amended to read:*

5 25608. (a) Every person who possesses, consumes, sells, gives,
6 or delivers to any other person, any alcoholic beverage in or on
7 any public schoolhouse or any of the grounds thereof, is guilty of
8 a misdemeanor. This section does not, however, make it unlawful
9 for any person to acquire, possess, or use any alcoholic beverage
10 in or on any public schoolhouse, or on any grounds thereof, if any
11 of the following applies:

12 (1) The alcoholic beverage possessed, consumed, or sold,
13 pursuant to a license obtained under this division, is wine that is
14 produced by a bonded winery owned or operated as part of an
15 instructional program in viticulture and enology.

16 (2) The alcoholic beverage is acquired, possessed, or used in
17 connection with a course of instruction given at the school and the
18 person has been authorized to acquire, possess, or use it by the
19 governing body or other administrative head of the school.

20 (3) The public schoolhouse is surplus school property and the
21 grounds ~~thereof of the schoolhouse~~ are leased to a lessee ~~which~~
22 *that* is a general law city with a population of less than 50,000, or
23 the public schoolhouse is surplus school property and the grounds
24 ~~thereof of the schoolhouse~~ are located in an unincorporated area
25 and are leased to a lessee ~~which~~ *that* is a civic organization, and
26 the property is to be used for community center purposes and no
27 public school education is to be conducted ~~thereon~~ *on the property*
28 by either the lessor or the lessee and the property is not being used
29 by persons under the age of 21 years for recreational purposes at
30 any time during which alcoholic beverages are being sold or
31 consumed on the premises.

32 (4) The alcoholic beverages are acquired, possessed, or used
33 during events at a college-owned or college-operated veterans
34 stadium with a capacity of over 12,000 people, located in a county
35 with a population of ~~over six million~~ *6,000,000* people. As used
36 in this ~~subdivision~~ *paragraph*, “events” mean football games
37 sponsored by a college, other than a public community college, or
38 other events sponsored by noncollege groups.

39 (5) The alcoholic beverages are acquired, possessed, or used
40 during an event not sponsored by any college at a performing arts

1 facility built on property owned by a community college district
2 and leased to a nonprofit organization ~~which~~ *that* is a public benefit
3 corporation formed under Part 2 (commencing with Section 5110)
4 of Division 2 of Title 1 of the Corporations Code. As used in this
5 ~~subdivision paragraph~~, “performing arts facility” means an
6 auditorium with more than 300 permanent seats.

7 (6) The alcoholic beverage is wine for sacramental or other
8 religious purposes and is used only during authorized religious
9 services held on or before January 1, 1995.

10 (7) The alcoholic beverages are acquired, possessed, or used
11 during an event at a community center owned by a community
12 services district and the event is not held at a time when students
13 are attending a public school-sponsored activity at the center.

14 (8) The alcoholic beverage is wine ~~which~~ *that* is acquired,
15 possessed, or used during an event sponsored by a community
16 college district or an organization operated for the benefit of the
17 community college district where the college district maintains
18 both an instructional program in viticulture on no less than five
19 acres of land owned by the district and an instructional program
20 in enology, which includes sales and marketing.

21 (9) The alcoholic beverage is acquired, possessed, or used at a
22 professional minor league baseball game conducted at the stadium
23 of a community college located in a county with a population of
24 less than 250,000 inhabitants, and the baseball game is conducted
25 pursuant to a contract between the community college district and
26 a professional sports organization.

27 (10) The alcoholic beverages are acquired, possessed, or used
28 during events at a college-owned or college-operated stadium or
29 other facility. As used in this ~~subdivision paragraph~~, “events”
30 means fundraisers held to benefit a nonprofit corporation that has
31 obtained a license pursuant to this division for the event. “Events”
32 does not include football games or other athletic contests sponsored
33 by any college or public community college. This ~~subdivision~~
34 ~~paragraph~~ shall not apply to any public education facility in which
35 any grade from kindergarten to grade 12, inclusive, is schooled.

36 (11) The alcoholic beverages are possessed, consumed, or sold,
37 pursuant to a license obtained under this division, for an event
38 during the weekend or at other times when pupils are not on the
39 grounds of an overnight retreat facility owned and operated by a
40 county office of education in a county of the 18th or 20th class.

1 (12) The grounds of the public schoolhouse on which the
2 alcoholic beverage is acquired, possessed, used, or consumed is
3 property that has been developed and is used for residential
4 facilities or housing that is offered for rent, lease, or sale
5 exclusively to faculty or staff of a public school or community
6 college.

7 (13) The grounds of a public schoolhouse on which the alcoholic
8 beverage is acquired, possessed, used, or consumed is property of
9 a community college that is leased, licensed, or otherwise provided
10 for use as a water conservation demonstration garden and
11 community passive recreation resource by a joint powers agency
12 comprised of public agencies, including the community college,
13 and the event at which the alcoholic beverage is acquired,
14 possessed, used, or consumed is conducted pursuant to a written
15 policy adopted by the governing body of the joint powers agency
16 and no public funds are used for the purchase or provision of the
17 alcoholic beverage.

18 (14) The alcoholic beverage is beer or wine acquired, possessed,
19 used, sold, or consumed only in connection with a course of
20 instruction, sponsored dinner, or meal demonstration given as part
21 of a culinary arts program at a campus of a California community
22 college and the person has been authorized to acquire, possess,
23 use, sell, or consume the beer or wine by the governing body or
24 other administrative head of the school.

25 (15) The alcoholic beverages are possessed, consumed, or sold,
26 pursuant to a license or permit obtained under this division for
27 special events held at the facilities of a public community college,
28 located in a county of the first ~~class~~ or *class*, a county of the fourth
29 class, or a county of the tenth class, during the special event. As
30 used in this ~~subdivision~~ *paragraph*, “special event” means festivals,
31 shows, private parties, concerts, theatrical productions, and other
32 events held on the premises of the public community college,
33 pursuant to a license or permit, and for which the principal
34 attendees are members of the general public or invited guests and
35 not students of the public community college.

36 (16) *The alcoholic beverages are acquired, possessed, or used*
37 *during an event at a community college-owned facility in which*
38 *any grade from kindergarten to grade 12, inclusive, is schooled,*
39 *if the event is held at a time when students in any grades from*
40 *kindergarten to grade 12, inclusive, are not present at the facility.*

1 *As used in this paragraph, “events” include fundraisers held to*
2 *benefit a nonprofit corporation that has obtained a license pursuant*
3 *to this division for the event.*

4 (b) Any person convicted of a violation of this section shall, in
5 addition to the penalty imposed for the misdemeanor, be barred
6 from having or receiving any privilege of the use of public school
7 property which is accorded by Article 2 (commencing with Section
8 82537) of Chapter 8 of Part 49 of *Division 7 of Title 3* of the
9 Education Code.

10 *SEC. 1.5. Section 25608 of the Business and Professions Code*
11 *is amended to read:*

12 25608. (a) Every person who possesses, consumes, sells, gives,
13 or delivers to any other person, any alcoholic beverage in or on
14 any public schoolhouse or any of the grounds ~~thereof of the~~
15 *schoolhouse*, is guilty of a misdemeanor. This section does not,
16 however, make it unlawful for any person to acquire, possess, or
17 use any alcoholic beverage in or on any public schoolhouse, or on
18 any grounds ~~thereof of the schoolhouse~~, if any of the following
19 applies:

20 (1) The alcoholic beverage possessed, consumed, or sold,
21 pursuant to a license obtained under this division, is wine that is
22 produced by a bonded winery owned or operated as part of an
23 instructional program in viticulture and enology.

24 (2) The alcoholic beverage is acquired, possessed, or used in
25 connection with a course of instruction given at the school and the
26 person has been authorized to acquire, possess, or use it by the
27 governing body or other administrative head of the school.

28 (3) The public schoolhouse is surplus school property and the
29 grounds ~~thereof of the schoolhouse~~ are leased to a lessee ~~which~~
30 *that* is a general law city with a population of less than 50,000, or
31 the public schoolhouse is surplus school property and the grounds
32 ~~thereof of the schoolhouse~~ are located in an unincorporated area
33 and are leased to a lessee ~~which~~ *that* is a civic organization, and
34 the property is to be used for community center purposes and no
35 public school education is to be conducted ~~thereon on the property~~
36 by either the lessor or the lessee and the property is not being used
37 by persons under the age of 21 years for recreational purposes at
38 any time during which alcoholic beverages are being sold or
39 consumed on the premises.

1 (4) The alcoholic beverages are acquired, possessed, or used
2 during events at a college-owned or college-operated veterans
3 stadium with a capacity of over 12,000 people, located in a county
4 with a population of over ~~six million~~ 6,000,000 people. As used
5 in this ~~subdivision~~ *paragraph*, “events” mean football games
6 sponsored by a college, other than a public community college, or
7 other events sponsored by noncollege groups.

8 (5) The alcoholic beverages are acquired, possessed, or used
9 during an event not sponsored by any college at a performing arts
10 facility built on property owned by a community college district
11 and leased to a nonprofit organization ~~which~~ *that* is a public benefit
12 corporation formed under Part 2 (commencing with Section 5110)
13 of Division 2 of Title 1 of the Corporations Code. As used in this
14 ~~subdivision~~ *paragraph*, “performing arts facility” means an
15 auditorium with more than 300 permanent seats.

16 (6) The alcoholic beverage is wine for sacramental or other
17 religious purposes and is used only during authorized religious
18 services held on or before January 1, 1995.

19 (7) The alcoholic beverages are acquired, possessed, or used
20 during an event at a community center owned by a community
21 services district and the event is not held at a time when students
22 are attending a public school-sponsored activity at the center.

23 (8) The alcoholic beverage is wine ~~which~~ *that* is acquired,
24 possessed, or used during an event sponsored by a community
25 college district or an organization operated for the benefit of the
26 community college district where the college district maintains
27 both an instructional program in viticulture on no less than five
28 acres of land owned by the district and an instructional program
29 in enology, which includes sales and marketing.

30 (9) The alcoholic beverage is acquired, possessed, or used at a
31 professional minor league baseball game conducted at the stadium
32 of a community college located in a county with a population of
33 less than 250,000 inhabitants, and the baseball game is conducted
34 pursuant to a contract between the community college district and
35 a professional sports organization.

36 (10) The alcoholic beverages are acquired, possessed, or used
37 during events at a college-owned or college-operated stadium or
38 other facility. As used in this ~~subdivision~~ *paragraph*, “events”
39 means fundraisers held to benefit a nonprofit corporation that has
40 obtained a license pursuant to this division for the event. “Events”

1 does not include football games or other athletic contests sponsored
 2 by any college or public community college. This ~~subdivision~~
 3 *paragraph* shall not apply to any public education facility in which
 4 any grade from kindergarten to grade 12, inclusive, is schooled.

5 (11) The alcoholic beverages are possessed, consumed, or sold,
 6 pursuant to a license, *permit, or authorization* obtained under this
 7 division, for an event ~~during the weekend or at other times when~~
 8 ~~pupils are not on the grounds of~~ *held at* an overnight retreat facility
 9 owned and operated by a county office of education ~~in a county~~
 10 ~~of the 18th or 20th class or a school district at times when pupils~~
 11 ~~are not on the grounds.~~

12 (12) The grounds of the public schoolhouse on which the
 13 alcoholic beverage is acquired, possessed, used, or consumed is
 14 property that has been developed and is used for residential
 15 facilities or housing that is offered for rent, lease, or sale
 16 exclusively to faculty or staff of a public school or community
 17 college.

18 (13) The grounds of a public schoolhouse on which the alcoholic
 19 beverage is acquired, possessed, used, or consumed is property of
 20 a community college that is leased, licensed, or otherwise provided
 21 for use as a water conservation demonstration garden and
 22 community passive recreation resource by a joint powers agency
 23 comprised of public agencies, including the community college,
 24 and the event at which the alcoholic beverage is acquired,
 25 possessed, used, or consumed is conducted pursuant to a written
 26 policy adopted by the governing body of the joint powers agency
 27 and no public funds are used for the purchase or provision of the
 28 alcoholic beverage.

29 (14) The alcoholic beverage is beer or wine acquired, possessed,
 30 used, sold, or consumed only in connection with a course of
 31 instruction, sponsored dinner, or meal demonstration given as part
 32 of a culinary arts program at a campus of a California community
 33 college and the person has been authorized to acquire, possess,
 34 use, sell, or consume the beer or wine by the governing body or
 35 other administrative head of the school.

36 (15) The alcoholic beverages are possessed, consumed, or sold,
 37 pursuant to a license or permit obtained under this division for
 38 special events held at the facilities of a public community college,
 39 located in a county of the ~~first class or class~~, a county of the fourth
 40 class, *or a county of the tenth class*, during the special event. As

1 used in this ~~subdivision~~ *paragraph*, “special event” means festivals,
2 shows, private parties, concerts, theatrical productions, and other
3 events held on the premises of the public community college,
4 pursuant to a license or permit, and for which the principal
5 attendees are members of the general public or invited guests and
6 not students of the public community college.

7 (b) Any person convicted of a violation of this section shall, in
8 addition to the penalty imposed for the misdemeanor, be barred
9 from having or receiving any privilege of the use of public school
10 property which is accorded by Article 2 (commencing with Section
11 82537) of Chapter 8 of Part 49 of *Division 7 of Title 3 of the*
12 *Education Code*.

13 *SEC. 1.7. Section 25608 of the Business and Professions Code*
14 *is amended to read:*

15 25608. (a) Every person who possesses, consumes, sells, gives,
16 or delivers to any other person, any alcoholic beverage in or on
17 any public schoolhouse or any of the grounds ~~thereof of the~~
18 *schoolhouse*, is guilty of a misdemeanor. This section does not,
19 however, make it unlawful for any person to acquire, possess, or
20 use any alcoholic beverage in or on any public schoolhouse, or on
21 any grounds ~~thereof of the schoolhouse~~, if any of the following
22 applies:

23 (1) The alcoholic beverage possessed, consumed, or sold,
24 pursuant to a license obtained under this division, is wine that is
25 produced by a bonded winery owned or operated as part of an
26 instructional program in viticulture and enology.

27 (2) The alcoholic beverage is acquired, possessed, or used in
28 connection with a course of instruction given at the school and the
29 person has been authorized to acquire, possess, or use it by the
30 governing body or other administrative head of the school.

31 (3) The public schoolhouse is surplus school property and the
32 grounds ~~thereof of the schoolhouse~~ are leased to a lessee ~~which~~
33 *that* is a general law city with a population of less than 50,000, or
34 the public schoolhouse is surplus school property and the grounds
35 ~~thereof of the schoolhouse~~ are located in an unincorporated area
36 and are leased to a lessee ~~which~~ *that* is a civic organization, and
37 the property is to be used for community center purposes and no
38 public school education is to be conducted ~~thereon on the property~~
39 by either the lessor or the lessee and the property is not being used
40 by persons under the age of 21 years for recreational purposes at

1 any time during which alcoholic beverages are being sold or
2 consumed on the premises.

3 (4) The alcoholic beverages are acquired, possessed, or used
4 during events at a college-owned or college-operated veterans
5 stadium with a capacity of over 12,000 people, located in a county
6 with a population of over ~~six million~~ 6,000,000 people. As used
7 in this ~~subdivision~~ *paragraph*, “events” mean football games
8 sponsored by a college, other than a public community college, or
9 other events sponsored by noncollege groups.

10 (5) The alcoholic beverages are acquired, possessed, or used
11 during an event not sponsored by any college at a performing arts
12 facility built on property owned by a community college district
13 and leased to a nonprofit organization ~~which~~ *that* is a public benefit
14 corporation formed under Part 2 (commencing with Section 5110)
15 of Division 2 of Title 1 of the Corporations Code. As used in this
16 ~~subdivision~~ *paragraph*, “performing arts facility” means an
17 auditorium with more than 300 permanent seats.

18 (6) The alcoholic beverage is wine for sacramental or other
19 religious purposes and is used only during authorized religious
20 services held on or before January 1, 1995.

21 (7) The alcoholic beverages are acquired, possessed, or used
22 during an event at a community center owned by a community
23 services district and the event is not held at a time when students
24 are attending a public school-sponsored activity at the center.

25 (8) The alcoholic beverage is wine ~~which~~ *that* is acquired,
26 possessed, or used during an event sponsored by a community
27 college district or an organization operated for the benefit of the
28 community college district where the college district maintains
29 both an instructional program in viticulture on no less than five
30 acres of land owned by the district and an instructional program
31 in enology, which includes sales and marketing.

32 (9) The alcoholic beverage is acquired, possessed, or used at a
33 professional minor league baseball game conducted at the stadium
34 of a community college located in a county with a population of
35 less than 250,000 inhabitants, and the baseball game is conducted
36 pursuant to a contract between the community college district and
37 a professional sports organization.

38 (10) The alcoholic beverages are acquired, possessed, or used
39 during events at a college-owned or college-operated stadium or
40 other facility. As used in this ~~subdivision~~ *paragraph*, “events”

1 means fundraisers held to benefit a nonprofit corporation that has
2 obtained a license pursuant to this division for the event. “Events”
3 does not include football games or other athletic contests sponsored
4 by any college or public community college. This ~~subdivision~~
5 *paragraph* shall not apply to any public education facility in which
6 any grade from kindergarten to grade 12, inclusive, is schooled.

7 (11) The alcoholic beverages are possessed, consumed, or sold,
8 pursuant to a license, *permit, or authorization* obtained under this
9 division, for an event ~~during the weekend or at other times when~~
10 ~~pupils are not on the grounds of~~ *held at* an overnight retreat facility
11 owned and operated by a county office of education ~~in a county~~
12 ~~of the 18th or 20th class or a school district at times when pupils~~
13 *are not on the grounds.*

14 (12) The grounds of the public schoolhouse on which the
15 alcoholic beverage is acquired, possessed, used, or consumed is
16 property that has been developed and is used for residential
17 facilities or housing that is offered for rent, lease, or sale
18 exclusively to faculty or staff of a public school or community
19 college.

20 (13) The grounds of a public schoolhouse on which the alcoholic
21 beverage is acquired, possessed, used, or consumed is property of
22 a community college that is leased, licensed, or otherwise provided
23 for use as a water conservation demonstration garden and
24 community passive recreation resource by a joint powers agency
25 comprised of public agencies, including the community college,
26 and the event at which the alcoholic beverage is acquired,
27 possessed, used, or consumed is conducted pursuant to a written
28 policy adopted by the governing body of the joint powers agency
29 and no public funds are used for the purchase or provision of the
30 alcoholic beverage.

31 (14) The alcoholic beverage is beer or wine acquired, possessed,
32 used, sold, or consumed only in connection with a course of
33 instruction, sponsored dinner, or meal demonstration given as part
34 of a culinary arts program at a campus of a California community
35 college and the person has been authorized to acquire, possess,
36 use, sell, or consume the beer or wine by the governing body or
37 other administrative head of the school.

38 (15) The alcoholic beverages are possessed, consumed, or sold,
39 pursuant to a license or permit obtained under this division for
40 special events held at the facilities of a public community college,

1 located in a county of the first ~~class~~ or *class*, a county of the fourth
2 class, or a county of the tenth class, during the special event. As
3 used in this ~~subdivision~~ *paragraph*, “special event” means festivals,
4 shows, private parties, concerts, theatrical productions, and other
5 events held on the premises of the public community college,
6 pursuant to a license or permit, and for which the principal
7 attendees are members of the general public or invited guests and
8 not students of the public community college.

9 *(16) The alcoholic beverages are acquired, possessed, or used*
10 *during an event at a community college-owned facility in which*
11 *any grade from kindergarten to grade 12, inclusive, is schooled,*
12 *if the event is held at a time when students in any grades from*
13 *kindergarten to grade 12, inclusive, are not present at the facility.*
14 *As used in this paragraph, “events” include fundraisers held to*
15 *benefit a nonprofit corporation that has obtained a license pursuant*
16 *to this division for the event.*

17 (b) Any person convicted of a violation of this section shall, in
18 addition to the penalty imposed for the misdemeanor, be barred
19 from having or receiving any privilege of the use of public school
20 property which is accorded by Article 2 (commencing with Section
21 82537) of Chapter 8 of Part 49 of *Division 7 of Title 3 of the*
22 *Education Code.*

23 *SEC. 2. (a) Section 1.3 of this bill incorporates amendments*
24 *to Section 25608 of the Business and Professions Code proposed*
25 *by both this bill and AB 1643. It shall only become operative if (1)*
26 *both bills are enacted and become effective on or before January*
27 *1, 2011, (2) each bill amends Section 25608 of the Business and*
28 *Professions Code, and (3) AB 1860 is not enacted or as enacted*
29 *does not amend that section, and (4) this bill is enacted after AB*
30 *1643, in which case Sections 1, 1.5 and 1.7 of this bill shall not*
31 *become operative.*

32 *(b) Section 1.5 of this bill incorporates amendments to Section*
33 *25608 of the Business and Professions Code proposed by both this*
34 *bill and AB 1860. It shall only become operative if (1) both bills*
35 *are enacted and become effective on or before January 1, 2011,*
36 *(2) each bill amends Section 25608 of the Business and Professions*
37 *Code, (3) AB 1643 is not enacted or as enacted does not amend*
38 *that section, and (4) this bill is enacted after AB 1860 in which*
39 *case Sections 1, 1.3 and 1.7 of this bill shall not become operative.*

1 (c) Section 1.7 of this bill incorporates amendments to Section
2 25608 of the Business and Professions Code proposed by this bill,
3 AB 1643, and AB 1860. It shall only become operative if (1) all
4 three bills are enacted and become effective on or before January
5 1, 2011, (2) all three bills amend Section 25608 of the Business
6 and Professions Code, and (3) this bill is enacted after AB 1643
7 and 1860, in which case Sections 1, 1.3 and 1.5 of this bill shall
8 not become operative.

9 ~~SEC. 2.~~

10 SEC. 3. The Legislature finds and declares that a special law
11 is necessary and that a general law cannot be made applicable
12 within the meaning of Section 16 of Article IV of the California
13 Constitution because of the conditions unique to a county of the
14 tenth class.

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