

Introduced by Senator Wolk
(Coauthor: Senator Evans)
(Coauthor: Assembly Member Chesbro)

February 15, 2011

An act to add Section 23038.3 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 339, as introduced, Wolk. Alcoholic beverage: on-sale beer and wine licenses: bona fide public eating place.

The Alcoholic Beverage Control Act authorizes the issuance of an on-sale beer and wine eating place license, which authorizes the sale of beer and wine for consumption on or off the licensed premises, provided the licensee maintains the licensed premises as a bona fide public eating place, as defined.

This bill would expand the definition of bona fide public eating place, for purposes of the on-sale beer and wine eating place license, to include a cooking school that provides courses and instructions in the preparation of food and maintains suitable kitchen facilities, as provided.

The Alcoholic Beverage Control Act provides that a violation of specified provisions of the act is punishable as a misdemeanor. This bill would expand an existing crime by imposing requirements on additional licensees under the act, thus, the bill would impose a state-mandated local program.

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 23038.3 is added to the Business and
2 Professions Code, to read:
3 23038.3. Notwithstanding Section 23038, for purposes of
4 issuing an on-sale beer and wine license only, “bona fide public
5 eating place” also means a cooking school that regularly and in a
6 bona fide manner provides courses of instruction in the preparation
7 of food, and that maintains suitable kitchen facilities for the
8 preparation of food that is offered to persons attending the courses
9 of instruction.

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

O