

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY MAY 1, 2013

AMENDED IN ASSEMBLY APRIL 4, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 525**

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**Introduced by Assembly Member Ting  
(Coauthor: Assembly Member Ammiano)  
(Coauthor: Senator Leno)**

February 20, 2013

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An act to amend Section 23039 of, and to add Section 24045.75 to, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 525, as amended, Ting. Alcoholic beverages: licenses: theaters.

Existing law, the Alcoholic Beverage Control Act, authorizes the Department of Alcoholic Beverage Control to issue a special on-sale general license to any nonprofit theater company, subject to specified requirements. The act provides that a violation of its provisions is a misdemeanor, unless otherwise specified.

This bill would permit the department to issue a special on-sale general license to the operator of any for-profit theater located in the City and County of San Francisco, 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 subject this license to limitations regarding the number of licenses that may be issued in a county and would not require the licensee to operate as a bona fide public eating place. The bill would except a theater to be

licensed under its provisions from other prohibitions on public premises licenses, as specified. 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.

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 23039 of the Business and Professions  
2 Code is amended to read:  
3 23039. (a) "Public premises" means:  
4 (1) Premises licensed with any type of license other than an  
5 on-sale beer license, and maintained and operated for the selling  
6 or serving of alcoholic beverages to the public for consumption  
7 on the premises, and in which food shall not be sold or served to  
8 the public as in a bona fide public eating place, but upon which  
9 premises food products may be sold or served incidentally to the  
10 sale or service of alcoholic beverages, in accordance with rules  
11 prescribed by the department.  
12 (2) Premises licensed with an on-sale beer license, in which  
13 food shall not be sold or served to the public as in a bona fide  
14 public eating place, and in which sandwiches, salads, desserts, and  
15 similar short orders shall not be sold and served, in accordance  
16 with rules prescribed by the department.  
17 (b) "Public premises" does not include railroad dining or club  
18 cars, passenger ships, airplanes, or bona fide clubs after the clubs  
19 have been lawfully operated for not less than one year; nor does  
20 it include historic units of the state park system, premises being  
21 operated under a temporary on-sale beer license other than  
22 permitted pursuant to Section 24045.5, or on-sale beer licensed  
23 stadia, auditoria, fairgrounds, or racetracks; nor does it include  
24 nonprofit theater companies licensed pursuant to Section 24045.7;

1 nor does it include theaters licensed pursuant to Section 24045.75;  
2 nor does it include winegrowers' premises.

3 SEC. 2. Section 24045.75 is added to the Business and  
4 Professions Code, to read:

5 24045.75. (a) (1) The department may issue a special on-sale  
6 general license to the operator of any for-profit theater located  
7 within the City and County of San Francisco, configured with  
8 theatrical seating of at least 1,000 seats and primarily devoted to  
9 live theatrical performances.

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

14 (b) The special on-sale general license shall permit sales, service,  
15 and consumption of alcoholic beverages in the lobbies and seating  
16 areas of the theater for *the period beginning* two consecutive hours  
17 prior to a live theatrical performance and *ending* one hour after  
18 the live theatrical performance is completed, subject to Section  
19 25631. Any special on-sale general license issued pursuant to this  
20 section shall be subject to the limitations provided by Section  
21 23816, but shall not be required to be operated as a bona fide public  
22 eating place. The theater further shall not be subject to the  
23 provisions of Section 23793.

24 (c) For purposes of this section, "for-profit theater" shall not  
25 include an adult or sexually oriented business, as defined in Section  
26 318.5 of the Penal Code.

27 SEC. 3. The Legislature finds and declares that a special law  
28 is necessary and that a general law cannot be made applicable  
29 within the meaning of Section 16 of Article IV of the California  
30 Constitution because of the unique circumstances and cultural  
31 importance of for-profit theaters within the City and County of  
32 San Francisco.

33 SEC. 4. No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 the only costs that may be incurred by a local agency or school  
36 district will be incurred because this act creates a new crime or  
37 infraction, eliminates a crime or infraction, or changes the penalty  
38 for a crime or infraction, within the meaning of Section 17556 of  
39 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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