

**ASSEMBLY BILL**

**No. 2739**

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

February 19, 2016

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An act to amend Section 24045.75 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2739, as introduced, Chiu. Department of Alcoholic Beverage Control: special on-sale general license: for-profit theater.

Under existing law, the Alcoholic Beverage Control Act is administered by the Department of Alcoholic Beverage Control through the Director of Alcoholic Beverage Control. Existing law authorizes the department to issue a special on-sale general license to the operator of any for-profit theater located within the City and County of San Francisco, as specified. Existing law prohibits that special on-sale general license from being issued until any existing licenses issued by the department to the operator for the premises of the for-profit theater are canceled.

This bill would delete that prohibition.

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

Vote:  $\frac{2}{3}$ . 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 24045.75 of the Business and Professions  
2 Code is amended to read:

3 24045.75. (a) ~~(1)~~—The department may issue a special on-sale  
4 general license to the operator of any for-profit theater located  
5 within the City and County of San Francisco, configured with  
6 theatrical seating of at least 1,000 seats and primarily devoted to  
7 live theatrical performances.

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

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

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

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 the fair and efficient application of the  
30 alcoholic beverage control licensing laws with respect to for-profit  
31 theaters within the City and County of San Francisco, it is  
32 necessary that this act take effect immediately.

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