

ASSEMBLY BILL

No. 1750

Introduced by Assembly Member Hagman

February 8, 2010

An act to amend Section 23396.1 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1750, as introduced, Hagman. Alcoholic beverages: lodging establishments.

The Alcoholic Beverage Control Act authorizes motels and hotels having an on-sale general license for restricted service lodging establishments, as described, to sell or furnish alcoholic beverages for consumption on the premises by specified means.

This bill would extend that authorization to allow those motels and hotels having an on-sale general license for restricted service lodging establishments to sell or furnish beer and wine for consumption on the premises, where the beer or wine is sold in a food sale area, as defined, and consumed in specified areas of the motel or hotel.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor. This bill would expand existing crimes by imposing additional duties on a licensee under the act, thereby creating 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 23396.1 of the Business and Professions
2 Code is amended to read:
3 23396.1. (a) An on-sale general license for restricted service
4 lodging establishments authorizes those hotels and motels described
5 in subdivision ~~(b)~~ (c) to sell or furnish alcoholic beverages for
6 consumption on the premises by means of:
7 (1) Controlled access alcoholic beverage cabinets located in
8 guestrooms, subject to the conditions specified in Section 23355.2.
9 (2) Furnishing alcoholic beverages only to their transient guests
10 and their invitees under circumstances where the uniform cost of
11 the alcoholic beverages is included in the price of the overnight
12 transient occupancy accommodation, whether or not separately
13 stated.
14 ***(b) (1) An on-sale general license for restricted service lodging***
15 ***establishments authorizes those hotels and motels described in***
16 ***subdivision (c) to sell or furnish beer and wine for consumption***
17 ***on the premises, as defined in paragraph (2), and as designated***
18 ***to and approved by the department as part of the licensed premises.***
19 ***Beer and wine in sealed containers may be sold only to the***
20 ***licensee's transient guests and their guests in a food sale area***
21 ***located within the lodging establishment itself.***
22 ***(2) For purposes of this subdivision, the following definitions***
23 ***apply:***
24 ***(A) "Food sale area" means a food facility, within the meaning***
25 ***of Section 113789 of the Health and Safety Code, that routinely***
26 ***offers for sale, throughout the area's normal hours of operation***
27 ***each day to all of the lodging establishment's transient guests and***
28 ***their invitees, primarily items like prepackaged sandwiches, salads,***
29 ***snacks, candy, dairy products, water, soft drinks, and other***
30 ***nonalcoholic beverages in bottles or cans, and similar food items.***
31 ***The "food sale area" may also offer for sale various items such***
32 ***as health and beauty aids, cosmetics, nonprescription drugs, film,***
33 ***batteries, and similar sundries.***
34 ***(B) "Premises" means guestrooms, the general lobby area of***
35 ***the lodging establishment, rooms designated for private meetings***

1 *and conferences, and outside of the lodging establishment in the*
2 *general pool, picnicking, recreation, and similar gathering areas*
3 *of the lodging establishment.*

4 ~~(b)~~

5 (c) For purposes of this division, a “restricted service lodging
6 establishment” is a hotel or motel, within the meaning of
7 subdivision (f) of Section 23355.2, which meets all of the following
8 conditions:

9 (1) It does not operate a bona fide eating place or other public
10 premise.

11 (2) It has at least 10 guestroom accommodations.

12 (3) It does not derive more than 5 percent of its total gross
13 annual revenues from sales of alcoholic beverages.

14 ~~(c)~~

15 (d) A premises licensed pursuant to this section shall not be
16 authorized to sell or furnish alcoholic beverages to the general
17 public, shall not be entitled to a caterer’s permit pursuant to Section
18 23399, and shall not be entitled to exercise any off-sale privileges
19 pursuant to Section 23401. The provisions of Article 2
20 (commencing with Section 23815) of Chapter 5 do not apply to
21 the issuance of on-sale general licenses for restricted service
22 lodging establishments. An on-sale general restricted service
23 lodging establishment license may be transferred to another person
24 but not to another location. A licensee specified in this section
25 shall purchase no alcoholic beverages for sale in this state other
26 than from a wholesaler or winegrower licensee.

27 ~~(d)~~

28 (e) An applicant for an original on-sale general license for
29 restricted service lodging establishments shall, at the time of filing
30 the application for the license, accompany the application with a
31 fee of six thousand dollars (\$6,000). The annual renewal fee for a
32 license issued pursuant to this section shall be the same as the
33 applicable annual renewal fee for an on-sale general license.

34 SEC. 2. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 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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