

CALIFORNIA LEGISLATIVE ACTION - 2016

Alcoholjustice.org

Assembly Bills 2015-2016 Session

Assembly Bill 2913

Summary: Requires craft distillers actually produce at least 65 percent of the total volume of distilled spirits manufactured by the licensee. Expands exceptions to allow certain licensees to purchase advertising on the behalf of other licensees.

Author(s): Committee on Governmental Organization

Location: Governor

AJ Position: Support – Although granting yet another regulatory exemption for a segment of the alcohol industry only further erodes fair and effective alcohol regulation in California, requiring that craft distillers actually manufacturer the product they sell reduces the ability for others to exploit the license type for the purposes of bringing to market spirits produced elsewhere.

Senate Bill 819

Summary: ABC shall revoke or suspend any license if the licensee or the agent or employee of the licensee manufactures, distributes, or offers for retail sale powdered alcohol. A person shall not possess, purchase, sell, offer for sale, manufacture, distribute or use powdered alcohol. Any person who sells, offers for sale, manufactures or distributes powdered alcohol is guilty of an infraction that shall be punishable by a fine of not more than \$500.

Author(s): Senator Bob Huff (R-San Dimas)

Coauthor(s): Irwin, De Leon, Hall, Chavez, Cooper, Gipson, Lackey

Location: Governor

AJ Position: Support -- The dangers of this type of alcohol are many, and adding this form of alcohol to the market will only contribute to the more than \$32 billion in costs of alcohol-related harm each year in California.

CAPA Position: Support

Assembly Bill 1554 - VICTORY! Powdered Alcohol Banned in California

Summary: A license shall not be issued to any applicant to authorize the manufacture, distribution, or retail sale of powdered alcohol. A person shall not possess, purchase, sell, offer for sale, manufacture, distribute or use powdered alcohol. Any person who purchases, possesses, or uses powdered alcohol is guilty of an infraction and subject to a fine of \$125.

Author(s): Assembly Member Jacqui Irwin (D-Thousand Oaks)

Coauthor(s): Huff, Campos, Gipson, Gonzalez, Levine, Lopez and Williams.

Location: Passed and Signed by Governor

AJ Position: Support -- The dangers of this type of alcohol are many, and adding this form of alcohol to the market will only contribute to the more than \$22 billion in costs of alcohol-related harm each year in California.

CAPA Position: Support

Senate Bill 683 - SETBACK for PREVENTION

Summary: Authorizes the ABC to issue a special nonprofit sales license to a nonprofit mutual benefit corporation associated with the Dept. of Viticulture and Enology at UC Davis. The licensee authorizes the licensee to, among other things, accept the transfer of, and take title to, up to 20,000 gallons of wine per year produced by the public university, and sell transferred, donated, and bequeathed alcoholic beverages to consumers and licensees, as specified. This creates a large scale wine business controlled by UC Davis.v

Author(s): Senator Lois Wolk (D-Davis)

Location: Assembly

AJ Position: Oppose -- Increasing the availability of alcohol is associated with increased alcohol-related harm. Expanding who may hold licenses, no matter how minimal, will increase availability and therefore impact public health.

CAPA Position: Oppose

Assembly Bill 866 - DEAD - Failed to pass by August 31st

Summary: Expands existing law to allow for certain alcohol manufacturers to purchase advertising time and space from, or on behalf of, an on-sale retail licensee that operates at an outdoor stadium with at

least 43,000 seats located in the City of San Diego and at least 70,000 seats in the City of Inglewood.

Author(s): Assembly Member Eduardo Garcia (D-Coachella)

Location: Senate

AJ Position: Oppose. Granting yet another regulatory exemption for a segment of the alcohol industry only further erodes fair and effective alcohol regulation in California. This bill blurs the necessary separation between the manufacturing and on-sale retail sector.

[Assembly Bill 973](#)

Summary: Expands exceptions to tied-house restrictions on advertising to allow manufacturers to list information about off-sale retailers in response to a consumer inquiry. Presently, on-sale retail information may be listed.

Author(s): Assembly Member Adam Gray (D-Merced)

Location: Senate

AJ Position: Oppose. Granting yet another regulatory exemption for a segment of the alcohol industry only further erodes fair and effective alcohol regulation in California.

[Assembly Bill 1322 - SETBACK for PREVENTION](#)

Summary: Allows the serving of beer or wine without a license where the serving of alcoholic beverages is part of a beauty salon or barber shop service, provided there is no extra charge or fee for the alcoholic beverages. No more than 12 ounces of beer or six ounces of wine may be offered to the client during business hours and in no case later than 10 p.m. Cities and counties are not precluded from using zoning to restrict or limit where alcoholic beverages may be consumed.

Author(s): Assembly Member Tom Daly (D-Anaheim)

Location: Passed and Signed by Governor

AJ Position: Oppose – Expands the availability of alcohol to tens of thousands of beauty shop and barber shop locations without adding licensing requirements or responsible beverage service training, thus extensively threatening public health and safety.

CAPA Position: Oppose

[Assembly Bill 1554](#)

Summary: Prohibits the manufacture, distribution, and sale of powdered alcohol as well as its purchase, possession, and use.

Author(s): Assembly Member Jacqui Irwin (D-Thousand Oaks)

Location: Senate

AJ Position: Support – The dangers of this type of alcohol are many, and adding this form of alcohol to the market will only contribute to the more than \$22 billion in costs of alcohol-related harm each year in California.

CAPA Position: Support

[Assembly Bill 1558](#)

Summary: Authorizes the ABC to issue in the County of Napa no more than five additional new on-sale general licenses for bona fide public eating places for a period of 1 year.

Author(s): Assembly Member Devon Mathis (R-Visalia)

Location: Passed and Signed by Governor

AJ Position: Oppose – Increasing the availability of alcohol is associated with increased alcohol-related harm. Increasing the number of retail licenses, no matter how minimal, will increase availability and therefore impact public health.

[Assembly Bill 1571 - DEAD - Failed to pass out of house of orgin by June 3rd](#)

Summary: Requires certain DUI offenders with a controlled substance in their blood to register within 30 days of conviction in a licensed DUI program, allows the consideration of enhanced penalties for all DUI

offenders with a controlled substance in their blood, and requires that all offenders with a second or subsequent DUI conviction attend a licensed DUI program.

Author(s): Assembly Members Tom Lackey (R-Lancaster) and Ken Cooley (D-Rancho Cordova)

Location: Assembly

AJ Position: Support – Interventions aimed at reducing drinking and driving is an important addition to reducing acute alcohol-related harm.

[Assembly Bill 1670](#)

Summary: Authorizes the ABC to issue in the County of Napa 5 additional new on-sale general licenses for bona fide public eating places, public premises, or both over 1 year and any new on-sale general license to the operator of any for-profit theater in the county.

Author(s): Assembly Member Bill Dodd (D-Napa)

Location: Passed and Signed by Governor

AJ Position: Oppose – Increasing the availability of alcohol is associated with increased alcohol-related harm. Increasing the number of retail licenses, no matter how minimal, will increase availability and therefore impact public health.

[Assembly Bill 1767](#)

Summary: This bill has been amended to no longer be alcohol related. Our previous description: Existing law generally prohibits a manufacturer, winegrower, distiller, bottler, or wholesaler, among other licensees, or agents of these licensees, from paying a retailer for advertising. The act creates a variety of exceptions from this prohibition, including permitting licensees to purchase advertising space and time from, or on behalf of, an on-sale retail licensee that is an owner, manager, or major tenant of certain stadiums, parks, entertainment complexes, fairgrounds, and arenas, subject to specified conditions. Among these conditions, the act requires that the advertising space or time be purchased only in connection with events held on the premises of the exposition park, stadium, or arena owned by the on-sale licensee.

Author(s): Assembly Member Frank Bigelow (R-O'Neals)

Location: Senate

AJ Position: Oppose – This erodes the separation of the three tiers, especially by promoting alcohol advertising by big producers in sports stadiums and entertainment venues where vast quantities of over-consumption already take place.

[Assembly Bill 1829](#)

Summary: Amends law making it unlawful to operate a vessel or water-related device while under the influence of an alcoholic beverage to require law enforcement to advise arrested persons that (1) a criminal complaint may be filed against them for operating the water vehicle while under the influence, (2) they may refuse chemical testing, (3) an officer is authorized to seek a search warrant compelling the arrested person submit to a blood sample, and (4) the arrested individual does not have the right to have an attorney present before stating whether they will submit to the chemical testing. Existing law requires law enforcement to advise an arrested individual be informed that refusal to submit to the required chemical testing may be used against the person in court and that the court, upon convicting the arrested individual, may impose increased penalties for his or her refusal or failure.

Author(s): Assembly Members Marc Levine (D-San Rafael) and Katcho Achadjian (R-San Luis Obispo)

Location: Passed and Signed by Governor

AJ Position: Watch (no position yet)

[Assembly Bill 1971 - DEAD - Failed to pass by August 31st](#)

Summary: Allows certain on-sale licensees to apply for an event permit that allows the sale of alcoholic beverages on a property adjacent to the licensed premises and owned or under the control of the licensee. It also permits the sale of beer produced by that beer manufacturer for consumption on the

adjacent property during the event. Allows beer, wine, and distilled spirits manufacturers to purchase advertising time and space from, or on behalf of, an on-sale retail licensee that is the tenant of a stadium or arena. The purchase is subject to specified conditions, including that the advertising time and space be purchased only in connection with events being held on the premises of those stadiums or arenas. Requires an audio record be kept as the official record of any administrative hearing conducted by the ABC.

Author(s): Assembly Member Jim Cooper (D-Elk Gove)

Location: Assembly – Committee on Governmental Organization

AJ Position: Oppose – Granting yet another regulatory exemption for a segment of the alcohol industry only further erodes fair and effective alcohol regulation in California.

Assembly Bill 1975 - DEAD – Failed to pass out of house of origin by June 3rd

Summary: Requires American Society of Addiction Medicine assessments for certain individuals who are repeat offenders of driving under the influence of alcohol or who were driving under the influence with excessive blood alcohol levels to determine if the individual needs treatment and to refer the individual for additional services, as appropriate, including, but not limited to, physician services, counseling, treatment facility services, and medication-assisted treatment for alcohol abuse.

Author(s): Assembly Member Marie Waldron (R-Escondido)

Location: Assembly – Committee on Public Safety

AJ Position: Support – Interventions aimed at reducing drinking and driving is an important addition to reducing acute alcohol-related harm.

Assembly Bill 2076 - DEAD - Failed to pass out of house of origin by June 3rd

Summary: Authorizes the ABC to investigate potential violations of the ABC Act and bring an action to enjoin a violation or threatened violation. When direct evidence is presented, the ABC director may temporarily suspend, limit, or condition, any license by emergency order prior to any hearing when, in the opinion of the ABC, the action is urgent and necessary to protect against an immediate threat to health or safety.

Author(s): Assembly Members Cristina Garcia (D-Downey) and Susan Eggman (D-Stockton)

Location: Assembly – Committees on Water, Parks, and Wildlife and Governmental Organization

AJ Position: Support – Enabling the ABC greater latitude in enforcing the ABC Act as well as preventing potential violations will reduce alcohol-related harm to which problem retailers directly contribute.

Assembly Bill 2082 - DEAD - Failed to pass by August 31st - SETBACK for PREVENTION

Summary: Authorizes the ABC to investigate potential violations of the ABC Act and bring an action to enjoin a violation or threatened violation. When direct evidence is presented, the ABC director may temporarily suspend, limit, or condition, any license by emergency order prior to any hearing when, in the opinion of the ABC, the action is urgent and necessary to protect against an immediate threat to health or safety. Allows for the hearings to be conducted electronically. Authorizes a licensee to bring a cause of action against a government employee, acting in his or her official capacity, if the licensee can establish through direct evidence that report of an immediate threat to health or safety was false and presented with malicious intent.

Author(s): Assembly Member Nora Campos (D-San Jose)

Location: Senate

AJ Position: Support – Enabling the ABC greater latitude in enforcing the ABC Act as well as preventing potential violations will reduce alcohol-related harm to which problem retailers directly contribute.

CAPA Position: Support

Assembly Bill 2096

Summary: Further allows beer, wine, and distilled spirits manufacturers to purchase advertising time and space, from, or on behalf of, an on-sale retail licensee that leases space at certain exposition parks,

stadiums, and arenas.

Author(s): Assembly Member Evan Low (D-Cupertino)

Location: Assembly

AJ Position: Oppose – Granting yet another regulatory exemption for a segment of the alcohol industry only further erodes fair and effective alcohol regulation in California.

Assembly Bill 2121 - DEAD - Governor vetoed - SETBACK for PREVENTION

Summary: Establishes in addition to the Licensee Education Alcohol and Drugs program, the Responsible Beverage Service (RBS) Training Act of 2016. It requires that beginning July 1, 2020 that persons that sell or serve alcohol at on-sale retailers complete a RBS training course within 3 months of employment and every 3 years thereafter. Non-profit organizations that receive a temporary daily license must designate a person to receive RBS training before the event and remain on site for the duration of the event. It requires that the ABC establish minimum standards and promulgate regulations for the training and scope of practice for a person who sells or serves alcoholic beverages. One approved RBS training course must cost no more than \$15 dollars, inclusive of the certificate, and at least one approved RBS training course shall be offered in Spanish – if no RBS training courses meet these requirements then the requirements shall not apply.

Author(s): Assembly Member Gonzalez (D-San Diego)

Location: Vetoed by Governor

AJ Position: Support – Reducing the over service of alcohol can help protect public health. This bill makes progress, AJ, CAPA and other groups are holding conversations with the author to make the bill stronger.

CAPA Position: Support

Assembly Bill 2135

Summary: Allows for a written agreement regarding the sharing or splitting of gross revenue from the sale of alcoholic beverages between a licensee and a district agricultural association, the California Exposition and State Fair, a county fair, or a citrus fruit fair, in connection with the sale of alcoholic beverages during a state or county fair.

Author(s): Assembly Member Marc Levine (D-San Rafael)

Location: Passed and Signed by Governor

AJ Position: Oppose – Allowing the splitting of alcohol revenue between licensees and entities that host fairs creates an incentive to increase alcohol availability at these events.

Assembly Bill 2172

Summary: Allows the removal and use of home brewed beer in connection with a club meeting or home brewed beer competition held on the premises of an authorized licensee. Club members may exchange and consume home brewed beer at this type of meeting. At a competition, competition organizers, competition judges, and competition stewards may consume home brewed beer. Requires tables used for the meeting or competition to be designated by the authorized licensee.

Author(s): Assembly Member Brian Jones (R-Santee)

Location: Governor

AJ Position: Oppose – Allowing unlicensed groups to serve alcohol on licensed premises has the potential for the illegal furnishing of alcohol and complicate enforcement activities. This bill allows new venues for consumption of home brewed beer, and new issues of transporting and trading such beer. The bill does not properly define home brew clubs and membership, thus allowing a wide open system of membership defined by the clubs themselves. Since home brewing is not scrutinized for health or safety concerns, its expansion should not be encouraged.

Assembly Bill 2173 Dead – Failed to pass out of house of origin by June 3rd

Summary: Expresses the intent of the Legislature to enact legislation that would allow a winegrower that

leases, rather than owns, the land upon which the winegrower's vineyard or tasting room sits to have picnic facilities on that land.

Authors): Assembly Member Brian Jones (R-Santee)

Location: Assembly

AJ Position: Oppose – Granting yet another regulatory exemption for a segment of the alcohol industry only further erodes fair and effective alcohol regulation in California.

[Assembly Bill 2367](#) Dead – Failed to pass out of house of origin by June 3rd

Summary: Authorizes the court to order a person convicted of driving under the influence to enroll and participate in, and successfully complete, a qualified "24/7 Sobriety" monitoring program during probation.

Author(s): Assembly Member Ken Cooley (D-Cordova)

Location: Assembly

AJ Position: Support – Interventions aimed at reducing drinking and driving is an important addition to reducing acute alcohol-related harm.

[Assembly Bill 2687](#) - **VICTORY**

Summary: Beginning July 1, 2018, prohibits a person who has a blood alcohol concentration of 0.04 percent or more from driving a motor vehicle when he or she has a passenger for hire in the vehicle.

Author(s): Assembly Members Katcho Achadjian (R-San Luis Obispo), Evan Low (D-14Cupertino), and Ling Chang (R-Brea)

Location: Signed and Passed by Governor

AJ Position: Support – Lowering the Blood Alcohol limits in California is an important addition to reducing acute alcohol-related harm. Commercial drivers especially should not be drinking drivers.

CAPA Position: Support

[Assembly Bill 2739](#)

Summary: Deletes requirement that the special on-sale general license issued to the operator of a certain for-profit theaters within the City and County of California be canceled before a license may be issued to the new operator.

Author(s): Assembly Member David Chiu (D-San Francisco)

Location: Passed and Signed by Governor

AJ Position: No Position – This bill allows Curran Theater to be issued a separate license from two other theaters in San Francisco. Although Alcohol Justice opposes the loose alcohol serving restrictions on the licenses of these three historic theaters, this bill does not create a new venue for selling alcohol, therefore we have decided not to oppose this bill.

Senate Bills 2015-2016 Session

[Senate Bill 2](#) - **DEAD - Failed to pass by August 31st**

Summary: With the exception of any portion of property that consists of a bar where alcoholic beverages are served, exempts property used by a veterans' organization for fraternal, lodge, or social club purposes from property taxes.

Author(s): Senators Joel Anderson (R-El Cajon) and Andy Vidak (R-Fresno)

Location: Assembly

AJ Position: Oppose – Lower-priced alcohol is associated with increased alcohol-related harm.

Decreasing the tax burden faced by licensees will allow for lower-priced alcoholic beverages. The public should not subsidize increases in alcohol-related harm.

[Senate Bill 683](#) - **SETBACK for PREVENTION**

Summary: Authorizes the ABC to issue a special nonprofit sales license to a nonprofit mutual benefit

corporation. The licensee authorizes the licensee to, among other things, accept the transfer of, and take title to, up to 20,000 gallons of wine produced by the public university, and sell transferred alcoholic beverages to consumers and licensees, as provided.

Author(s): Senator Lois Wolk (D-Davis)

Location: Passed and Signed by Governor

AJ Position: Oppose – Increasing the availability of alcohol is associated with increased alcohol-related harm. Expanding the who may hold licenses, no matter how minimal, will increase availability and therefore impact public health.

CAPA Position: Oppose

Senate Bill 819 - VICTORY! Powdered Alcohol Banned in California

Summary: Prohibits the manufacture, distribution, and sale of powdered alcohol as well as its purchase, possession, and use. Excludes powdered alcohol from the state definitions for “alcoholic beverage” and “distilled spirits.”

Author(s): Senator Bob Huff (R-San Dimas)

Location: Signed and Passed by Governor

AJ Position: Support – The dangers of this type of alcohol are many, and adding this form of alcohol to the market will only contribute to the more than \$32 billion in costs of alcohol-related harm each year in California.

CAPA Position: Support

Senate Bill 905

Summary: Expands the ABC definition of “club” to allow a club license to be held by a nonprofit umbrella organization established to provide a central meeting location, resources, and services specifically for veterans. The nonprofit umbrella organization shall serve at least six veteran organizations and which the local unit has operated as such for not less than one year.

Author(s): Senator Patricia Bates (R-Laguna Niguel)

Location: Passed and Signed by Governor

AJ Position: Oppose – Increasing the availability of alcohol is associated with increased alcohol-related harm. Expanding the who may hold licenses, no matter how minimal, will increase availability and therefore impact public health. It is not pro-veteran to give them special exemptions for their non-profits to serve alcohol, it is giving them a special exemption to be susceptible to alcohol-related harm, which is no stranger to the military or military veterans.

Senate Bill 1032

Summary: Expands existing prohibition on beer manufacturers and beer wholesalers from offering coupons to include winegrowers and wine wholesalers.

Author(s): Senator Cathleen Galgiani (D-Stockton)

Location: Passed and Signed by Governor

AJ Position: Support – Lower prices through coupons and discounts are correlated with increased alcohol consumption. Limiting lower prices on alcoholic beverages, finally including wine and distilled spirits, will have a positive public health benefit.

Senate Bill 1046

Summary: Allows certain individuals whose licenses have been suspended to apply for restricted licenses if without completing a period of license suspension or revocation if other requirements are satisfied, including the installation of an ignition interlock device.

Author(s): Senator Jerry Hill (D-San Mateo)

Location: Governor

AJ Position: Support – Ignition interlock requirements before reinstating licenses have been proven to

lower the risk of catastrophic automobile collisions. Along with lowering the Blood Alcohol Limits to .05 BAC in California, this will be an important addition to reducing acute alcohol-related harm.

Senate Bill 1101 - DEAD - Failed to pass out of house of origin by June 3rd

Summary: Establishes the Alcohol and Drug Counseling Professional Bureau within the Department of Consumer Affairs. It requires that alcohol and drug counselors be licensed by the Bureau, and establishes qualifications for a license including educational qualifications, being currently credentialed as an advanced alcohol and drug counselor, and having submitted to a criminal background check. Requires department to oversee the disciplinary actions of certifying organization it approves, as provided.

Author(s): Senator Bob Wieckowski (D-Fremont)

Location: Senate – Committee on Appropriations

AJ Position: Support – A professional and qualified counseling system is key to building public support for recovery, reducing relapse, and saving the public health system from costly alcohol-related harm.

Senate Bill 1105 - DEAD - Failed to pass by August 31st

Summary: Authorizes the ABC to issue an on-sale general for sports entertainment facility bona fide public eating place license (SEF-BFPEP license) that would allow the licensee to sell beer, wine, and distilled spirits at retail for consumption on the premises in a sports entertainment facility. Makes certain provisions regarding the purchasing of advertising space by licensees inoperative as of December 31, 2022.

Author(s): Senator Tony Mendoza (D-Cerritos)

Location: Assembly

AJ Position: Oppose Unless Amended—Increasing the availability of alcohol is associated with increased alcohol-related harm. Increasing the number of restaurant Type 47 licenses in line with SF's "Invest in Neighborhoods" strategy produces more licenses in the City but does not in any way reduce the overall licenses in the City through retirement of other licenses. As currently constructed, this bill will increase availability and therefore impact public health negatively.

Senate Bill 1285

Summary: Allows for the ABC to issue 5 new original neighborhood-restricted special on-sale general licenses in any county of the sixth class – specifically San Francisco. The license shall be similar to that of on-sale general license for a bona fide eating place in both permissible activities and annual fees.

Author(s): Senator Mark Leno (D-San Francisco)

Location: Governor

AJ Position: Oppose Unless Amended—Increasing the availability of alcohol is associated with increased alcohol-related harm. Increasing by 28 the number of restaurant Type 47 licenses in line with SF's "Invest in Neighborhoods" strategy produces more licenses in the City but does not in any way reduce the overall licenses in the City through retirement of other licenses. As currently constructed, this bill will increase availability and therefore impact public health negatively.

Senate Bill 1426 - DEAD - Failed to pass by August 31st

Summary: Existing law generally restricts certain alcoholic beverage licensees from paying, crediting, or compensating a retailer for advertising in connection with the advertising and sale of alcoholic beverages and expressly authorizes exceptions to this prohibition. This bill would authorize, until [January 1, 2022](#), a retail licensee, to be compensated by licensed manufacturers for promotional and marketing services of the manufacturers.

Author(s): Senator Hall

Location: Assembly

AJ Position: Oppose – Allowing retailers to accept payment for alcohol advertising will increase the amount of alcohol advertising and further ties retailers to manufacturers.

[Senate Bill 1462](#) **DEAD – Failed to pass out of house of origin by June 3rd**

Summary: Authorizes law enforcement to use a preliminary oral fluid screening test that indicates the presence or concentration of a drug or controlled substance as a further investigatory tool in order to establish reasonable cause to believe the person was driving a vehicle in violation of certain prohibitions against driving under the influence of drugs.

Author(s): Senator Bob Huff (R-San Dimas)

Location: Senate – Referred to Public Safety

AJ Position: Support – Oral fluid screening tests can identify whether a driver was under the influence of marijuana or other drugs while operating a motor vehicle.