

Assembly Bills 2017-2018 Session

AB 6

Summary: Requires the Commissioner of the California Highway Patrol to establish a drugged driving task force, to develop recommendations for best practices, protocols, proposed legislation, and other policies that will address the issue of driving under the influence of drugs, including prescription drugs. The task force is to examine the use of technology, including field testing technologies, to identify drivers under the influence of drugs, and authorizes the task force to conduct pilot programs using those technologies. The task force is to report to the Legislature its policy recommendations and the steps that state agencies are taking regarding drugged driving.

Author(s): Assembly Member Tom Lackey (R-Palmdale)

Location: Assembly

AJ Position: Support – The operation of motor vehicles by drivers under the influence of alcohol and drugs remain a significant threat to the safety to Californians. This bill moves in the right direction on studying new technologies for drug testing, although it delays immediate reform of current law.

Position Letter Full Text: Alcohol Justice

AB 63

Summary: Extends the age range for the provisional licensing program from 16 to under 21.

Author(s): Assembly Member Jim Frazier (D-Oakley)

Location: Assembly

AJ Position: Support – A leading cause of death for young adults is car crashes, and about a quarter involve an underage drinking driver. Graduated Driver Licensing (GDL) programs have been proven to be successful in greatly reducing first-time driver-involved crashes. Expanding California's first-time teenage driver GDL program to include persons who are under 21 years of age, but over 17 years of age, allows first-time teenage drivers enough time to fully complete the driver education and provisional or restricted driver's license phase of the GDL program.

CAPA Position: Support

Position Letter Full Text: Alcohol Justice_| CAPA_

AB 297

Summary: Authorizes an on-sale general license for a wine and food cultural museum and educational center, located in the County of Sonoma, that may sell, furnish, or give alcoholic beverages for consumption on the premises and various off-sale privileges. State law currently allows such a museum in the County of Napa.

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

Location: Assembly

AJ Position: Oppose – This is a special interest bill to authorize alcohol service at one special location. Authorizations should not be done in a haphazard manner, location by location.

AB 285

Summary: Establishes process for drug and alcohol free residences to become certified by state approved certification

Author(s): Assembly Member Melissa Melendez (R-Law Elsinore)

Location: Assembly

AJ Position: Support

AB 330

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

AB 471

Summary: Authorizes the ABC to issue a total of 30 new original neighborhood-restricted special on-sale general licenses (5 per year for 6 years) in certain tracts in San Francisco.

Author(s): Assembly Member Phil Ting (D-San Francisco)

Location: Assembly

AJ Position: Oppose - San Francisco already is the most over-concentrated county of California. Increasing the availability of alcohol is associated with increased alcohol-related harm. Expanding the number of locations where licenses may be issued, no matter how minimal, will increase availability and therefore impact public health.

AB 522

Summary: Allows nonprofits issued a special temporary on- or off-sale beer or wine license to hold a raffle involving a prize of alcoholic beverages.

Author(s): Assembly Member Jordan Cunningham (R-Templeton)

Location: Assembly

AJ Position: Oppose - Once again, this is the arms race of increasing alcohol availability, this time through combining alcohol consumption with sales of raffle tickets for alcohol prizes.

AB 609

Summary: Extends the repeal date from January 1, 2018 to January 1, 2023 for the exemption to certain activities that allows specified licensees to provide, free of charge, entertainment, food, and distilled spirits, wine, or nonalcoholic beverages to consumers at an invitation-only sales or distribution events.

Author(s): Assembly Member Miguel Santiago (D-Los Angeles)

Location: Assembly

AJ Position: Oppose - This was a bad idea the first time around, and now extends for 5 more years alcohol consumption at sales and distribution special events that have promotion of alcohol bulk-purchasing or branding.

AB 629

Summary: Exempts art galleries from needing to obtain a license or permit to furnish or give away beer and wine to patrons of the gallery for consumption on the gallery premises as long as the costs of the wine and beer are not included in the sales price of any art or merchandise sold by the gallery.

Author(s): Assembly Member Matthew Harper (R-Huntington Beach)

Location: Assembly

AJ Position: Oppose - Similar to the pernicious barbershop/beauty salon legislation last year, this allows any art gallery to serve wine or beer without licensing, training, monitoring or enforcement.

AB 702

Summary: Replaces the presumption that individuals submit to chemical testing with a requirement that motor vehicle drivers who are lawfully arrested for a DUI offense submit to chemical testing for determining the alcohol or drug content of their blood. Provides specific language for law enforcement to use when instructing people that failure to submit to the chemical test will result in suspension or revocation of their driving privilege. Increases mandatory penalties for certain DUI offenses and makes additional legislative findings and declarations about the privilege of driving.

Author(s): Assembly Member Tom Lackey (R-Palmdale)

Location: Assembly

AJ Position: Watch. While correct in spirit, focusing on requirements and further penalties on drivers often targets minority drivers increasingly at risk of enforcement and leaves dram shops, retailers and producers without liability.

AB 934

Summary: Makes it an infraction on certain portions of the Mokelumne River from to possess alcoholic beverages during a summer period for which the San Joaquin County Board of Supervisors has prohibited the consumption of an alcoholic beverage or possession of an open alcoholic beverage container on the land portions of the Stillman Magee County Park.

Author(s): Assembly Member Heath Flora (R-Ripon)

Location: Assembly

AJ Position: Oppose - Counties have police powers to protect health and safety from alcohol-related nuisances; this bill may be a good candidate for county action.

AB 981

Summary: Adds distilled spirits wholesalers to the provision prohibiting a licensed retailer from being obligated to purchase or sell the alcoholic beverages of the licensee conducting the market research.

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

Location: Assembly

AJ Position: Watch

AB 997

Summary: Exempts winegrowers and beer manufacturers that share adjacent or adjoining licensed premises from an existing prohibition on licensees having upon their premises any alcoholic beverages that they are not authorized to sell. Allows for these winegrowers and beer manufacturers with shared locations have upon those premises, and sell for consumption on- or off- either licensed premises, the wine or beer produced upon the licensed premises by the other licensee.

Author(s): Assembly Member Auiar-Curry

AJ Position: Oppose - Separate licenses for on-sale consumption deserve to be separated, as liability for over-serving is the duty of each liability and cannot be monitored when sharing patrons.

AB 1054

Summary: Exempts the use of powdered alcohol as an ingredient in nonpowdered products from the state's prohibition on powdered alcohol.

Author(s): Assembly Member Bill Brough (R-Dana Point), Assembly Member Ken Cooley (D-Cordova)

Location: Assembly

AJ Position: Oppose - Powdered alcohol is a youth-oriented product now banned in 34 states including California. The legislature in 2016 overwhelmingly passed two pieces of legislation outlawing powdered alcohol. This bill, with tortuous and confusing wording, opens the barn door again and would make the statute banning powdered alcohol thoroughly confusing if not meaningless. If this was a law suit, it would be thrown out as frivolous.

AB 1095

Summary: Excludes "integral facilities" – any combination of two or more facilities located on the same or different parcels that collectively serve seven or more persons – from an exemption that allows alcoholism or drug abuse recovery or treatment facilities that serve 6 or fewer persons to be considered a residential use of property.

Author(s): Assembly Member Matthew Harper (R-Huntington Beach)

Location: Assembly

AJ Position: Watch

AB 1285

Summary: Requires the ABC Appeals Board to keep a record of an appeal argument before the board by audio recording.

Author(s): Assembly Member Mike Gipson (D-Caron)

Location: Assembly

AJ Position: Watch

Senate Bills 2017-2018 Session

SB 56

Summary: End prohibition on the issuance of a license, other than an on-sale beer license, for premises situated more than one mile outside the limits of an incorporated city and within 2 miles of any camp or establishment of men, numbering 25 or more, engaged upon or in connection with the construction, repair, or operation of any work, improvement, or utility of a public or quasi-public character.

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

Location: Senate

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

CAPA Position: Oppose

Position Letter Full Text: Alcohol Justice_| CAPA_

SB 65

Summary: Makes driving or operating a vehicle upon any highway or specified lands, or driving or operating a boat, vessel, or aircraft while drinking any alcoholic beverage, punishable as either an infraction or a misdemeanor.

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

Location: Senate

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

CAPA Position: Support

Position Letter Full Text: Alcohol Justice_| CAPA_

SB 67

Summary: The determination of whether an offense for operating a vehicle under the influence of alcohol constitutes a separate violation or prior conviction shall be based on the date of the conviction of the separate or prior offense is not affected by the sentence imposed or any subsequent action taken pursuant to the Penal Code.

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

Location: Senate

AJ Position: Watch

Position Letter Full Text: Alcohol Justice_|

SB 228

Summary: Allows beer produced by a bonded craft brewery owned or operated as part of an instructional program in craft brewing on the grounds of a public schoolhouse. The sale or consumption of alcoholic beverages is generally prohibited at a public school house, however there are various exceptions, including wine that is produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.

Author(s): Senator Bill Dodd (D-Napa)

Location: Senate

AJ Position: Oppose – Alcoholic beverages should not be available on property that is primarily devoted to the education of children. Granting yet another regulatory exemption for a segment of the alcohol industry only further erodes fair and effective alcohol regulation in California. Additionally, it is absurd for educational facilities to train students on how to brew and/or taste alcohol with no requirements for training them in responsible beverage service, or educating them on the public health and safety harms of alcohol.

SB 271

Summary: Authorizes a licensee that sells or furnishes alcohol to a person under the age of 21, and has not had such a violation within the previous 36-months, to attend a responsible retailer class. Presently, the ABC may revoke the license for a third violation that occurs within any 36-month period. Upon receiving proof of attendance of a responsible retailer class by a licensee, the ABC shall not consider that violation when determining whether to revoke a license for a third violation.

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

Location: Senate

AJ Position: Oppose

SB 378

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): Senator Anthony Portantino (D-La Cañada Flintridge)

Location: Senate

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

SB 384

Summary: Allows for on-sale licensees to apply to extend their closing times from 2 a.m. until 4 a.m.

Author(s): Senator Scott Wiener (D-San Francisco)

Location: Senate

AJ Position: *STRONGLY OPPOSE* - This is the worst alcohol-related legislation of this session. Extending the hours of operation for on-sale retailers will result in increased alcohol-related harm. This bill recycles a rejected bill from 2013 (SB 635-Leno). Alcohol service from 2 a.m. to 4 a.m, even in special "entertainment districts," extends neighborhood noise, street violence, and impaired driving to the hours of 4 a.m at least, and DUIs and traffic collisions could snarl early morning commuter traffic regionally. Without adequate local mitigation fees on alcohol, there will be vast increases to costs of night owl transportation (if any), police, sheriff, CHP, ambulance service, and emergency room usage. We encourage concerned individuals to **TAKE ACTION here:** <http://bit.ly/2InGCQj>

SB 461

Summary: Tied-house restrictions generally prohibit one licensee type from having a business interest in another licensee type. Exempted from this prohibition are certain licensees with interests in a certain hotels and motels with on- or off-sale licenses. This legislation extends the exception to include out-of-state distilled spirits shippers and to hotels or motels that with not less than 50 guest accommodations, down from 100 guest accommodations.

Author(s): Senator Ben Allen (D-Santa Monica)

Location: Senate

AJ Position: Oppose - While out-of-state distilled spirits shippers may need to be treated equally with in-state shippers under the federal interstate commerce clause, this bill also extends exceptions to tied-house restrictions for many more hotels in the 50-100 guest range. This allows, for example, distilled spirits shippers to own many more beer and wine on-sale licenses at small hotels.

SB 582

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 70,000 seats in the City of Inglewood and a performance venue adjacent to the stadium with a capacity of at least 5,000 seats. This is the stadium that will house the Rams and the Chargers.

Author(s): Senator Steven Bradford (D-Gardena)

Location: Senate

AJ Position: Oppose - Football stadiums, often with youth present or watching on TV, are swimming in alcohol advertising. Granting yet another regulatory exemption for more alcohol advertising at a professional stadium is wrong-headed. This bill also blurs the necessary separation between the manufacturing and on-sale retail sector. The entire section 25503.6 of Business and Professions code is a repository for advertising exemptions that we find objectionable; this bill adds a 17th specific exemption.

SB 664

Summary: Requires that the ABC post on its website the information sheet prepared by the California Highway Patrol describing its designated driver program. Presently the ABC includes this information sheet with each renewal notice sent to on-sale licensees.

Author(s): Senator Steve Glazer (D-Orinda)

Location: Senate

AJ Position: Support - Its a shame that legislation is required to get ABC to take up highway safety education, in this case about a moderately-effective harm reduction program. ABC all too often views its mission as enforcement of the many licenses that it liberally doles out, while forgetting that temperance is part of its mission -- in the modern sense that ABC needs to promote less consumption of a product that is dangerous to public health.

SB 698

Summary: Prohibits persons with between .04 to .07% alcohol by weight and any controlled substance or 5 ng/ml or more of delta-9-tetrahydrocannabinol to drive a vehicle. A first violation is punishable as an infraction and requires the court to order the person to participate in and successfully complete a 3-month driving-under-the-influence program and to install an ignition interlock device for 6 months.

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

Location: Senate

AJ Position: Support - Scientific evidence increasingly is showing that mixing of cannabis with alcohol accelerates the dangers of alcohol consumption for drivers. This legislation is a breakthrough in cracking down on impaired driving in California. While we are initially supportive, there may be technical corrections required as the bill moves through the legislature.