

## Legislation Details (With Text)

**File #:** 2018-252      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Agenda Ready  
**File created:** 6/6/2018      **In control:** City Council Study Session  
**On agenda:** 6/13/2018      **Final action:**  
**Title:** Discussion on SB 905 the Wiener Bill  
**Sponsors:** City Manager, Charles McClendon  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. SB 905

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

***City Council***

**MEETING DATE: 6/13/2018**

**TITLE:**  
**Discussion on SB 905 the Wiener Bill**

**FROM:**  
Charlie McClendon, City Manager

**RECOMMENDATION:**  
This item is for discussion and direction only.

**BACKGROUND:**

Councilmembers Shelley Kaplan and John Aguilar requested that an item be placed on the Study Session Agenda to discuss whether or not the City Council would like Cathedral City to be added to the list of qualified cities in the Pilot Program under SB 905.

**DISCUSSION:**

SB 905 was introduced by Senator Wiener to amend, repeal, and add Section 25631 of, and to add and repeal Section 25634 of, the Business and Professions Code, relating to alcoholic beverages.

The Alcoholic Beverage Control Act provides that any on or off-sale licensee, or agent or employee of the licensee, who sells, gives, or delivers to any person any alcoholic beverage between the hours of 2 a.m. and 6 a.m. of the same day, and any person who knowingly purchases any alcoholic beverages between those hours, is guilty of a misdemeanor. Existing law provides for moneys collected as fees pursuant to the act to be deposited in the Alcohol Beverage Control Fund, with those moneys generally allocated to the Department of Alcoholic Beverage Control upon

appropriation by the Legislature.

This bill would require the Department of Alcoholic Beverage Control, beginning January 1, 2021, and before January 2, 2026, to conduct a pilot program that would authorize the department to issue an additional hours license to an on-sale licensee located in a qualified city in which the licensee is located. The bill would impose specified fees related to the license to be deposited in the Alcohol Beverage Control Fund. The bill would require the applicant to notify specified persons of the application for an additional hours license and would provide a procedure for protest and hearing regarding the application. The bill would require the Department of the California Highway Patrol and the qualified city to submit reports to the Legislature regarding the regional impact of the additional service hours areas. The bill would provide that any person under 21 years of age who enters and remains in the licensed public premises during the additional serving hours without lawful business therein is guilty of a misdemeanor, as provided. The pilot program currently applies to Long Beach, Los Angeles, Oakland, Palm Springs, Sacramento, San Francisco, and West Hollywood.

- This bill would impose a state-mandated local program by creating new crimes.
- 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.
- This bill would make legislative findings and declarations as to the necessity of a special statute for the qualified cities.

The proposed amendments to SB 905 are attached for your information.

Staff is currently working with Assemblyman Garcia's Office and the staffer responsible for running the Bill to see if it is possible for Cathedral City to be added to list of qualified Cities in the pilot program, in the event it is Council's desire that Cathedral City be included in the pilot program.

Councilmembers Shelley Kaplan and John Aguilar will lead the discussion on this item and staff will look to the City Council for direction.

**FISCAL IMPACT:**

There is no fiscal impact.

**ATTACHMENTS:**

SB 905