

SENATE BILL

No. 228

Introduced by Senator Dodd
(Coauthor: Assembly Member Aguiar-Curry)

February 2, 2017

An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 228, as introduced, Dodd. Alcoholic beverage control: public schoolhouses.

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides for various exceptions to this prohibition, including wine that is produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.

This bill would provide that the prohibition against the sale or consumption of alcoholic beverages on the grounds of a public schoolhouse does not apply to beer produced by a bonded craft brewery owned or operated as part of an instructional program in craft brewing.

Vote: majority. 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 25608 of the Business and Professions
- 2 Code is amended to read:
- 3 25608. (a) Every person who possesses, consumes, sells, gives,
- 4 or delivers to another person an alcoholic beverage in or on a public
- 5 schoolhouse or the grounds of the schoolhouse, is guilty of a
- 6 misdemeanor. This section does not, however, make it unlawful

1 for a person to acquire, possess, or use an alcoholic beverage in
2 or on a public schoolhouse, or on the grounds of the schoolhouse,
3 if any of the following applies:

4 (1) The alcoholic beverage possessed, consumed, or sold,
5 pursuant to a license obtained under this division, is wine *or beer*
6 that is produced by a bonded winery *or craft brewery* owned or
7 operated as part of an instructional program in ~~viticulture and~~
8 ~~enology~~; *viticulture, enology, or craft brewing*.

9 (2) The alcoholic beverage is acquired, possessed, or used in
10 connection with a course of instruction given at the school and the
11 person has been authorized to acquire, possess, or use it by the
12 governing body or other administrative head of the school.

13 (3) The public schoolhouse is surplus school property and the
14 grounds of the schoolhouse are leased to a lessee that is a general
15 law city with a population of less than 50,000, or the public
16 schoolhouse is surplus school property and the grounds of the
17 schoolhouse are located in an unincorporated area and are leased
18 to a lessee that is a civic organization, and the property is to be
19 used for community center purposes and no public school education
20 is to be conducted on the property by either the lessor or the lessee
21 and the property is not being used by persons under the age of 21
22 years for recreational purposes at any time during which alcoholic
23 beverages are being sold or consumed on the premises.

24 (4) The alcoholic beverages are acquired, possessed, or used
25 during events at a college-owned or college-operated veterans
26 stadium with a capacity of over 12,000 people, located in a county
27 with a population of over 6,000,000 people. As used in this
28 paragraph, “events” mean football games sponsored by a college,
29 other than a public community college, or other events sponsored
30 by noncollege groups.

31 (5) The alcoholic beverages are acquired, possessed, or used
32 during an event not sponsored by any college at a performing arts
33 facility built on property owned by a community college district
34 and leased to a nonprofit organization that is a public benefit
35 corporation formed under Part 2 (commencing with Section 5110)
36 of Division 2 of Title 1 of the Corporations Code. As used in this
37 paragraph, “performing arts facility” means an auditorium with
38 more than 300 permanent seats.

1 (6) The alcoholic beverage is wine for sacramental or other
2 religious purposes and is used only during authorized religious
3 services held on or before January 1, 1995.

4 (7) The alcoholic beverages are acquired, possessed, or used
5 during an event at a community center owned by a community
6 services district or a city and the event is not held at a time when
7 students are attending a public school-sponsored activity at the
8 center.

9 (8) The alcoholic beverage is wine that is acquired, possessed,
10 or used during an event sponsored by a community college district
11 or an organization operated for the benefit of the community
12 college district where the college district maintains both an
13 instructional program in viticulture on no less than five acres of
14 land owned by the district and an instructional program in enology,
15 which includes sales and marketing.

16 (9) The alcoholic beverage is acquired, possessed, or used at a
17 professional minor league baseball game conducted at the stadium
18 of a community college located in a county with a population of
19 less than 250,000 inhabitants, and the baseball game is conducted
20 pursuant to a contract between the community college district and
21 a professional sports organization.

22 (10) The alcoholic beverages are acquired, possessed, or used
23 during events at a college-owned or college-operated stadium or
24 other facility. As used in this paragraph, "events" means fundraisers
25 held to benefit a nonprofit corporation that has obtained a license
26 pursuant to this division for the event. "Events" does not include
27 football games or other athletic contests sponsored by any college
28 or public community college. This paragraph does not apply to
29 any public education facility in which any grade from kindergarten
30 to grade 12, inclusive, is schooled.

31 (11) The alcoholic beverages are possessed, consumed, or sold,
32 pursuant to a license, permit, or authorization obtained under this
33 division, for an event held at an overnight retreat facility owned
34 and operated by a county office of education or a school district
35 at times when pupils are not on the grounds.

36 (12) The grounds of the public schoolhouse on which the
37 alcoholic beverage is acquired, possessed, used, or consumed is
38 property that has been developed and is used for residential
39 facilities or housing that is offered for rent, lease, or sale

1 exclusively to faculty or staff of a public school or community
2 college.

3 (13) The grounds of a public schoolhouse on which the alcoholic
4 beverage is acquired, possessed, used, or consumed is property of
5 a community college that is leased, licensed, or otherwise provided
6 for use as a water conservation demonstration garden and
7 community passive recreation resource by a joint powers agency
8 comprised of public agencies, including the community college,
9 and the event at which the alcoholic beverage is acquired,
10 possessed, used, or consumed is conducted pursuant to a written
11 policy adopted by the governing body of the joint powers agency
12 and no public funds are used for the purchase or provision of the
13 alcoholic beverage.

14 (14) The alcoholic beverage is beer or wine acquired, possessed,
15 used, sold, or consumed only in connection with a course of
16 instruction, sponsored dinner, or meal demonstration given as part
17 of a culinary arts program at a campus of a California community
18 college and the person has been authorized to acquire, possess,
19 use, sell, or consume the beer or wine by the governing body or
20 other administrative head of the school.

21 (15) The alcoholic beverages are possessed, consumed, or sold,
22 pursuant to a license or permit obtained under this division for
23 special events held at the facilities of a public community college
24 during the special event. As used in this paragraph, "special event"
25 means events that are held with the permission of the governing
26 board of the community college district that are festivals, shows,
27 private parties, concerts, theatrical productions, and other events
28 held on the premises of the public community college and for
29 which the principal attendees are members of the general public
30 or invited guests and not students of the public community college.

31 (16) The alcoholic beverages are acquired, possessed, or used
32 during an event at a community college-owned facility in which
33 any grade from kindergarten to grade 12, inclusive, is schooled,
34 if the event is held at a time when students in any grades from
35 kindergarten to grade 12, inclusive, are not present at the facility.
36 As used in this paragraph, "events" include fundraisers held to
37 benefit a nonprofit corporation that has obtained a license pursuant
38 to this division for the event.

39 (17) The alcoholic beverages are acquired, possessed, used, or
40 consumed pursuant to a license or permit obtained under this

1 division for special events held at facilities owned and operated
2 by an educational agency, a county office of education,
3 superintendent of schools, school district, or community college
4 district at a time when pupils are not on the grounds. As used in
5 this paragraph, “facilities” include, but are not limited to, office
6 complexes, conference centers, or retreat facilities.

7 (b) Any person convicted of a violation of this section shall, in
8 addition to the penalty imposed for the misdemeanor, be barred
9 from having or receiving any privilege of the use of public school
10 property that is accorded by Article 2 (commencing with Section
11 82537) of Chapter 8 of Part 49 of Division 7 of Title 3 the
12 Education Code.