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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

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**Bill No:** AB 400                      **Hearing Date:** June 27, 2017  
**Author:** Cooper  
**Version:** April 3, 2017  
**Urgency:** No                              **Fiscal:** No  
**Consultant:** SJ

**Subject:** *Crimes: Alcoholic Beverages: State Capitol*

### HISTORY

**Source:** Sacramento Convention and Visitors Bureau/Visit Sacramento

**Prior Legislation:** AB 774 (Levine) Ch. 107, Stats. of 2015  
AB 776 (Cooper) Ch. 519, Stats. of 2015  
AB 2488 (Levine) Ch. 98, Stats. of 2014  
AB 2004 (Chesbro) Ch. 806, Stats. of 2014

**Support:** Unknown

**Opposition:** None known

**Assembly Floor Vote:** 75 - 0

### PURPOSE

*The purpose of this bill is to exempt from the prohibition on the sale or exposing for sale of any alcoholic beverage within the State Capitol or its adjacent grounds an event that is held on those grounds that is organized and operated by a nonprofit organization that is located in the City of Sacramento, as specified.*

*Existing law* establishes the Alcoholic Beverage Control Act. (Bus. & Prof. Code, § 23000 *et seq.*)

*Existing law* establishes the Department of Alcoholic Beverage Control (ABC) to ensure a strict, honest, impartial, and uniform administration and enforcement of the liquor laws throughout the State. This includes licensing individuals and businesses associated with the manufacture, importation, and sale of alcoholic beverages in this state and the collection of license fees. (Bus. & Prof. Code, §§ 23049, 23050, 23051.)

*Existing law* generally prohibits the sale or exposing for sale of any alcoholic beverage within certain specified state property areas. Included in the prohibited areas are areas “within the State Capitol, or within the limits of the grounds adjacent and belonging thereto.” (Pen. Code, § 172(a).)

*Existing law* provides that the prohibition of the sale or exposure for sale of any alcoholic beverage shall not apply, except within the State Capitol or the limits of the grounds adjacent and belonging thereto, to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing  $\frac{1}{2}$  of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer. (Pen. Code, § 172(c).)

*Existing law* provides that a person who sells or exposes for sale, any alcoholic beverage, on prohibited state lands is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100), or by imprisonment for not less than 50 days or by both such fine and imprisonment, in the discretion of the court. (Pen. Code, § 172(a).)

*This bill* provides an exception to the general prohibition against the sale or exposure for sale of any alcoholic beverage within the State Capitol or within the limits of the grounds adjacent and belonging thereto, for an event that is held on those grounds, if all of the following conditions are met:

- a) The event is organized and operated by a nonprofit organization that is located in the City of Sacramento for purposes of increasing awareness of the Sacramento region and promoting education about the food and wine of the Sacramento region.
- b) Tickets for the event are sold on a presale basis only and are not available for sale at the event.
- c) Each attendee has purchased a ticket for the event, regardless of whether the attendee consumes any food or alcohol at the event.
- d) Alcohol is not sold at the event, and any orders or any other activities that would constitute exposure for sale of alcoholic beverages do not occur at the event, except as authorized by this subdivision.

*This bill* makes legislative findings and declarations as to the necessity of a special statute for the City of Sacramento.

## **COMMENTS**

### **1. Need for This Bill**

According to the author:

Since 2013, the Sacramento Legends of Wine event is an integral part of the two week-long Farm to Fork Celebration which includes a number of different events highlighting Sacramento area agriculture and food elements. This event is designed to promote information and education about the food and wine of the Sacramento region.

Last year, the Alcohol Beverage Control Department (ABC) voiced concerns that this event, which is held on the Capitol grounds, could be violating the Penal Code 172 (a) which makes it a misdemeanor to sell alcohol on the Capitol grounds. Event tickets are sold only on a pre-sale, on-line basis and are not available at the time or place of the event. A ticket is required whether or not an attendee consumes any wine or food. Given the design and emphasis of the event, it is reasonable to conclude that it does not violate the Penal Code.

AB 400 clarifies the Penal Code such that the Legends of Wine can occur on Capitol grounds since no wine will be sold at the event or any other activities will occur which would constitute exposure for sale of alcohol. This clarification will prevent future concerns regarding a Penal Code violation and will allow this renowned event to continue in the future.

## 2. Background

*Events on State Capitol grounds.* Events on the State Capitol grounds, such as weddings and rallies, require a permit. The Department of the California Highway Patrol (CHP) is responsible for issuing the permits for use of the Capitol grounds outside of the Capitol building.

Sales of any kind on Capitol grounds are not permitted. This includes collecting a donation in exchange for goods and/or services. For events where alcoholic beverages will be served, the permit applicant must complete a permit with the Department of ABC. Additionally, a contract for a CHP officer to monitor the event must also be completed.

*Legends of Wine.* The Legends of Wine event has been held annually on the west steps of the State Capitol since 2013. This event is one of several held every September that celebrates Sacramento's status as the nation's Farm-to-Fork capital. The purpose of these events is to bring awareness to the Sacramento region's local food production, consumption, and sustainability, as well as the contribution and exportation of sustainable products to the rest of the nation and world.

The Legends of Wine event provides attendees with the opportunity to learn more about the region's most celebrated wines, as selected by two of Sacramento's internationally-recognized wine and food authorities. Each participating winery provides samples of its wines and pairs them with artisan cheeses and specialty desserts. The event is restricted to those who are 21 years of age or older. Tickets are sold prior to the event and cannot be purchased at the event.

*Sale of alcoholic beverages near certain institutions.* This bill amends Penal Code section 172, which prohibits the sale of or exposing for sale of any intoxicating liquor near certain public institutions, including state prisons, youth authority facilities, universities and colleges, the State Capitol and any building occupied as a home, retreat, or asylum for former military personnel, except as specified.

This bill provides a specific exception to Penal Code section 172 for an event held on the State Capitol grounds if specified conditions are met.

### **3. Argument in Support**

The sponsor, Visit Sacramento, writes:

AB 400 will help us to further the Sacramento region's image as America's Farm-to-Fork Capital by educating consumers on the unique agricultural products that are produced in Northern California.

Since 2013, we've held the Legends of Wine event on the West Steps of the Capitol with the goal of spotlighting California wine, agriculture and food production. The event has been one of four Farm-to-Fork events produced by Visit Sacramento and illustrates how agriculture production in the Sacramento region helps to feed the entire nation. Due to restrictions in California law that do not allow for non-profit-produced events that serve alcohol on the Capitol grounds, we've been informed that the event will not be permitted moving forward.

...With more than 150 different commodities coming out of the ground, and as the Capital City of California, we believe that celebrating California's agricultural abundance and Sacramento's standing as America's Farm-to-Fork Capital presents tremendous value to our city and state. More importantly, we believe that celebrating our region's authenticity at the State Capitol presents a unifying message for all of California.

**-- END --**