



## Senator Scott Wiener, 11<sup>th</sup> Senate District

### Senate Bill 384 – Let Our Communities Adjust Late-night (LOCAL)

#### SUMMARY

Beginning January 1, 2020 and ending January 1, 2025, Senate Bill 384 would authorize, but not require, local governments to allow bars and nightclubs to serve alcohol past 2 a.m. and up until 4 a.m. These extended service hours would not apply to liquor stores. No city would be required to allow alcohol service past 2 a.m. Rather, the bill allows cities to opt in: pure local control. This optional tool for local control over nightlife will increase tax revenue and tourism as well as revitalize business districts.

#### BACKGROUND/EXISTING LAW

The ABC Act provides that it is a misdemeanor to sell, give, or deliver to any person any alcoholic beverage between the hours of 2 a.m. and 6 a.m. However, there are numerous cities in the United States and abroad that have extended alcohol service hours. American cities with late-night service hours include Chicago, Washington D.C., New York City, Buffalo, Las Vegas, Louisville, Atlanta, Miami Beach, New Orleans, and Albany. International cities with late night service hours include Barcelona, Tokyo, Berlin, Rio de Janeiro, and Sydney.

#### PROBLEM

Social and nightlife venues are an economic driver in many communities, and the State's food service and entertainment industries generate billions of dollars in consumer spending and employ well over a million Californians. Currently, our California destination cities are at a disadvantage when competing with other cities both nationally and internationally to attract tourists, conventions, conferences, and other events.

In addition, the current uniform closing hour of 2 a.m. creates stress on public services, transportation, and local law enforcement when patrons are simultaneously pushed out onto the street at that hour.

#### SOLUTION

SB 384 would align California with at least 15 other states where local jurisdictions have the authority to decide alcoholic beverage service hours. If a local governing body decides to begin the process of allowing on-sale licensees to extend their hours to a specified time between 2 a.m. and 4 a.m., they must first develop and approve a local plan showing that public necessity and convenience will be served. The local plan must include identification of the area that is eligible for extended hours as well as a law enforcement assessment regarding the potential impact on public safety, which must include crime statistics, police reports, emergency medical response data, sanitation reports, and public health reports related to the additional hours of service area. In addition, the local plan must exhibit resident and business support, as well as the availability of readily-accessible transportation services. Once the local plan has been approved by the local governing body, ABC may investigate if local residents' would experience unreasonable interference with the quiet enjoyment of their property.

In order to apply for an extended hours license, an applicant must submit the specified fees in addition to notifying law enforcement agencies, residents within 500 feet of the premises, and other interested parties within 30 days of filing the application. If there are interested parties who object to the application for extended hours, protests may be filed within 30 days of the notice of the application (ABC can extend 20 days). Any person that files a verified protest in a timely fashion that has been accepted by ABC may request a hearing on the issues raised. Protests made by a public agency or public official cannot be rejected unless there is notice in writing of ABC's determination. Provisions within this bill allow for conditional extended service hours licenses, including hours only on holidays or specific days of the week. Additionally, an on-sale licensee that has conditions on the license that restrict the hours of sale, service, or consumption of alcohol are not

eligible for an additional hours permit. Furthermore, an on-sale licensee that is issued an additional hours permit must require their employees engaged in the sale or service of alcohol during those additional hours to complete a responsible beverage training course. Lastly, this bill would not permit extended hours at liquor stores and would sunset on January 1, 2025.

- Passed out of Assembly Governmental Organization: 15-4-2
- Pending hearing in Assembly Appropriations

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#### FOR MORE INFORMATION

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#### SUPPORT

- California Restaurant Association
- California Travel Association
- California Hotel and Lodging Association
- California Music and Culture Association
- Los Angeles Chamber of Commerce
- Central City Association of Los Angeles
- Anaheim Chamber of Commerce
- West Hollywood Chamber of Commerce
- San Francisco Chamber of Commerce
- LAX Coastal Chamber of Commerce
- City of Oakland
- San Francisco Mayor Ed Lee
- Lyft
- UBER Technologies, Inc.
- UNITE-HERE, AFL-CIO
- California Teamsters Public Affairs Council
- Hotel Council SF
- San Francisco Travel
- San Francisco Taxi Workers Alliance
- Elizabeth Peterson Group, Inc.
- San Francisco Bar Owners Alliance

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#### STATUS

- Passed out of Assembly Governmental Organization 15-4
- Passed Senate Floor 27-9
- Passed out of Senate Governmental Organization: 8-2
- Passed out of Senate Appropriations: 5-2