

ASSEMBLY BILL

No. 461

Introduced by Assembly Member Achadjian

February 19, 2013

An act to add Section 23826.12 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 461, as introduced, Achadjian. Alcoholic beverages: licenses.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act also provides for a limitation on the amount of on-sale general licenses that may be issued by the department based on the population of the county in which the licensed premises are located, as provided.

This bill would provide an exception to this limitation for San Luis Obispo County, as specified.

This bill would make legislative findings and declarations regarding the necessity of a special statute.

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 23826.12 is added to the Business and
- 2 Professions Code, to read:
- 3 23826.12. (a) Notwithstanding any other provision of this
- 4 chapter, in any county of the 24th class, the department may issue

1 five additional new original on-sale general licenses for bona fide
2 public eating places per year, until January 1, 2016. To qualify for
3 a license under this section, the premises upon which a bona fide
4 public eating place is operated shall have a seating capacity for 50
5 or more diners. Not more than a total of 15 on-sale general licenses
6 shall be issued under this section.

7 (b) In issuing the licenses provided for in this section, the
8 department shall follow the procedure set forth in Section 23961.

9 (c) This chapter does not prohibit a person who currently holds
10 a valid on-sale general license for seasonal business from applying
11 for an original on-sale general license pursuant to this section.

12 (d) A license issued under this section shall not be transferred
13 from one county to another nor shall it be transferred to any
14 premises not qualifying under this section.

15 SEC. 2. The Legislature finds and declares that a special law
16 is necessary and that a general law cannot be made applicable
17 within the meaning of Section 16 of Article IV of the California
18 Constitution because of the unique circumstances of the economy
19 of a county of the 24th class, as specified in Section 1, that apply
20 only to a county of the 24th class.