

Date of Hearing: April 16, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 2094 (Vince Fong) – As Amended March 21, 2024

SUBJECT: Alcoholic beverage control: public community college stadiums: City of Bakersfield

SUMMARY: Creates an exception in the Alcoholic Beverage Control Act (Act) to allow a person to acquire, possess, or use an alcoholic beverage at a public community college stadium (Memorial Stadium on the Bakersfield College campus) with a capacity of 19,000 or more people in the City of Bakersfield. The bill would define “events” for this purpose to mean sporting events or concerts sponsored by a public community college or other events sponsored by noncollege groups. Specifically, **this bill:**

- 1) Provides that the alcoholic beverages are acquired, possessed, or used during events at a public community college stadium with a capacity of 19,000 or more people in the City of Bakersfield.
- 2) Defines “events” to mean sporting events or concerts sponsored by a public community college or other events sponsored by noncollege groups.
- 3) Makes legislative findings and declarations as to the necessity of a special statute for the City of Bakersfield.

EXISTING LAW:

- 1) Establishes the Department of Alcoholic Beverage Control (ABC) and grants it exclusive authority to administer the provisions of the Act in accordance with laws enacted by the Legislature. This involves licensing individuals and businesses associated with the manufacture, importation, and sale of alcoholic beverages and the collection of license fees for this purpose. (Business & Professions Code Section 23000, et seq.)
- 2) Provides that the Act is intended to protect the safety, welfare, and morals of the residents of this state, eliminate the unlawful selling and disposing of alcoholic beverages, and to promote temperance in the use and consumption of alcoholic beverages. (Business & Professions Code Section 23001)
- 3) Provides that any person under 21 years of age who purchases any alcoholic beverage, who consumes any alcoholic beverage in any on-sale premises, or who possesses any alcoholic beverage on any street or highway or in any public place or any place open to the public is guilty of a misdemeanor. In addition, the Act provides that every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor. (Business & Professions Code Section 25658)

- 4) States every person who possesses, consumes, sells, gives, or delivers to another person an alcoholic beverage in or on a public schoolhouse (K-14) or the grounds of the schoolhouse, is guilty of a misdemeanor. (Business & Professions Code Section 25608)
- 5) Provides defined exceptions to the above-mentioned statute to include:
 - a) The alcoholic beverages are acquired, possessed, or used during events at a college-owned or college-operated veterans stadium (Long Beach City College) with a capacity of over 12,000 people, located in a county with a population of over 6,000,000 people. “Events” means football games sponsored by a college, other than a public community college, or other events sponsored by non-college groups.
 - b) The alcoholic beverage is acquired, possessed, or used at a professional minor league baseball game conducted at the stadium of a community college located in a county with a population of less than 250,000 inhabitants, and the baseball game is conducted pursuant to a contract between the community college district and a professional sports organization.
 - c) The alcoholic beverages are acquired, possessed, or used during events at a college-owned or college-operated stadium or other facility. As used in this paragraph, “events” means fundraisers held to benefit a nonprofit corporation that has obtained a license pursuant to the Act for the event. “Events” does not include football games or other athletic contests sponsored by any college or public community college. This exemption does not apply to any public education facility in which any grade from kindergarten to grade 12, inclusive, is schooled.
 - d) When it is used as part of an instructional program in viticulture (or the study of grape cultivation);
 - e) When it is served during an event where students are not attending class;
 - f) When it is used in connection with a course of study and you are authorized to possess, acquire, or use it;
 - g) The alcoholic beverage is for use during a fundraiser held to benefit a nonprofit corporation that has obtained a license, as specified and,
 - h) When it is served, possessed, or provided as part of a culinary arts (or food-making) program.
- 6) Authorizes specified licensees to purchase advertising space and time from, or on behalf of, an on-sale licensee that is the owner, manager, or major tenant at specified facilities, such as outdoor stadiums, with prescribed fixed seating capacities, which are situated on the campus of San Diego State University (SDSU), including the SDSU Mission Valley site, located in San Diego County, as defined. (California Business and Professions Code Section 25503.6)
- 7) Authorizes specified alcoholic beverage licensees to purchase advertising space and time from, or on behalf of, an on-sale licensee that is the owner, manager, or major tenant at various facilities situated on California State University (CSU) campuses and three facilities

located at St. Mary's College of California, as specified. (California Business and Professions Code Section 25503.6)

FISCAL EFFECT: Unknown

COMMENTS: *Double-Referral.* AB 2094 (Vince Fong) was heard on the Assembly Committee on Governmental Organization on April 3, 2024 with a 21-0 vote.

Purpose. The author's office states that the Act generally prohibits the sale of alcoholic beverages on community college campuses. Alcohol sales can be a large source of revenue for campuses from games and other community events. Memorial Stadium at Bakersfield College can seat 19,468 people with standing room for 4,000 more giving the stadium a total capacity of over 20,000 people. The public community college campus regularly hosts sporting events, concerts, community events, and rents the stadium out to other groups or organizations.

According to the author, "Community colleges are the bedrock of local higher education as they open countless doors for Californians pursuing degrees and certificates. AB 2094 brings parity to community colleges with other higher education institutions and expands business opportunities and community engagement for Bakersfield College to drive funding for student services and academic programs. Memorial Stadium at Bakersfield College offers a large capacity with the potential to bring more attention and events on campus."

Memorial Stadium (Bakersfield). Memorial Stadium is a double-decked concrete and steel stadium on the campus of Bakersfield College. The school is the second oldest junior college in California behind Santa Barbara City College. Memorial Stadium had a seating capacity of 16,500 when it first opened in 1955, and now seats 19,468 people, with ample standing room to accommodate up to 24,000 for a range of sporting and non-sports events. It is named Memorial Stadium to honor the war dead of World War I and World War II.

The venue includes a regulation size grass football/soccer field, track and field stations, four locker rooms, and 3,800 parking spaces. The venue is home to the perennial Western State Conference Renegades football team and men's and women's track programs. The venue has also hosted high school football games, junior college bowl games, and junior college state playoff games. On December 14, 2019, Memorial Stadium hosted the CCCAA California Junior College Football Title Game. In July 2019 an artificial playing surface and all-weather track was installed. In 2020 a new scoreboard and sound system were installed along with new L.E.D. lights.

CSU Executive Order 1109. California State University Executive Order 1109 was issued on June 30, 2017, and permits each campus president to allow the sale and service of alcoholic beverages and the advertising of alcoholic beverages on campus at university sponsored athletic events. The Executive Order requires that advertising follows specific guidelines to encourage responsible, low risk, and legal use of alcoholic beverages and must support alcohol awareness programs.

In addition, the Executive Order requires that advertising of alcoholic beverages on CSU campuses must comply with minimum policy guidelines which must include, among other things, that the advertising cannot promote any form of alcohol consumption that encourages increased quantity and/or greater frequency of use, shall not portray drinking as a solution to

personal or academic problems, or as a conducive to personal, social, athletic, or academic success, and must support and promote campus alcohol awareness programs that encourage and inform students about the responsible and low risk use or non-use of alcoholic beverages.

Alcohol sales and sports. Alcohol sales at college football games are on the rise across the country. On game days, alcoholic beverages are currently being offered in the public areas of stadiums in 80% of the five most prestigious college football athletic conferences in the United States. This concession has been used to boost revenue and attract visitors to the venues. It has been reported that less than a dozen major football programs were allowed to sell alcohol in their stadiums 10 years ago.

However, not all schools participate in alcohol sales. The University of Wisconsin, for example, does not sell alcohol to the general public at football games, but plans to begin selling it at basketball and hockey games this season. This season, seven Pac-12 Conference universities—including the University of California, Los Angeles, the University of California, Berkeley, Stanford University, and the University of Southern California (USC)—allow alcoholic beverages to be sold in their football stadiums. At the beginning of the current basketball season, USC started serving wine and beer in its indoor arena, the Galen Center. Many of the schools collaborated with other universities to develop best practices for serving alcohol on game days. The National Collegiate Athletic Association (NCAA) does not actively regulate alcohol sales, leaving that to individual conferences and colleges.

Arguments in support. The Kern Community College District (Kern CCD) writes in support, “This bill would provide for a narrow exemption in law relating to the sale and consumption of beer and wine at the Bakersfield College Football stadium. Memorial Stadium is in high demand for hosting events by non-college groups; however, current regulations governing community college venues make it difficult to accommodate our potential vendors’ needs. AB 2094 would incentivize vendors to host events at Memorial Stadium, which would provide an essential revenue stream for our district while restoring the prominence of Memorial Stadium. The stadium is one of the largest event venues in the San Joaquin Valley and was recently renovated with funding from the passage of the Measure J Bond in 2016. Public institutions such as venues at the University of California and California State University systems are able to sell beer and wine at football games and other events. It would make sense that this narrow exception be approved.”

Arguments in opposition. Alcohol Justice opposes this bill, arguing that alcohol harm and irresponsible advertising at four-year colleges are already issues in California. The California Community College system in general, and Bakersfield College in particular, are egregious locations for defined exceptions. The majority (51.9%; Bakersfield College Renegade Scorecard, 2023) of Bakersfield students are 19 years of age or younger—in some instances, young enough to be in high school; in other instances, actively enrolled in high school while pursuing advanced enrichment. Whatever the college hopes to gain financially, the students will lose in terms of academic experience, quality of life, and, in the worst cases, duration of life.

Committee staff notes that, according to communication from Kern CCD, the 51.9% of students under the age of 19 cited by the opposition includes students participating in dual enrollment programs offered on their high school campuses. According to Kern CCD, the percentage of on-campus students under the age of 19 is approximately 34%.

Pending and Prior legislation. AB 2608 (Gabriel), is scheduled to be heard in the Assembly Higher Education Committee on April 16, 2024 and would expand the requirements for annual training for students on sexual violence and sexual harassment to include information on drug-facilitated sexual assault and information related to confidential support and care resources.

AB 840 (Addis), Chapter 346, Statutes of 2023. Authorized specified alcoholic beverage licensees to purchase advertising space and time from, or on behalf of, an on-sale licensee that is the owner, manager, or major tenant at various facilities situated on CSU campuses and three facilities located at St. Mary's College of California, as specified.

SB 1280 (Hueso), Chapter 304, Statutes of 2022. Authorized specified licensees to purchase advertising space and time from, or on behalf of, an on-sale licensee that is the owner, manager, or major tenant at specified facilities on the campus of San Diego State University.

SB 228 (Dodd), Chapter 119, Statutes of 2017. Permitted the sale, possession, or consumption of beer on the grounds of a public schoolhouse for beer that is produced by a brewery owned or operated as part of an instructional program in brewing, if a license has been issued by the ABC.

AB 2073 (Bigelow), Chapter 235, Statutes of 2014. Provided that the prohibition against the sale, possession, or consumption of alcoholic beverages on the grounds of a public schoolhouse does not apply if the alcoholic beverages are acquired, possessed, used, sold, or consumed pursuant to a license or permit obtained for special events held at facilities owned and operated by an educational agency, a county office of education, superintendent of schools, school district, or community college district at a time when pupils are generally not on the grounds.

AB 1989 (Chesbro), Chapter 162, Statutes of 2014. Created an exception relating to consumption or possession of alcoholic beverages by underage persons by allowing students who are at least 18 years of age and enrolled in degree granting programs in enology or brewing at accredited public postsecondary educational institutions to taste, but not consume, an alcoholic beverage for educational purposes as part of the instruction in a course required for a degree.

AB 319 (Norby), Chapter 672, Statutes of 2011. Allowed the sale and consumption of alcohol on community college campuses statewide, during special events, when the proper license or permit has been issued by ABC and authority has been granted by the community college district.

AB 1643 (Smyth), Chapter 79, Statutes of 2010. Allowed alcoholic beverages to be acquired, possessed, or used during events held at a community college-owned facility used to school K-12 students, if the event is held at a time when students in any grades from K-12 are not present at the facility, and defined "events" to include fundraisers held to benefit a nonprofit that has obtained an appropriate license for the event.

AB 1448 (Berryhill), Chapter 399, Statutes of 2009. Provided the prohibition relating to the possession, consumption, and sale of alcoholic beverages in any public schoolhouse or any grounds thereof shall not apply to an event during the weekend or at other times when pupils are not on the grounds of an overnight retreat facility owned and operated by a county office of education in Stanislaus County.

AB 1598 (Price), Chapter 149, Statutes of 2007. Created a new exception to the existing prohibition against the sale or consumption of alcoholic beverages on the grounds of a public

school to enable culinary arts programs at a campus of a California Community College to buy, use, sell or consume wine or beer only in connection with a sponsored dinner, course of instruction, or meal demonstration.

SB 572 (Maddy), Chapter 90, Statutes of 1997. Authorized the possession and use of alcoholic beverages during nonprofit fundraising events held at college-owned or operated stadiums with a capacity of over 18,900 in a county of the 14th class.

REGISTERED SUPPORT / OPPOSITION:

Support

Alpha Media Bakersfield
Bakersfield College Foundation
Kern Community College District
Kern County Administrative Office
Kern County Hispanic Chamber of Commerce
Kern Economic Development Foundation

Oppose

Alcohol Justice
California Alcohol Policy Alliance

Analysis Prepared by: Kevin J. Powers / HIGHER ED. / (916) 319-3960