



March 21, 2013

Senator Roderick D. Wright
Chairman
Senate Committee on Governmental Organization
1020 N Street, Rm. 584
Sacramento, CA 95814

Fax (916) 445-5258

RE: OPPOSE: SB 635 (Leno) Alcoholic beverages: hours of sale

Dear Chairman Wright:

Alcohol Justice (formerly Marin Institute) is a respected alcohol industry watchdog that has been a leading alcohol research and advocacy institution for more than 25 years. We are deeply concerned about the policy implications and public health and safety costs to the state, county and local governments associated with extending hours of alcohol sales from 2 AM to 4 AM.

According to our 2008 published research study, *The Cost of Alcohol in California*, alcohol-related harm costs the state \$38.4 billion annually. Approximately 10,000 people a year die from alcohol related, preventable harm. This \$38.4 amount includes the total alcohol-related cost of crime, injuries, traffic accidents, and illnesses that plague California with a closing time for alcohol sales of 2 AM. Adding more hours of alcohol consumption will only increase those problems and costs.

Senator Leno's SB 635 lacks any evidence to support his untenable claim that extending hours of sale would somehow magically reduce harm. He has referenced other cities and states that allow drinking past 2 AM, but that is not proof of safety or lack of harm.

- As written, the bill involves claims to have various steps of community planning in the process to determine which neighborhoods will allow extended hours of consumption. There will be an arms race of communities having to grapple with coming up with a plan for late night districts, with a huge burden of time and regulation.
- Furthermore, there would be endless one-by-one hearings on licensees who need a finding of Public Convenience and Necessity to be allowed to get the 2 AM – 4 AM license. Community input into the PCN process is notoriously difficult, and many planning departments, city councils and boards of supervisors routinely grant the finding of PCN any time an application is made.
- California communities, overburdened with alcohol-related harm both economic and social, do not have the resources to mitigate the additional harms of late night drinking. Since the passage of Prop 26 in 2010, the ability to increase fees at all levels of government has been effectively squashed. Cities and counties will not be able to adequately charge for harm, as they can no longer mitigate for health and human safety costs without a 2/3 vote locally – nearly impossible to reach with the untold ability of alcohol corporations to throw money into local initiatives.

- In modern California cities, we are trying to promote health lifestyles and dense housing near transportation hubs. This legislation moves entirely the other direction in public policy, promoting more alcohol drinking, promoting less sleep, and promoting noise, nuisance and safety concerns near dense downtown development.
- There is no ABC capacity to regulate late night bars. Already ABC has one staff person for every 1000 licenses, and they just do not work past midnight. Time and time again, the California Department of Alcoholic Beverage Control has noted diminished enforcement capacity, allowing them to attempt to address only the most serious offenses. Continuing to sell alcohol to already-inebriated adults is not one of them. Thus, the burden will fall once again to local police, fire, emergency response, and neighborhood residents to deal with the fallout of public health and safety problems that two more hours of alcohol consumption will produce.
- Local entities do not have the law enforcement capacity to deal with bars and restaurants 2 AM – 4 AM.
- There is little to no mass transportation available in most cities at 4 AM, meaning that this legislation could directly contribute to more drunk driving and preventable traffic collisions, injury and death – and burden on emergency rooms.
- The biggest nuisance and crime problem for ABC licensees is around restaurants that are steadily turning themselves into late night drinking establishments after they slowly roll up their food service. Those growing problems between 10 PM and 2 AM are what the legislature should be grappling with, not trying to extend the problem times even further.

SB 653 is simply an ill-conceived gift to restaurants that want to morph into bars and remain open even later. Without compensation for local costs of enforcement, compliance, and mitigations to ensure that the public health and safety are protected, Alcohol Justice respectfully requests that you forcefully oppose this bill in the Senate Committee on Governmental Organization.

We cannot conceive of amendments to this bill that could make it palatable for families, children and neighbors of licensees that wish to make a few bucks more between 2 AM and 4 AM.

However, we do not oppose promotion of activities between 2 AM and 4 AM that promote fun and healthy behavior as long as they do not involve extending alcohol sales hours. Jobs and economic development after 2 AM is possible, but this graveyard shift booze bill belongs in the graveyard.

Sincerely,

Bruce Lee Livingston

Bruce Lee Livingston
Executive Director, CEO

*cc: Members Senate Committee on Governmental Organization
Senator Leno (author)*