

# Marin Independent Journal

## Marin Voice: Dangerous changes to alcohol laws not worth relief for small businesses



People dine at restaurants on Fourth Street in San Rafael, Calif., on June 25, 2020. The city closed the downtown street on Thursday nights to promote outdoor dining during the pandemic. (Douglas Zimmerman/Special to the Marin Independent Journal)

By [Bruce Lee Livingston](#)  
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The California Legislature is under the influence of restaurants, bars and the spirits industry that want alcohol on California's streets and sidewalks.

With a willy-nilly attitude, it is passing “small business relief” bills to extend or expand temporary COVID-19 emergency measures for outdoor seating put in place by the California Department of Alcoholic Beverage Control (ABC).

The proposed laws overturn evidence-based alcohol control policies critical to public health and safety and youth alcohol prevention.

Last year’s ABC “regulatory relief” orders were meant to be a temporary lifeline for restaurants and bars. However, as the pandemic winds down, expanding alcohol sales and consumption on public sidewalks, alleys, parking lots and “parklets” – along with cocktails-to-go – are a bad deal for our communities.

California annually suffers over 10,500 alcohol-related deaths; 165,000 hospitalizations; \$14.5 billion in government costs and \$35 billion in total economic harm. Yet there is no relief in sight in legislation steamrolling through Sacramento. Legislators have been myopic in their praise of bills designed to encourage alcohol consumption, which research tells us will just make matters worse.

Cities large and small throughout the state could soon be exposed to seedy, inebriated, Bourbon Street-like party zones that have historically resulted in activity ranging from mere nuisance to serious violence.

Drinking alcohol openly in public spaces poses new threats to people with disabilities. The two-by-fours and tents taking over sidewalks are an impediment to mobility and accessibility. The normalization of alcohol consumption in open public spaces promotes teen drinking just like alcohol advertising on the internet.

If these bills pass, the availability of alcohol will continue to expand to an unknown number of locations, events and public spaces adding to the public health and safety harms and the costs we know will follow.

Cocktails-to-go have been wisely prohibited or restricted since the link to death and injury from drinking and driving became evident. They will become dangerously ubiquitous with requirements that are unenforceable. Cocktails-to-go allow teens to easily pass around drinks outdoors and they encourage public inebriation.

Pro-alcohol groups like restaurant associations, chambers of commerce and the Distilled Spirits Council of the U.S. constantly seek opportunities to relax restrictions. They are using the COVID-19 pandemic as an excuse to force these changes.

Sen. Scott Wiener’s SB 314 authorizes the ABC to allow 10,000 COVID-19 temporary authorizations, and temporary catering authorizations to continue regulatory relief license privileges for a year after the COVID-19 state of emergency has ended. Wiener has pivoted during the pandemic from promoting drinking anytime (possible until 4 a.m.) to promoting drinking everywhere.

Sen. Bill Dodd's SB 389 permits restaurants and bars to sell both prepackaged alcoholic drinks and pre-mixed drinks for consumption off the licensed premises with or without a food purchase.

Wiener's SB 793 authorizes the ABC to issue a music venue license to allow alcohol to be sold for consumption in music entertainment facilities. This bill allows people younger than 21 years old into music entertainment facilities serving booze. It would authorize cities and counties to create commercial zones where consumption of alcohol in open containers would be allowed.

Assemblyman Jesse Gabriel's AB 61 extends catering licenses for expanded footprint restaurants and cocktails to go for a full year after lifting emergency orders. It takes away local control by giving the state ministerial control over outdoor applications with no community public hearing required.

Assemblywoman Rebecca Bauer-Kahan's AB 1242 permits restaurants and bars to sell both prepackaged alcoholic drinks and pre-mixed drinks to customers for consumption off the licensed premises with a food purchase.

These bills are bad for California and should not become law. Opportunistic deregulation and expanded alcohol availability are not "magic bullets" for business relief. They will produce negative health outcomes that surpass any social or economic benefits.

It's time for California legislators and the governor to honor their obligation to protect health and safety and do what is right for communities. Harm reduction should be the goal – not misdirected economic recovery promoting outdoor, public consumption of products that cause so much pain, suffering and death.

*Bruce Lee Livingston is the executive director and CEO of the San Rafael-based Alcohol Justice, one of the three 1987 "major projects" created and supported by the Buck Trust.*