

REGULATION OF LIQUOR LICENSES NEAR SCHOOLS

Adopted by Convention Delegates May 1997

Reviewed and deemed relevant November 2017

- WHEREAS, The first Object of the National PTA is to promote the welfare of children and youth in home, school, community, and place of worship, and as PTA has long worked to protect children and youth from the harmful effects of alcohol; and
- WHEREAS, Zoning ordinances within California cities and counties are not consistent nor adequate in addressing the proximity of on-site beverage sales establishments to schools and youth facilities; and
- WHEREAS, As noted in the brochure *Questions and Answers Concerning the Alcoholic Beverage Control Act and Related Constitutional Provisions*, California Business and Professions Code 23789 authorizes but does not require the Department of Alcoholic Beverage Control to deny issuance of a retail license for premises located within the immediate vicinity of churches and hospitals, and within 600 feet of schools and public playgrounds; and
- WHEREAS, Parents, administrators, teachers, students and communities are extremely concerned about the steady rise in teenage drinking and the need to create an environment to counter that increase; now therefore be it
- RESOLVED,** That the California State PTA encourage its units, councils and districts to contact and urge city and county agencies to develop and implement legislation that would deny the licensing or transfer of license of any establishment which sells alcoholic beverages within 600 feet of schools; and be it further
- RESOLVED,** That the California State PTA and its units, councils and districts encourage the California Department of Alcoholic Beverage Control to adopt new policies which would require the refusal of issuance or transfer of on-site retail licenses for premises within 600 feet of schools; and be it further
- RESOLVED,** That the California State PTA and its units, councils and districts strongly encourage city, county and state agencies, including local offices of the Department of Alcoholic Beverage Control, to conduct mandatory community hearings, with timely and written notification transmitted to all interested school leaders (district, site and parent) prior to issuance of a new license, transfer of an existing license, and/or a duplicate license for on-site beverage sale businesses located within 600 feet of schools and youth facilities.

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BACKGROUND SUMMARY

PTA has long worked to protect children and youth from the harmful effects of alcohol. The California State PTA convention delegates passed resolutions in 1982 on Alcohol Related Driver Education; in 1985 on Limiting Concurrent Sales of Gasoline and Alcohol and the Proliferation of Outlets; and in 1992 on Alcohol Beverage Advertising That Targets Youth. A concern that has not been addressed is the issuance or transfer of liquor licenses to businesses near schools.

The California Department of Alcoholic Beverage Control is authorized but not required to refuse the issuance of on-sale retail licenses for premises within 600 feet of schools and playgrounds. The booklet *Questions and Answers Concerning the Alcoholic Beverage Control Act and Related Constitutional Provisions* of the Department of Alcoholic Beverage Control states: "Generally speaking, the Department refuses to issue either on-sale or off-sale licenses for premises within the immediate vicinity of schools and churches when it is shown that the issuance of the licenses would be contrary to public welfare and morals. Mere proximity by itself is not sufficient."

The condition that denial be based on the license being contrary to public welfare and morals is a loophole that in fact weakens the entire policy. A nightclub or liquor outlet next to a school not only advertises substance abuse but also glamorizes it. In addition, a 600 foot distance is inadequate for the protection of grade one through 12 schools from possible effects from such licensing.

There is a proliferation of beverage services businesses near public schools and youth facilities. Furthermore, once granted, an alcohol license is transferable. When a business is sold, the existing license can be transferred with the business. And once licensed, a business can expand so that the conditions for the surrounding community are no longer the same as when the license was originally issued. Many California schools and their surrounding communities have chosen to be in "Drug Free Zones," alcohol being recognized as a drug. The schools and communities have no opportunity to influence the issuance of licenses to businesses in close proximity to their sites.