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4 a.m. bar bill blows local control smoke



Senate Bill 384, up for a vote July 5 in the Assembly Governmental Organization Committee, would extend the hours of legal alcohol sales to 4 a.m. to businesses with special permits. (Courtesy photo)

By Bruce Lee Livingston on July 4, 2017 1:00 am

The myth of local control in California is the latest rhetoric for promoting freshman Sen. Scott Wiener's 4 a.m. bar bill. Senate Bill 384 will come up for a key vote in the Assembly Governmental Organization Committee on July 5, but there is more myth than reality behind it. If it passes, there will be more blood on the sidewalks at 3 or 4 a.m. and increased death on the highways in the wee hours of the morning. Expect police overtime, California Highway Patrol calls in the suburbs for kids driving home inebriated and late-night emergency room visits. Just imagine early morning commuter traffic jams from drunken driving collisions in the hours after a 4 a.m. last call.

The 4 a.m. bar bill allegedly gives local control to counties or cities to create late-night entertainment districts. This does not give local control authority to neighborhoods to stop the districts or put conditions on the licensees. As usual, it gives municipal or county politicians the right to ram through local districts with findings of "public convenience and necessity." Cities and counties rarely deny liquor licenses. Instead, they concoct creative rationales and wave their hands in the air saying, "Well, some tourists want to get a drink at three in the morning."

Under SB 384, the party districts would be required to be near limited “night owl” transportation. This would be a slap in the face to urban neighbors who might want to live in dense, high-rise areas. Building affordable, high-density housing near mass transportation corridors is the most important housing development and transportation policy goal in California. Bars or restaurants having last call at 4 a.m. will lead to noise, street violence, assaults and local police calls easily until 5 or 6 a.m.

The respected U.S. Community Prevention Services Task Force uses the best peer-reviewed studies to make recommendations. In 2010, the task force reported, “Studies that examined increasing hours of sale by 2 or more hours found increases in vehicle crash injuries, emergency room admissions, and alcohol-related assault and injury.” They add, “On the basis of sufficient evidence of effectiveness, the Task Force recommends maintaining existing limits on the hours during which alcoholic beverages are sold ... for preventing alcohol-related harms.”

There is no effective neighborhood control over current licensing of alcohol sales, and there is no chance of real local control under Wiener’s 4 a.m. bar bill. There is, however, lots of potential for street violence, noise and increased and later traffic collisions. So why is the good senator glamorizing SB 384 instead of rebuking alcohol as an unusual commodity that causes injury and harm to the tune of 10,500 dead a year in California alone and \$35 billion a year in public costs?

The answer is that the biggest support is from the chain hotel industry, which wants to serve at hotel bars or restaurants until late. Uber also supports the bill, to allow their “contract employees” to pick up a few bucks late at night. Should a select few economic interests make marginally more profits from late night drinks, while residents and taxpayers suffer the consequences? The Senate Appropriations Committee estimates up to \$2 million in costs to the Alcoholic Beverage Control agency alone in the first two years of setting up the local districts. This does not include first responder costs, costs to impaired drivers or their victims or the costs of lost sleep and productivity from early morning noise and commuter traffic jams.

Wiener more than once referenced the “Ghost Ship” warehouse fire disaster in Oakland last year as a preventable incident solved by his bill, as if legalizing drinks after 2 a.m. had some relationship to that 11:30 p.m. tragedy. It doesn’t. Mentioning the specter of Ghost Ship exploits the deaths of young residents who were looking for an affordable, artistic habitat and a safe place to party. Let the raves, and the house rhythms go on after 2 a.m. in properly zoned and licensed locations, but please leave booze out of the equation.

Affordable housing and early morning inebriation are not a good mix; nothing good happens after 2 a.m. At Alcohol Justice, we have encouraged residents throughout the state to oppose SB 384 by contacting the assembly members. We can only hope the State Assembly sees through the Ghost Ship smoke fanned by supporters of this legislation and extinguishes it.

Bruce Lee Livingston is the executive Director and CEO of Alcohol Justice, which promotes public health policies and organizes campaigns with diverse communities and youth against the alcohol industry’s harmful practices.