

1 **[Urging State Law Change]**

2
3 **Resolution urging the California State Legislature to pass legislation to modernize laws**
4 **related to alcohol closing hours.**

5
6 WHEREAS, California law currently restricts the sale of alcohol uniformly across the
7 state, despite the diversity of local transit availability and tourism alternatives found in the fifth
8 largest economy of the world; and,

9 WHEREAS, Major metropolitan areas that rely upon tourism, cultural events and
10 conventions such as Los Angeles, San Francisco and San Diego operate under the same
11 alcohol restrictions as rural and suburban areas which provide fewer late night transit
12 alternatives for those attempting to get home safely after venues close; and,

13 WHEREAS, Restaurants, cabarets, theaters, nightclubs, bars, music halls, taxis,
14 hotels, airports, car rentals, travel agents, street fairs, cultural events, shops and convention
15 centers all benefit from a thriving interest in the entertainment industry; and,

16 WHEREAS, The state of Florida empowers local jurisdictions to regulate their own last
17 call time and cities like Miami and Jacksonville have set last call at 4AM; and,

18 WHEREAS, The state of Louisiana grants its large metropolitan areas such as the City
19 of New Orleans the power to regulate its own last call time, and the city allows bars and night
20 clubs to stay open for business 24 hours; and,

21 WHEREAS, The state of Illinois allows Chicago to set it's own hours, which the city has
22 set at 4AM Monday through Saturday and 5AM on Sunday morning; and,

23 WHEREAS, The state of New York allows New York City to hold last call until 4AM;
24 and,

1 WHEREAS, The state of Georgia grants the city of Atlanta the power to decide its own
2 last call time which the city has set at 4AM; and,

3 WHEREAS, The state of Texas allows Houston, San Antonio, Fort Worth and Dallas to
4 hold last call until 4AM; and,

5 WHEREAS, The state of Indiana allows the city of Indianapolis to hold last call until
6 3AM; and,

7 WHEREAS, The state of Hawaii allows the city of Honolulu to hold last call until 4AM;
8 and,

9 WHEREAS, The state of Tennessee allows the cities of Memphis and Nashville to hold
10 last call until 3AM; and,

11 WHEREAS, The state of West Virginia allows jurisdictions to hold last call until 3:30AM;
12 and,

13 WHEREAS, The state of Alaska allows jurisdictions to hold last call until 5AM; and,

14 WHEREAS, The states of Mississippi, Nevada and New Jersey allow alcohol serving
15 establishments to remain open 24 hours a day; and,

16 WHEREAS, Washington D.C. has set its own last call at 3AM on weekends; and,

17 WHEREAS, The voters of Arizona will decide on a state initiative in 2004 to extend the
18 state's last call to 3AM; and,

19 WHEREAS, London and many other large international tourist destinations allow
20 venues to sell alcohol 24 hours to entice global travelers; and,

21 WHEREAS, California, despite its progressive reputation, uniformly requires all
22 establishments statewide to hold last call at 2AM, creating a clear business disadvantage to
23 other national and international tourist destinations; and,

24 WHEREAS, The National Traffic Safety Administration conducted a 2001 study of
25 traffic deaths related to alcohol; and,

1 WHEREAS, Data from this study documents that states with later last call hours had
2 fewer alcohol related driving deaths than states with earlier closing hours; and,

3 WHEREAS, The correlation between last call times and average percent of traffic
4 deaths related to alcohol in this study showed a 44.5% correlation in states with 1-1:30AM last
5 call times, 41.81% in states with 2-2:30AM last call times, 38.67% in states with 3-3:30AM last
6 call times, 42% in states with 4AM last call times, and 41.25% in states with 24 hour call
7 times; and,

8 WHEREAS, Overall the correlation of alcohol related deaths was significantly higher in
9 states with earlier last call times than later last call times and states with 3-3:30AM last call
10 had the lowest correlation of alcohol related deaths with roughly 3% less than states which
11 held last call at 2AM; and,

12 WHEREAS, This data may suggest that early closing hours lead consumers to drink
13 near the closing hour and drive sooner after drinking than if they are allowed to leave
14 establishments at a later time of their choosing; and,

15 WHEREAS, California entertainment businesses stand at a competitive disadvantage
16 to other states due to inflexible regulations, Californians in the October 2003 election voiced a
17 demand to remove excessive regulations on state businesses, there is broad precedent for
18 allowing large urban jurisdictions to set last call after 2AM, and national data suggests that
19 states with later last call hours, if anything, have created a safer environment; and

20 WHEREAS, On December 16th, 2003, the Entertainment Commission of the City and
21 County of San Francisco voted to urge the California State Legislature to modernize laws
22 related to alcohol by establishing a 3:30AM last call during which the sale of alcohol is
23 permitted; now, therefore, be it

24 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
25 hereby urges the California State Legislature to support Assemblyman Leno's efforts to

1 modernize laws relating to alcohol closing hours in major metropolitan areas by establishing a
2 3:30AM last call during which the sale of alcohol is permitted; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
4 Francisco urges the California State Legislature to support Assemblyman Mark Leno's effort
5 to develop legislation to modernize California's last call laws to allow major metropolitan cities
6 in California to be competitive within the national market for tourist and convention travel
7 business; and, be it

8 FURTHER RESOLVED, That, for the purpose of this law, cities with a population of
9 more than 500,000 should be considered major metropolitan areas; and, be it

10 FURTHER RESOLVED, That cities should be empowered with the right to opt out of a
11 3:30AM last call time if they pass a local ordinance reverting to a 2AM closing time and that
12 any alcohol closure-hour modernization legislation shall be subject to existing local zoning
13 and land use controls; and, be it

14 FURTHER RESOLVED, That a copy of this resolution be forwarded to Assemblymen
15 Mark Leno and Leland Yee, and Senators Jackie Speir and John Burton.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 040057

Date Passed:

Resolution urging the California State Legislature to pass legislation to modernize laws related to alcohol closing hours.

January 27, 2004 Board of Supervisors — REFERRED: City Services Committee

February 10, 2004 Board of Supervisors — CONTINUED

Ayes: 6 - Alioto-Pier, Dufty, Gonzalez, Ma, McGoldrick, Sandoval

Noes: 5 - Ammiano, Daly, Hall, Maxwell, Peskin

February 10, 2004 Board of Supervisors — ADOPTED

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, McGoldrick, Peskin

Noes: 3 - Hall, Maxwell, Sandoval

File No. 040057

I hereby certify that the foregoing Resolution was ADOPTED on February 10, 2004 by the Board of Supervisors of the City and County of San Francisco.

FEB 19 2004

Date Approved

Kay Lulberson

Gloria L. Young
Clerk of the Board

Gavin Newsom

Mayor Gavin Newsom