

AP 3560 Alcoholic Beverages

References:

Business and Professions Code Section 24045.4, 24045.6, 25608 and 25668; 34 Code of Federal Regulations Part 668.46 subdivision (b)

Introduction:

The possession, sale or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the responsibility of the Campus Safety Department. The campus has been designated “Drug Free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Campus Safety Department. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of twenty-one (21). The possession of alcohol by anyone under twenty-one (21) years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District. Alcohol may not be acquired, possessed, or used during events at any public education facility in which any grade from kindergarten to grade 12, inclusive, is in school (Bus. And Prof. Code Section 25608(a) (10)). Alcohol may not be acquired, possessed, used, or consumed during special events held at facilities owned and operated by a community college district at a time when pupils are on the grounds (Bus. And Prof. Code Section 25608(a) (17)). Any person convicted of a violation of this section shall, in addition to the penalty imposed for the misdemeanor, be barred from having or receiving any privilege of the use of public school property which is accorded by Article 2 (commencing with Section 82537) of Chapter 8 of Part 49 of the Education Code.

1. Definitions:

- A. **Events**: Fundraisers held to benefit a nonprofit corporation that has obtained a license for the event. Events do not include football games or other athletic contests sponsored by any college or public community college. (Bus. And Prof. Code Section 25608(a) (10))
- B. **Special Events**: Events that are held with the permission of the governing board of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of a public community college and for which the principal attendees are members of the general public or invited guests and not students of the community college. (Bus. And Prof. Code Section 25608(a)(15).
- C. **Third Party User**: A non-profit or for-profit organization or corporation not affiliated with the District.

2. District's Right to Serve Alcohol on Campus:

The District itself may not obtain a special license to sell or serve alcohol. In accordance with Business and Professions Code 25608, the District may under specific circumstances approve the acquisition, possession, use, and consumption of alcoholic beverages on the college campus. Alcoholic beverages on campus are permitted if they are part of:

A. Instructional Programs:

Alcoholic beverages may be acquired, possessed or used in connection with a course of instruction at the college and the person has been authorized by the CEO to acquire, possess or use the alcoholic beverages. Alcoholic beverages used for educational purposes will be controlled, stored, and served in a manner appropriate to the curriculum and to any procedures established between those programs and the Office of Academic Affairs. A student at least eighteen (18) years of age may taste, but not swallow or consume, an alcoholic beverage for educational purposes as part of the instruction in a hotel management, culinary arts, enology, or brewing degree program, and the alcoholic beverage remains in the control of the instructor.

- 1) **Instruction in Viticulture and Enology - Bus & Prof Code 25608(a)(1):** The alcoholic beverage is wine or beer produced by a bonded winery owned or brewery or operated as part of an instructional program in viticulture and enology or brewing.
- 2) **Culinary Arts Program - Bus & Prof Code 25608(a)(2):** The alcoholic beverage is beer or wine for use in connection with a course of instruction, sponsored dinner or meal demonstration given as part of a culinary arts program at the college campus, and the instructor or individual has been authorized to acquire, possess, use, or consume it by the CEO of the District.
- 3) **Instruction in Viticulture on No Less than Five Acres - Bus & Prof Code 25608(a)(8):** The alcoholic beverage is wine that is for use during an event sponsored by the District or an organization operated for the benefit of the District where the college district maintains both an instructional program in viticulture on no less than five acres of land owned by the district and an instructional program in enology, which includes sales and marketing.

B. Foundation Events – Fundraising:

- 1) Alcohol may be served by the Foundation in accordance with Business and Professions Code 25608(a)(10) and (16): The alcoholic beverages are for use during a fundraiser held to benefit the College of the Canyons Foundation and the College of the Canyons Foundation has obtained a liquor license pursuant to the Business and Professions Code for the event. The event may not be held at a time when students in any grades from kindergarten to grade 12, inclusive, are present at the facility.
- 2) Initial approval for all alcohol events must be made by the District.
- 3) Approval will be granted on a case-by-case basis by the District and by the College of the Canyons Foundation when the purpose of the event is fundraising held to benefit the Foundation.

- 4) A request to serve alcohol at fundraising events must be submitted in writing to the Foundation no less than ~~five~~ six (6) weeks prior to the event.
- 5) A “one day license” for sales/auction will be required and must be obtained from the Alcoholic Beverage Control Board by the Foundation.
- 6) Contact the Foundation for forms and information.
- 7) Non-District funds held in Foundation accounts may, at the discretion of the Foundation, be used. All alcohol purchases, whether for on-campus or off-campus events, must be made through Foundation check-request forms and approved by the appropriate District administrator and Foundation representative.

3. Third Party Non-District Event at any District Facility (Excluding Athletic Events):

The third party is responsible for any and all costs for:

- Obtaining a license to sell and serve alcohol;
- Maintaining liquor liability insurance during the event;
- All alcohol and related services, including, but not limited to, securing professional bartenders;
- A minimum of (2) two licensed security guards, and;
- Bar set-up, alcohol and supplies.

A general on-sale license may be issued by the California Department of Alcoholic Beverage Control to a person who does not operate a bona fide eating place or other public premises who meets all of the requirements listed in Business and Professions Code 24045(a)(17).

A. Non-Performing Arts Center Events:

- 1) The alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit obtained, under the Business and Profession Code, for special events held at the facilities of the District during the special event.
 - “Special event” means events that are held with the permission of the governing board of the District that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the District and for which the principal attendees are members of the general public or invited guests and not students of the public community college. (Bus. And Prof. Code Section 25608(a)(15).
- 2) A third party may sell alcohol at events held on District premises, provided that:
 - The third party obtains a license to sell and serve alcohol.
 - A District Facility Use Agreement is fully-executed
 - A liquor liability insurance certificate is provided to the District.
 - The event is approved by the Board of Trustees.

- Principal attendees are members of the general public or invited guests and not students.
 - Minor students are not present at the facility.
- 3) The alcoholic beverages are acquired, possessed, or used during events at a college owned or college operated stadium or other facility. “Events” means fundraisers held to benefit a non-profit corporation that has obtained a license under the Business and Professions Code for the event. Events does not include football games or other athletic contests sponsored by any the District. This paragraph does not apply to any public education facility in which any grade from kindergarten to grade 12, inclusive, is in school. (Bus. And Prof. Code Section 25608(a) (10)).

B. Performing Arts Center (“PAC”) Events:

Third parties are permitted to sell and serve alcoholic beverages at the PAC if:

- 1) The alcoholic beverages are acquired, possessed or used during an event not sponsored by the District in the PAC, and the PAC is leased to a nonprofit, public benefit corporation formed under part II (commencing with section 5110) of Division II of Title I of the corporation’s code. (Bus. And Prof. Code Section 25608(a)(5).
 - For example, the non-profit public benefit corporation may contract with a for-profit caterer to sell and serve alcoholic beverages. The for-profit caterer may serve alcohol in the PAC if it is able to acquire a license under Section 24045.17 and the event meets the requirements of Section 25608(a)(5) listed above.
- 2) A third party may sell alcohol at events held at the PAC, provided that:
 - The third party obtains a license to sell and serve alcohol.
 - A District Theatre Facility Use Agreement is fully-executed.
 - A liquor liability insurance certificate is provided to the District.

4. Alcohol at Third-Party Events - Requirements And Conditions:

- A. A request for a permit to serve alcoholic beverages on District property must be approved by the CEO or his/her designee.
- B. Request forms are available on the District’s website. Requests must be submitted to the District at least six (6) weeks before the event. The District reserves the right to refuse alcohol consumption at any event on campus.
- C. A District Facility Use Agreement must be fully-executed.
- D. A Certificate of Insurance (“COI”) for not less than One Million Dollars (\$1,000,000) liability insurance with the inclusion of “liquor liability” stated on the COI must be provided to the District. The COI must name the Santa Clarita Community College District and the College of the Canyons Foundation, etc., as additional insured.
- E. A copy of the alcohol permit and the liquor liability COI must be presented to the District

at least two (2) weeks prior to the event. Failure to timely provide an alcohol permit and liquor liability insurance certificate two (2) weeks prior to the event will result in no alcohol being allowed at the event, no exceptions.

- F. Every event where alcoholic beverages will be served will have a designated coordinator who is a District staff member or an employee of a District auxiliary corporation. The designated coordinator shall be authorized by the CEO or his/her designee. It is the responsibility of the designated coordinator for each event to see that all individuals acquiring, possessing, using or serving alcoholic beverages at campus sponsored events are twenty-one (21) years or older and possess identification that confirms their age. The name and signature of the designated coordinator will appear on the request form.
- G. The third party is responsible for providing the District with signed Alcohol Server Acceptance and Verification of Alcohol Policy forms for each person serving alcohol at least two (2) weeks prior to the event date.
- H. All alcoholic beverage storage arrangements for campus events must be in lockable areas. Individual under the age of twenty-one (21) shall not have access to these storage areas without the supervision of District staff members age twenty-one (21) or over. Alcoholic beverages may not be stored in open containers on District property. Appropriate storage arrangements must be described on the alcoholic beverage service request form.
- I. At events where an alcoholic beverage is served, the following must take place:
 - 1. Written notice must be placed in a clear and open location indicating:
 - a. No alcoholic beverages will be served to individuals under the age of twenty-one (21) and that identification verifying age must be provided.
 - b. The District or third party reserves the right to refuse service.
 - c. The consumption of alcoholic beverages may be harmful to health.
 - 2. An individual over the age of twenty-one (21) and separate from those individuals serving alcoholic beverages will be assigned to check identification during the event.
 - 3. Remove any surplus alcohol immediately following the event.
 - 4. Placards must be posted at each location where alcohol is served in plain view of guests that provide telephone numbers for taxi services or other alternative transportation resources.
- J. The designated coordinator is responsible for the proper and timely removal of all alcoholic beverages immediately following the event.
- K. The consumption of alcoholic beverages by a minor at a District event is prohibited and will result in appropriate disciplinary action up to and including arrest of those parties involved. (See BP 5529 & Business and Profession Code 25608).

5. Alcohol Purchase:

Alcohol may not be purchased with District funds, except for instructional purposes.

CPC Approved: December 1, 2020