

BP 3560 Alcoholic Beverages

10/11/23



P&P Chapter Lead Recommendation
San Bernardino Community College District

Current Step:
BOT 1st Reading

Point Person	Date Requested	Anticipated Date of Recommendation:	Recommendation Received:
J Torres	10/2/2023	Recommendation Received	10/6/2023

Reason(s) for Review/Changes
> Review requested by Board Executive Committee.

Review Level

Level 1

Anticipated AP2410 Schedule *(for info on this process, visit <https://sbccd.edu/ap2410>)*

- 10/03/2023 BPPAC Approval
- 10/09/2023 PPAC Approves Review Level
- 10/10/2023 Level 1 to Constituents for Information Only
- 11/09/2023 BOT First Reading
- 12/08/2023 BOT Final Approval

Action Requested

1. Please review this Chapter Lead recommendation based on the reasons above.
2. Staff recommended changes are shown in red.
3. Legal changes are shown in blue and should only be considered optional if indicated.
4. If there are no changes showing, this item is being presented for information only.
5. For questions on this recommendation, please contact J Torres or kgoodric@sbccd.edu.

RECOMMENDATION STARTS ON NEXT PAGE



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Reason(s) for Review/Changes

- > Review requested by Board Executive Committee.
- > Review Process Comments:
 - At the request of the Board Executive Committee, the Board Policies & Procedures Ad Hoc Committee reviewed the P&P and determined that it is legally compliant and fulfills the needs of SBCCD. It is being moved through the process with **no recommended changes**.

The Chancellor is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events held to benefit non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with these procedures.

References:

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

End of Recommendation for BP 3560 Alcoholic Beverages

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Click for CCLC Legal Update Info

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- > Review Process Comments:
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The possession, sale or furnishing of alcohol on campus is governed by California state law and these procedures and controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the District Police 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 District Police 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 21. The possession of alcohol by anyone under 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.

Alcoholic beverages on campus are permitted if:

- 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 a community college campus, and the instructor or individual has been authorized by the governing board to acquire, possess, use, sell, or consume it.
- A student at least 18 years of age tastes, but does not swallow or consume, an alcoholic beverage for educational purposes as part of the instruction in a hotel management, culinary arts, or enology or brewing degree program, and the alcoholic beverage remains in the control of the instructor.
- The alcoholic beverage is for use during a non-college event at a performing arts facility built on District property and leased to a nonprofit public benefit corporation.
- The alcoholic beverage is wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
- 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, in connection with the District's instructional program in viticulture or enology.
- The alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit obtained for special events held at the facilities of a public community college during the special event. "Special event" means 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 the public community college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.



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- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the District, or an organization operated for the benefit of the District, at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.
- The alcoholic beverage is for use during a fundraiser held to benefit a nonprofit corporation that has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.
- The alcoholic beverage is acquired, possessed, or consumed pursuant to a license or permit obtained for special events held at facilities of a community college district at a time when pupils are not on the grounds. "Facilities" includes, but are not limited to, office complexes, conference centers, or retreat facilities.

As the population of San Bernardino and Riverside Counties is greater than 250,000, no alcoholic beverage is allowed at any professional minor league baseball game played on the District's athletic facilities.

References:

Business and Professions Code Sections 24045.4, 24045.6, 25608, 25658 and 25668;

34 Code of Federal Regulations Part 668.46 subdivision (b)

End of Recommendation for AP 3560 Alcoholic Beverages