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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 9. ALCOHOLIC BEVERAGES [23000 - 25762] (*Division 9 added by Stats. 1953, Ch. 152.*)

CHAPTER 3. Licenses and Fees [23300 - 23552] (*Chapter 3 added by Stats. 1953, Ch. 152.*)

ARTICLE 7. Music Venue License [23550 - 23552] (*Article 7 added by Stats. 2022, Ch. 468, Sec. 2.*)

[23550.](#) For purposes of this article:

- (a) "On-sale licensee" means a person holding an on-sale general music venue license to serve alcoholic beverages on the premises of a music entertainment facility.
- (b) "Music venue license" means an on-sale general for music entertainment facility license issued pursuant to this article.
- (c) "Music entertainment facility" means a publicly or privately owned live performance venue, concert hall, auditorium, or an enclosed arena where music or entertainment events are presented for a price of admission. The facility does not have to be used exclusively for music or entertainment events. A venue is not a "music entertainment facility" for purposes of this article unless it satisfies all of the following criteria:

- (1) The facility has defined performance and audience spaces.
- (2) The facility includes mixing equipment, a public address system, and a lighting rig.
- (3) The facility employs one or more individuals to serve not less than two of the following roles:
 - (A) A sound engineer.
 - (B) A booker.
 - (C) A promoter.
 - (D) A stage manager.
 - (E) Security personnel.
 - (F) A box office manager.
- (4) There is a paid ticket or cover charge to attend performances at the facility and artists are paid and do not play for free or solely for tips, except for fundraisers or similar charitable events.
- (5) Performances at the facility are marketed through listings in printed or electronic publications, on websites, by mass email, or on social media.

(Added by Stats. 2022, Ch. 468, Sec. 2. (SB 793) Effective January 1, 2023.)

[23552.](#) (a) In addition to the licenses specified in Section 23320, the department may issue a music venue license to sell beer, wine, and distilled spirits at retail for consumption upon the premises only. A music venue licensee is eligible to obtain a duplicate license or licenses as described in Section 24042 and shall be subject to the same fees charged for a duplicate Type 47 license.

(b) The music venue license may be issued for a music entertainment facility providing alcoholic beverage service. Except as provided in this section, only licensees with a music venue license are authorized to sell beer, wine, and distilled spirits at retail for consumption upon the premises of the music entertainment facility. The license shall only be transferable from person to person at

the same premises. A music venue license shall not be transferred or sold for a purchase price or consideration in excess of the original fee paid for that license.

(c) (1) Subject to Section 25631, the music venue licensee may sell, serve, and permit consumption of alcoholic beverages only during the time period from two hours before a live performance until one hour after the live performance.

(2) (A) A music venue licensee may also sell, serve, and permit consumption of alcoholic beverages to guests during private events or private functions not open to the general public within any hours of operation permitted by its license, regardless of whether any live performance occurs.

(B) (i) A music entertainment facility shall not be required to meet the requirements of subdivision (c) of Section 23550 in connection with and during a private event or private function provided the facility's principal purpose shall be to operate as a music entertainment facility.

(ii) A music venue licenseholder must keep records at the licensed premises to show compliance with this paragraph for the preceding three calendar years. Records kept in compliance with this section must be provided to the department upon request pursuant to Section 25753. Failure to keep required records or to provide them to the department upon request shall be grounds for disciplinary action pursuant to Section 25616.

(iii) For purposes of this subparagraph, "principal purpose" shall mean that the number of private events or private functions occurring at the music entertainment facility does not exceed the number of live entertainment events occurring at the facility in any calendar year.

(d) (1) Issuance of the license shall be subject to the provisions of Section 23958.4.

(2) Issuance of the license shall not be subject to the provisions of Section 23816.

(e) An on-sale licensee may permit a person under 21 years of age into the music entertainment facility. This subdivision does not authorize the on-sale licensee to sell, furnish, or give any alcoholic beverages to a person under 21 years of age, or to engage in any other activity not otherwise authorized by this division.

(f) (1) An on-sale general bona fide public eating place licensee or an on-sale general public premises licensee as of the effective date of this section may exchange that license for a music venue license, subject to the qualifications of the premises as specified in this division. The exchange may be made at any time upon the approval of the department, the payment of an exchange fee of one hundred dollars (\$100), and compliance with the provisions of this division relating to the issuance of an original license.

(2) The department may modify its rules regarding the surrender of licenses to implement this subdivision.

(g) The department may promulgate regulations to implement this article.

(Amended by Stats. 2023, Ch. 700, Sec. 5. (SB 76) Effective January 1, 2024.)