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AB-2681 The California Concert and Festival Crowd Safety Act. (2021-2022)

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Assembly Bill No. 2681

CHAPTER 441

An act to add Section 50032 to the Government Code, relating to crowd safety.

[Approved by Governor September 19, 2022. Filed with Secretary of State September 19, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2681, Bloom. The California Concert and Festival Crowd Safety Act.

(1) Existing law requires a state agency that seeks to hold an event with an expected attendance level over a specified amount on property that is either owned or operated by a state agency to, prior to the event, conduct a threat assessment that addresses specified topics. Existing law also requires that if the state agency determines, based on the facts presented to it in the assessment, that there is a strong probability that loss of life or harm to the participants could occur, then the state agency must require the promoter to prepare an event action plan that includes specified information. Existing law requires the state agency to approve the event action plan before the promoter may hold the event. Existing law authorizes the state agency to charge the promoter a fee that does not exceed the reasonable costs to the state agency to prepare the threat assessment or to review the event action plan.

This bill would establish minimum crowd safety standards for large outdoor events, would require a local authority, as defined, to adopt those standards, and would require a promoter to develop an event operations plan before receiving a permit to host a large outdoor event. The bill would authorize a local authority to charge a promoter a reasonable fee for the cost of the review and approval of the plan. The bill would authorize a local authority to issue a permit for a large outdoor event, as defined, upon a promoter's satisfactory completion of the plan and would specify that the bill does not prevent a local authority from adopting additional requirements for large outdoor events. By imposing these requirements on local government, this bill would impose a state-mandated local program.

(2) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the California Concert and Festival Crowd Safety Act.

SEC. 2. Section 50032 is added to the Government Code, to read:

50032. (a) It is the intent of the Legislature to establish minimum crowd safety standards to guide local authorities when permitting large outdoor events throughout the state.

(b) It is the intent of the Legislature to ensure that the minimum crowd safety standards, as established pursuant to this section, inform the event permitting processes administered by cities, counties, and local public safety agencies to ensure public health and safety at large outdoor events by outlining best practices for the permitting process.

(c) For the purposes of this section, the following definitions apply:

(1) "Large outdoor event" means an organized outdoor event that is held in a nonpermanent venue featuring performances on one or more stages that has an estimated attendance level of more than 10,000 participants per day.

(2) "Local authority" means any city, including a charter city, county, including a charter county, city and county, including a charter city and county, or any applicable local public agency, including a local fire, police, or sheriff's department.

(3) "Nonpermanent venue" means a location not designed to host concerts or festivals on a regular basis, such as a green field or parking lot, that may erect temporary structures for a concert or festival, including, but not limited to, stages, seating, security barriers, or concession services and other event tents.

(4) "Promoter" means an individual, association, corporation, partnership, or other organization that arranges, holds, organizes, or otherwise conducts a large outdoor event.

(d) (1) A local authority shall adopt the minimum crowd safety standards set forth in subdivision (e).

(2) A local authority that has preexisting special events protocols that substantially address crowd safety in accordance with the minimum standards set forth in subdivision (e) is exempt from this section.

(e) (1) Under the direction and at the discretion of local authorities, a promoter that seeks to hold a large outdoor event shall prepare an event operations plan that addresses all potential risks of the event. The plan shall include all of the following:

(A) Event overview.

(B) Site plan, to scale, depicting the event perimeter, all structures onsite, points of ingress and egress, including emergency exits, and crowd circulation areas.

(C) Festival management structure.

(D) Incident command post operations.

(E) Security plan.

(F) Crowd management for ingress, venue circulation, egress, and front-of-stage management.

(G) Medical plan.

(H) Emergency action plan that includes, but is not limited to, response to a severe weather natural disaster, a person presenting a substantial threat, response to injury, an emergency show stop procedure, and communications plans for both internal and public-facing communication.

(2) Notwithstanding paragraph (1), if the event is a performance that by its nature places the performers at risk, including, but not limited to, rodeos and monster truck rallies, the event operations plan need not address that risk.

(f) A local authority may approve a large outdoor event upon satisfactory review of the event operations plan, as described in subdivision (e).

(g) A local authority may charge the promoter a fee, which may not exceed the reasonable costs to the local authority for the review and approval of the event operations plan.

(h) This section does not apply to the permitting of any of the following types of events:

(1) An event held at a fair that has adopted the Department of Food and Agriculture's "Contract Policy and Recommended Best Practices for Contracting by California Fairs."

(2) An event regulated pursuant to Chapter 3 (commencing with Section 27200) of Division 6 of Title 4 of Part 6 of the Penal Code.

(3) An event that is part of an annual fair within the network of California fairs, as described in Division 3 (commencing with Section 3001) of the Food and Agricultural Code, if the primary purpose of the event is to exhibit or promote the state's agriculture, livestock, or industrial or natural resources through exhibits, vendors, or other educational programming.

(4) This section does not prevent or otherwise limit the ability of a local authority to adopt additional or more stringent requirements applicable to large outdoor events than the requirements of this section.

SEC. 3. The Legislature finds and declares that Section 2 of this act adding Section 50032 of the Government Code addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act applies to all cities, including charter cities.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.