

AMENDED IN SENATE JUNE 24, 2008

AMENDED IN ASSEMBLY MARCH 28, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2004

Introduced by Assembly Member Evans
(Principal coauthor: Senator Wiggins)
(Coauthor: Assembly Member Blakeslee)

February 15, 2008

An act to amend Sections 23358, 23390, and 23396.5 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2004, as amended, Evans. Alcoholic beverages: winegrowers: licenses.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law authorizes a licensed winegrower to, among other things, sell wine and brandy for consumption to consumers for on-premises consumption, as specified.

This bill would authorize a licensed winegrower to sell wine for consumption to consumers for on-premises consumption.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23358 of the Business and Professions
2 Code is amended to read:

3 23358. (a) Licensed winegrowers, notwithstanding any other
4 provisions of this division, may also exercise the following
5 privileges:

6 (1) Sell wine and brandy to any person holding a license
7 authorizing the sale of wine or brandy.

8 (2) Sell wine and brandy to consumers for consumption off the
9 premises where sold.

10 (3) Sell wine to consumers for consumption on the premises.

11 (4) Sell all beers, wines, and brandies, regardless of source, to
12 consumers for consumption on the premises in a bona fide eating
13 place as defined in Section 23038 of this code, which is located
14 on the licensed premises or on premises owned by the licensee
15 that are contiguous to the licensed premises and which is operated
16 by and for the licensee. At such bona fide public eating place beer,
17 wine, and brandy may be used in the preparation of food and
18 beverages to be consumed on the premises.

19 (b) A winegrower may also have upon the premises all beers,
20 wines, and brandies, regardless of source, for sale or service only
21 to guests during private events or private functions not open to the
22 general public. Alcoholic beverage products sold at the premises
23 that are not produced and bottled by, or produced and packaged
24 for, the winegrower shall be purchased by the winegrower only
25 from a licensed wholesaler.

26 (c) A winegrower shall actually produce on his *or her* licensed
27 premises by conversion of grapes, berries, or other fruit, into wine,
28 not less than 50 percent of all wines sold to consumers on his *or*
29 *her* licensed premise or premises and any licensed branch premise
30 or premises.

31 (d) The department may, if it shall determine for good cause
32 that the granting of any such privilege would be contrary to public
33 welfare or morals, deny the right to exercise any on-sale privilege
34 authorized by this section in either a bona fide eating place the
35 main entrance to which is within 200 feet of a school or church,
36 or on the licensed winery premises, or both.

37 (e) *Nothing in this section or in Section 23390 is intended to*
38 *alter, diminish, replace, or eliminate the authority of a county,*

1 *city, or city and county from exercising land use regulatory*
2 *authority by law to the extent the authority may restrict, but not*
3 *eliminate, privileges afforded by these sections.*

4 SEC. 2. Section 23390 of the Business and Professions Code
5 is amended to read:

6 23390. A licensed winegrower or brandy manufacturer, in
7 addition to exercising all the privileges of his or her license at his
8 or her licensed premises, may exercise all his or her license
9 privileges at or from branch offices or warehouses, or United States
10 bonded wine cellars located away from his or her place of
11 production or manufacture, other than production or manufacture,
12 the sale of wine to consumers for consumption on the licensed
13 premises, the sale of wine or brandy to consumers for consumption
14 on the premises in a bona fide eating place, and the sale or delivery
15 of wine to consumers in containers supplied, furnished, or sold by
16 the consumer. The department shall, upon request, issue to a
17 winegrower or brandy manufacturer a duplicate of his or her
18 original license for a location or locations other than his or her
19 wine production or brandy manufacture premises. The duplicate
20 license authorizes the maintenance and operation of each branch
21 or warehouse or United States bonded wine cellar declared and
22 designated by the winegrower or brandy manufacturer at the
23 location for which the duplicate license is issued. The fee for each
24 duplicate winegrower's license and for each duplicate brandy
25 manufacturer's license is as specified in Section 23320.

26 Notwithstanding the provisions of any other section of this
27 division, a duplicate winegrower's license or duplicate brandy
28 manufacturer's license shall be issued forthwith upon the
29 application therefor. In the event any protest is received by the
30 department concerning the issuance of the duplicate license, the
31 protest shall be considered as an accusation against the licensee
32 and a hearing had thereon as if an accusation had been filed.

33 For 30 days from the date of the issuance of the duplicate license,
34 no retail sales of wine or brandy shall be made at any branch office
35 for which a duplicate winegrower's license or duplicate brandy
36 manufacturer's license is issued pursuant to this section.

37 Notwithstanding any other provision of law, the department may
38 allow any person who held more than one original winegrower's
39 license, on or before January 1, 1981, to transfer any duplicate
40 license which has been issued, on or before January 1, 1981, on

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