

Assembly Bill No. 1470

CHAPTER 535

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

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1470, Evans. Alcoholic beverage licensees.

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. Under existing law, a licensed winegrower that is exercising specified privileges may allow a person who has purchased and partially consumed a bottle of wine to remove that bottle from the premises upon departure. Existing law also authorizes a licensed winegrower to, among other things, sell wine and brandy for consumption to consumers for on-premises consumption at branch offices or warehouses or United States bonded wine cellars located away from his or her place of production or manufacture. Existing law also requires the Department of Alcoholic Beverage Control to issue a duplicate license to a winegrower or brandy manufacturer for locations other than his or her wine production or brandy manufacture premises.

This bill would also authorize an on-sale beer and wine public premises licensee and a licensed winegrower who exercises his or her license privileges at specified locations to allow a person who has purchased and partially consumed a bottle of wine to remove the partially consumed bottle from the premises upon departure. This bill would, additionally, remove the prohibition against licensed winegrowers or brandy manufacturers selling wine for consumption on the premises of a branch office. This bill would also remove the requirement that the Department of Alcoholic Beverage Control issue a duplicate license for a winegrower or brandy manufacturer for locations other than his or her wine production or brandy manufacture premises, and would instead provide that the department may issue the duplicate license.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor. This bill would expand existing crimes by imposing additional requirements on a licensee under the act, thus, the bill would impose a state-mandated local program.

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.

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

SECTION 1. Section 23390 of the Business and Professions Code is amended to read:

23390. (a) A licensed winegrower or brandy manufacturer, in addition to exercising all the privileges of his or her license at his or her licensed premises, may exercise all his or her license privileges at or from branch offices or warehouses, or United States bonded wine cellars located away from his or her place of production or manufacture, other than the following privileges:

- (1) Production or manufacture.
- (2) The sale of wine or brandy to consumers for consumption on the premises in a bona fide eating place.
- (3) The sale or delivery of wine to consumers in containers supplied, furnished, or sold by the consumer.

(b) The department may issue to a winegrower or brandy manufacturer a duplicate of his or her original license for a location or locations other than his or her wine production or brandy manufacture premises. The duplicate license authorizes the maintenance and operation of each branch or warehouse or United States bonded wine cellar declared and designated by the winegrower or brandy manufacturer at the location for which the duplicate license is issued. The fee for each duplicate winegrower's license and for each duplicate brandy manufacturer's license is as specified in Section 23320.

(c) Notwithstanding any other provision of law, the department may allow any person who held more than one original winegrower's license, on or before January 1, 1981, to transfer any duplicate license which has been issued, on or before January 1, 1981, on any of the original winegrower's licenses to any other original winegrower's license held by that person, on or before January 1, 1981, provided that the licensee cancels the original winegrower's license from which any duplicate license is transferred. This subdivision shall not authorize any person to acquire any additional duplicate licenses other than those held by that licensee on or before January 1, 1981.

SEC. 2. Section 23396.5 of the Business and Professions Code is amended to read:

23396.5. Notwithstanding any other law, any on-sale licensee that maintains a bona fide eating place in conjunction with such license, any on-sale beer and wine public premises licensee, or any winegrower that is exercising a privilege pursuant to Section 23358 or 23390 may allow any

person who has purchased and partially consumed a bottle of wine to remove the partially consumed bottle from the premises upon departure.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.