

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1356**

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**Introduced by Assembly Member Eng**

February 18, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1356, as amended, Eng. Alcoholic beverage licensees: winegrower: brandy manufacturer: duplicate 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 and requires the Department of Alcoholic Beverage Control to deny the issuance of a license if that issuance would result in or add to an undue concentration of licenses, subject to specified exceptions. 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 require the department to deny the issuance of duplicate license to a winegrower or brandy manufacturer if issuance of that license would result in or add to an undue concentration of licenses, except as provided~~ *provide that where wine by the glass will be sold on the premises of a duplicate license that is located in an area of undue concentration, as defined, the request for the duplicate license is subject to specified provisions before it may be issued by the Department of Alcoholic Beverage Control.*

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 23390 of the Business and Professions  
2 Code is amended to read:  
3 23390. (a) A licensed winegrower or brandy manufacturer, in  
4 addition to exercising all the privileges of his or her license at his  
5 or her licensed premises, may exercise all his or her license  
6 privileges at or from branch offices or warehouses, or United States  
7 bonded wine cellars located away from his or her place of  
8 production or manufacture, other than the following privileges:  
9 (1) Production or manufacture.  
10 (2) The sale of wine or brandy to consumers for consumption  
11 on the premises in a bona fide eating place.  
12 (3) The sale or delivery of wine to consumers in containers  
13 supplied, furnished, or sold by the consumer.  
14 (b) (1) ~~The~~ *Except as provided in paragraph (2), the department*  
15 *may issue to a winegrower or brandy manufacturer a duplicate of*  
16 *his or her original license for a location or locations other than his*  
17 *or her wine production or brandy manufacture premises. The*  
18 *duplicate license authorizes the maintenance and operation of each*  
19 *branch or warehouse or United States bonded wine cellar declared*  
20 *and designated by the winegrower or brandy manufacturer at the*  
21 *location for which the duplicate license is issued. The fee for each*  
22 *duplicate winegrower’s license and for each duplicate brandy*  
23 *manufacturer’s license is as specified in Section 23320.*  
24 ~~(2) The department shall deny an application for a duplicate~~  
25 ~~license if the issuance of that license would result in or add to an~~  
26 ~~undue concentration of licenses, except as provided in Section~~  
27 ~~23958.4.~~  
28 *(2) If a winegrower requests a duplicate license for premises*  
29 *located in an area of undue concentration of licenses as defined*  
30 *in paragraph (1) of subdivision (a) of Section 23958.4, upon whose*  
31 *premises wine will be sold by the glass, the request for the*  
32 *duplicate license shall be subject to paragraph (2) of subdivision*  
33 *(b) of Section 23958.4. Notwithstanding Section 23987, a notice*  
34 *of the request for a duplicate license subject to this provision may*  
35 *be made via e-mail or fax.*

1 (c) Notwithstanding any other provision of law, the department  
2 may allow any person who held more than one original  
3 winegrower's license, on or before January 1, 1981, to transfer  
4 any duplicate license which has been issued, on or before January  
5 1, 1981, on any of the original winegrower's licenses to any other  
6 original winegrower's license held by that person, on or before  
7 January 1, 1981, provided that the licensee cancels the original  
8 winegrower's license from which any duplicate license is  
9 transferred. This subdivision shall not authorize any person to  
10 acquire any additional duplicate licenses other than those held by  
11 that licensee on or before January 1, 1981.

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