

AMENDED IN ASSEMBLY JUNE 7, 2011

AMENDED IN SENATE MARCH 23, 2011

AMENDED IN SENATE MARCH 15, 2011

SENATE BILL

No. 39

Introduced by Senator Padilla
(Coauthor: Assembly Member Beall)

December 6, 2010

An act to add Section 25622 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 39, as amended, Padilla. Alcoholic beverages: caffeinated beer beverages.

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. A violation of the act is a misdemeanor, except as otherwise specified.

This bill would prohibit the import, production, manufacture, distribution, or sale of ~~caffeinated beer beverages, as defined, beer to which caffeine has been directly added as a separate ingredient~~ at retail locations within the state.

Because this bill would add a prohibition to the Alcohol Beverage Control Act, the violation of which is a crime, 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.

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

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

1 SECTION 1. Section 25622 is added to the Business and
 2 Professions Code, to read:

3 25622. (a) ~~Caffeinated beer beverages~~ *Beer to which caffeine*
 4 *has been directly added as a separate ingredient* shall not be
 5 imported into this state, produced, manufactured, or distributed
 6 within this state, or sold by a licensed retailer within this state.

7 ~~(b) For purposes of this section, “caffeinated beer beverage”~~
 8 ~~means a beer for which the manufacturer has filed with the United~~
 9 ~~States Alcohol and Tobacco Trade and Tax Bureau as an ingredient,~~
 10 ~~directly added caffeine.~~

11 ~~(c) This section is not intended to apply to any beer that has an~~
 12 ~~incidental amount of caffeine as a constituent of a natural~~
 13 ~~ingredient, such as coffee, chocolate, or tea.~~

14 *(b) The department may require licensees to submit product*
 15 *formulas as it determines to be necessary to implement and enforce*
 16 *this section. Any information required to be provided by any*
 17 *licensee to the department pursuant to this section shall be*
 18 *considered confidential and corporate proprietary information.*
 19 *This information shall not be subject to disclosure under the*
 20 *California Public Records Act (Chapter 3.5 (commencing with*
 21 *Section 6520) of Division 7 of Title 1 of the Government Code).*

22 SEC. 2. *The Legislature finds and declares that Section 1 of*
 23 *this act, which adds Section 25622 to the Business and Professions*
 24 *Code, imposes a limitation on the public’s rights of access to the*
 25 *writings of public officials and agencies within the meaning of*
 26 *Section 3 of Article I of the California Constitution. Pursuant to*
 27 *that constitutional provision, the Legislature makes the following*
 28 *findings to demonstrate the interest protected by this limitation*
 29 *and the need for protecting that interest:*

30 *In order to facilitate licensee participation in this prohibition,*
 31 *it is necessary to protect the confidentiality of trade secrets.*

1 ~~SEC. 2.~~

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

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