

Assembly Bill No. 647

Passed the Assembly August 30, 2013

Chief Clerk of the Assembly

Passed the Senate August 26, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 23012, 25200, and 25503.3 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 647, Chesbro. The Alcoholic Beverage Control Act: beer manufacturers: containers.

(1) Existing law defines a “beer manufacturer” as any person engaged in the manufacture of beer, and requires a license or permit to manufacture beer, unless the beer is manufactured for personal or family use under specified conditions.

This bill would revise the definition of “beer manufacturer” to include only those persons that have facilities and equipment for the purposes of, and are engaged in, the commercial manufacture of beer.

(2) The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, prescribes requirements for licenses for the manufacture, distribution, and sale of alcoholic beverages. The act requires that all beer sold in the state have a label affixed to its package or container with the true and correct name and address of the manufacturer of the beer and the true and correct name of the bottler of the beer if other than the manufacturer. The act provides that a violation of its provisions is a misdemeanor if not otherwise specified.

This bill would require a beer label to include the brand and type of beer and would also require a beer manufacturer that refills any container supplied by a consumer to affix a label, as specified, on the container prior to its resale to the consumer. The bill would require information concerning any beer previously packaged in the container, including, but not limited to, information regarding the manufacturer and bottler of the beer, to be removed or completely obscured in a manner not readily removable by the consumer prior to resale. The bill would specify that this provision does not authorize a beer manufacturer to refill a container supplied by a consumer with a capacity of 5 liquid gallons or more. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(3) Existing provisions of the Alcoholic Beverage Control Act, known as tied-house restrictions, generally prohibit manufacturers, winegrowers, bottlers, importers, wholesalers, and others from performing certain activities, with specified exceptions. Existing law allows specified licensees to serve and provide, free of charge, food, alcoholic beverages, and other items to retail licensees and their guests attending meetings, conventions, combined conventions, and trade shows, as provided.

This bill would also allow a beer manufacturer or brewpub-restaurant licensee to serve beer produced by the manufacturer or brewpub-restaurant licensee to attendees at a meeting of a bona fide beer manufacturer or brewers' guild held on the premises of a beer manufacturer.

(4) 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 23012 of the Business and Professions Code is amended to read:

23012. "Beer manufacturer" means any person that has facilities and equipment for the purposes of, and is engaged in, the commercial manufacture of beer.

SEC. 2. Section 25200 of the Business and Professions Code is amended to read:

25200. (a) All beer sold in this state shall have a label affixed to the package or container thereof, containing the brand and type of beer, upon which shall appear the true and correct name and address of the manufacturer of the beer, and also the true and correct name of the bottler of the beer if other than the manufacturer.

(b) A manufacturer, importer, or wholesaler of beer shall not use a container or carton as a package or container of a beer other than the beer as is manufactured by the manufacturer whose name or brand of beer appears upon the container or carton, or use as a package or container of a beer a container or carton which bears

the name of a manufacturer of beer or the brand of any beer other than those of the manufacturer of the beer contained in the container or carton.

(c) A beer manufacturer that refills any container supplied by a consumer shall affix a label that complies with this section on the container prior to its resale to the consumer. Any information concerning any beer previously packaged in the container, including, but not limited to, information regarding the manufacturer and bottler of the beer, or any associated brands or trademarks, shall be removed or completely obscured in a manner not readily removable by the consumer prior to the resale of the container to the consumer. This subdivision does not authorize a beer manufacturer to refill a container supplied by a consumer with a capacity of five liquid gallons or more.

SEC. 3. Section 25503.3 of the Business and Professions Code is amended to read:

25503.3. (a) Notwithstanding any other provision of this division, any winegrower, beer manufacturer, brandy manufacturer, distilled spirits manufacturer, or distilled spirits manufacturer's agent may, at parties held, or in hospitality rooms maintained, in conjunction with meetings, conventions, or combined conventions and trade shows of bona fide trade associations of retail licensees, serve and provide free of charge, food, alcoholic and nonalcoholic beverages, entertainment, and recreational activities to the retail licensees and their guests while attending those meetings, conventions, or combined conventions and trade shows. Additionally, any person specified in this section may pay a fee to the bona fide trade association for the privilege of providing food, alcoholic or nonalcoholic beverages, entertainment, or recreational activities, or for display booth space, as long as the fee is at the same rate charged all suppliers.

(b) Any person specified in subdivision (a) may advertise in any regular publication of a bona fide trade association the members of which are food or alcoholic beverage retailers, if that publication does not advertise on behalf of, or directly benefit, any individual retail licensee. The advertising fee paid to the bona fide trade association or its agent shall be at the same rate charged all advertisers.

(c) Any person specified in subdivision (a) may pay membership dues to a bona fide trade association as long as the dues are at the same rate charged all nonretail members of the association.

(d) A licensed beer manufacturer or a brewpub-restaurant licensee may serve, for consumption on the premises, beer produced by the licensed beer manufacturer or brewpub-restaurant licensee to attendees at a meeting of a bona fide beer manufacturer trade association or brewers' guild held on the premises of a licensed beer manufacturer.

SEC. 4. 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.

Approved _____, 2013

Governor