

AMENDED IN ASSEMBLY JANUARY 7, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1245

Introduced by Assembly Member Torrico

February 23, 2007

An act to amend ~~Section 23357.4~~ *Sections 23013 and 23086* of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as amended, Torrico. Alcoholic beverages.

The Alcoholic Beverage Control Act requires, among other things, a license or permit to produce wine, except that no license or permit is required for the production of wine for personal use if the production does not exceed 200 gallons of wine per year.

This bill would define the term "production," for the purposes of the Alcoholic Beverage Control Act, as the fermentation of grapes, berries, or other fruit, or the juice of any of these agricultural products. This bill would also expand the exception to the license requirement for the production of wine by providing that no license is required when the production of the wine is for personal or family use, without a limitation on the amount of wine that may be produced during a single year.

Under existing law a person may appeal a decision of the Department of Alcoholic Beverage Control affecting a penalty assessment or a license issued by the department to the Alcoholic Beverage Control Appeals Board. Existing law requires the Alcoholic Beverage Control Appeals Board to enter its order on that appeal within 60 days after the filing of an appeal.

This bill would require the board to enter its order within 75 days after the filing of an appeal.

The Alcoholic Beverage Control Act authorizes an incorporated beer manufacturer’s trade association to conduct beer tastings on behalf of one or more licensed manufacturers for groups of individuals unaffiliated with a sponsoring nonprofit organization, provided that the participants do not exceed 100 in number at a beer tasting event.

~~This bill would increase the number of participants to 200, as provided.~~

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 23013 of the Business and Professions
2 Code is amended to read:

3 23013. (a) “Winegrower” means any person who has facilities
4 and equipment for the conversion of grapes, berries, or other fruit
5 into wine and is actively engaged in the production of wine, ~~except~~
6 ~~that any person who produces not to exceed 200 gallons of wine~~
7 ~~per year for his own consumption shall not, because of such~~
8 ~~production, be considered a winegrower within the meaning of~~
9 ~~this division.~~

10 (b) For purposes of this section, “production” means the
11 fermentation of grapes, berries, or other fruit, or the juice of any
12 of these agricultural products.

13 (c) For purposes of this section, “winegrower” shall not include
14 any person who produces wine for personal or family use.

15 SEC. 2. Section 23086 of the Business and Professions Code
16 is amended to read:

17 23086. In all cases, the board shall enter its order within ~~60~~ 75
18 days after the filing of an appeal.

19 SECTION 1. ~~Section 23357.4 of the Business and Professions~~
20 ~~Code is amended to read:~~

21 ~~23357.4. (a) Notwithstanding any other provision of this~~
22 ~~division, an incorporated beer manufacturer’s trade association~~
23 ~~may conduct beer tastings on behalf of one or more licensed beer~~
24 ~~manufacturers for public educational purposes. Beer tastings~~
25 ~~conducted by an incorporated beer manufacturer’s trade association~~
26 ~~may be conducted for groups of individuals unaffiliated with a~~
27 ~~sponsoring nonprofit organization, provided that the participants~~
28 ~~do not exceed 200 in number at any beer tasting event.~~

1 No beer shall be sold or solicited for sale in that portion of the
2 premises where the beer tasting is being conducted.
3 Notwithstanding Section 25600, a licensed beer manufacturer may
4 provide beer without charge to an incorporated beer manufacturer's
5 trade association for any tastings conducted pursuant to this section.
6 (b) (1) For purposes of this section, "nonprofit organization"
7 does not include any community college or other institution of
8 higher learning, as defined in the Education Code, nor does it
9 include any officially recognized club, fraternity, or sorority
10 whether or not that entity is located on or off the institution's
11 campus.
12 (2) For purposes of this section, "affiliated with the sponsor"
13 means directors, officers, members, employees, and volunteers of
14 bona fide charitable, fraternal, political, religious, trade, service,
15 or similar nonprofit organizations and their invited guests.
16 (c) The incorporated beer manufacturer's trade association shall
17 first obtain a permit from the department for each tasting event at
18 a fee equal to the actual cost of issuing the permit but not to exceed
19 twenty-five dollars (\$25) per day.
20 (d) The department may adopt rules and regulations as it
21 determines to be necessary for the administration of this section.