

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1569

Introduced by Assembly Member Mendoza

February 23, 2007

An act to amend Section ~~23356.2~~ 23104 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1569, as amended, Mendoza. ~~Beer: brewing for personal or family use.—Alcoholic beverages: unlicensed sales: insurers and common carriers.~~

The Alcoholic Beverage Control Act requires, among other things, a license or permit to manufacture beer, except that no license or permit is required for the manufacture of beer for personal or family use, as specified for the sale of alcoholic beverages. Existing law provides, however, for specified exceptions to allow unlicensed persons to sell alcoholic beverages under certain conditions, including the permission of the Department of Alcoholic Beverage Control. Existing law allows, as an exception, an insurer, or a common carrier acting as an insurer to persons shipping alcoholic beverages, after permission is granted by the department, to take possession of and sell any alcoholic beverages whose containers have been damaged, as provided, to authorized licensees, subject to specified conditions, as provided.

This bill would clarify that a beer manufacturer does not include any person who brews beer for personal or family use, as provided limit this exception to distilled spirits or wine.

The Alcoholic Beverage Control Act provides that a violation of its provisions, unless otherwise specified, is punishable as a misdemeanor.

This bill, by changing the definition of an existing crime, imposes 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: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 23104 of the Business and Professions
2 Code is amended to read:
3 23104. Any insurer may, or any common carrier acting as an
4 insurer for losses to persons shipping ~~alcoholic beverages distilled~~
5 ~~spirits or wine~~ may, after permission has been granted by the
6 department, take possession of and sell any ~~alcoholic beverages~~
7 ~~distilled spirits or wine~~ the containers of which have been damaged
8 by fire or otherwise to licensees who are authorized to sell ~~the~~
9 ~~alcoholic beverages distilled spirits or wine~~. Any qualified licensee
10 ~~so qualified~~ may purchase and accept delivery of the ~~alcoholic~~
11 ~~beverages distilled spirits or wine~~ from the insurer or common
12 carrier ~~so authorized to sell~~ *after permission to sell is granted*. This
13 permission extends only to ~~alcoholic beverages distilled spirits or~~
14 ~~wine~~ owned by a licensee and insured against loss or damage by
15 the insurer or common carrier applying for the permission.
16 ~~Alcoholic beverages so sold~~ *The distilled spirits or wine* shall be
17 labeled or otherwise identified, prior to and at the time of sale, as
18 distress merchandise, salvaged from fire, wreck, or similar
19 ~~catastrophe, and such catastrophe~~. *The label or other identification*
20 shall be affixed over the regular label of the merchandise, and shall
21 ~~provide thereon state~~ that it was not affixed by the manufacturer.
22 SEC. 2. *No reimbursement is required by this act pursuant to*
23 *Section 6 of Article XIII B of the California Constitution because*
24 *the only costs that may be incurred by a local agency or school*
25 *district will be incurred because this act creates a new crime or*
26 *infraction, eliminates a crime or infraction, or changes the penalty*
27 *for a crime or infraction, within the meaning of Section 17556 of*

1 *the Government Code, or changes the definition of a crime within*
2 *the meaning of Section 6 of Article XIII B of the California*
3 *Constitution.*

4 ~~SECTION 1. Section 23356.2 of the Business and Professions~~
5 ~~Code is amended to read:~~

6 ~~23356.2. No license or permit shall be required for the brewing~~
7 ~~of beer for personal or family use, and not for sale, by a person~~
8 ~~over the age of 21 years. The aggregate amount of beer with respect~~
9 ~~to any household shall not exceed (a) 200 gallons per calendar~~
10 ~~year if there are two or more adults in such household, or (b) 100~~
11 ~~gallons per calendar year if there is only one adult in such~~
12 ~~household.~~

13 ~~Any beer brewed pursuant to this section may be removed from~~
14 ~~the premises where brewed for use in competition at organized~~
15 ~~affairs, exhibitions or competitions, including homemakers'~~
16 ~~contests, tastings, or judgings.~~

17 ~~For purposes of this division, a beer manufacturer shall not~~
18 ~~include any person who brews beer for personal or family use~~
19 ~~pursuant to this section.~~