

AMENDED IN ASSEMBLY MAY 25, 2010

AMENDED IN SENATE JANUARY 4, 2010

AMENDED IN SENATE APRIL 29, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 806

**Introduced by Senator Wiggins
(Coauthor: Senator Padilla)**

February 27, 2009

An act to amend Section ~~25500.1~~ 25238 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 806, as amended, Wiggins. Alcoholic beverages: ~~tie-house~~ ~~restrictions~~. *winegrowers and bottlers: records.*

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act also provides for specified recordkeeping requirements for winegrowers and bottlers of wine within specified counties.

This bill would make technical, nonsubstantive amendments to this requirement.

~~The Alcoholic Beverage Control Act contains limitations on sales commonly known as "tie-house" restrictions, which generally prohibit a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler from furnishing, giving, or lending any money or other thing of value to any person engaged in operating, owning, or maintaining any off-sale~~

licensed premises. Existing law provides that, for purposes of these provisions, the listing of the names, addresses, telephone numbers or e-mail addresses, or both, or Internet Web site addresses, of two or more unaffiliated on-sale retailers selling wine or brandy, or both, and operating and licensed as bona fide public eating places selling the wine or brandy produced, distributed or imported by a nonretail industry member in response to a direct inquiry from a consumer received by telephone, by mail, by electronic Internet inquiry or in person does not constitute a thing of value or prohibited inducement to the listed on-sale retailer, if specified conditions are met.

This bill would revise the direct inquiry provisions to include any electronic inquiries from consumers.

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

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

1 SECTION 1. Section 25238 of the Business and Professions
2 Code is amended to read:

3 25238. Every ~~wine grower~~ *winegrower* or bottler of wine of
4 any kind within the counties specified in Section 25236 shall keep
5 a record of all wine not produced by him *or her* and obtained and
6 used by him *or her* for any purpose. The record shall show the
7 date the wine is obtained, the amount thereof, the source from
8 which obtained, the kind or type of wine, and, in detail, the purpose
9 or purposes for which it is used. Each ~~wine grower~~ *winegrower*
10 or bottler of wine shall keep a complete record showing the total
11 amount of wine produced by him *or her*, or bottled by him *or her*,
12 made entirely from grapes grown within the counties mentioned
13 in Section 25236.

14 SECTION 1. Section 25500.1 of the Business and Professions
15 Code is amended to read:

16 25500.1. (a) Notwithstanding Section 25500, the listing of the
17 names, addresses, telephone numbers, e-mail addresses, or Internet
18 Web site addresses, of two or more unaffiliated on-sale retailers
19 selling wine, brandy, or both wine and brandy and operating and
20 licensed as bona fide public eating places pursuant to Section
21 23038 selling the wine, brandy, or both wine and brandy produced,
22 distributed, imported, or both distributed and imported by a
23 nonretail industry member in response to a direct inquiry from a

1 consumer received by telephone, by mail, by electronic inquiry or
2 in person does not constitute a thing of value or prohibited
3 inducement to the listed on-sale retailer, provided:

4 (1) The listing does not also contain the retail price of the
5 product, and

6 (2) The listing is the only reference to the on-sale retailers in
7 the direct communication, and

8 (3) The listing does not refer only to one on-sale retailer or only
9 to on-sale retail establishments controlled directly or indirectly by
10 the same on-sale retailer, and

11 (4) The listing is made by, produced by, or paid for, or any
12 combination thereof, exclusively by the nonretail industry member
13 making the response.

14 (b) For the purposes of this section, “nonretail industry member”
15 is defined as a manufacturer, winegrower, distiller of wine, brandy,
16 or both, regardless of any other licenses held directly or indirectly
17 by such person. Except as specifically provided above, any
18 payment for, making or production, either directly or indirectly,
19 listing the names, addresses, telephone numbers, e-mail addresses,
20 or Internet Web site addresses, of on-sale retailers otherwise
21 authorized by this section by a wholesaler or by a wholesaler that
22 also holds an importer’s license shall constitute the furnishing of
23 a thing of value or inducement to the listed on-sale retailers in
24 violation of this division.