

Senate Bill No. 806

CHAPTER 276

An act to amend Sections 23661.7 and 25238 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 23, 2010. Filed with Secretary of State September 24, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 806, Wiggins. Alcoholic beverages: wine returns: 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 allows a person who has purchased wine from a licensed winegrower and has taken the wine from the state, to return that wine to the licensed premises of the winegrower from whom the wine was purchased.

This bill would also allow for the return of wine taken out of state where the wine was purchased from a holder of a beer and wine wholesaler's license and an off-sale retail license that only sells wine.

The Alcoholic Beverage Control 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 people of the State of California do enact as follows:

SECTION 1. Section 23661.7 of the Business and Professions Code is amended to read:

23661.7. (a) A person who has purchased wine from a licensed winegrower or a holder of a beer and wine wholesaler's license and an off-sale retail license that only sells wine, has taken delivery of that wine within this state for delivery or use without the state, and has removed that wine from the state, may return all or any portion of that wine to the licensed premises of the winegrower or holder of a beer and wine wholesaler's license and an off-sale retail license that only sells wine in this state from whom the wine was purchased. To make a return the purchaser need not obtain any license in this state, and may return the wine in a vehicle owned or controlled by the purchaser.

(b) The provisions of Section 32175 of the Revenue and Taxation Code shall apply to any wine so returned.

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

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