

Introduced by Senator Strickland

February 11, 2010

An act to amend Section 25503.9 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1022, as introduced, Strickland. Alcoholic beverages: licensees: donations.

The Alcoholic Beverage Control Act provides that nothing in that law prohibits a winegrower from giving or selling wine to certain nonprofit organizations, as specified, at prices other than those contained in schedules filed with the Department of Alcoholic Beverage Control.

This bill would make a technical, nonsubstantive change to this provision.

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 25503.9 of the Business and Professions
- 2 Code is amended to read:
- 3 25503.9. (a) Nothing in this division prohibits a winegrower
- 4 or a beer and wine wholesaler that also holds an off-sale beer and
- 5 wine retail license and only sells wine from giving or selling wine,
- 6 a beer manufacturer from giving or selling beer, a distilled spirits
- 7 manufacturer or a distilled spirits manufacturer's agent from giving
- 8 or selling distilled spirits, or an importer general licensee from
- 9 giving or selling beer, wine, or distilled spirits at prices other than

1 those contained in schedules filed with the department, to any of
2 the following:

3 (1) A nonprofit charitable corporation or association exempt
4 from payment of income taxes under the provisions of the Internal
5 Revenue Code of the United States and Chapter 4 (commencing
6 with Section 23701) of Part 11 of Division 2 of the Revenue and
7 Taxation Code.

8 (2) A nonprofit incorporated trade association that is exempt
9 from payment of income taxes under the provisions of the Internal
10 Revenue Code of the United States and Chapter 4 (commencing
11 with Section 23701) of Part 11 of Division 2 of the Revenue and
12 Taxation Code, and the members of which trade association are
13 licensed under this division. However, the wine, beer, and distilled
14 spirits shall be used solely for a convention or meeting of the
15 nonprofit incorporated trade association.

16 (3) A nonprofit corporation or association that is exempt from
17 payment of income taxes under the provisions of the Internal
18 Revenue Code of the United States and is defined as a tax exempt
19 organization under Section 23701a, 23701b, 23701d, 23701e,
20 23701f, 23701g, 23701i, 23701k, 23701l, 23701r, or 23701w of
21 the Revenue and Taxation Code. Wine, beer, and distilled spirits
22 given or sold by a winegrower, beer manufacturer, distilled spirits
23 manufacturer, distilled spirits manufacturer's agent, or importer
24 general licensee pursuant to this subdivision may be furnished
25 only in connection with public service or fundraising activities
26 including picnics, parades, fairs, amateur sporting events,
27 agricultural exhibitions, or similar events.

28 (b) Nothing in this division prohibits a winegrower or a beer
29 and wine ~~wholesaler~~, *wholesaler* that also holds an off-sale beer
30 and wine retail license and only sells ~~wine~~, *wine* from giving or
31 selling wine, a beer manufacturer from giving or selling beer, a
32 distilled spirits manufacturer or a distilled spirits manufacturer's
33 agent from giving or selling distilled spirits, or a beer and wine
34 wholesaler that also holds an importer's license from giving or
35 selling beer, wine, or distilled spirits at prices other than those
36 contained in schedules filed with the department, to any of the
37 following:

38 (1) A nonprofit charitable corporation or association exempt
39 from payment of income taxes under the provisions of the Internal
40 Revenue Code of the United States and Chapter 4 (commencing

1 with Section 23701) of Part 11 of Division 2 of the Revenue and
2 Taxation Code.

3 (2) A nonprofit incorporated trade association that is exempt
4 from payment of income taxes under the provisions of the Internal
5 Revenue Code of the United States and Chapter 4 (commencing
6 with Section 23701) of Part 11 of Division 2 of the Revenue and
7 Taxation Code, and the members of which trade association are
8 licensed under this division. However, the wine, beer, and distilled
9 spirits shall be used solely for a convention or meeting of the
10 nonprofit incorporated trade association.

11 (3) A nonprofit corporation or association that is exempt from
12 payment of income taxes under the provisions of the Internal
13 Revenue Code of the United States and is defined as a tax exempt
14 organization under Section 23701a, 23701d, 23701e, 23701f, or
15 23701r of the Revenue and Taxation Code. Wine, beer, and
16 distilled spirits given or sold by a winegrower, beer manufacturer,
17 distilled spirits manufacturer, distilled spirits manufacturer's agent,
18 or licensed importer pursuant to this subdivision may be furnished
19 only in connection with public service or fundraising activities
20 including picnics, parades, fairs, amateur sporting events,
21 agricultural exhibitions, or similar events.

O