

AMENDED IN SENATE JUNE 15, 2012

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 573

Introduced by Assembly Member Chesbro

February 16, 2011

An act to amend ~~Section 23661.6~~ *Sections 25504.5 and 25511* of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 573, as amended, Chesbro. Alcoholic beverages: ~~wine exports and returns~~. *tied-house restrictions*.

The Alcoholic Beverage Control Act contains limitations on sales commonly known as "tied-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 exempts from specified tied-house restrictions the occasional inspection and cleaning by beer manufacturers and wholesalers of beer taps and tapping equipment, as provided. Existing law also permits a beer manufacturer or beer wholesaler to furnish, give, rent, lend, or sell, any equipment, fixtures, or supplies, other than alcoholic beverages, to a retailer whose equipment, fixtures, or supplies were lost or damaged as a result of a natural disaster, as provided.

This bill would expand these exemptions from tied-house restrictions to include all alcoholic beverage manufacturers and wholesalers.

~~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 permits a licensed winegrower, who in the course of business exports wine from California to another state, to subsequently return to his or her licensed premises all or any portion of that wine in private vehicles owned or under the control of the winegrower, subject to certain tax provisions.~~

~~This bill would also allow for the return of wine exported out of state, to be returned in the same manner by a holder of a beer and wine wholesaler's license and an off-sale retail license that sells only wine. The bill would additionally make technical, nonsubstantive changes to those provisions.~~

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 25504.5 of the Business and Professions
 2 Code is amended to read:

3 25504.5. The provisions of Sections 25500 to 25503, inclusive,
 4 and of Section 25600 do not apply to the occasional inspection
 5 and cleaning by beer manufacturers and wholesalers of beer taps
 6 and tapping equipment installed in retail on-sale premises.

7 ~~This section does not constitute a change in, but is declaratory~~
 8 ~~of, the pre-existing law.~~

9 SEC. 2. Section 25511 of the Business and Professions Code
 10 is amended to read:

11 25511. Notwithstanding any other provision of this division,
 12 a beer manufacturer or beer wholesaler, or any officer, director,
 13 or agent of any of those persons may furnish, give, rent, lend, or
 14 sell, directly or indirectly, any equipment, fixtures, or supplies,
 15 other than alcoholic beverages, to a retailer whose equipment,
 16 fixtures, or supplies were lost or damaged as a result of a natural
 17 disaster and whose premises are located in an area proclaimed to
 18 be in a state of disaster by the Governor.

19 This section does not apply to transactions that occur three
 20 months or more after the Governor proclaims an area to be in a
 21 state of disaster.

1 Nothing in this section is intended to affect or otherwise limit
2 Section 23104.1, 23104.2, or 23104.3.

3 ~~SECTION 1. Section 23661.6 of the Business and Professions~~
4 ~~Code is amended to read:~~

5 ~~23661.6. (a) A licensed winegrower, or a holder of a beer and~~
6 ~~wine wholesaler's license and an off-sale retail license that sells~~
7 ~~only wine, who in the course of business exports wine from this~~
8 ~~state to another state, may subsequently return to his or her licensed~~
9 ~~premises in this state all or any portion of that wine in private~~
10 ~~vehicles owned or under the control of the winegrower, or a holder~~
11 ~~of beer and wine wholesaler's license and an off-sale retail license~~
12 ~~that sells only wine.~~

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

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