

**ASSEMBLY BILL**

**No. 1356**

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**Introduced by Assembly Member Eng**

February 18, 2011

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An act to amend Section 23390 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1356, as introduced, Eng. Alcoholic beverage licensees: winegrower: brandy manufacturer: duplicate licenses.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control and requires the Department of Alcoholic Beverage Control to deny the issuance of a license if that issuance would result in or add to an undue concentration of licenses, subject to specified exceptions. Existing law also requires the Department of Alcoholic Beverage Control to issue a duplicate license to a winegrower or brandy manufacturer for locations other than his or her wine production or brandy manufacture premises.

This bill would require the department to deny the issuance of duplicate license to a winegrower or brandy manufacturer if issuance of that license would result in or add to an undue concentration of licenses, except as provided.

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 23390 of the Business and Professions  
2 Code is amended to read:

3 23390. (a) A licensed winegrower or brandy manufacturer, in  
4 addition to exercising all the privileges of his or her license at his  
5 or her licensed premises, may exercise all his or her license  
6 privileges at or from branch offices or warehouses, or United States  
7 bonded wine cellars located away from his or her place of  
8 production or manufacture, other than the following privileges:

- 9 (1) Production or manufacture.
- 10 (2) The sale of wine or brandy to consumers for consumption  
11 on the premises in a bona fide eating place.
- 12 (3) The sale or delivery of wine to consumers in containers  
13 supplied, furnished, or sold by the consumer.

14 (b) (1) The department may issue to a winegrower or brandy  
15 manufacturer a duplicate of his or her original license for a location  
16 or locations other than his or her wine production or brandy  
17 manufacture premises. The duplicate license authorizes the  
18 maintenance and operation of each branch or warehouse or United  
19 States bonded wine cellar declared and designated by the  
20 winegrower or brandy manufacturer at the location for which the  
21 duplicate license is issued. The fee for each duplicate winegrower's  
22 license and for each duplicate brandy manufacturer's license is as  
23 specified in Section 23320.

24 (2) *The department shall deny an application for a duplicate*  
25 *license if the issuance of that license would result in or add to an*  
26 *undue concentration of licenses, except as provided in Section*  
27 *23958.4.*

28 (c) Notwithstanding any other provision of law, the department  
29 may allow any person who held more than one original  
30 winegrower's license, on or before January 1, 1981, to transfer  
31 any duplicate license which has been issued, on or before January  
32 1, 1981, on any of the original winegrower's licenses to any other  
33 original winegrower's license held by that person, on or before  
34 January 1, 1981, provided that the licensee cancels the original  
35 winegrower's license from which any duplicate license is  
36 transferred. This subdivision shall not authorize any person to

- 1 acquire any additional duplicate licenses other than those held by
- 2 that licensee on or before January 1, 1981.

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