

AMENDED IN SENATE AUGUST 9, 2012

AMENDED IN SENATE JUNE 19, 2012

AMENDED IN SENATE JUNE 12, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2349

Introduced by Assembly Member Nestande

February 24, 2012

An act to amend and renumber Section 25500.2 of, and to repeal Section 25500.1 of, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2349, as amended, Nestande. Alcoholic beverages: tied-house restrictions: advertising.

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. For purposes of these provisions, the listing of the names, addresses, telephone numbers, or ~~email~~ *e-mail* addresses, or both, or Internet Web site addresses, of 2 or more unaffiliated on-sale retailers selling beer, wine, or distilled spirits and operating and licensed as bona fide public eating places selling the beer, wine, or distilled spirits produced, distributed, or imported by a nonretail industry member in response to a direct inquiry from a consumer, as specified, does not

constitute a thing of value or prohibited inducement to the listed on-sale retailer, if specified conditions are met.

This would provide that the listing of names, addresses, telephone numbers, or ~~email e-mail~~ addresses in other forms of electronic media do not constitute a thing of value and would revise the direct inquiry provisions to remove the requirement that the unaffiliated on-sale retailer operate and be licensed as a bona fide public eating place.

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 25500.1 of the Business and Professions
- 2 Code is repealed.
- 3 SEC. 2. Section 25500.2 of the Business and Professions Code
- 4 is amended and renumbered to read:
- 5 25500.1. (a) ~~Notwithstanding Section 25500, the~~ *The* listing
- 6 of the names, addresses, telephone numbers, ~~email e-mail~~
- 7 addresses, or Internet Web site addresses, or other electronic media,
- 8 of two or more unaffiliated on-sale retailers selling beer, wine, or
- 9 distilled spirits produced, distributed, or imported by a nonretail
- 10 industry member in response to a direct inquiry from a consumer
- 11 received by telephone, by mail, by electronic inquiry, or in person
- 12 does not constitute a thing of value or prohibited inducement to
- 13 the listed on-sale retailer, provided all of the following conditions
- 14 are met:
- 15 (1) The listing does not also contain the retail price of the
- 16 product.
- 17 (2) The listing is the only reference to the on-sale retailers in
- 18 the direct communication.
- 19 (3) The listing does not refer only to one on-sale retailer or only
- 20 to on-sale retail establishments controlled directly or indirectly by
- 21 the same on-sale retailer.
- 22 (4) The listing is made by, or produced by, or paid for,
- 23 exclusively by the nonretail industry member making the response.
- 24 (b) For the purposes of this section, “nonretail industry member”
- 25 is defined as a manufacturer, including, but not limited to, a beer
- 26 manufacturer, winegrower, or distiller of alcoholic beverages or

- 1 an agent of that entity, or a wholesaler, regardless of any other
- 2 licenses held directly or indirectly by that person.

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