

AMENDED IN SENATE MARCH 23, 2011

AMENDED IN SENATE MARCH 15, 2011

SENATE BILL

No. 39

Introduced by Senator Padilla
(Coauthor: Assembly Member Beall)

December 6, 2010

An act to add Section 25622 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 39, as amended, Padilla. Alcoholic beverages: caffeinated beer beverages.

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. A violation of the act is a misdemeanor, except as otherwise specified.

This bill would prohibit the import, production, manufacture, distribution, or sale of caffeinated beer beverages, as defined, at retail locations within the state.

Because this bill would add a prohibition to the Alcohol Beverage Control Act, the violation of which is a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25622 is added to the Business and
2 Professions Code, to read:
3 25622. (a) Caffeinated beer beverages shall not be imported
4 into this state, produced, manufactured, or distributed within this
5 state, or sold by a licensed retailer within this state.
6 (b) For purposes of this section, “caffeinated beer beverage”
7 ~~means a beer which contains caffeine and for which the~~
8 ~~manufacturer has filed a formula for approval with the United~~
9 ~~States Alcohol and Tobacco Trade and Tax Bureau pursuant to~~
10 ~~Section 25.55 of Title 27 of the Code of Federal Regulations.~~
11 *means a beer for which the manufacturer has filed with the United*
12 *States Alcohol and Tobacco Trade and Tax Bureau as an*
13 *ingredient, directly added caffeine.*
14 (c) *This section is not intended to apply to any beer that has an*
15 *incidental amount of caffeine as a constituent of a natural*
16 *ingredient, such as coffee, chocolate, or tea.*
17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.