

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 647

Introduced by Assembly Member Chesbro

February 21, 2013

An act to amend Section ~~23789~~ 25200 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 647, as amended, Chesbro. The Alcoholic Beverage Control Act. *Act: beer manufacturers: containers.*

~~The~~

(1) *The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, prescribes requirements for licenses for the manufacture, distribution, and sale of alcoholic beverages. The act specifically authorizes the department to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within the immediate vicinity of a church or hospital requires that all beer sold in the state have a label affixed to its package or container with the true and correct name and address of the manufacturer of the beer and the true and correct name of the bottler of the beer if other than the manufacturer. The act provides that a violation of its provisions is a misdemeanor if not otherwise specified.*

This bill would require a beer manufacturer that refills any container supplied by a consumer to affix a label, as specified, on the container prior to its resale to the consumer. The bill would require information concerning any beer previously packaged in the container, including, but not limited to, information regarding the manufacturer and bottler

of the beer, to be removed or completely obscured in a manner not readily removable by the consumer prior to resale.

(2) 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.

~~This bill would make technical, nonsubstantive changes in these provisions:~~

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

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

1 *SECTION 1. Section 25200 of the Business and Professions*
2 *Code is amended to read:*

3 25200. (a) All beer sold in this ~~State~~ *state* shall have a label
4 affixed to the package or container thereof, upon which shall appear
5 the true and correct name and address of the manufacturer of the
6 beer, and also the true and correct name of the bottler of the beer
7 if other than the manufacturer. ~~No~~

8 (b) A manufacturer, importer, or wholesaler of beer shall *not*
9 use a container or carton as a package or container of a beer other
10 than ~~such~~ *the* beer as is manufactured by the manufacturer whose
11 name or brand of beer appears upon the container or carton, or use
12 as a package or container of a beer a container or carton which
13 bears the name of a manufacturer of beer or the brand of any beer
14 other than those of the manufacturer of the beer contained in the
15 container or carton.

16 (c) *A beer manufacturer that refills any container supplied by*
17 *a consumer shall affix a label that complies with this section on*
18 *the container prior to its resale to the consumer. Any information*
19 *concerning any beer previously packaged in the container,*
20 *including, but not limited to, information regarding the*
21 *manufacturer and bottler of the beer, shall be removed or*
22 *completely obscured in a manner not readily removable by the*
23 *consumer prior to the resale of the container to the consumer.*

24 *SEC. 2. No reimbursement is required by this act pursuant to*
25 *Section 6 of Article XIII B of the California Constitution because*

1 *the only costs that may be incurred by a local agency or school*
2 *district will be incurred because this act creates a new crime or*
3 *infraction, eliminates a crime or infraction, or changes the penalty*
4 *for a crime or infraction, within the meaning of Section 17556 of*
5 *the Government Code, or changes the definition of a crime within*
6 *the meaning of Section 6 of Article XIII B of the California*
7 *Constitution.*

8 SECTION 1. ~~Section 23789 of the Business and Professions~~
9 ~~Code is amended to read:~~

10 23789. (a) ~~The department is specifically authorized to refuse~~
11 ~~the issuance, other than renewal or ownership transfer, of any retail~~
12 ~~license for premises located within the immediate vicinity of a~~
13 ~~church or hospital.~~

14 (b) ~~The department is specifically authorized to refuse the~~
15 ~~issuance, other than renewal or ownership transfer, of any retail~~
16 ~~license for premises located within at least 600 feet of a school,~~
17 ~~public playground, or nonprofit youth facility, including, but not~~
18 ~~limited to, a facility serving Girl Scouts, Boy Scouts, or Campfire~~
19 ~~Girls. This distance shall be measured pursuant to rules of the~~
20 ~~department.~~