

AMENDED IN ASSEMBLY APRIL 8, 2013  
AMENDED IN ASSEMBLY MARCH 19, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 647**

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**Introduced by Assembly Member Chesbro**

February 21, 2013

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An act to amend ~~Section~~ *Sections 23012 and 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: beer manufacturers: containers.

*(1) Existing law defines a "beer manufacturer" as any person engaged in the manufacture of beer, and requires a license or permit to manufacture beer, unless the beer is manufactured for personal or family use under specified conditions.*

*This bill would revise the definition of "beer manufacturer" to include only those persons that have facilities and equipment for the purposes of, and are engaged in, the commercial manufacture of beer.*

(1)

(2) 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 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 label to include the brand and type of beer and would also 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)

(3) 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 23012 of the Business and Professions  
2 Code is amended to read:

3 23012. “Beer manufacturer” means any person *that has*  
4 *facilities and equipment for the purposes of, and is engaged in,*  
5 *the commercial manufacture of beer.*

6 ~~SECTION 1.~~

7 SEC. 2. Section 25200 of the Business and Professions Code  
8 is amended to read:

9 25200. (a) All beer sold in this state shall have a label affixed  
10 to the package or container thereof, *containing the brand and type*  
11 *of beer,* upon which shall appear the true and correct name and  
12 address of the manufacturer of the beer, and also the true and  
13 correct name of the bottler of the beer if other than the  
14 manufacturer.

15 (b) A manufacturer, importer, or wholesaler of beer shall not  
16 use a container or carton as a package or container of a beer other  
17 than the beer as is manufactured by the manufacturer whose name  
18 or brand of beer appears upon the container or carton, or use as a  
19 package or container of a beer a container or carton which bears

1 the name of a manufacturer of beer or the brand of any beer other  
2 than those of the manufacturer of the beer contained in the  
3 container or carton.

4 (c) A beer manufacturer that refills any container supplied by  
5 a consumer shall affix a label that complies with this section on  
6 the container prior to its resale to the consumer. Any information  
7 concerning any beer previously packaged in the container,  
8 including, but not limited to, information regarding the  
9 manufacturer and bottler of the beer, *or any associated brands or*  
10 *trademarks*, shall be removed or completely obscured in a manner  
11 not readily removable by the consumer prior to the resale of the  
12 container to the consumer.

13 ~~SEC. 2.~~

14 *SEC. 3.* No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.