

ASSEMBLY BILL

No. 1895

Introduced by Assembly Member Quirk

February 19, 2014

An act to add Section 23363.4 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1895, as introduced, Quirk. Alcoholic beverages: sales: distilled spirits.

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. The act provides that a violation of its provisions is a misdemeanor, unless otherwise specified.

This bill would authorize distilled spirits manufacturers to sell general merchandise and food, nonalcoholic beverages, and distilled spirits to consumers directly, as provided. Because the violation of a provision of a license is punishable as a misdemeanor, the bill expands the definition of an existing crime, thereby creating 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 23363.4 is added to the Business and
2 Professions Code, to read:

3 23363.4. (a) A distilled spirits manufacturer, notwithstanding
4 any other provisions of this division, may also sell general
5 merchandise and food, nonalcoholic beverages, and distilled spirits
6 to consumers for consumption on or off the licensed premises
7 where sold.

8 (b) The Legislature finds that it is necessary and proper to
9 require a separation between manufacturing interests, wholesale
10 interests, and retail interests in the production and distribution of
11 alcoholic beverages in order to prevent suppliers from dominating
12 local markets through vertical integration and to prevent excessive
13 sales of alcoholic beverages produced by overly aggressive
14 marketing techniques. The Legislature further finds that the
15 exception established by this section to the general prohibition
16 against tied interests shall be limited to its express terms so as not
17 to undermine the general prohibition, and intends that this section
18 be construed accordingly.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

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