

AMENDED IN ASSEMBLY MARCH 26, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1928

Introduced by Assembly Member Bocanegra

February 19, 2014

An act to add Section 25600.3 to Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1928, as amended, Bocanegra. Alcoholic beverages: coupons: beer.

(1) The Alcoholic Beverage Control Act prohibits any licensee from giving any premium, gift, or free goods in connection with the sale or distribution of any alcoholic beverage, except as specifically authorized. The act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor.

This bill would prohibit *a beer manufacturer or a beer and wine wholesaler from offering, funding, producing, sponsoring, promoting, furnishing, or redeeming any type of coupon. The bill would also prohibit* a licensee authorized to sell alcoholic beverages at retail from accepting, redeeming, possessing, or utilizing any type of coupon that is funded, produced, sponsored, promoted, or furnished by a beer manufacturer or beer and wine wholesaler. The bill would ~~provide a definition of~~ *define beer manufacturer and* coupon for these purposes. By expanding the definition of a crime by imposing additional duties on a licensee under the act, the bill would impose a state-mandated local program.

(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.

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 25600.3 is added to the Business and
2 Professions Code, to read:

3 25600.3. (a) ~~A licensee~~ *beer manufacturer or a beer and wine*
4 *wholesaler shall not offer, fund, produce, sponsor, promote,*
5 *furnish, or redeem any type of coupon.*

6 (b) *A licensee* authorized to sell alcoholic beverages at retail
7 shall not accept, redeem, possess, or utilize any type of coupon
8 that is funded, produced, sponsored, promoted, or furnished by a
9 beer manufacturer or beer and wine wholesaler.

10 ~~(b)~~

11 (c) For purposes of this section:

12 (1) *“Beer manufacturer” means a holder of a beer*
13 *manufacturer’s license, a holder of an out-of-state beer*
14 *manufacturer’s certificate, a holder of a beer and wine importer’s*
15 *general license when selling beer, malt beverages, cider, or perry,*
16 *or a winegrower that is a wholly owned subsidiary of a beer*
17 *manufacturer.*

18 (2) *“Cider” has the same meaning set forth in Section 4.21(e)(5)*
19 *of the Code of Federal Regulations.*

20 ~~(1)~~

21 (3) *“Coupon” means any method by which a consumer receives*
22 *an instant discount at the time of a purchase that is funded,*
23 *produced, sponsored, promoted, or furnished, either directly or*
24 *indirectly, by a beer manufacturer or beer and wine wholesaler,*
25 *including, but not limited to, a paper coupon, a digital coupon, an*
26 *instant redeemable coupon (IRC), or an electronic coupon*
27 *commonly referred to as a scan or scanback. “Coupon” does not*
28 *include:*

29 (A) *A mail-in rebate by which the consumer purchases an item*
30 *and submits required information in order to receive a rebate or*

1 discount from the beer manufacturer, or the beer and wine
2 wholesaler, or its agent manufacturer.

3 (B) A coupon that is offered and funded by a distilled spirits
4 manufacturer, distilled spirits importer general, distilled spirits
5 importer, or distilled spirits wholesaler that offers a discount on
6 the purchase of a distilled spirits product if ~~beer or malt beverages~~
7 *beer, malt beverages, cider, or perry* are not advertised in
8 connection with the coupon.

9 (C) A coupon offered and funded by a winegrower, a wine
10 rectifier, a wine blender, a beer and wine importer, a beer and wine
11 importer general, or a wine broker that offers a discount on the
12 purchase of a wine product if ~~beer or malt beverages~~ is *beer, malt*
13 *beverages, cider, or perry* are not advertised in connection with
14 the coupon.

15 (2) ~~“Beer manufacturer” means a holder of a beer manufacturer’s~~
16 ~~license, a holder of a small beer manufacturer’s license, a holder~~
17 ~~of an out-of-state beer manufacturer’s certificate, an out-of-state~~
18 ~~vendor that holds a certificate of compliance, a holder of a beer~~
19 ~~and wine importer’s license who sells beer to any person holding~~
20 ~~a license authorizing the sale of beer, a holder of a beer and wine~~
21 ~~importer’s general license who sells beer to any person holding a~~
22 ~~license authorizing the sale of beer, or a winegrower that is a~~
23 ~~wholly owned subsidiary of a beer manufacturer.~~

24 (4) *“Perry” has the same meaning set forth in Section 4.21(e)(5)*
25 *of the Code of Federal Regulations.*

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.