

ASSEMBLY BILL

No. 2609

Introduced by Assembly Member Nestande

February 21, 2014

An act to amend Section 23356.2 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2609, as introduced, Nestande. Home brewers and home winemakers.

Existing law authorizes a person to manufacture beer or wine for personal or family use without the need for a license or permit, as provided. Existing law authorizes the removal of beer from the premises where made under specified circumstances and requires beer or wine donated to a nonprofit organization to be labeled with designated information, as provided.

This bill would make a technical, nonsubstantive change to this provision.

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

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

- 1 SECTION 1. Section 23356.2 of the Business and Professions
- 2 Code is amended to read:
- 3 23356.2. (a) No license or permit shall be required for the
- 4 manufacture of beer or wine for personal or family use, and not
- 5 for sale, by a person over 21 years of age. The aggregate amount
- 6 of beer or wine with respect to any household shall not exceed (1)

1 ~~200 gallons per calendar year if there are two or more adults in~~
 2 ~~the household or (2) 100 gallons per calendar year if there is only~~
 3 ~~one adult in the household~~ *100 gallons per calendar year if there*
 4 *is only one adult in the household or (2) 200 gallons per calendar*
 5 *year if there are two or more adults in the household.*

6 (b) Beer or wine produced pursuant to this section may be
 7 removed from the premises where made only under any of the
 8 following circumstances:

9 (1) For use, including tasting by judges, in a bona fide
 10 competition or exhibition.

11 (2) For personal or family use.

12 (3) When donated to a nonprofit organization for use as provided
 13 in subdivision (c).

14 (c) (1) Beer or wine produced pursuant to this section may be
 15 donated to a nonprofit organization for sale at fundraising events
 16 conducted solely by and for the benefit of the nonprofit
 17 organization. Beer and wine donated pursuant to this subdivision
 18 may be sold by the nonprofit organization only for consumption
 19 on the premises of the fundraising event, under a license issued
 20 by the department to the nonprofit organization pursuant to this
 21 division.

22 (2) Beer or wine donated and sold pursuant to this subdivision
 23 shall bear a label identifying its producer and stating that the beer
 24 or wine is homemade and not available for sale or for consumption
 25 off the licensed premises. The beer or wine is not required to
 26 comply with other labeling requirements under this division.
 27 However, nothing in this paragraph authorizes the use of any false
 28 or misleading information on a beer or wine label.

29 (3) A nonprofit organization established for the purpose of
 30 promoting home production of beer or wine, or whose membership
 31 is composed primarily of home brewers or home winemakers, shall
 32 not be eligible to sell beer or wine pursuant to this subdivision.

33 (d) Except as provided in subdivision (c), this section does not
 34 authorize the sale or offering for sale by any person of any beer
 35 or wine produced pursuant to this section.

36 (e) Except as provided herein, nothing in this section authorizes
 37 any activity in violation of Section 23300, 23355, or 23399.1.