

AMENDED IN SENATE JUNE 23, 2015

AMENDED IN SENATE MAY 28, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 893**

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**Introduced by Assembly Member Mark Stone  
(Coauthors: Assembly Members Levine, Maienschein, and  
McCarty)**

February 26, 2015

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An act to ~~add Section 25203.5 to~~ *to add Section 25201 to, to repeal Section 25204 of, and to repeal and add Section 25200 of,* the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 893, as amended, Mark Stone. Beer: labels.

The Alcoholic Beverage Control Act imposes various requirements relating to the labels and containers of alcoholic beverages sold within the state, including a requirement that every manufacturer or bottler of beer whose beer is sold within the state file with the Department of Alcoholic Beverage Control the brand name or names under which the beer is sold or labeled, as provided. The act provides that a violation of its provisions is a misdemeanor if not otherwise specified.

~~This bill would prohibit beer from being imported into, or sold within, this state unless the label for that beer is first filed with the department, in accordance with any rules and regulations of the department, and would provide that a violation of this provision does not subject the licensee to civil or criminal provisions pursuant to the act.~~

*This bill would require a manufacturer, before the first sale of beer in this state, to register the product with the department, as specified,*

*and would make the manufacturer responsible for compliance with labeling and registration requirements. The bill, if beer is sold or offered for sale in this state without first complying with these provisions or other provisions of the act, would authorize the department to take action it deems reasonable and necessary including, but not limited to, ordering that the beer not be sold, or allowing it to be sold for a reasonable time, until these requirements are met.*

*This bill, by expanding the scope of an existing crime, would impose 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: ~~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 repealed.*

3     ~~25200. (a) All beer sold in this state shall have a label affixed~~  
 4     ~~to the package or container thereof, containing the brand and type~~  
 5     ~~of beer, upon which shall appear the true and correct name and~~  
 6     ~~address of the manufacturer of the beer, and also the true and~~  
 7     ~~correct name of the bottler of the beer if other than the~~  
 8     ~~manufacturer.~~

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

17    ~~(c) A beer manufacturer that refills any container supplied by~~  
 18    ~~a consumer shall affix a label that complies with this section on~~  
 19    ~~the container prior to its resale to the consumer. Any information~~  
 20    ~~concerning any beer previously packaged in the container,~~

1 including, but not limited to, information regarding the  
2 manufacturer and bottler of the beer, or any associated brands or  
3 trademarks, shall be removed or completely obscured in a manner  
4 not readily removable by the consumer prior to the resale of the  
5 container to the consumer. This subdivision does not authorize a  
6 beer manufacturer to refill a container supplied by a consumer  
7 with a capacity of five liquid gallons or more.

8 *SEC. 2. Section 25200 is added to the Business and Professions*  
9 *Code, to read:*

10 *25200. (a) A package or sealed container of beer shall not be*  
11 *sold in this state without having a label affixed to such package*  
12 *or container. The label shall meet the requirements of federal malt*  
13 *beverage labeling regulations contained in Parts 7 and 16 of Title*  
14 *27 of the Code of Federal Regulations, regardless of whether the*  
15 *label is subject to approval by the federal Alcohol and Tobacco*  
16 *Tax and Trade Bureau or any successor agency.*

17 *(b) In addition to label requirements pursuant to subdivision*  
18 *(a), if not already included, the following information shall appear*  
19 *on the label:*

20 *(1) The brand, and class or type, of beer.*

21 *(2) The true and correct name and address of the manufacturer*  
22 *of the beer. For purposes of this provision, if multiple beer*  
23 *manufacturers are involved in the production of the beer pursuant*  
24 *to a joint venture or other collaborative arrangement, each of*  
25 *those manufacturers may be identified on the label.*

26 *(3) The true and correct name of the bottler of the beer, if other*  
27 *than the manufacturer.*

28 *(4) A statement of alcoholic content if the beer contains more*  
29 *than 5.7 percent alcohol by volume.*

30 *(c) Prior to the first sale of beer in this state, the manufacturer*  
31 *of that beer shall register the product with the department. The*  
32 *registration shall include the following:*

33 *(1) The true name and address of the actual manufacturer of*  
34 *the beer.*

35 *(2) Any fictitious business name of the manufacturer under*  
36 *which the beer is manufactured.*

37 *(3) The class or type of beer and all brand names under which*  
38 *the beer is to be sold in this state.*

1 (4) *If manufactured under contract for another beer*  
 2 *manufacturer or other person, the true name of such other beer*  
 3 *manufacturer or person.*

4 (5) *If manufactured pursuant to a joint venture or other*  
 5 *collaborative arrangement, the name and address of all*  
 6 *manufacturers involved in the joint venture or other collaborative*  
 7 *arrangement.*

8 (d) *The manufacturer of the beer shall be responsible for*  
 9 *compliance with the requirements of this section. In the case of*  
 10 *beer manufactured pursuant to a joint venture or other*  
 11 *collaborative arrangement, only the actual manufacturer of the*  
 12 *beer need comply.*

13 (e) *If beer is sold or offered for sale in this state without first*  
 14 *complying with the provisions of this section, or violates any other*  
 15 *provision of this division, the department may take such action as*  
 16 *it deems reasonable and necessary, including, but not limited to,*  
 17 *ordering that the beer no longer be sold or offered for sale until*  
 18 *such time as the requirements of this section are complied with.*  
 19 *Nothing in this section shall be deemed to prohibit the department*  
 20 *from permitting beer that is sold or offered for sale in this state*  
 21 *that does not comply with the requirements of this section to*  
 22 *continue to be sold or offered for sale for a reasonable period of*  
 23 *time to allow the manufacturer to meet the requirements of this*  
 24 *section.*

25 SEC. 3. *Section 25201 is added to the Business and Professions*  
 26 *Code, to read:*

27 25201. (a) *A manufacturer, importer, or wholesaler of beer*  
 28 *shall not use a container or carton as a package or container of*  
 29 *a beer other than the beer as is manufactured by the manufacturer*  
 30 *whose name or brand of beer appears upon the container or carton,*  
 31 *or use as a package or container of a beer a container or carton*  
 32 *which bears the name of a manufacturer of beer or the brand of*  
 33 *any beer other than those of the manufacturer of the beer contained*  
 34 *in the container or carton.*

35 (b) *A beer manufacturer that refills any container supplied by*  
 36 *a consumer shall affix a label that complies with this section on*  
 37 *the container prior to its resale to the consumer. Any information*  
 38 *concerning any beer previously packaged in the container,*  
 39 *including, but not limited to, information regarding the*  
 40 *manufacturer and bottler of the beer, or any associated brands or*

1 trademarks, shall be removed or completely obscured in a manner  
2 not readily removable by the consumer prior to the resale of the  
3 container to the consumer. This subdivision does not authorize a  
4 beer manufacturer to refill a container supplied by a consumer  
5 with a capacity of five liquid gallons or more.

6 SEC. 4. Section 25204 of the Business and Professions Code  
7 is repealed.

8 ~~25204. (a) Any beer container sold within this state shall bear  
9 a label that conforms with the alcohol content labeling requirements  
10 prescribed in Section 7.71 of Part 7 of Title 27 of the Code of  
11 Federal Regulations, as adopted pursuant to the Federal Alcohol  
12 Administration Act (27 U.S.C. Sec. 201 et seq.).~~

13 ~~(b) Any beer container sold within this state that contains more  
14 than 5.7 percent alcohol by volume shall include a statement of  
15 alcoholic content.~~

16 ~~(e) This section shall become operative on July 1, 1997.~~

17 SEC. 5. *No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section 17556 of  
23 the Government Code, or changes the definition of a crime within  
24 the meaning of Section 6 of Article XIII B of the California  
25 Constitution.*

26 SECTION 1. ~~Section 25203.5 is added to the Business and  
27 Professions Code, to read:~~

28 ~~25203.5. (a) Beer shall not be imported into, or sold within,  
29 this state unless the label for that beer is first filed with the  
30 department, in accordance with any rules and regulations of the  
31 department.~~

32 ~~(b) The department may accept the filing of labels by any means  
33 it determines are appropriate, including filing by mail or electronic  
34 filing. To ensure consistency in the filings, the department may  
35 promulgate guidelines by rules and regulations establishing the  
36 label information it deems necessary. The adoption of these rules  
37 and regulations shall not be subject to Chapter 3.5 (commencing  
38 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
39 Government Code.~~

1     ~~(e) The department may elect to waive all or part of any fees~~  
2     ~~paid or incurred by licensees in filing labels as required pursuant~~  
3     ~~to this part.~~

4     ~~(d) A violation of this section shall not subject the licensee to~~  
5     ~~any civil or criminal penalties pursuant to this division.~~