

AMENDED IN SENATE JULY 7, 2015

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 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 require a manufacturer, before the first sale of *a brand of beer* in this state, to register the ~~product~~ *brand* 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: 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2 Code is repealed.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 SEC. 2. Section 25200 is added to the Business and Professions  
4 Code, to read:

5 25200. (a) A package or sealed container of beer shall not be  
6 sold in this state without having a label affixed to such package  
7 or container. The label shall meet the requirements of federal malt  
8 beverage labeling regulations contained in Parts 7 and 16 of Title  
9 27 of the Code of Federal Regulations, regardless of whether the  
10 label is subject to approval by the federal Alcohol and Tobacco  
11 Tax and Trade Bureau or any successor agency.

12 (b) (1) In addition to label requirements pursuant to subdivision  
13 (a), if not already included, the following information shall appear  
14 on the label:

15 (1)

16 (A) The brand, and class or type, of beer.

17 (2)

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

23 (3)

24 (C) The true and correct name of the bottler of the beer, if other  
25 than the manufacturer.

1 (4)

2 (D) A statement of alcoholic content if the beer contains more  
3 than 5.7 percent alcohol by volume.

4 (2) *For purposes of this subdivision, the true and correct name*  
5 *of a manufacturer, bottler, or packager shall be deemed to include*  
6 *a fictitious business name for which the manufacturer, bottler, or*  
7 *packager has duly filed a fictitious business name statement*  
8 *pursuant to Section 17900.*

9 (c) Prior to the first sale of a brand of beer in this state, the  
10 manufacturer of that beer shall register the ~~product~~ brand with the  
11 department. *Upon the filing of the registration with the department,*  
12 *the brand may be sold in this state without further action by the*  
13 *department.* The registration shall include the following:

14 (1) The true name and address of the actual manufacturer of the  
15 beer.

16 (2) Any fictitious business name of the manufacturer under  
17 which the beer is manufactured.

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

20 (4) If manufactured under contract for another beer manufacturer  
21 or other person, the true name of such other beer manufacturer or  
22 person.

23 (5) If manufactured pursuant to a joint venture or other  
24 collaborative arrangement, the name and address of all  
25 manufacturers involved in the joint venture or other collaborative  
26 arrangement.

27 (d) The manufacturer of the beer shall be responsible for  
28 compliance with the requirements of this section. In the case of  
29 beer manufactured pursuant to a joint venture or other collaborative  
30 arrangement, only the actual manufacturer of the beer need comply.

31 (e) If beer is sold or offered for sale in this state without first  
32 complying with the provisions of this section, or violates any other  
33 provision of this division, the department may take such action as  
34 it deems reasonable and necessary, including, but not limited to,  
35 ordering that the beer no longer be sold or offered for sale until  
36 such time as the requirements of this section are complied with.  
37 Nothing in this section shall be deemed to prohibit the department  
38 from permitting beer that is sold or offered for sale in this state  
39 that does not comply with the requirements of this section to  
40 continue to be sold or offered for sale for a reasonable period of

1 time to allow the manufacturer to meet the requirements of this  
2 section.

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

5 25201. (a) A manufacturer, importer, or wholesaler of beer  
6 shall not use a container or carton as a package or container of a  
7 beer other than the beer as is manufactured by the manufacturer  
8 whose name or brand of beer appears upon the container or carton,  
9 or use as a package or container of a beer a container or carton  
10 which bears the name of a manufacturer of beer or the brand of  
11 any beer other than those of the manufacturer of the beer contained  
12 in the container or carton.

13 (b) A beer manufacturer that refills any container supplied by  
14 a consumer shall affix a label that complies with this section on  
15 the container prior to its resale to the consumer. Any information  
16 concerning any beer previously packaged in the container,  
17 including, but not limited to, information regarding the  
18 manufacturer and bottler of the beer, or any associated brands or  
19 trademarks, shall be removed or completely obscured in a manner  
20 not readily removable by the consumer prior to the resale of the  
21 container to the consumer. This subdivision does not authorize a  
22 beer manufacturer to refill a container supplied by a consumer  
23 with a capacity of five liquid gallons or more.

24 SEC. 4. Section 25204 of the Business and Professions Code  
25 is repealed.

26 SEC. 5. 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.

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