

Introduced by Senator Hall

February 23, 2015

An act to amend Sections 24045, 24045.1, and 25633 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 327, as amended, Hall. Alcoholic beverages: licensees.

The Alcoholic Beverage Control Act authorizes the issuance of a special license for the sale of beer or wine on a temporary basis to a licensee for a picnic, social gathering, or similar occasion. The act also prohibits alcoholic beverages from being delivered to on-sale and off-sale licensees on Sunday ~~or~~ *and prohibits delivery* on any other day except between the hours of 3 a.m. ~~and 8 p.m.~~, ~~and further provides that a violation of this provision is a misdemeanor. 8 P.M.~~

This bill *instead* would allow beer wholesalers *and specified beer manufacturers* to deliver beer to holders of the special license described above between the hours of ~~8~~ 6 a.m. and ~~8~~ 2 p.m. on Sunday. The bill would make conforming technical changes.

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

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

- 1 SECTION 1. Section 24045 of the Business and Professions
- 2 Code is amended to read:

1 24045. (a) All licenses, except on-sale general licenses for
2 seasonal businesses and daily on-sale general licenses issued
3 pursuant to Section 24045.1, shall be issued on an annual basis.

4 (b) Notwithstanding subdivision (a), a license transferred
5 pursuant to Section 24071 or 24071.1 shall be issued for the
6 unexpired term remaining on the license of the transferor.

7 (c) The director may assign or reassign dates for the expiration
8 of licenses issued pursuant to this section. The director may
9 establish a registration year for any license issued pursuant to
10 subdivision (a) consisting of any period from six months to 18
11 months, inclusive, and shall prorate related annual fees to the extent
12 the registration year is greater or less than 12 months, with
13 subsequent renewals being required at yearly intervals.

14 SEC. 2. Section 24045.1 of the Business and Professions Code
15 is amended to read:

16 24045.1. (a) The department, in its discretion, may issue on a
17 temporary basis a daily on-sale general license and the fee for the
18 license shall be twenty-five dollars (\$25) per day. The license
19 authorizes the sale of distilled spirits, wine, and beer for
20 consumption on the premises where sold, and off-sale privileges
21 shall not be exercised under the license. A daily on-sale general
22 license may only be issued to a political party or affiliate supporting
23 a candidate for public office or a ballot measure, an organization
24 formed for a specific charitable or civic purpose, a fraternal
25 organization in existence for over five years with a regular
26 membership, or a religious organization. Distilled spirits sold under
27 a daily on-sale general license shall have been purchased at retail
28 from the holder of an off-sale general license.

29 (b) (1) The department may issue a special ~~licenses~~ *license* for
30 the sale of beer or wine on a temporary basis for premises
31 temporarily occupied by a licensee for a picnic, social gathering,
32 or similar occasion at a fee equal to the actual cost of issuing the
33 license, but not to exceed twenty-five dollars (\$25) per day.

34 (2) (A) In addition to the hours and days specified in Section
35 25633, a beer wholesaler may deliver beer between the hours of
36 8 6 a.m. and 8 2 p.m. on Sunday to a licensee who has obtained a
37 license pursuant to this ~~subdivision~~ *section*.

38 (B) *In addition to the hours and days specified in Section 25633,*
39 *a beer manufacturer that self-distributes may deliver beer that is*
40 *produced pursuant to Section 23357 between the hours of 6 a.m.*

1 *and 2 p.m. on Sunday to a licensee who has obtained a license*
2 *pursuant to this section.*

3 (c) The department may adopt such rules as it determines to be
4 necessary to implement and administer the provisions of this
5 section, including, but not limited to, limitations on the number
6 of times during any calendar year a qualified organization may be
7 issued a license provided for by this section.

8 (d) The provisions of Article 2 (commencing with Section
9 23815) of Chapter 5 and Article 2 (commencing with Section
10 23985) of Chapter 6 of this division shall not be applicable to the
11 licenses provided for by this section.

12 SEC. 3. Section 25633 of the Business and Professions Code
13 is amended to read:

14 25633. Except as otherwise provided in this section and
15 paragraph (2) of subdivision (b) of Section 24045.1, a person
16 licensed as a manufacturer, winegrower, distilled spirits
17 manufacturer's agent, rectifier, or wholesaler of any alcoholic
18 beverage shall not deliver or cause to be delivered any alcoholic
19 beverage to or for any person holding an on-sale or off-sale license
20 on Sunday or except between the hours of 3 a.m. and 8 p.m. of
21 any day other than Sunday. Any alcoholic beverage may be
22 delivered at the platform of the manufacturing, producing, or
23 distributing plant at any time. Nothing contained in this section
24 prohibits the transportation or the carriage and delivery in transit
25 at any time of any alcoholic beverage between the premises of a
26 manufacturer, winegrower, wholesaler, distiller, importer, or any
27 of them. Every person violating the provisions of this section is
28 guilty of a misdemeanor.