

AMENDED IN ASSEMBLY APRIL 20, 2016
AMENDED IN ASSEMBLY JANUARY 5, 2016
AMENDED IN ASSEMBLY JUNE 11, 2015

SENATE BILL

No. 683

Introduced by Senator Wolk

February 27, 2015

An act to add Section ~~23320.2~~ 23786 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 683, as amended, Wolk. Alcoholic beverage licenses: nonprofit ~~organizations~~ *sales license*.

Existing law, the Alcoholic Beverage Control Act, regulates the application for, the issuance of, the suspension of, and the conditions imposed upon, various alcoholic beverage licenses pursuant to which the licensees may exercise specified privileges in the state. Existing law authorizes the specified licenses to nonprofit organizations, as provided. *Existing law also provides for various annual fees for the issuance of alcoholic beverage licenses depending upon the type of license issued.*

This bill would authorize the Department of Alcoholic Beverage Control to issue ~~an onsale or offsale retail license to a nonprofit organization~~ *a special nonprofit sales license to a nonprofit mutual benefit corporation, as described, that would authorize the licensee to, among other things, accept the transfer of, and take title to, alcoholic beverages produced by the public university, as described, and sell transferred, donated, and bequeathed alcoholic beverages to consumers and licensees, as provided. The bill would impose an original fee and*

an annual renewal fee for the license, which would be deposited in the Alcohol Beverage Control Fund.

This bill would make legislative findings and declarations as to the necessity of a special statute for a county of the 28th class.

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 23786 is added to the Business and*
 2 *Professions Code, to read:*

3 23786. (a) *The department may issue a special nonprofit sales*
 4 *license to a nonprofit mutual benefit corporation, as described in*
 5 *Section 23701a of the Revenue and Taxation Code, that has a*
 6 *board membership composed of the Dean of the College of*
 7 *Agricultural and Environmental Sciences, or his or her designee,*
 8 *the Chair of the Department of Viticulture and Enology, or his or*
 9 *her designee, and the Chair of the Department of Food Science*
 10 *and Technology, or his or her designee, of the public university*
 11 *located within the county of the 28th class that includes courses*
 12 *in viticulture, enology, brewing, and distilling in its curriculum.*

13 (b) *A special nonprofit sales license authorizes the licensee to*
 14 *do all of the following:*

15 (1) *Accept the transfer of, and take title to, alcoholic beverages*
 16 *produced by the public university described in subdivision (a),*
 17 *notwithstanding that the public university does not hold any license*
 18 *issued pursuant to this division. For purposes of this section,*
 19 *“produced” includes alcoholic beverages donated to, or purchased*
 20 *by, the public university for educational or experimental purposes*
 21 *and that are thereafter treated or processed by the public*
 22 *university.*

23 (2) *Accept donations or bequests of bottled alcoholic beverages*
 24 *from any unlicensed person.*

25 (3) *Sell alcoholic beverages received pursuant to paragraphs*
 26 *(1) and (2) to consumers for consumption off the licensed premises*
 27 *or to other licensees authorized to sell the alcoholic beverages*
 28 *sold. A bottle of an alcoholic beverage sold by the licensee shall*
 29 *have a permanently affixed label stating that the alcoholic beverage*
 30 *was donated or bequeathed to the licensee by an unlicensed person*
 31 *or was received from a public university.*

1 (4) Accept donations of services and products, excluding
2 alcoholic beverages, from any licensee. The donating licensee may
3 donate services and products notwithstanding any other provision
4 of this division.

5 (5) Give licensees samples of the alcoholic beverages it sells,
6 subject to the limitations in subdivision (a) of Section 23386 and
7 any department regulations.

8 (c) The special nonprofit sales license does not authorize the
9 licensee to purchase or otherwise obtain alcoholic beverages from
10 a licensee or other manufacturer or seller of alcoholic beverages,
11 except as specified in this section.

12 (d) (1) An unlicensed person may donate or bequeath alcoholic
13 beverages to a special nonprofit sales licensee.

14 (2) A public university, as described in subdivision (a), may
15 transfer alcoholic beverages produced by the public university to
16 a special nonprofit sales licensee.

17 (e) The original fee for the special nonprofit sales license shall
18 be five hundred dollars (\$500) and the annual renewal fee shall
19 be one hundred dollars (\$100). The original and annual renewal
20 fee may be adjusted pursuant to subdivisions (b) and (c) of Section
21 23320.

22 SEC. 2. The Legislature finds and declares that a special law
23 is necessary and that a general law cannot be made applicable
24 within the meaning of Section 16 of Article IV of the California
25 Constitution because of the unique conditions in a county of the
26 28th class.

27 SECTION 1. ~~Section 23320.2 is added to the Business and~~
28 ~~Professions Code, to read:~~

29 ~~23320.2. In addition to the licenses specified in Section 23320,~~
30 ~~the department may issue an onsale or offsale retail license to a~~
31 ~~nonprofit organization.~~