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AB-2172 Homebrewery clubs: meetings: competitions. (2015-2016)

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Assembly Bill No. 2172

CHAPTER 565

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

[Approved by Governor September 24, 2016. Filed with Secretary of State September 24, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2172, Jones. Homebrewery clubs: meetings: competitions.

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 or wine from the premises where made for personal or family use, for specified purposes, including at bona fide competitions or exhibitions.

This bill would permit the removal and use of home brewed beer in connection with a club meeting or home brewed beer competition held on the premises of an authorized licensee. The bill would also permit club members to exchange and consume home brewed beer at this type of meeting, would allow specified persons to consume home brewed beer during a competition, and would require tables used for the meeting or competition to be designated by the authorized licensee, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 23356.2 of the Business and Professions Code is amended to read:

23356.2. (a) No license or permit shall be required for the manufacture of beer or wine for personal or family use, and not for sale, by a person over 21 years of age. The aggregate amount of beer or wine with respect to any household shall not exceed (1) 100 gallons per calendar year if there is only one adult in the household or (2) 200 gallons per calendar year if there are two or more adults in the household.

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

(1) For use, including in a bona fide competition or judging or a bona fide exhibition or tasting.

(2) For personal or family use.

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

(4) Beer or wine produced pursuant to this section may only be provided or served to the public pursuant to paragraphs (1) and (3) within a clearly identified area, that includes, but is not limited to, a physical barrier with a monitored point of entry. Beer or

wine produced by a beer manufacturer or winegrower as defined in Sections 23012 and 23013, respectively, and licensed by the department, shall not be provided or served to the public within this area.

(5) (A) Beer produced pursuant to this section may be removed from the premises where made in connection with a homebrewers club meeting or bona fide home brewed beer competition that is held on the premises of an authorized licensee. Homebrewers may exchange containers of home brewed beer during the club meeting or bona fide home brewed beer competition. Home brewed beer made by the club members may be consumed by club members while on the licensed premises during the club meeting or by competition organizers, competition judges, and competition stewards on licensed premises during a bona fide home brewed beer competition. Patrons of the authorized licensee that are not club members, competition organizers, competition judges, or competition stewards shall not consume any home brewed beer.

(B) The authorized licensee shall designate, by signage or other item, which tables within the licensed premises shall be used by club members during the club meeting or bona fide home brewed beer competition.

(C) For purposes of this paragraph, "authorized licensee" means a licensee that holds an on-sale beer license, an on-sale beer and wine license for a bona fide public eating place, an on-sale beer and wine for public premises license, an on-sale general license for a bona fide eating place, a club license, a veterans' club license, an on-sale general brew pub license, an on-sale general license for public premises, a beer manufacturer's license, or a small beer manufacturer's license.

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

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

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

(d) A nonprofit organization established for the purpose of promoting home production of beer shall be eligible to serve beer at a fundraising event conducted solely for the benefit of the nonprofit organization pursuant to this subdivision, subject to the following conditions:

(1) The beer that is served is donated by home brewers.

(2) The nonprofit organization shall be issued no more than two permits per calendar year for the serving of beer pursuant to this subdivision.

(3) The nonprofit organization shall display a printed notice at the event that states that home brewed beer is not a regulated product subject to health and safety standards.

(4) The event shall have an educational component that includes instruction on the subject of beer, including, but not limited to, the history, nature, values, and characteristics of beer, the use of beer lists, and the methods of presenting and serving beer.

(5) Only bona fide members of the nonprofit organization may attend the event.

(6) The nonprofit organization shall not solicit or sign up individuals to be members of the nonprofit organization on the day of the event at the event premises.

(7) The nonprofit organization shall provide the department with the number of members that have registered for the event and the estimated number that will be in attendance, 48 hours before the event. This paragraph shall apply only if more than 50 members are expected to be in attendance at the event.

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

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