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AB-297 Alcoholic beverages: licenses: wine and food cultural museum and educational center. (2017-2018)

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Assembly Bill No. 297

CHAPTER 186

An act to amend Section 23396.2 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 01, 2017. Filed with Secretary of State September 01, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 297, Levine. Alcoholic beverages: licenses: wine and food cultural museum and educational center.

The Alcoholic Beverage Control Act contains provisions for various types of licenses that permit licensees to furnish alcoholic beverages under designated circumstances, including an on-sale general license for a wine, food and art cultural museum and educational center located in the County of Napa that would authorize described persons to sell, furnish, or give alcoholic beverages for consumption on the premises and various off-sale privileges.

This bill would revise the provisions relating to ownership of any interest in the premises and license of a wine, food and art cultural museum and educational center and would authorize a similar on-sale general license for a wine and food cultural museum and educational center, located in the County of Sonoma, that would authorize described persons to sell, furnish, or give alcoholic beverages for consumption on the premises and various off-sale privileges.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Sonoma.

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

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

SECTION 1. Section 23396.2 of the Business and Professions Code is amended to read:

23396.2. (a) An on-sale general license for a wine, food and art cultural museum, and educational center and an on-sale general license for a wine and food cultural museum and educational center authorizes those persons described in subdivision (b) to sell, furnish, or give alcoholic beverages for consumption on the premises and off-sale privileges, as further qualified herein.

(b) (1) For purposes of this division, "a wine, food and art cultural museum, and educational center" is a person which meets all the following conditions:

(A) The retail premises shall include an auditorium, concert terrace, exhibition gallery, teaching kitchen, and library and may be adjacent to a bona fide eating place as defined in Section 23038.

(B) The premises is located in the County of Napa, operated by a nonprofit entity that is exempt from payment of income taxes as an organization described in Section 501(c)(3) of the Internal Revenue Code, and includes real estate

improvements of a value of at least forty-five million dollars (\$45,000,000).

(2) For purposes of this division, "a wine and food cultural museum and educational center" is a person that meets all the following conditions:

(A) The retail premises shall include an auditorium, exhibition gallery, teaching kitchen, and library and may be adjacent to a bona fide eating place as defined in Section 23038.

(B) The premises is located in the County of Sonoma, operated by a nonprofit entity that is exempt from payment of income taxes as an organization described in Section 501(c)(3) of the Internal Revenue Code, and includes real estate improvements of a value of at least ten million dollars (\$10,000,000).

(c) (1) The department shall upon request and qualification issue a licensee located in the County of Napa a duplicate of the original license for a premises located on commonly owned property contiguous to, or in close proximity to the original licensed premises. As used in this section, "close proximity" shall mean the original licensed premises is no further than 900 feet from the premises issued the duplicate license regardless of whether the two premises are separated by a public or private street, alley, or sidewalk.

(2) The department shall upon request and qualification issue a licensee located in the County of Sonoma a duplicate of the original license for a premises located on commonly owned, leased, or managed property contiguous to, or in close proximity to the original licensed premises. As used in this section, "close proximity" shall mean the original licensed premises is no further than 900 feet from the premises issued the duplicate license regardless of whether the two premises are separated by a public or private street, alley, or sidewalk.

(d) There shall be no limit as to the number of events held on a licensed premises or duplicate premises at which a person or persons issued caterer's permits under Section 23399 may sell alcoholic beverages so long as the on-sale general licensee surrenders its license privileges for any portion of the premises at which a catered event is held for the duration of the event.

(e) A licensee licensed under this section shall not be included in the definition of "public premises" under Section 23039.

(f) The provisions of Article 2 (commencing with Section 23815) of Chapter 5 do not apply to the issuance of a license issued pursuant to this section. A license issued pursuant to this section may be transferred to another person, qualified pursuant to subdivision (b), but not to another location. A licensee specified in this section shall purchase no alcoholic beverages for sale in this state other than from a wholesaler or winegrower licensee. Notwithstanding any other provision of this division, licensees may donate wine to a person licensed under this section.

(g) Notwithstanding any other provision of this division, a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, or the holder of an importer's general license may hold the ownership of any interest, directly or indirectly, in the premises and in the license issued pursuant to this section, may serve as an officer, director, employee, or agent of that licensee, and may sponsor or fund educational programs, special fundraising and promotional events, improvements in capital projects, and the development of exhibits or facilities of and for that licensee provided the number of items of beer, wine, or distilled spirits by brand, exclusive of wine labeled for the licensee authorized in subdivision (a) of this section, offered for sale by the licensee, which are produced, bottled, rectified, distilled, processed, imported, or sold by an individual licensee holding an interest in, serving as an officer, director, employee or agent of, or sponsoring or funding the programs and projects of the retail licensee, does not exceed 15 percent of the total items of beer, wine, or distilled spirits by brand listed and offered for sale in the retail licensed premises.

(h) An applicant for an original on-sale general license for a wine, food and art cultural museum, and educational center or for an original on-sale general license for a wine and food cultural museum and educational center shall, at the time of filing the application for the license, accompany the application with a fee of twelve thousand dollars (\$12,000). The annual renewal fee for a license issued pursuant to this section shall be the same as the applicable renewal fee for an on-sale general license.

(i) An applicant for a duplicate on-sale general license for a wine, food and art cultural museum, and educational center or for a duplicate on-sale general license for a wine and food cultural museum and educational center shall, at the time of filing the application for the license, accompany the application with a fee equal to the license fee for an on-sale general license. The annual renewal fee for a duplicate license issued pursuant to this section shall be the same as the applicable renewal fee for an on-sale general license.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique conditions in the County of Sonoma.