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AB-997 Alcoholic beverage licensees: winegrowers and beer manufacturers. (2017-2018)

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Assembly Bill No. 997

CHAPTER 788

An act to amend Section 25607 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor October 14, 2017. Filed with Secretary of State October 14, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 997, Aguiar-Curry. Alcoholic beverage licensees: winegrowers and beer manufacturers.

The Alcoholic Beverage Control Act provides for the issuance of various categories of alcoholic beverage licenses, including the imposition of fees, conditions, and restrictions in connection with the issuance of those licenses. Existing law prohibits a licensee to have upon the licensed premises any alcoholic beverages other than the alcoholic beverage for which the licensee is authorized to sell at the premises under his or her license. Existing law provides that a violation of this prohibition is punishable as a misdemeanor and authorizes the Department of Alcoholic Beverage Control to seize any alcoholic beverages found in violation of this prohibition.

This bill would authorize an exception to the above-described prohibition by allowing a licensed winegrower and a licensed beer manufacturer that holds a small beer manufacturer's license, whose licensed premises of production are immediately adjacent to each other and which are not branch offices, to, with the approval of the department, share a common licensed area in which the consumption of alcoholic beverages is permitted under specified circumstances.

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

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

SECTION 1. Section 25607 of the Business and Professions Code is amended to read:

25607. (a) Except as provided in subdivisions (b) and (c), it is unlawful for any person or licensee to have upon any premises for which a license has been issued any alcoholic beverages other than the alcoholic beverage which the licensee is authorized to sell at the premises under his or her license. It shall be presumed that all alcoholic beverages found or located upon premises for which licenses have been issued belong to the person or persons to whom the licenses were issued. Every person violating the provisions of this section is guilty of a misdemeanor. The department may seize any alcoholic beverages found in violation of this section.

(b) A bona fide public eating place for which an on-sale beer and wine license has been issued may have upon the premises brandy, rum, or liqueurs for use solely for cooking purposes.

(c) (1) A licensed winegrower and a licensed beer manufacturer that holds a small beer manufacturer's license, whose licensed premises of production are immediately adjacent to each other and which are not branch offices, may, with the approval of the

department and under such conditions as the department may require, share a common licensed area in which the consumption of alcoholic beverages is permitted, only under all of the following circumstances:

(A) The shared common licensed area is adjacent and contiguous to the licensed premises of both the licensed winegrower and the licensed beer manufacturer that holds a small beer manufacturer's license.

(B) The licensed premises of both the licensed winegrower and the licensed beer manufacturer that holds a small beer manufacturer's license are not branch offices.

(C) The shared common licensed area must be readily accessible from the premises of both the licensed winegrower and the licensed beer manufacturer without the necessity of using a public street, alley, or sidewalk.

(D) Except as otherwise authorized by this division, the alcoholic beverages that may be consumed in the shared common licensed area must be purchased by the consumer only from either the licensed winegrower or the licensed beer manufacturer.

(E) Both the licensed winegrower and the licensed beer manufacturer shall be jointly responsible for compliance with the provisions of this division and for any violations that may occur within the shared common licensed area.

(2) Nothing in this subdivision is intended to authorize either the licensed winegrower or the licensed beer manufacturer to sell, furnish, give, or have upon their respective licensed premises any alcoholic beverages, or to engage in any other activity, not otherwise authorized by this division.