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**AB-1890 Alcoholic beverage licensees: craft distillers, winegrowers, and beer manufacturers.** (2017-2018)

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**Assembly Bill No. 1890**

**CHAPTER 293**

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

[ Approved by Governor September 07, 2018. Filed with Secretary of State September 07, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1890, Levine. Alcoholic beverage licensees: craft distillers, 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 by the Department of Alcoholic Beverage Control. Existing law prohibits a licensee from having 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, and makes a violation of this prohibition punishable as a misdemeanor. Existing law authorizes an exception to this prohibition for a licensed winegrower and 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 share, with the approval of the department, a common licensed area in which the consumption of alcoholic beverages is permitted under specified circumstances.

This bill would revise this exception to the above-described prohibition to allow a licensed craft distiller, licensed winegrower, and licensed beer manufacturer, in any combination, to, with the approval of the department, share a common licensed area in which the consumption of alcoholic beverages is permitted if the licensed premises of production are immediately adjacent to each other, are not branch offices, and only 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) Except as provided in subdivision (c), 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, licensed beer manufacturer that holds a small beer manufacturer's license, and a licensed craft distiller, in any combination, 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 the licensees.

(B) The licensed premises of the licensees are not branch offices.

(C) The shared common licensed area shall be readily accessible from the premises of the licensees 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 shall be purchased by the consumer only from the licensed winegrower, the licensed beer manufacturer, or the licensed craft distiller.

(E) The licensed winegrower, the licensed beer manufacturer, and the licensed craft distiller 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 the licensed winegrower, the licensed beer manufacturer, or the licensed craft distiller 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, including, without limitation, the consumption on the premises of any distilled spirits purchased by consumers for consumption off the premises pursuant to Section 23504 or the consumption of distilled spirits other than as permitted by Section 23363.1.