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AB-239 Winegrowers and brandy manufacturers: exercise of privileges: locations. (2021-2022)

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Assembly Bill No. 239

CHAPTER 192

An act to amend Section 23390 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 22, 2021. Filed with Secretary of State September 22, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 239, Villapudua. Winegrowers and brandy manufacturers: exercise of privileges: locations.

Existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses. Existing law authorizes licensed winegrowers and brandy manufacturers to exercise their license privileges away from their licensed premises at, or from, branch offices or warehouses or United States bonded wine cellars located away from the place of production or manufacture, subject to specified exceptions. One of the exceptions to this authorization is the sale or delivery of wine to consumers in containers supplied, furnished, or sold by the consumer.

This bill would delete the exception to the authorization applicable to winemakers, as described above, and would thus allow them to sell and deliver wine to consumers in containers supplied, furnished, or sold by the consumer away from their licensed premises.

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

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

SECTION 1. Section 23390 of the Business and Professions Code is amended to read:

23390. (a) A licensed winegrower or brandy manufacturer, in addition to exercising all the privileges of their license at their licensed premises, may exercise all the license privileges at or from branch offices or warehouses, or United States bonded wine cellars located away from the place of production or manufacture, other than the following privileges:

(1) Production or manufacture.

(2) The sale of wine or brandy to consumers for consumption on the premises in a bona fide eating place.

(b) The department may issue to a winegrower or brandy manufacturer a duplicate of the original license for a location or locations other than the wine production or brandy manufacture premises. The duplicate license authorizes the maintenance and operation of each branch or warehouse or United States bonded wine cellar declared and designated by the winegrower or brandy manufacturer at the location for which the duplicate license is issued.

(c) Notwithstanding any other law, the department may allow any person that held more than one original winegrower's license, on or before January 1, 1981, to transfer any duplicate license which has been issued, on or before January 1, 1981, on any of the original winegrower's licenses to any other original winegrower's license held by that person, on or before January 1, 1981, provided that the licensee cancels the original winegrower's license from which any duplicate license is transferred. This subdivision shall not authorize any person to acquire any additional duplicate licenses other than those held by that licensee on or before January 1, 1981.