



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**SB-518 Alcoholic Beverage Tax: winegrower returns and schedules.** (2021-2022)

SHARE THIS:  

Date Published: 09/29/2022 02:00 PM

**Senate Bill No. 518**

**CHAPTER 702**

An act to amend Section 32251 of, and to add Section 32457.1 to, the Revenue and Taxation Code, relating to taxation.

[ Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 518, Laird. Alcoholic Beverage Tax: winegrower returns and schedules.

The Alcoholic Beverage Tax Law, administered by the State Board of Equalization, imposes an excise tax upon all beer and wine sold in this state, as provided, on manufacturers, winegrowers, importers, or sellers of beer or wine that sell beer or wine on which no tax has been paid. That law requires taxpayers to file a return by the 15th day of each calendar month for the preceding calendar month in a form and manner prescribed by the board, which may include electronic media. Existing law requires winegrowers to include specified schedules in the return, and prohibits the board, or any employee of the board, from making known in any manner certain information that is contained in a winegrower's return or schedules.

This bill would require taxpayers to file a tax return using electronic media. The bill, for winegrower returns filed on or after January 1, 2023, would require the board, upon request, to make public the names and addresses of taxpayers filing a winegrower return, as well as any information in a winegrower return and schedules. The bill would make an exception to the requirement for disclosure of names and addresses in the case of taxpayers that are natural persons. The bill would allow a taxpayer to elect to prohibit the disclosure of any information contained in that taxpayer's winegrower return and schedules. The bill would require the board to amend the winegrower return form to include a designated line or checkbox where the taxpayer may elect to prohibit disclosure, and a brief description of how the wine industry has historically used information contained in winegrower returns.

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

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

**SECTION 1.** The Legislature finds and declares all of the following:

(a) The State Board of Equalization (BOE) has provided winegrower return and schedule information to the wine industry for decades. Information for individuals has been anonymized for several years, but not for businesses.

(b) This data has long been the foundation of the widely respected Gomberg-Fredrikson Report, an industry publication founded in the 1940s that monitors monthly and annual comparative shipments of leading California wineries and wine imports by country.

(c) The BOE in 2019 and 2020 reevaluated the release of this data and determined that they did not have the statutory authority to provide the data unless the data is completely anonymized.

(d) Historically, the data has allowed the industry to better understand current trends and plan for the future. Without this data, the ability to perform critical market assessments is compromised and could result in economic harm to the industry.

(e) The lack of complete data has presented significant challenges in recent years, including difficulty evaluating the impacts of the COVID-19 pandemic and wildfires in California wine country.

**SEC. 2.** Section 32251 of the Revenue and Taxation Code is amended to read:

**32251.** The tax is a direct obligation of the taxpayer and is due and payable monthly on or before the 15th day of each calendar month. Each taxpayer, on or before the 15th day of each month, shall file a tax return for the preceding calendar month, using electronic media, showing the amount of beer or wine or distilled spirits sold in this state, the amount of tax for the period covered by the return, and any other information as the board deems necessary. The taxpayer shall deliver the return, together with a remittance of the amount of tax due, to the office of the board on or before the 15th day of the month. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the board.

**SEC. 3.** Section 32457.1 is added to the Revenue and Taxation Code, to read:

**32457.1.** (a) Except as provided in subdivision (b), and notwithstanding Section 15619 of the Government Code, any information contained in the returns and accompanying schedules of a winegrower, filed on or after January 1, 2023, shall be made public upon request, including the names and addresses of all taxpayers filing a winegrower return.

(b) It is unlawful for the board or any other person having an administrative duty under this part to disclose any of the following:

- (1) The names and addresses of any taxpayer that is a natural person.
- (2) Any information subject to a prohibition against disclosure pursuant to subdivision (c).

(c) (1) A taxpayer may elect to prohibit the disclosure of any information contained in that taxpayer's winegrower return and accompanying schedules. The board shall amend the winegrower return form to include a designated line or checkbox wherein the taxpayer may elect to prohibit disclosure of the information.

- (2) The board shall amend the winegrower return form to include information describing how the wine industry has historically used data in winegrower returns for market analysis and an explanation of the taxpayer's right to elect to prohibit disclosure of information. This shall be conspicuously displayed within the electronic return form in a manner that allows it to be reviewed by the taxpayer prior to making the election.