## California Department of Alcoholic Beverage Control

# 2010 Summary of Chaptered Legislation

## Sections Affected by 2010 Legislation

| Section | Subject | Bill Number |
|---|---|---|
| 23015 | Winegrowers: Spirits of Wine | AB 1649 |
| 23055 | Annual Report | SB 1480 |
| 23356.2 | Maintenance of the Codes | SB 1330 |
| 23358 | Winegrowers: Spirits of Wine | AB 1649 |
| 23358.2 | Winegrowers: Cleanup AB 2004, 2008 | AB 1649 |
| 23357.2 | Technical cleanup/AB 1389, 2008 | SB 1480 |
| 23358.3 | Technical cleanup/AB 1389, 2008 | SB 1480 |
| 23366.3 | Technical cleanup/AB 1389, 2008 | SB 1480 |
| 23390.5 | Winegrowers: Cleanup AB 1470, 2009 | AB 1649 |
| 23396.1 | Hotel and motel lodging establishments | SB 1260 |
| 23396.6 | Tastings | AB 605 |
| 23399 | Catering and event authorizations fee increase | SB 856 |
| 23399.4 | Technical cleanup/AB 1389, 2008 | SB 1480 |
| 23433.5 | Lawn Bowl Clubs/Club Licenses | AB 2793 |
| 23661.7 | Wine returns from out-of-state | SB 806 |
| 23954.5 | Original fee general license increase | SB 856 |
| 24044.5 | Interim Operating Permits | SB 1480 |
| 24045.11 | Technical cleanup/AB 1389, 2008 | SB 1480 |
| 25246 | Sonoma County wine labeling | AB 1798 |
| 25500.1 | Tied-house: non-internet communication | SB 1096 |
| 25500.2 | Tied-house: non-internet communication | SB 1096 |
| 25502.1 | Tied-house: non-internet communication | SB 1096 |
| 25503.4 | Winemaker dinners | SB 1101 |
| 25503.15 | Undertaking | SB 1480 |
| 25503.42 | Maintenance of the Codes | SB 1330 |
| 25503.45 | Beer maker dinners | AB 2134 |
| 25503.56 | Tastings | AB 605 |
| 25503.9 | Rectifiers: donations | SB 1022 |
| 25505 | Undertaking | SB 1480 |
| 25608 | Places of consumption: schools | AB 1643 |
| | | AB 1748 |
| | | AB 1860 |
| 25658 | Underage drinkers: Immunity from Prosecution | AB 1999 |
| 25658.4 | Maintenance of the Codes | SB 1330 |
| 25660 | Proof of Age | AB 1896 |
| 25662 | Underage drinkers: Immunity from Prosecution | AB 1999 |
| 25667 | Underage drinkers: Immunity from Prosecution | AB 1999 |

With the exception of AB 2486, the following bills make changes to the Alcoholic Beverage Control (ABC) Act. All changes, except as noted, took effect on January 1, 2011.

***AB 605 (Portantino, Chapter 230, Statutes of 2010)*** added sections 23396.6 and 25503.56 to create a new type of license (instructional tasting license) allowing the tasting of beer, wine, and distilled spirits at off-sale licensed premises.

***AB 1643 (Smyth, Chapter 79, Statutes of 2010)*** amended section 25608 to allow alcoholic beverages to be possessed and used at fundraising events held at community college-owned facilities where kindergarten through 12th (K-12) grade students are taught, provided that the events take place when the K-12 students are not present. AB 1643 contained an urgency clause and took effect on July 15, 2010.

***AB 1649 (Chesbro, Chapter 129, Statutes of 2010)*** amended sections 23015 and 23358 to allow a winery (Type 02 licensee) to produce spirits of wine (byproduct of wine fermentation) under specified conditions without having to additionally obtain a distilled spirits manufacturer's license (Type 04). It also made clarifying amendments to sections 23358.2 and 23390.5 related to privileges of wineries and their branch offices.

***AB 1748 (Hill, Chapter 84, Statutes of 2010)*** *amended section 25608 to* allow ABC to issue a temporary beer/wine license, a daily general license, or a caterer's authorization for a "special event" occurring at a public community college in San Mateo County.

***AB 1798 (Evans, Chapter 242, Statutes of 2010)*** added section 25246 to require that labels for wine products produced using grapes from the existing federally-recognized Sonoma County appellation contain the appellation "Sonoma County."

***AB 1860 (Tom Berryhill, Chapter 239, Statutes of 2010)*** amended section 25608 to allow any county office of education or school district in the state that owns and operates an overnight retreat facility to have an event at the overnight retreat facility where alcoholic beverages can be possessed, consumed or sold, provided the event is held during weekends or at times when pupils are not on the grounds. AB 1860 contained an urgency clause and took effect on September 24, 2010.

***AB 1896 (Jeffries, Chapter 165, Statutes of 2010),*** ABC's sponsored bill, amended section 25660 to clarify that (except passports and military cards) identification issued by a governmental organization that is used to prove age and identity to purchase or consume alcoholic beverages must contain the name, date of birth, description, and picture of the person.

***AB 1999 (Portantino, Chapter 245, Statutes of 2010)*** amended sections 25658, 25662 and added section 25667 to grant underage persons immunity from prosecution for purchasing or possessing alcohol in public when the underage person is the first person to call 911 to report someone suffering from alcohol overdose and remains on the scene with that person and cooperates with medical personnel and law enforcement. The bill also specifically excluded from immunity any offense that involves activities made dangerous by the consumption of alcohol.

***AB 2134 (Chesbro, Chapter 149, Statutes of 2010)*** added section 25503.45 to allow beer manufacturers, importers or their representatives to conduct and advertise beer promotional lectures ("Beer Maker Dinners") at licensed premises subject to specified conditions.

***AB 2486 (Feuer, Chapter 154, Statutes of 2010)*** amended Civil Code Section 1714 to impose "social host" liability on adults who knowingly provide alcohol to minors at their residence who are subsequently injured or killed, or who injure or kill a third person, or who damage the property of a third person.

***AB 2793 (Assembly Governmental Organization Committee, Chapter 273, Statutes of 2010)***: 1) added section 23433.5 to allow non-profit lawn bowl clubs to hold a club license and sell and serve alcohol; 2) amended section 24045.7(a)(3) to permit specified licensees to serve on the board of trustees or as an officer, director or employee of a nonprofit theater company operating a theater in the City of Livermore; and 3) amended section 25503.42 to make technical clarifying amendments to a tied house exception created by AB 813 (Perez, Chapter 647, Statutes of 2009) regarding where advertising may be purchased and under what conditions. Note: This amendment to section 25503.42 was chaptered out (replaced) by SB 1330 (Chapter 328, Statutes of 2010).

***SB 806 (Wiggins, Chapter 276, Statues of 2010)*** amended section 23661.7 to permit the return of wine taken out-of-state that was purchased from ABC licensees who are authorized to sell wine by holding a combination beer and wine wholesaler's license (Type 17) and off-sale beer and wine retail license (Type 20), and to permit the use of private vehicles to make the return. SB 806 also amended section 25238 with technical amendments.

***SB 856 (Budget and Fiscal Review, Chapter 719, Statutes of 2010)*** amended section 23399 to increase the catering and event authorization fees from $10 to $25. It also amended section 23954.5 to increase the original fee for a general license from $12,000 to $13,800 and to allow ABC to increase it by the Consumer Price Index in future years. SB 856 contained an urgency clause and took effect on October 19, 2010.

***SB 1022 (Strickland, Chapter 281, Statutes of 2010)*** amended section 25503.9 to allow rectifiers to donate their products to specific types of non-profit organizations.

***SB 1096 (Wiggins, Chapter 285, Statues of 2010)*** amended sections 25500.1, 25500.2, and 25502.1 to authorize a qualified wine and/or brandy supplier to respond to an inquiry made via a "non-internet" form of electronic communication such as "texting" over a cellular phone network. It also allowed alcohol manufacturers and wholesalers to respond to inquiries made via a 'non-Internet" form of electronic communication with the names, locations and contact information of at least two unaffiliated on-sale restaurants or unaffiliated off-sale retailers that sell their products.

***SB 1101 (Wiggins, Chapter 177, Statutes of 2010)*** amended section 25503.4 to allow a winegrower, winegrower's agent, wine importer or his or her representative to give

away samples of up to three one-ounce tastes of wine per consumer from bottles of wine at promotional lectures known as "Meet the Winemaker Dinners" held at retailer's premises. It requires any unused wine to be removed from the retailer's premises following the instructional event.

***SB 1260 (Yee, Chapter 289, Statutes of 2010)*** amended section 23396.1 to allow licensed hotels and motels to sell beer and wine in sealed containers from inside their gift shops or food service areas to registered guests and their invitees.

***SB 1330 (Senate Judiciary Committee, Chapter 328, Statutes of 2010),*** the committee's annual code cleanup bill, made technical, nonsubstantive changes to sections 23356.2, 25503.42, and 25658.4. Note: SB 1330's amendments to section 25503.42 chaptered out (replaced) AB 2793's.

***SB 1480 (Senate Governmental Organization Committee, Chapter 296, Statutes of 2010)*** amended sections 23055, 23357.2, 23358.3, 23366.3, 23399.4, 24044.5, 24045.11, 25503.15 and 25505 to 1) remove the requirement in existing law for ABC to include recommendations for legislation in its annual report to the Legislature; 2) extend ABC's authority to issue an interim operating permit to a non-retail license applicant; 3) eliminate the requirements in existing law for a winegrower and on-sale licensee to enter into an undertaking approved by ABC stating that the holder of the winegrower license shall not sell or furnish wine to the on-sale licensee and that the on-sale licensee shall not sell wine manufactured, produced, processed, imported, or sold by the winegrower; and 4) make minor technical corrections to the ABC Act necessitated by AB 1389 (Chapter 751, Statues of 2008).