

**California Department of Alcoholic Beverage
Control**

**2011 Summary of Chaptered
Legislation**

Sections Affected by 2011 Chaptered Legislation

<u>Section</u>	<u>Subject</u>	<u>Bill Number</u>	<u>Effective</u>
1714 (Civil Code)	Liability: Social Hosts	AB 1407	
VAR, Non-ABC	Tax Delinquents	AB 1424	7/1/2012
23016	Rectifiers definition	SB 32	9/21/2011
23038.3	Cooking schools/public schoolhouses	SB 339	
23055	Annual Legislative Report	AB 749	
23358.2	Maintenance of the Codes	AB 1023	
23368.1	Maintenance of the Codes	AB 1023	
23378.1	Maintenance of the Codes	AB 1023	
23393.5	Limited off-sale retail wine license	AB 623	
23394.7	Self-service checkouts	AB 183	
23396	Cooking schools/public schoolhouses	SB 339	
23438	Discrimination: genetic information	SB 559	
23661.7	Limited off-sale retail wine license	AB 623	
24045.18	Limited off-sale retail wine license	AB 623	
25503.56	Limited off-sale retail wine license	AB 623	
25608	Public schoolhouses	AB 319	
25608	Cooking schools/public schoolhouses	SB 339	
25608.12	Possession of alcohol on Sacramento River	AB 494	8/1/2011
25618	Criminal Justice Alignment	AB 109	
25622	Caffeinated beer beverages	SB 39	
25658	Maintenance of the Codes	AB 1023	

AB 109 (Committee on Budget) Criminal justice alignment.

Chapter No.: 15

Last Amended: 3/17/2011

Status: 4/4/2011-Chaptered by Secretary of State - Chapter 15, Statutes of 2011.

Summary:

This was the 2011 Public Safety Realignment bill. It amended various code sections, including section 25618, with technical changes to implement the Budget Act of 2011. Specifically, it amended section 25618 to include the phrase "pursuant to subdivision (h) of Penal Code Section 1170" and amended Penal Code Section 1170 to include (h), which provides 16 months, two, or three years if the punishment is specified to be served in county jail unless the person has a prior violent, serious, or sex offense (in which case they serve time in state prison).

AB 183 (Ma D) Alcoholic beverage licenses: self-service checkouts.

Chapter No.: 726

Last Amended: 6/22/2011

Status: 10/9/2011-Chaptered by the Secretary of State, Chapter Number 726, Statutes of 2011

Is Urgency: N

Summary:

This bill added section 23394.7 to prohibit off-sale licensees from selling alcoholic beverages using a customer-operated checkout stand located on the licensee's physical premises.

AB 319 (Norby R) Alcoholic beverage control: public schoolhouses.

Chapter No.: 672

Last Amended: 8/29/2011

Status: 10/9/2011-Chaptered by the Secretary of State, Chapter Number 672, Statutes of 2011

Is Urgency: N

Summary:

This bill amended section 25608(a)(15) to allow ABC to issue a temporary license or permit for a "special event" occurring at a public community college in any county of the state provided permission has been granted by the governing board of the community college district.

AB 494 (Logue R) Alcoholic beverages: possession: Sacramento River.

Chapter No.: 158

Last Amended: 7/12/2011

Status: 8/1/2011-Chaptered by the Secretary of State, Chapter Number 158, Statutes of 2011

Is Urgency: Y

Effective date: 8/1/2011

Summary:

This bill added section 25608.12 to prohibit the possession of alcoholic beverages during summer holiday periods designated by the Butte and Glenn County Boards of Supervisors on a portion of the Sacramento River that runs between Butte and Glenn counties. This bill also required Glenn and Butte Counties to post notices on the land portions along the Sacramento River stating that this conduct is punishable as an infraction.

AB 623 (Williams D) Alcoholic beverage licensees: limited off-sale retail wine license.

Chapter No.: 292

Last Amended: 8/15/2011

Status: 9/21/2011-Chaptered by the Secretary of State, Chapter Number 292, Statutes of 2011

Is Urgency: N

Summary:

This bill amended sections 23661.1, 24045.18, 25503.56 and 25503.9, and added section 23393.5 to authorize ABC to issue an off-sale retail wine license restricted to sales solicited and accepted by direct mail, telephone, or computer.

AB 749 (Hall D) Department of Alcoholic Beverage Control: report.

Chapter No.: 221

Status: 9/6/2011-Chaptered by the Secretary of State, Chapter Number 221, Statutes of 2011

Is Urgency: N

Summary:

This bill amended section 23055 to require ABC to base its annual report to the Legislature on the previous fiscal year's data instead of the previous calendar year's data.

AB 1023 (Wagner R) Maintenance of the codes.

Chapter No.: 296

Last Amended: 7/12/2011

Status: 9/21/2011-Chaptered by the Secretary of State, Chapter Number 296, Statutes of 2011

Summary:

This bill made nonsubstantive changes to sections 23358.2, 23368.1, 23378.1 and 25658 to effectuate recommendations made by the Legislative Counsel to the Legislature.

AB 1407 (Committee on Judiciary) Liability: social hosts: alcoholic beverages.

Chapter No.: 410

Last Amended: 6/27/2011

Status: 10/2/2011-Chaptered by the Secretary of State, Chapter Number 410, Statutes of 2011

Is Urgency: N

Summary:

This bill amended Civil Code Section 1714 to clarify California's social host liability statute which provides that a claim may be brought against an adult who knowingly furnishes alcohol at his or her residence to a person under 21 years of age. The bill also clarified that "knowingly furnishes" means knowing or should have known and that a claim under the statute may be brought by, or on behalf of, a minor or a person who was harmed by that minor.

AB 1424 (Perea D) Franchise Tax Board: delinquent tax debt.

Chapter No.: 455

Last Amended: 9/2/2011

Status: 10/4/2011-Chaptered by the Secretary of State, Chapter Number 455, Statutes of 2011

Is Urgency: N

Effective Date: 7/1/2012

Summary:

This bill added Business and Professions Code section 494.5 to authorize ABC to suspend the license of a tax debtor whose name appears on either the Franchise Tax Board's or the State Board of Equalization's list of top 500 tax delinquents.

SB 32 (Leno D) Alcoholic beverages: definitions: rectifiers.

Chapter No.: 301

Last Amended: 5/26/2011

Status: 9/21/2011-Chaptered by the Secretary of State, Chapter Number 301, Statutes of 2011

Is Urgency: Y

Effective Date: 9/21/2011

Summary:

This bill amended section 23016 to allow bars and restaurants to prepare and sell alcoholic beverages infused with fruits, vegetables and spices, such as limoncello and sangria, for consumption at the business.

SB 39 (Padilla D) Alcoholic beverages: caffeinated beer beverages.

Chapter No.: 140

Last Amended: 6/7/2011

Status: 8/1/2011-Chaptered by the Secretary of State, Chapter Number 140, Statutes of 2011

Is Urgency: N

Summary:

This bill added section 25622 to prohibit the importation, production, manufacture, distribution, or sale of beer to which caffeine has been directly added as a separate ingredient. This bill also gave ABC access to product formulas for enforcement purposes.

SB 339 (Wolk D) Alcoholic beverage control: on-sale beer and wine licenses: bona fide public eating place: public schoolhouses.

Chapter No.: 702

Last Amended: 8/18/2011

Status: 10/9/2011-Chaptered by the Secretary of State, Chapter Number 702, Statutes of 2011

Is Urgency: N

Summary:

This bill added section 23038.3 and amended section 23396 to allow cooking schools to obtain on-sale beer and wine eating place (Type 41) licenses from ABC, and amended 25608(a)(7) to allow alcohol to be acquired, possessed or used at an event at a community center owned by a city provided the event is not held at a time when students are attending a public school sponsored activity at the center.

SB 559 (Padilla D) Discrimination: genetic information.

Chapter No.: 261

Last Amended: 8/15/2011

Status: 9/6/2011-Chaptered by the Secretary of State, Chapter Number 261, Statutes of 2011

Summary:

This bill amended various code sections to prohibit discrimination under the Unruh Civil Rights Act and the California Fair Employment and Housing Act based genetic information. However, according to Assembly Judiciary Committee, although SB 559 added "genetic information" to the anti-discrimination provisions of Government Code Section 11135, it excepted it from 23438 because it could have eliminated a tax deduction and triggered a 2/3 vote requirement.