

Assembly Bill No. 1554

CHAPTER 742

An act to amend Sections 23004 and 23005 of, and to add Sections 23003.1, 23794, and 25623.5 to, the Business and Professions Code, relating to powdered alcohol.

[Approved by Governor September 28, 2016. Filed with Secretary of State September 28, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1554, Irwin. Powdered alcohol.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon alcoholic beverage licenses by the Department of Alcoholic Beverage Control. That act imposes additional regulations on the sale of alcoholic beverages and creates penalties for violations of those regulations.

This bill would prohibit the department from issuing a license to manufacture, distribute, or sell powdered alcohol, as defined. This bill would prohibit the possession, purchase, sale, offer for sale, distribution, manufacture, or use of powdered alcohol and would make the specified violation of these provisions punishable as an infraction.

This bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 23003.1 is added to the Business and Professions Code, to read:

23003.1. "Powdered alcohol" means an alcohol prepared or sold in a powder or crystalline form that is used for human consumption in that form or reconstituted as an alcoholic beverage when mixed with water or any other liquid. "Powdered alcohol" does not include "vaporized alcohol," as defined in Section 25621.

SEC. 2. Section 23004 of the Business and Professions Code is amended to read:

23004. “Alcoholic beverage” includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. “Alcoholic beverage” does not include “powdered alcohol,” as defined in Section 23003.1.

SEC. 3. Section 23005 of the Business and Professions Code is amended to read:

23005. “Distilled spirits” means an alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof. “Distilled spirits” does not include “powdered alcohol,” as defined in Section 23003.1.

SEC. 4. Section 23794 is added to the Business and Professions Code, to read:

23794. A license shall not be issued to any applicant to authorize the manufacture, distribution, or retail sale of powdered alcohol.

SEC. 5. Section 25623.5 is added to the Business and Professions Code, to read:

25623.5. (a) A person shall not possess, purchase, sell, offer for sale, manufacture, distribute, or use powdered alcohol.

(b) Any person who purchases, possesses, or uses powdered alcohol is guilty of an infraction and subject to a fine of one hundred twenty-five dollars (\$125).

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.