

ASSEMBLY BILL

No. 1554

Introduced by Assembly Member Irwin
(Principal coauthor: Senator Huff)

January 4, 2016

An act to add Sections 23003.1, 23794, 24200.7, and 25623 to the Business and Professions Code, relating to powdered alcohol.

LEGISLATIVE COUNSEL'S DIGEST

AB 1554, as introduced, 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, and would require the department to revoke the license of any licensee who manufactures, distributes, or sells powdered alcohol, as provided. This bill would prohibit the purchase, sale, offer for sale, distribution, manufacture, possession, or use of powdered alcohol and would make the 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

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

3 23003.1. "Powdered alcohol" means an alcohol prepared or
4 sold in a powder or crystalline form that is used for human
5 consumption in that form or reconstituted as an alcoholic beverage
6 when mixed with water or any other liquid. "Powdered alcohol"
7 does not include "vaporized alcohol" as defined in Section 25621.

8 SEC. 2. Section 23794 is added to the Business and Professions
9 Code, to read:

10 23794. A license shall not be issued to any applicant to
11 authorize the manufacture, distribution, or retail sale of powdered
12 alcohol.

13 SEC. 3. Section 24200.7 is added to the Business and
14 Professions Code, to read:

15 24200.7. The department shall revoke or suspend any license
16 if the licensee or the agent or employee of the licensee
17 manufactures, distributes, or offers for retail sale powdered alcohol.

18 SEC. 4. Section 25623 is added to the Business and Professions
19 Code, to read:

20 25623. (a) A person shall not purchase, sell, offer for sale,
21 manufacture, distribute, possess, or use powdered alcohol.

22 (b) (1) Any person who sells, offers for sale, manufactures, or
23 distributes powdered alcohol is guilty of an infraction that shall
24 be punishable by a fine of not more than five hundred dollars
25 (\$500).

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

29 SEC. 5. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

O