



# Shared Common License Areas, AB 1890

## COMPLIANCE FACT SHEET

UPDATED: February 27, 2019

### BACKGROUND: SHARED COMMON AREA EXEMPTION FOR BREWERIES AND WINERIES PASSED IN 2017 OMITTED CRAFT DISTILLERS

The Alcoholic Beverage Control Act was amended in 2017 to allow a licensed winegrower (Type 02) and a licensed beer manufacturer (type 23 or 01) the use of a common space under specified circumstances. Qualifications for exemption: The premises of production be immediately adjacent to each other, no duplicate licenses and written approval from the local ABC district office. While this law created the exemption, it was limited to Type 01, 02, and 23 licensees, which omitted distilled spirit manufacturers (Type 74) licensees.

### AB 1890 (LEVINE) AMENDS LAW TO INCLUDE TYPE 74 LICENCE EXEMPTION

Assembly bill 1890 was introduced in January of 2018, authored by Assembly Member Marc Levine and signed by Governor Brown.

Assemblymember Marc Levine introduced AB 1890 to correct the omission and extend the same exemption to distilled spirit manufacturer license holders (Type 74).

The bill further amends the Alcoholic Beverage Control Act, Section 25607 of the Business and Professions Code, to permit Type 74 (craft distillers), Type 02 (winegrowers), and Type 23 (small beer manufacturers), in any combination, to share a common area in which the consumption of alcoholic beverages is permitted. The use of such common areas is permitted only if the production premises are immediately adjacent to each other, are not branch offices, and only under specified circumstances approved by the ABC.

#### ***AB 1890 Amended Section 25607 of the Business and Professions Code, effective January 1, 2019 The Alcoholic Beverage Control Act:***

*(a) Except as provided in subdivisions (b) and (c), it is unlawful for any person or licensee to have upon any premises for which a license has been issued any alcoholic beverages other than the alcoholic beverage which the licensee is authorized to sell at the premises under his or her license. It shall be presumed that all alcoholic beverages found or located upon premises for which licenses have been issued belong to the person or persons to whom the licenses were issued. Every person violating the provisions of this section is guilty of a misdemeanor. The department may seize any alcoholic beverages found in violation of this section.*

*(b) Except as provided in subdivision (c), a bona fide public eating place for which an onsale beer and wine license has been issued may have upon the premises brandy, rum, or liqueurs for use solely for cooking purposes.*



*(c) (1) A licensed winegrower, licensed beer manufacturer that holds a small beer manufacturer's license, **and a licensed craft distiller**, in any combination, whose licensed premises of production are immediately adjacent to each other and which are not branch offices, may, with the approval of the department and under such conditions as the department may require, share a common licensed area in which the consumption of alcoholic beverages is permitted, only under all of the following circumstances:*

*(A) The shared common licensed area is adjacent and contiguous to the licensed premises of the licensees.*

*(B) The licensed premises of the licensees are not branch offices.*

*(C) The shared common licensed area shall be readily accessible from the premises of the licensees without the necessity of using a public street, alley, or sidewalk.*

*(D) Except as otherwise authorized by this division, the alcoholic beverages that may be consumed in the shared common licensed area shall be purchased by the consumer only from the licensed winegrower, the licensed beer manufacturer, **or the licensed craft distiller**.*

*(E) **The licensed winegrower, the licensed beer manufacturer, and the licensed craft distiller shall be jointly responsible for compliance with the provisions of this division and for any violations that may occur within the shared common licensed area.***

*(2) **Nothing in this subdivision is intended to authorize the licensed winegrower, the licensed beer manufacturer, or the licensed craft distiller to sell, furnish, give, or have upon their respective licensed premises any alcoholic beverages, or to engage in any other activity, not otherwise authorized by this division, including, without limitation, the consumption on the premises of any distilled spirits purchased by consumers for consumption off the premises pursuant to Section 23574 or the consumption of distilled spirits other than as permitted by Section 23363.1.***