

**RESOLUTION 07-09-2017 (REVISED)**

**DIGEST**

Alcoholic Beverages: Increased Limit on Personal Use Importation

Amends Business and Professions Code section 23661 to increase the amount of alcohol California residents who are traveling either by vehicle, other than common carrier, or on foot, may bring into California from Mexico for personal use.

**RESOLUTIONS COMMITTEE ANALYSIS**

History:

No similar resolutions found.

Reasons:

This resolution amends Business and Professions Code section 23661 to increase the amount of alcohol California residents who are traveling either by vehicle, other than common carrier, or on foot, may bring into California from Mexico for personal use.

Business and Professions Code section 23661 limits importation of alcoholic beverages into the state to manufacturers, or common carriers acting on behalf of licensed importers. A limited exception is carved out for a “reasonable amount” of alcohol brought to California for personal use from outside the United States. Currently, the Department of Alcoholic Beverage Control (“ABC”) defines “reasonable amount” as no more than 60 liters. People bringing alcoholic beverages into California from Mexico on foot, and California residents doing so by car, do not qualify for the reasonable amount exception, and are limited to bringing the amount of alcohol that would be exempt from federal duty—currently, only one liter. Although the statute is phrased in terms of bringing alcohol into California from outside of the United States, in practical effect, and as construed by the ABC, it applies only to border crossings from Mexico.

The Resolutions Committee initially recommended disapproval of this resolution. The full Conference voted to approve.

**TEXT OF RESOLUTION**

**RESOLVED** that the Conference of California Bar Associations recommends that legislation be sponsored to amend Business and Professions section 23661 to read as follows:

- 1 § 23661
- 2       Except as otherwise provided in this section, alcoholic beverages may be brought into this state
- 3 from without this state for delivery or use within the state only by common carriers and only when the
- 4 alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises of the
- 5 licensed importer or to a licensed importer or customs broker at the premises of a public warehouse
- 6 licensed under this division.
- 7       The provisions of this chapter are not applicable in the case of alcoholic beverages which
- 8 are sold and delivered by a licensee in this state to another licensee in this state, and which in the
- 9 course of delivery are taken without this state through another state without any storage thereof
- 10 in such other state.

11 The provisions of this section are not applicable in the case of a reasonable amount of  
12 alcoholic beverages brought into this state by an adult from without the United States for  
13 personal or household use; ~~except that a California resident returning to the United States by a~~  
14 ~~vehicle which is not a common carrier, or any adult entering the United States as a pedestrian,~~  
15 ~~shall be restricted to the amount of alcoholic beverages which are exempt from the payment of~~  
16 ~~duty in accordance with existing provisions of federal law.~~ Such alcoholic beverages shall be  
17 exempt from state licensing restrictions.

18 The provisions of this section are not applicable in the case of alcoholic beverages  
19 shipped into this state from without the United States by an adult member of the armed forces of  
20 the United States, serving outside the confines of the United States, for his personal or household  
21 use within the state in such quantity of alcoholic beverages as is exempt from the payment of  
22 duty under existing provisions of the Federal Tariff Act or regulations. Such alcoholic beverages  
23 may be brought into this state only by common carrier and consigned to the premises of a  
24 licensed importer or customs broker, or to a licensed importer or customs broker at the premises  
25 of a public warehouse licensed under this division. Notwithstanding any other provisions of this  
26 division, the holder of an importer's license, a customs broker's license, or a public warehouse  
27 license, may make delivery of such alcoholic beverages as may be brought into this state under  
28 the provisions of this paragraph directly to the owner thereof upon satisfactory proof of identity.  
29 Such delivery shall not be deemed to constitute a sale in this state.

30 A manufacturer of distilled spirits may transport such distilled spirits into this state in  
31 motor vehicles owned by or leased to the manufacturer, and operated by employees of the  
32 manufacturer, if:

- 33 (a) Such distilled spirits are transported into this state from a place of manufacture within  
34 the United States; and  
35 (b) The manufacturer holds a California distilled spirits manufacturer's license; and  
36 (c) Delivery is made to the licensed premises of such distilled spirits manufacturer.

(Proposed new language underlined; language to be deleted stricken)

**PROPONENT:** San Diego County Bar Association

### **STATEMENT OF REASONS**

The Problem: Current law prohibits pedestrians and Californians traveling by personal vehicle from bringing more than one-liter of alcohol (the amount exempt from duty) across the Mexican border. However, non-California residents traveling by personal vehicle and Californians traveling by common carrier may bring a reasonable quantity of alcohol for personal use.

The Solution: This amendment simplifies the code and allows pedestrians and Californians traveling by personal vehicle and pedestrians to bring a reasonable quantity of alcohol for personal use across the border.

### **IMPACT STATEMENT**

The resolution does not affect any other law, statute or rule other than those expressly identified.

**CURRENT OR PRIOR RELATED LEGISLATION**

None known.

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