



SFGate.com

CA bars may soon be able to serve infused alcohol

Marisa Lagos, Chronicle Staff Writer

Friday, August 26, 2011

Sacramento --

California barkeeps may soon be able to infuse their booze with fruit, herbs and other flavors with impunity.

State lawmakers on Thursday approved a measure clarifying a post-Prohibition section of legal code that regulators have used to crack down on bars and restaurants that imbue alcohol with different flavors. The bill by Sen. Mark Leno, D-San Francisco, passed the state Assembly with no discussion or opposition, and now heads to Gov. [Jerry Brown](#) for consideration.

If the governor signs the bill, bartenders will be free to soak lemons in their vodka, concoct homemade sangrias, or create herb-infused cocktails without fear of punishment.

"Now you can have a margarita, isn't that wonderful?" joked San Francisco industry attorney John Hinman. "Everyone is going to cheer this particular thing, it just takes one more element of uncertainty out of the business."

The issue arose in recent years, after the Department of Alcoholic Beverage Control, which regulates booze, began reading the decades-old section of code that prohibits "rectification" of distilled spirits to mean that house-infused drinks are illegal under California law. That interpretation, made clear in a 2008 memo, put the damper on creative barkeeps in cities such as San Francisco, where such homemade creations had become popular.

The memo defined rectification as "any process or procedure whereby distilled spirits are cut, blended, mixed or infused with any ingredient" that "changes the character" of the alcohol. ABC officials said making drinks on the spot that include other flavor elements was all right, but that soaking anything longer in order to create a new flavor element was out of bounds.



Leno and those in the hospitality industry argued that the prohibition of these types of drinks is hurting businesses, and put an urgency clause into the bill that will allow it to take effect immediately after it is signed by the governor. Leno said the bill was drafted in consultation with ABC officials.

The code was initially written to protect drinkers from bad, homemade booze after Prohibition was lifted. ABC officials told Leno they were enforcing the arcane law in order to make sure customers were not sickened.

Hinman said the ABC stopped enforcing the law after Leno's bill was introduced, and he expects the governor will sign it.

"It's especially important in any city where you have mixologists practicing their trade ... and cocktails in San Francisco are a way of life," he said. "We have a class of people who know what they are doing, and this legislation will give them the room to work."

E-mail Marisa Lagos at mlagos@sfgate.com.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2011/08/26/BAIE1KRJ20.DTL>

This article appeared on page C - 1 of the San Francisco Chronicle