

Assembly Bill No. 2134

CHAPTER 149

An act to add Section 25503.45 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 17, 2010. Filed with
Secretary of State August 17, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2134, Chesbro. Alcoholic beverage control: tied-house restrictions: instructional events: beer.

The Alcoholic Beverage Control Act authorizes any person holding a manufacturer's agent's, rectifier's, importer's, or wholesaler's license to give away samples of the alcoholic beverages that are authorized to be sold under that license. Existing law provides that a retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages. Existing law permits beer manufacturers, holders of a beer and wine importer's general license, and licensed beer and wine wholesalers to instruct consumers regarding beer, respectively.

This bill would additionally allow a licensed beer manufacturer and a holder of a beer and wine importer's general license, or any director, partner, officer, agent, or representative of that person, to conduct an instructional event held at an on-sale retail licensee's premises featuring beer, subject to specified conditions.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor. This bill, by including provisions that, if violated, would result in a misdemeanor, would impose a state-mandated local program.

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 25503.45 is added to the Business and Professions Code, to read:

25503.45. (a) Notwithstanding any other provision of this division, a licensed beer manufacturer or a holder of beer and wine importer's general license, or any director, partner, officer, agent, or representative of that

person, may instruct consumers at an on-sale retail licensed premises authorized to sell its product with the permission of the on-sale retail licensee. The instruction may include serving beer sold by the on-sale retail licensee to the consumer and providing information on the history, nature, values, and characteristics of the beer, and methods of presenting and serving the beer. Orders for the sale of beer may be accepted by the beer manufacturer conducting an instructional event if the sales transaction is completed at the beer manufacturer's licensed premises.

(b) A person authorized by subdivision (a), in advance of an authorized instructional event, may list in an advertisement the name and address of the on-sale retail licensee, the names of the beers being featured at the instructional event, and the time, date, and location of, and other information about, the instructional event, subject to the following limitations:

(1) The advertisement does not also contain the retail price of the beers.

(2) The listing of the retailer's name and address is the only reference to the retailer in the advertisement and is relatively inconspicuous in relation to the advertisement as a whole. Pictures or illustrations of the retailer's premises and laudatory references to the retailer in these advertisements are not hereby authorized.

(c) An on-sale retail licensee's advertisement of an authorized instructional event may include the name, address, and brand names of the person authorized by subdivision (a), however nothing in this section allows that person to share in the costs of the on-sale retail licensee's advertisement.

(d) For purposes of this section, a licensed beer and wine wholesaler shall not be a representative of a beer manufacturer or a holder of a beer and wine importer's general license.

(e) Notwithstanding any other provision of this division, no alcoholic beverage may be given away in connection with the instructional event authorized by this section.

SEC. 2. 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.