

AMENDED IN SENATE MARCH 23, 2010

**SENATE BILL**

**No. 1101**

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**Introduced by Senator Wiggins**

February 17, 2010

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An act to amend Section 25503.4 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1101, as amended, Wiggins. Alcoholic beverage control: instructional events: wine.

Existing law generally prohibits a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, agent, or representative of that person from, among other things, providing a licensee alcoholic beverages as a free good as a part of any sale or transaction involving alcoholic beverages, or furnishing anything of value to a licensee for specified purposes. However, existing law authorizes any winegrower, California winegrower's agent, importer, or any director, partner, officer, agent, or representative of that person, to conduct or participate in an instructional event for consumers held at a retailer's premises featuring wines produced by or for the winegrower or imported by the importer, subject to certain specified conditions. Existing law specifies that alcoholic beverages shall not be given away at these instructional events, but wine may be sampled if it is taken from barrels or tanks *in minimal amounts*.

This bill would revise the sampling provision to additionally allow for wine samples to be provided at the instructional event from bottles, *specify how those wine bottles are removed, and would clarify the allowable amount provided as samples*.

*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 would expand existing crimes by imposing additional requirements on a licensee under the act, thus, the bill 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.*

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

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

1 SECTION 1. Section 25503.4 of the Business and Professions  
 2 Code is amended to read:  
 3 25503.4. (a) Notwithstanding any other provision of this  
 4 division, a winegrower, California winegrower’s agent, wine  
 5 importer, or any director, partner, officer, agent, or representative  
 6 of that person, may conduct or participate in, and serve wine at,  
 7 an instructional event for consumers held at a retailer’s premises  
 8 featuring wines produced by or for the winegrower or, imported  
 9 by the wine importer, subject to the following conditions:  
 10 (1) No premium, gift, free goods, or other thing of value may  
 11 be given away in connection with the instructional event by the  
 12 winegrower, California winegrower’s agent, wine importer, or  
 13 retailer, except as authorized by this division.  
 14 ~~(2) No alcoholic beverages may be given away in connection~~  
 15 ~~with the instructional event except that wine, taken from barrels,~~  
 16 ~~tanks, or bottles, may be sampled at the instructional event. For~~  
 17 ~~the purposes of this section, minimal amounts of the samples~~  
 18 ~~provided for tasting at the instructional event in addition to the~~  
 19 ~~wines being featured do not constitute a thing of value.~~  
 20 (2) *No alcoholic beverages may be given away in connection*  
 21 *with the instructional event except that minimal amounts of wine,*  
 22 *taken from barrels or from tanks, may be supplied and provided*  
 23 *as samples at the instructional event. A person authorized by*  
 24 *subdivision (a) may also provide no more than three one-ounce*

1 *tastes of wine per consumer at the instructional event from bottles*  
2 *of wine provided by the authorized person. For purposes of this*  
3 *section, minimal amounts of the samples or tastes provided at the*  
4 *instructional event do not constitute a thing of value. Following*  
5 *the instructional event, any unused wine provided by the authorized*  
6 *person shall be removed from the retailer's premises by the*  
7 *authorized person.*

8 (3) No alcoholic beverages may be sold at the instructional  
9 event, except that orders for the sale of wine may be accepted by  
10 the winegrower if the sales transaction is completed at the  
11 winegrower's premises.

12 (b) Notwithstanding any other provision of this division, a  
13 winegrower, California winegrower's agent, or wine importer, in  
14 advance of an instructional event for consumers being held at a  
15 retailer's premises, may list in an advertisement the name and  
16 address of the retailer, the names of the wines being featured at  
17 the instructional event, and the time, date, and location of, and  
18 other information about, the instructional event, provided:

19 (1) The advertisement does not also contain the retail price of  
20 the wines.

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

26 (c) Notwithstanding any other provision of this division, the  
27 name and address of a winegrower, wine importer, or winegrower's  
28 agent licensee, the brand names of wine being featured, and the  
29 time, date, location, and other identifying information of a wine  
30 promotional lecture at retail premises may be listed in advance of  
31 the event in an advertisement of the off-sale or on-sale retail  
32 licensee.

33 (d) Nothing in this section authorizes a winegrower, wine  
34 importer, or winegrower's agent licensee to share in the costs, if  
35 any, of the retailer licensee's advertisement.

36 (e) Nothing in this section authorizes any person to consume  
37 any alcoholic beverage on any premises licensed with an off-sale  
38 retail license.

39 *SEC. 2. No reimbursement is required by this act pursuant to*  
40 *Section 6 of Article XIII B of the California Constitution because*

1 *the only costs that may be incurred by a local agency or school*  
2 *district will be incurred because this act creates a new crime or*  
3 *infraction, eliminates a crime or infraction, or changes the penalty*  
4 *for a crime or infraction, within the meaning of Section 17556 of*  
5 *the Government Code, or changes the definition of a crime within*  
6 *the meaning of Section 6 of Article XIII B of the California*  
7 *Constitution.*

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