

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2229**

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**Introduced by Assembly Member Williams**

February 24, 2012

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An act to amend Section 23363.1 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2229, as amended, Williams. Alcoholic beverages: distilled spirits: tastings.

The Alcoholic Beverage Control Act authorizes a licensed distilled spirits manufacturer to conduct tastings of distilled spirits produced or bottled by, or produced or bottled for, the licensee, on the licensed premises, under specified conditions. The act provides that a violation of its provisions is a misdemeanor, unless otherwise specified.

This bill would authorize licensed distilled spirits manufacturers to charge consumers for tastings and would impose additional conditions on the provision of tastings by the licensee. Because the violation of a provision of a license is punishable as a misdemeanor, the bill expands the definition of an existing crime, thereby creating 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: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 23363.1 of the Business and Professions  
 2 Code is amended to read:  
 3 23363.1. (a) A distilled spirits manufacturer’s license  
 4 authorizes the licensee to conduct tastings of distilled spirits  
 5 produced or bottled by, or produced or bottled for, the licensee,  
 6 on or off the licensee’s premises. ~~Distilled~~  
 7 (b) (1) *Distilled* spirits tastings may be conducted by the  
 8 licensee off the licensee’s premises only for an event sponsored  
 9 by a nonprofit organization and only if persons attending the event  
 10 are affiliated with the sponsor. No distilled spirits shall be sold or  
 11 solicited for sale in that portion of the premises where the distilled  
 12 spirits tasting is being conducted. *The sponsoring organization*  
 13 *shall first obtain a permit from the department.*  
 14 ~~(b) Notwithstanding Section 25600, the licensee may conduct~~  
 15 ~~distilled spirits tastings pursuant to this section with or without~~  
 16 ~~charge.~~  
 17 ~~(c) For purposes of this section:~~  
 18 (2) *For purposes of this subdivision:*  
 19 (1)  
 20 (A) “Affiliated with the sponsor” means directors, officers,  
 21 members, employees, and volunteers of bona fide charitable,  
 22 fraternal, political, religious, trade, service, or similar nonprofit  
 23 organizations and their invited guests. Persons “affiliated with the  
 24 sponsor” also includes up to three guests invited by persons  
 25 described in this paragraph.  
 26 (2)  
 27 (B) “Nonprofit organization” does not include any community  
 28 college or other institution of higher learning, as defined in the  
 29 Education Code, nor does it include any officially recognized club,  
 30 fraternity, or sorority, whether or not that entity is located on or  
 31 off the institution’s campus.  
 32 ~~(c) The sponsoring organization shall first obtain a permit from~~  
 33 ~~the department.~~  
 34 ~~(d)~~  
 35 (c) Tastings conducted ~~pursuant to this section~~ *on the licensee’s*  
 36 *premises* shall be subject to the following conditions:  
 37 (1) Tastings of distilled spirits shall not exceed one-fourth of  
 38 one ounce and shall be limited to ~~the products that are authorized~~

1 ~~to be sold by the licensee no more than three tastes per individual~~  
2 ~~per day.~~

3 (2) ~~Tastings shall only include the products that are authorized~~  
4 ~~to be sold by the licensee.~~

5 ~~(2)~~

6 (3) ~~A person under 21 years of age shall not serve tastes of~~  
7 ~~distilled spirits at the tasting event.~~

8 ~~(3) All tastes shall be served by an employee of the licensee,~~  
9 ~~the designated representative of the licensee, or by an employee~~  
10 ~~of the designated representative of the licensee.~~

11 ~~(4) A licensee, or a designated representative of a licensee, shall~~  
12 ~~supply the distilled spirits to be tasted during the tasting event.~~

13 ~~(5) Any unused distilled spirits remaining from the tasting shall~~  
14 ~~be removed from the tasting premises by the licensee or its~~  
15 ~~designated representative.~~

16 (d) ~~Notwithstanding Section 25600, the licensee may provide~~  
17 ~~distilled spirits without charge for any tastings conducted pursuant~~  
18 ~~to this section. The licensee may charge for tastings conducted by~~  
19 ~~the licensee on its licensed premises.~~

20 (e) ~~The department may adopt rules and regulations as it~~  
21 ~~determines to be necessary for the administration of this section.~~

22 SEC. 2. ~~No reimbursement is required by this act pursuant to~~  
23 ~~Section 6 of Article XIII B of the California Constitution because~~  
24 ~~the only costs that may be incurred by a local agency or school~~  
25 ~~district will be incurred because this act creates a new crime or~~  
26 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
27 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
28 ~~the Government Code, or changes the definition of a crime within~~  
29 ~~the meaning of Section 6 of Article XIII B of the California~~  
30 ~~Constitution.~~