

AMENDED IN ASSEMBLY APRIL 17, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 933

Introduced by Assembly Members Skinner and Hall

February 22, 2013

An act to amend Section 23363.1 of, *and to add Section 23363.3 to*, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 933, as amended, Skinner. Distilled spirits manufacturers: licenses: tastings.

Existing law, 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. Existing law generally prohibits a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler from, among other things, giving or lending any money or other thing of value, directly or indirectly, to any person engaged in operating, owning, or maintaining any off-sale licensed premises. Existing law excepts from this prohibition the listing of names, addresses, telephone numbers, and e-mail addresses, among other things, if specified conditions are met. Existing law provides that a violation of the act is a misdemeanor unless otherwise specified.

This bill would revise the conditions upon which a distilled spirits manufacturer may conduct tastings, authorize a licensed distilled spirits manufacturer to charge consumers for tastings on its licensed premises, and would impose additional conditions on the provision of tastings by the licensee on the licensed premises. The bill would include in these

conditions that tastings of distilled spirits not exceed an unspecified amount and be limited to an unspecified number of tastes to be provided to an individual per day. The bill would permit a distilled spirits manufacturer, under specified conditions, for tastings conducted at a licensee’s premises, to display or provide to individuals a listing of the names, addresses, telephone numbers, e-mail addresses, or Internet Web site addresses, of two or more unaffiliated off-sale retailers selling their products. ~~By~~

The bill would also extend the authorization to conduct tastings, as described above, to brandy manufacturers.

By expanding the definition of a crime, this 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: 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.
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. A distilled spirits manufacturer shall
10 not sell or solicit sales of distilled spirits at such event. The
11 sponsoring organization shall first obtain a permit form the
12 department.
13 (2) For purposes of this subdivision, “nonprofit organization”
14 does not include any community college or other institution of
15 higher learning, as defined in the Education Code, nor does it
16 include any officially recognized club, fraternity, or sorority,
17 whether or not that entity is located on or off the institution’s
18 campus.

1 (c) Tastings on the licensee’s premises shall be subject to the
2 following conditions:

3 (1) Tastings of distilled spirits shall not exceed ____ and shall
4 be limited to no more than ____ tastes per individual per day.

5 (2) Tastings shall only include the products that are authorized
6 to be sold by the licensee.

7 (3) A person under 21 years of age shall not serve tastes of
8 distilled spirits.

9 (d) Notwithstanding Section 25600, the licensee may provide
10 distilled spirits without charge for any tastings conducted pursuant
11 to this section. The licensee may charge for tastings conducted by
12 the licensee on its licensed premises.

13 (e) Notwithstanding Section 25500, for tastings conducted at a
14 licensee’s premises, a distilled spirits manufacturer may display
15 or provide to individuals a listing of the names, addresses,
16 telephone numbers, e-mail addresses, or Internet Web site
17 addresses, of two or more unaffiliated off-sale retailers selling
18 their products. This action shall not constitute a thing of value or
19 prohibited inducement to the listed off-sale retailer, provided all
20 of the following conditions are met:

21 (1) The listing does not also contain the retail price of the
22 product.

23 (2) The listing is the only reference to the off-sale retailers
24 displayed or provided.

25 (3) The listing does not refer only to one off-sale retailer or only
26 to off-sale retail establishments controlled directly or indirectly
27 by the same off-sale retailer.

28 (4) The listing is made by, or produced by, or paid for,
29 exclusively by the distilled spirits manufacturer.

30 (f) The department may adopt rules and regulations as it
31 determines to be necessary for the administration of this section.

32 *SEC. 2. Section 23363.3 is added to the Business and*
33 *Professions Code, to read:*

34 *23363.3. (a) A brandy manufacturer’s license authorizes the*
35 *licensee to conduct tastings of brandy produced or bottled by, or*
36 *produced or bottled for, the licensee, on or off the licensee’s*
37 *premises.*

38 *(b) (1) A brandy manufacturer shall not sell or solicit sales of*
39 *brandy at the event. The sponsoring organization shall first obtain*
40 *a permit from the department.*

1 (2) For purposes of this subdivision, “nonprofit organization”
 2 does not include any community college or other institution of
 3 higher learning, as defined in the Education Code, nor does it
 4 include any officially recognized club, fraternity, or sorority,
 5 whether or not that entity is located on or off the institution’s
 6 campus.

7 (c) Tastings on the licensee’s premises shall be subject to the
 8 following conditions:

9 (1) Tastings of brandy shall not exceed ____ and shall be limited
 10 to no more than ____ tastes per individual per day.

11 (2) Tastings shall only include the products that are authorized
 12 to be sold by the licensee.

13 (3) A person under 21 years of age shall not serve tastes of
 14 brandy.

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

19 (e) Notwithstanding Section 25500, for tastings conducted at a
 20 licensee’s premises, a brandy manufacturer may display or provide
 21 to individuals a listing of the names, addresses, telephone numbers,
 22 e-mail addresses, or Internet Web site addresses of two or more
 23 unaffiliated off-sale retailers selling its products. This action shall
 24 not constitute a thing of value or prohibited inducement to the
 25 listed off-sale retailer, provided all of the following conditions are
 26 met:

27 (1) The listing does not also contain the retail price of the
 28 product.

29 (2) The listing is the only reference to the off-sale retailers
 30 displayed or provided.

31 (3) The listing does not refer only to one off-sale retailer or only
 32 to off-sale retail establishments controlled directly or indirectly
 33 by the same off-sale retailer.

34 (4) The listing is made by, or produced by, or paid for,
 35 exclusively by the brandy manufacturer.

36 (f) The department may adopt rules and regulations as it
 37 determines to be necessary for the administration of this section.

38 ~~SEC. 2.~~

39 SEC. 3. 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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