

AMENDED IN ASSEMBLY MAY 15, 2013

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~~ *a specified* amount and be limited to ~~an unspecified number of 4~~ 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.~~

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. The Legislature finds and declares that a tasting*
 2 *of distilled spirits or brandy is a presentation of samples of one*
 3 *or more distilled spirits or brandies, representing one or more*
 4 *distilled spirits or brandy manufacturers, to a group of consumers*
 5 *for the purpose of acquainting the tasters with the characteristics*
 6 *of the distilled spirits or brandy tasted.*

7 **SECTION 1.**

8 **SEC. 2.** Section 23363.1 of the Business and Professions Code
 9 is amended to read:

10 23363.1. (a) A distilled spirits manufacturer's license
 11 authorizes the licensee to conduct tastings of distilled spirits
 12 produced or bottled by, or produced or bottled for, the licensee,
 13 on or off the licensee's premises.

14 (b) (1) Distilled spirits tastings may be conducted by the
 15 licensee off the licensee's premises only for an event sponsored
 16 by a nonprofit organization. A distilled spirits manufacturer shall

1 not sell or solicit sales of distilled spirits at such event. The
2 sponsoring organization shall first obtain a permit ~~form~~ from the
3 department.

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

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

12 (1) Tastings of distilled spirits shall not exceed ~~_____~~ *one-fourth*
13 *of one ounce* and shall be limited to no more than ~~_____~~ *four* tastes
14 per individual per day.

15 (2) Tastings shall only include the products that are authorized
16 to be ~~sold by~~ *produced or bottled by or for* the licensee.

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

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

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

31 ~~(1) The listing does not also contain the retail price of the~~
32 ~~product.~~

33 ~~(2) The listing is the only reference to the off-sale retailers~~
34 ~~displayed or provided.~~

35 ~~(3) The listing does not refer only to one off-sale retailer or only~~
36 ~~to off-sale retail establishments controlled directly or indirectly~~
37 ~~by the same off-sale retailer.~~

38 ~~(4) The listing is made by, or produced by, or paid for,~~
39 ~~exclusively by the distilled spirits manufacturer.~~

1 ~~(f) The department may adopt rules and regulations as it~~
 2 ~~determines to be necessary for the administration of this section.~~
 3 ~~SEC. 2.~~
 4 ~~SEC. 3.~~ Section 23363.3 is added to the Business and
 5 Professions Code, to read:
 6 23363.3. (a) A brandy manufacturer’s license authorizes the
 7 licensee to conduct tastings of brandy produced or bottled by, or
 8 produced or bottled for, the licensee, on or off the licensee’s
 9 premises.
 10 (b) (1) A brandy manufacturer shall not sell or solicit sales of
 11 brandy at the event. The sponsoring organization shall first obtain
 12 a permit from the 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.
 19 (c) Tastings on the licensee’s premises shall be subject to the
 20 following conditions:
 21 (1) Tastings of brandy shall not exceed ~~_____~~ *one-fourth of one*
 22 *ounce* and shall be limited to no more than ~~_____~~ *four* tastes per
 23 individual per day.
 24 (2) Tastings shall only include the products that are authorized
 25 to be ~~sold by~~ *produced or bottled by or for* the licensee.
 26 (3) A person under 21 years of age shall not serve tastes of
 27 brandy.
 28 (d) Notwithstanding Section 25600, the licensee may provide
 29 brandy without charge for any tastings conducted pursuant to this
 30 section. The licensee may charge for tastings conducted by the
 31 licensee on its licensed premises.
 32 ~~(e) Notwithstanding Section 25500, for tastings conducted at a~~
 33 ~~licensee’s premises, a brandy manufacturer may display or provide~~
 34 ~~to individuals a listing of the names, addresses, telephone numbers,~~
 35 ~~e-mail addresses, or Internet Web site addresses of two or more~~
 36 ~~unaffiliated off-sale retailers selling its products. This action shall~~
 37 ~~not constitute a thing of value or prohibited inducement to the~~
 38 ~~listed off-sale retailer, provided all of the following conditions are~~
 39 ~~met:~~

1 ~~(1) The listing does not also contain the retail price of the~~
2 ~~product.~~

3 ~~(2) The listing is the only reference to the off-sale retailers~~
4 ~~displayed or provided.~~

5 ~~(3) The listing does not refer only to one off-sale retailer or only~~
6 ~~to off-sale retail establishments controlled directly or indirectly~~
7 ~~by the same off-sale retailer.~~

8 ~~(4) The listing is made by, or produced by, or paid for,~~
9 ~~exclusively by the brandy manufacturer.~~

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

12 ~~SEC. 3.~~

13 *SEC. 4.* No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

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24 **CORRECTIONS:**

25 **Text—Page 2.**

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