

ASSEMBLY BILL

No. 949

Introduced by Assembly Member Quirk

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 949, as introduced, Quirk. Distilled spirits manufacturers: licenses: tastings.

(1) 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, including limiting the size and number of tastes. The bill would provide that a distilled spirits manufacturer's license authorizes the licensee to serve and sell food, general merchandise, and nonalcoholic beverages for consumption on or off the premises. By expanding the definition of an existing crime, the bill would impose a state-mandated local program.

(2) 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 spirits tastings may be
7 conducted by the licensee off the licensee’s premises only for an
8 event sponsored by a nonprofit organization and only if persons
9 attending the event are affiliated with the sponsor. No distilled
10 spirits shall be sold or solicited for sale in that portion of the
11 premises where the distilled spirits tasting is being conducted.
12 Notwithstanding Section 25600, the licensee may provide distilled
13 spirits without charge for any tastings conducted pursuant to this
14 section.~~
15 (b) *Tastings conducted on the licensee’s premises shall be
16 subject to the following conditions:*
17 (1) *Any tastings offered onsite shall not exceed one-fourth of
18 one ounce and shall be limited to no more than three tastes per
19 individual per day.*
20 (2) *A person under 21 years of age shall not serve tastes of
21 distilled spirits.*
22 (3) *Tastings shall only include the products that are authorized
23 to be sold by the licensee.*
24 (c) *Notwithstanding Section 25600, the licensee may provide
25 distilled spirits without charge for any tastings or the licensee may
26 charge for tastings, conducted by the licensee on its licensed
27 premises.*
28 (d) *A distilled spirits manufacturer’s license authorizes the
29 licensee to serve and sell food, general merchandise, and
30 nonalcoholic beverages for consumption on or off the premises.*
31 (e) *Distilled spirits tastings may be conducted by the licensee
32 off the licensee’s premises only for an event sponsored by a
33 nonprofit organization and only if persons attending the event are
34 affiliated with the sponsor. No distilled spirits shall be sold or*

1 *solicited for sale in that portion of the premises where the distilled*
2 *spirits tasting is being conducted.*

3 ~~(b)~~

4 (f) For purposes of this section:

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

10 (2) “Affiliated with the sponsor” means directors, officers,
11 members, employees, and volunteers of bona fide charitable,
12 fraternal, political, religious, trade, service, or similar nonprofit
13 organizations and their invited guests. Persons “affiliated with the
14 sponsor” also includes up to three guests invited by persons
15 described in this paragraph.

16 ~~(e)~~

17 (g) The sponsoring organization shall first obtain a permit from
18 the department.

19 ~~(d)~~

20 (h) 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.