

ASSEMBLY BILL

No. 1233

**Introduced by Assembly Members Levine and Eggman
(Principal coauthor: Assembly Member Jones)
(Coauthors: Assembly Members Achadjian, Travis Allen, Bigelow,
Bloom, Chávez, Cooper, Dahle, Dodd, Gordon, Harper,
Maienschein, Nazarian, Patterson, Mark Stone, and Wood)
(Coauthors: Senators Hill and Wolk)**

February 27, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1233, as introduced, Levine. Distilled spirits manufacturers: licenses: sale on premises 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 additionally would permit the licensee to sell up to 3 bottles of product authorized to be produced or bottled by or for the licensee to each person at a tasting on the licensee's premises, as specified. 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 from 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.
19 (c) Tastings on the licensee’s premises shall be subject to the
20 following conditions:
21 (1) Tastings of distilled spirits shall not exceed one-fourth of
22 one ounce and shall be limited to no more than six tastes per
23 individual per day.
24 (2) Tastings shall only include the products that are authorized
25 to be produced or bottled by or for the licensee.
26 (3) A person under 21 years of age shall not serve tastes of
27 distilled spirits.
28 (4) Tastings of distilled spirits shall not be given in the form of
29 a cocktail or a mixed drink.
30 (d) Notwithstanding Section 25600, the licensee may provide
31 distilled spirits without charge for any tastings conducted pursuant
32 to this section. The licensee may charge for tastings conducted by
33 the licensee on its licensed premises.

1 *(e) The licensee may sell up to three bottles of product*
2 *authorized to be produced or bottled by or for the licensee to each*
3 *person at a tasting conducted on the licensee's premises pursuant*
4 *to subdivision (c).*

5 ~~(e)~~

6 *(f) This section shall not relieve the holder of a distilled spirits*
7 *manufacturer's license of any civil or criminal liability arising out*
8 *of a violation of Section 25602.*

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.