

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1233**

**Introduced by Assembly Members Levine and Eggman**

**(Principal coauthor: Assembly Member Jones)**

**(Coauthors: Assembly Members Achadjian, Travis Allen, Baker, Bigelow, Bloom, Bonta, Brough, Chávez, Cooper, Dahle, Daly, Dodd, Beth Gaines, Gallagher, Cristina Garcia, Gordon, Harper, Low, Maienschein, McCarty, Nazarian, Olsen, Patterson, Steinorth, Mark Stone, Waldron, Williams, and Wood)**

**(Coauthors: Senators Hill and Galgiani, Hancock, Hill, Vidak, Wieckowski, 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 amended, 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-no*.

*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.

1 (d) Notwithstanding Section 25600, the licensee may provide  
2 distilled spirits without charge for any tastings conducted pursuant  
3 to this section. The licensee may charge for tastings conducted by  
4 the licensee on its licensed premises.

5 (e) The licensee may sell up to three bottles of product  
6 authorized to be produced or bottled by or for the licensee to each  
7 person at a tasting conducted on the licensee’s premises pursuant  
8 to subdivision (c).

9 (f) This section shall not relieve the holder of a distilled spirits  
10 manufacturer’s license of any civil or criminal liability arising out  
11 of a violation of Section 25602.

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