

ASSEMBLY BILL

No. 2229

Introduced by Assembly Member Williams

February 24, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2229, as introduced, Williams. Alcoholic beverages: distilled spirits: 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 would authorize licensed distilled spirits manufacturers to charge consumers for tastings and would impose additional conditions on the provision of tastings by the licensee. Because the violation of a provision of a license is punishable as a misdemeanor, the bill expands the definition of an existing crime, thereby creating 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. 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~~

13 (b) ~~Notwithstanding~~ Section 25600, the licensee may ~~provide~~
14 ~~distilled spirits without charge for any tastings conducted~~ *conduct*
15 *distilled spirits tastings* pursuant to this section *with or without*
16 *charge*.

17 ~~(b)~~

18 (c) For purposes of this section:

19 (1) *“Affiliated with the sponsor” means directors, officers,*
20 *members, employees, and volunteers of bona fide charitable,*
21 *fraternal, political, religious, trade, service, or similar nonprofit*
22 *organizations and their invited guests. Persons “affiliated with*
23 *the sponsor” also includes up to three guests invited by persons*
24 *described in this paragraph.*

25 ~~(1)~~

26 (2) “Nonprofit organization” does not include any community
27 college or other institution of higher learning, as defined in the
28 Education Code, nor does it include any officially recognized club,
29 fraternity, or sorority, whether or not that entity is located on or
30 off the institution’s campus.

31 ~~(2) “Affiliated with the sponsor” means directors, officers,~~
32 ~~members, employees, and volunteers of bona fide charitable,~~
33 ~~fraternal, political, religious, trade, service, or similar nonprofit~~
34 ~~organizations and their invited guests. Persons “affiliated with the~~
35 ~~sponsor” also includes up to three guests invited by persons~~
36 ~~described in this paragraph.~~

37 (c) The sponsoring organization shall first obtain a permit from
38 the department.

1 (d) Tastings conducted pursuant to this section shall be subject
2 to the following conditions:

3 (1) Tastings of distilled spirits shall not exceed one-fourth of
4 one ounce and shall be limited to the products that are authorized
5 to be sold by the licensee.

6 (2) A person under 21 years of age shall not serve distilled
7 spirits at the tasting event.

8 (3) All tastes shall be served by an employee of the licensee, the
9 designated representative of the licensee, or by an employee of
10 the designated representative of the licensee.

11 (4) A licensee, or a designated representative of a licensee, shall
12 supply the distilled spirits to be tasted during the tasting event.

13 (5) Any unused distilled spirits remaining from the tasting shall
14 be removed from the tasting premises by the licensee or its
15 designated representative.

16 ~~(d)~~

17 (e) The department may adopt rules and regulations as it
18 determines to be necessary for the administration of this section.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.