

Title 4. Business Regulations
Division 1. Department of Alcoholic Beverage Control
Article 9. Samples
Section 53. Samples Used in Winetastings

Written statement explaining why the change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision per Title 1, Section 100(b)(3):

AB 323 (Evans, Chapter 131, Statutes of 2007) added Business and Professions Code Section 24045.18 to allow a beer and wine wholesaler licensee (Type 17) that also hold an off-sale beer and wine retail license (Type 20) and only sells wine to participate in charity winetastings. Rule 53 does not provide for this. This amendment updates the Rule to reflect this statutory change.

AB 623 (Williams, Chapter 292, Statutes of 2011) amended Business and Professions Code Section 24045.18 to allow the holder of a limited off-sale retail wine license to participate in charity winetastings. Rule 53 does not provide for this. This amendment updates the Rule to reflect this statutory change.

Rule 53, subdivision (a)(1)(A) duplicates Business and Professions Code Section 23356.1. Both the rule and the statute specify that a winegrower may conduct winetastings of wine produced by or bottled for the licensee. Both contain the exception to allow a winegrower to conduct tastings of wines not produced or bottled by the winegrower if the winegrower had done so prior to 1970. And, both contain the exception to allow a winegrower to conduct tastings of imported wines if the winegrower was licensed prior to 1954 and conducted such tastings prior to 1970.

Rule 53, subdivision (a)(1)(B) duplicates Business and Professions Code Section 23356.9 which authorizes a wine blender who was licensed on or before February 2, 1968 to conduct winetastings. Additionally, Business and Professions Code Section 23356.6 specifies unless otherwise provided for in the ABC Act, all provisions that apply to winegrowers apply to wine blenders. Under Section 23356.1, a winegrower may only conduct tastings of wine produced by or bottled for the winegrower.

Rule 53, subdivision (a)(1)(C) duplicates Business and Professions Code Section 23373(d) which authorizes a winegrower's agent to conduct winetastings.

This amendment would strike paragraphs (A), (B) and (C) as the statutes are sufficiently specific on how licensees may offer winetastings.

This amendment also makes a grammatical correction, corrects an incorrect authority citation, and adds Business and Professions Code Section 24045.18 as a reference citation.