



INDUSTRY ADVISORY

Beer Tasting at Farmers' Markets

Starting January 1, 2016, beer manufacturers that hold a Type 84 Certified Farmers' Market Beer Sales Permit may offer instructional tasting events to consumers, subject to several important restrictions. Business and Professions Code section 23399.45 was amended to add this new privilege by Assembly Bill 774. Existing off-sale privileges at farmers' markets are not affected by this amendment.

Summary of new farmers' market instructional tasting privilege

(Note: This is intended to be a summary only. Licensees are cautioned to review the new provisions in their entirety for a complete understanding of the privileges and restrictions of this new privilege.)

- The licensee may provide a maximum of eight ounces (8 oz.) of beer per individual per day. The instructional tasting may be served by either individual tastes or with a single service.
- Only one (1) licensee may conduct an instructional tasting event at any one certified farmers' market. If more than one beer manufacturer engages in tasting activities, all of them may be subject to disciplinary action.
- The instructional tasting event area shall be separated from the remainder of the market by a wall, rope, cable, cord, chain, fence, or other permanent or temporary barrier.
- The licensee shall not permit any consumer to leave the instructional tasting area with an open container of beer.
- Each farmers' market manager has managerial control over the tasting activities, including the authority to decide whether beer tasting is permitted at its farmers' market and, if so, which licensee may exercise the instructional tasting privilege. If a licensee engages in sales or tasting of beer without the authorization of the farmers' market manager, their license may be subject to disciplinary action.
- If a licensee already holds a Type 84 permit, no additional permit or authorization is required from the Department to exercise this new privilege.