

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Blanca Rubio, Chair

AB 1991 (Aguiar-Curry) – As Amended March 9, 2026

**SUBJECT:** Alcoholic beverages: market research study: taste testing

**SUMMARY:** This bill would authorize a licensed winegrower, licensed beer manufacturer, licensed distilled spirits manufacturer, licensed craft distiller, licensed brandy manufacturer, licensed rectifier, or licensed wine rectifier to furnish tastes of alcoholic beverages as part of a bona fide market research study undertaken by or for the licensee for the sole purpose of measuring consumer perceptions with respect to the sensory characteristics of the alcoholic beverages. A taste testing participant must be over 21 years of age and is encouraged to taste only enough of the alcoholic beverage product to formulate an opinion. **Specifically, this bill:**

- 1) Provides a licensed winegrower, licensed beer manufacturer, licensed distilled spirits manufacturer, licensed craft distiller, licensed brandy manufacturer, licensed rectifier, or licensed wine rectifier (designated licensees) may furnish tastes of alcoholic beverages as part of a bona fide market research study undertaken by or for the winegrower, beer manufacturer, distilled spirits manufacturer, craft distiller, brandy manufacturer, rectifier, or wine rectifier for the sole purpose of measuring consumer perceptions with respect to the sensory characteristics of the alcoholic beverages.
- 2) Provides the taste testing may be conducted in the state, subject to the following conditions:
  - a) The designated licensees shall strictly adhere to all state, federal, and local statutory and regulatory provisions that apply to furnishing or consumption of an alcoholic beverage.
  - b) Only a responsible person qualified by appropriate training shall be employed to administer or assist with the taste testing.
- 3) States a responsible person, including an interviewer, shall be over 21 years of age.
- 4) Provides a taste testing participant shall be both of the following:
  - a) Over 21 years of age.
  - b) Encouraged to taste only enough alcoholic beverage product to formulate an opinion.
- 5) Provides the designated licensees shall not give inducement or compensation, other than monetary, to a consumer for participation in the taste testing.
- 6) Provides with the exception of the winegrower's, beer manufacturer's, distilled spirits manufacturer's, craft distiller's, brandy manufacturer's, rectifier's or wine rectifier's licensed premises, the designated licensees shall not conduct a taste testing in or about any location licensed by the Department of Alcoholic Beverage Control (ABC or department), or at any location that could be reasonably construed as being associated with a licensed premises.
- 7) Provides the taste testing shall not be used as a means or subterfuge for furnishing to consumers alcoholic beverage samples prohibited by this bill and the ABC's rules. Further any

data, analyses, or conclusions related to the taste testing shall not be used in connection with any advertising or promotional activity.

8) Defines “Appropriate training” to mean the Responsible Beverage Service (RBS) training course, as defined.

9) Defines “Responsible persons” as individuals certified under an RBS training program, as described.

#### **EXISTING LAW:**

1) Establishes the Alcoholic Beverage Control Act (Act) and grants it exclusive authority to administer the provisions of the Act in accordance with laws enacted by the Legislature. This involves licensing individuals and businesses associated with the manufacture, importation, and sale of alcoholic beverages in this State and the collection of license fees.

2) Provides, under the Act, for the issuance of various alcoholic beverage licenses, including the imposition of fees, conditions, and restrictions in connection with the issuance of those licenses.

3) Separates the alcoholic beverage industry into three separate component parts, or tiers, of the manufacturer (including, breweries, and distilleries), wholesaler/distributor, and retailer. This is referred to as the “tied-house” law or “three-tier” system.

4) Prohibits an alcohol beverage licensee from giving a gift or “thing of value” in connection with the sale and distribution of alcoholic beverages, unless there is a statutory exception.

5) Provides licensed manufacturers and retailers, as defined, may offer free or paid samples, provided they hold the proper license and adhere to specified requirements. Daily limits apply (e.g., 8 ounces for beer; three samples for wine/spirits per person). Tastings are permitted on-site at wineries, breweries, or in designated, separated areas of retail stores. In some cases, tastings are limited in quantity and duration, and only authorized personnel may serve the alcoholic beverage.

**FISCAL EFFECT:** This bill is keyed fiscal by Legislative Counsel.

#### **COMMENTS:**

Purpose of the bill. According to the author, “California’s alcoholic beverage producers are known around the world for their quality and innovation, but right now, our laws don’t allow them to do basic consumer research like tastings to test consumer’s perception of sensory characterizes (like taste and smell). Sensory tastings are a common practice across the food and beverage industry and give producers valuable feedback to improve products and respond to changing consumer preferences. Alcoholic beverage producers were previously able to conduct these kinds of tastings under ABC guidance until 2009. This bill restores that ability in a transparent and consistent way. This bill simply creates a clear framework to allow these tastings for legitimate market research, ensuring that California businesses have the tools they need to stay competitive and continue leading in a global marketplace.”

What problem does this bill solve? According to information provided by the author's office. "Alcoholic beverage manufacturers in California are currently unable to conduct consumer tastings for research purposes. While certain instructional tastings are allowed, there is no clear authority for structured sensory evaluations designed strictly to measure consumer perceptions. Without the ability to conduct market research tastings, manufacturers lack access to important consumer feedback needed to improve existing products, develop new products, respond to changing consumer preferences, and maintain competitiveness in a national and global marketplace. This limitation places California manufacturers at a disadvantage compared to producers in other states where such research activities are permitted.

As mentioned above, prior to 2009, the ABC allowed alcoholic beverage manufacturers to conduct supplier-sponsored tastings for market research purposes. These activities enabled manufacturers to evaluate consumer responses to new or existing products in a structured and responsible setting. However, this guidance was rescinded due to the lack of authority from the legislature. California law permits alcohol tastings in certain instructional and limited promotional contexts. These tastings are generally tied to educational activities, retail settings, or other regulated environments. Market research tastings are a common tool across consumer product industries. In the alcoholic beverage sector, sensory evaluations can help manufacturers measure consumer perception of attributes like profile, aroma, balance, mouthfeel, and overall appeal. This data supports informed decision-making related to product innovation, refinement, and competitiveness."

### **Background.**

Under the bill, licensed winegrowers, beer manufacturers, distilled spirits manufacturers, craft distillers, brandy manufacturers, and rectifiers would be permitted to provide "tastes" of alcoholic beverages for market-research purposes. All participants must be at least 21 years old. The studies must constitute bona fide market research conducted solely to evaluate consumer perceptions of sensory attributes such as taste, aroma, and mouthfeel. Participants should be encouraged to sample only the amount necessary to form an opinion, rather than consuming full servings. Additionally, any data, analyses, or conclusions generated from the tastings may not be used for advertising or promotional activities.

Tied-House Laws/Three-Tier System. Existing law, known as the "tied-house" law or "three-tier" system, separates the alcoholic beverage industry into three component parts: manufacturer/supplier (the first tier), wholesaler (the second tier), and retailer (the third tier). The original policy rationale for this body of law was to: (1) promote the state's interest in an orderly market; (2) prohibit the vertical integration and dominance by a single producer in the marketplace; (3) prohibit commercial bribery and to protect the public from predatory marketing practices; and (4) discourage and/or prevent the intemperate use of alcoholic beverages.

Allowances for alcohol tastings under the Act. California alcohol sampling laws allow certain licensed entities—such as manufacturers, wholesalers, and nonprofit organizations—to provide limited tastings to consumers in order to promote a product and/or brand. These tastings typically take place at on-sale retail locations (e.g., bars or restaurants) and must be sponsored by a supplier or brand, not the retailer. Only authorized licensees—such as manufacturers, winegrowers, importers, or their designated representatives—may conduct tastings. These representatives must often be properly trained. Strict limits apply to tastings. There are caps on the total amount a consumer may sample per day, as well as per-serving limits depending on the

type of alcohol (for example, approximately 1 ounce of wine or 1/4 ounce of distilled spirits). Tastings must be for the purpose of educating consumers about the product's nature, quality, and characteristics.

California law also allows licensed alcohol producers—wineries, breweries, and craft distilleries—to offer on-site tastings at their place of production (licensed premises). These tastings can be free or for a fee, but they must be conducted by the licensee or their agent. Strict age verification is mandatory, and sales are regulated by specific privileges for each license type.

What is the RBS Training Program? AB 1221 (Gonzalez Fletcher, Statutes of 2017) created the Responsible Beverage Service Training Program Act with the intention of reducing alcohol-related harm to local communities. The bill required ABC to create the RBS Training Program to ensure on-premises servers of alcoholic beverages and their managers are educated on the dangers of serving alcohol to minors and over-serving patrons. Approximately 56,000 ABC licensees have on-premises alcohol sales privileges, which means alcohol can be consumed on site. On-premises locations include, but are not limited to, bars, restaurants, tasting rooms, clubs, stadiums, movie theaters, hotels, and caterers. RBS server certifications are valid for three years.

In support. The Wine Institute writes, “This bill would allow an alcohol beverage manufacturer to conduct sensory tastings of alcoholic beverages as part of a bona fide market research study. These types of sensory tastings were allowed in the past with ABC guidance, but the department rescinded its guidance due to the lack of underlying statutory authority. This bill provides that authority. At a challenging time for alcohol beverage manufacturers, the industry is seeking new ways to reach and engage with legal alcohol beverage customers. These market research tastings allow them to hear firsthand what appeals to potential customers at a sensory level and develop products that they would find appealing.”

The Distilled Spirits Council of the United States writes, “Tastings are a critical tool that allows manufacturers to evaluate consumer perceptions related to flavor, aroma, balance, and overall product experience. Importantly, the bill establishes guardrails to ensure tastings are conducted in a structured setting and solely for research. At a time when alcohol beverage manufacturers are navigating evolving preferences, this measure offers a practical pathway to better understand and respond to consumer demand.”

Related legislation. SB 1273 (Cabaldon) of 2025. This bill would expand on current provisions in the Act related to advertisements by a winegrower, winegrower's agent, or wine importer for instructional events for consumers held at a retailer's premises by allowing that advertisement to contain videos that are up to 60 seconds long. (Senate Committee on Appropriations)

Prior legislation. AB 445 (Aguiar-Curry), Chapter 153, Statutes of 2025. Extended a sunset (January 1, 2029), which was set to expire on January 1, 2026, that allows beer manufacturers to provide free branded glassware to on-sale retailers, as specified.

AB 89 (Committee on Governmental Organization), Chapter 306, Statutes of 2021. Added distilled spirits wholesalers to the list of licensees that a retailer is not required to purchase or sell alcoholic beverages from when selling marketing data to that wholesaler.

AB 2452 (Aguiar-Curry), Chapter 705, Statutes of 2018. Revised various advertising prohibitions for alcohol licensees when conducting instructional events at a retailer's location, to, among other things, allow for pictures, illustrations, and depictions of the retailer's premises.

AB 1891 (Levine), Chapter 273, Statutes of 2018. Added craft distillers to the list of licenses authorized to: 1) conduct an instructional tasting event at an off-sale retailer's premises; and 2) instruct consumers at on-sale retail licensed premises on the history, nature, values, and characteristics of their distilled spirits.

AB 774 (Levine), Chapter 107, Statutes of 2015. Provides that a certified farmers' market beer sales permit shall also authorize an instructional tasting event on the subject of beer at a certified farmers' market, including any permitted community event area adjacent to, and operated in conjunction with, a certified farmers' market, located within the county or an adjacent county of the physical location of the licensed beer manufacturer, under specified conditions.

SB 1101 (Wolk), Chapter 177, Statutes of 2010. Clarified that winemakers who participate in instructional events or "meet the winemaker dinners," held at a retailer's licensed premises for consumers, may offer minimal samples, no more than three one-ounce tastes, of wine from "bottles."

AB 605 (Portantino), Chapter 230, Statutes of 2010. Added new provisions to the Act authorizing the ABC to issue to the holder of an "off-sale" retail license an "instructional tasting license" for the purpose of furnishing tastings of alcoholic beverages to consumers, subject to certain limitations.

AB 2134 (Chesbro), Chapter 149, Statutes of 2010. Created a new tied-house exception in the Act that allows licensed brewers to conduct and participate in events called "Beer Maker Dinners" for consumers held at an on-sale retail licensed premise.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Anheuser-Busch Companies  
Distilled Spirits Council of the United States  
Insights Association  
Wine Institute

##### **Opposition**

None on file

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