

ASSEMBLY THIRD READING
AB 1991 (Aguiar-Curry)
As Amended March 9, 2026
Majority vote

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.

Major Provisions

- 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.

COMMENTS

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 Responsible Beverage Service (RBS) Training Program? AB 1221 (Gonzalez Fletcher) Chapter 847, 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.

According to the Author

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."

Arguments 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 [the Department of Alcoholic Beverage Control] (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."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Committee on Appropriations analysis, "Likely minor and absorbable costs to ABC in the first year of implementation, but costs of an unknown amount, potentially in excess of \$150,000, to ABC for enforcement in subsequent years (Alcohol Beverage Control Fund). This committee sees a wide array of bills that propose to modify the scope of alcohol laws. Generally, the majority of proposals do not generate significant new workload for ABC, but taken together, these proposals could lead to significant new costs and future budget requests. In this case, there are approximately 8,500 licensees eligible to furnish tastes of alcohol pursuant to this bill. ABC notes the fiscal impact in future years is largely unknown and may require a budget change proposal, dependent on how frequently licensees utilize the privilege, how many complaints ABC receives, and related enforcement needs."

VOTES

ASM GOVERNMENTAL ORGANIZATION: 22-0-0

YES: Blanca Rubio, Davies, Alvarez, Berman, Bryan, Carrillo, Dixon, Fong, Gabriel, Gallagher, Gipson, Macedo, McKinnor, Nguyen, Pacheco, Ramos, Michelle Rodriguez, Solache, Soria, Ta, Valencia, Wallis

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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