
SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

Senator Susan Rubio

Chair

2025 - 2026 Regular

Bill No: AB 1991 **Hearing Date:** 6/23/2026
Author: Aguiar-Curry
Version: 6/16/2026 Amended
Urgency: No **Fiscal:** Yes
Consultant: Felipe Lopez

SUBJECT: Alcoholic beverages: market research study: taste testing

DIGEST: This bill authorizes specified alcohol licensees 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, as specified.

ANALYSIS:

Existing law:

- 1) Establishes the Department of Alcoholic Beverage Control (ABC) and grants it exclusive authority to administer the provisions of the ABC 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 and the collection of license fees for this purpose.
- 2) Provides, under the ABC 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 alcoholic 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) Authorizes licensed manufacturers and retailers to offer free or paid samples, provided they hold the proper license and adhere to specified requirements, including tasting limits. 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 alcoholic beverages.
- 6) Establishes the Responsible Beverage Service (RBS) Training Program that requires the Department of ABC to develop, implement, and administer a curriculum for servers of alcohol and their managers, as specified. Alcohol servers are required to successfully complete an RBS training course offered or authorized by the Department of ABC.

This bill:

- 1) Authorizes 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 for the sole purpose of measuring consumer perceptions with respect to the sensory characteristics of the alcoholic beverages.
- 2) Provides that the tasting may be conducted, subject to all of the following:
 - a) The licensee 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 an individual certified under the RBS training program shall be employed to administer or assist with the taste testing.
- 3) Requires that a taste testing participant shall only be encouraged to taste only enough alcoholic beverage products to formulate an opinion.
- 4) Prohibits a licensee from giving an inducement or compensation, other than monetary, to a consumer for participation in the taste testing. The monetary payment for any bona fide market research study shall not exceed \$500 per participant and all participants are required to receive the same uniform payment.
- 5) Prohibits the licensee from allowing the same person to participate in more than three of the licensee's taste tests per year.

- 6) Prohibits alcoholic beverages that are evaluated during a bona fide market research study from being sold on the same day as the bona fide market study to any participant in the bona fide market research study.
- 7) Prohibits a person who holds a wholesaler or retail license, or ownership interest in the winegrower, beer manufacturer, distilled spirits manufacturer, craft distiller, brandy manufacturer, rectifier, or wine rectifier from participating in a taste testing.
- 8) 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 ABC, or at any location that could be reasonably construed as being associated with a licensed premises.
- 9) Prohibits the taste testing from being used as a means or subterfuge for furnishing to consumers alcoholic beverage samples prohibited by this bill or the Department of ABC's rules.
- 10) Prohibits data, analyses, or conclusions related to the taste testing from being used in connection with any advertising or promotional activity.
- 11) Requires the licensee to maintain records of all market research taste tests for a minimum of three years.

Background

Author Statement. According to the author's office, "California's alcoholic beverages 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 consumers' perception of sensory characteristics (like taste and smell). Sensory tastings are common practice across the food and beverage industry and give producers valuable feedback to improve products and respond to changing consumer preferences. Alcoholic beverages producers were previously able to conduct these kinds of tastings under the Department of ABC's guidance until 2009. This bill restores that ability in a transparent and consistent way. AB 1991 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."

Previous Authorization. Prior to 2009, the Department of ABC allowed alcoholic beverage manufacturers to conduct supplier-sponsored tastings for market research purposes. It should be noted that the previous authorization prohibited market research studies from being conducted at any location licensed by the Department of ABC or any location that could reasonably be construed as associated with a licensed premises. That authorization further required that the identity of the manufacturer not be disclosed to participants and that test samples not be identified by brand or manufacturer.

While this bill does not incorporate those prohibitions, it includes several provisions designed to ensure that qualifying studies constitute bona fide market research. Notably, the bill was recently amended to prohibit participation by any person holding a wholesale or retail license or any person with an ownership interest in a wholesale or retail license. This targeted restriction is intended to safeguard the integrity of the three-tier system and prevent retailers and distributors from being improperly influenced to purchase a licensee's brands.

These previously authorized activities allowed manufacturers to evaluate consumer responses to new and existing products in a structured and controlled setting. However, the underlying guidance was ultimately rescinded by the Department of ABC due to the absence of express legislative authority. Under current law, alcohol tastings are permitted in certain instructional and limited promotional contexts, generally tied to educational activities, retail settings, or other regulated environments. Market research tastings, by contrast, are a well-established tool across consumer product industries. In the alcoholic beverage sector, sensory evaluations enable manufacturers to measure consumer perception of attributes such as flavor profile, aroma, balance, mouthfeel, and overall appeal. The data gathered through these evaluations are designed to support informed decision-making in the areas of product innovation, refinement, and market competitiveness.

Under the bill, licensed winegrowers, beer manufacturers, distilled spirits manufacturers, craft distillers, brandy manufacturers, and rectifiers would be authorized to provide tastes of alcoholic beverages for market research purposes. All participants would be required to be over 21 years of age. Qualifying studies must constitute bona fide market research conducted solely to evaluate consumer perceptions of sensory attributes, including taste, aroma, and mouthfeel. Participants are to be encouraged to sample only the amount necessary to form an informed opinion, rather than consuming full servings. Finally, any data, analyses, or conclusions derived from such tastings may not be used for advertising or promotional purposes.

Among other changes, recent amendments established a \$500 cap on monetary compensation that may be provided to participants and require licensees to maintain records of all market research taste tests for a minimum of three years.

Responsible Beverage Service Training. AB 1221 (Gonzalez, Chapter 847, Statutes of 2017) created the RBS Training Program Act with the intention of reducing alcohol-related harm to local communities. The bill requires the Department of 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.

Anyone that is employed at an ABC on-premises licensed establishment who is responsible for checking identifications, taking customer orders, and pouring or delivering alcoholic beverages must have a valid RBS certification from the Department of ABC. Servers and their managers must register in the RBS Portal, take RBS training from an approved training provider, and pass the department's RBS exam within 60 days of their first date of employment. Courses are typically offered online, in multiple languages, and cover topics like how alcohol affects the body, state laws and liability, checking IDs and spotting fake IDs, and techniques to prevent service to minors or intoxicated customers. RBS certification is valid for three years.

On-premises locations include, but are not limited to, bars, restaurants, tasting rooms, clubs, stadiums, movie theaters, hotels, and caterers. Covered licensees are required to maintain records of their various certifications, and violators are subject to unspecified "disciplinary action." The RBS training is currently available in several different languages.

Committee Amendments. The committee may wish to amend the bill with the following four amendments.

Amendment 1. The bill currently requires both the testing participant and the interviewer to be *over* the age of 21. For consistency purposes with the ABC Act, the committee may wish to amend the bill to instead require both the testing participants and the interviewer to be *at least* 21 years of age.

Amendment 2. The bill currently provides that the taste testing participant shall only be encouraged to taste enough alcoholic beverage products to formulate an opinion. To protect against overconsumption the committee may wish to amend the bill to instead make it clear that a participant "shall not be provided more taste samples than is reasonably necessary to formulate an opinion related to the sensory characteristics of an alcoholic beverage."

Amendment 3. While recent amendments prohibit a person who holds a wholesaler or retail license from participating in the market research study, the amendments did not prohibit an employee or agent of those licensees from participating. The committee may wish to amend the bill to clarify that an employee or agent of a wholesaler or retailer shall not be included or participate in a bona fide market research study.

Amendment 4. To provide the Legislature with an opportunity to review this new authorization and ensure that it is working as intended, the committee may wish to add a five-year sunset date of January 1, 2032.

Prior/Related Legislation

SB 917 (Laird, 2026) increases, among other things, the number of licensees allowed to conduct instructional tastings from one to three licensees at a certified farmers' market. (Pending in the Assembly Governmental Organization Committee)

SB 1273 (Cabaldon, 2025) revises various advertising prohibitions for specified alcohol licensees when conducting instructional tastings events at a retailer's location, to, among other things, to include videos of up to 60 seconds and removes the requirement that the specified information and any pictures, illustrations, or depictions in the advertisement be relatively inconspicuous in relation to the advertisement as a whole. (Pending in the Assembly Governmental Organization Committee)

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) adds craft distillers to the list of licenses authorized to conduct an instructional tasting event at an off-sale retailer's premises and 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 ABC Act authorizing the Department of 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

Wine Institute (Source)
Anheuser-Busch Companies
Distilled Spirits Council of the United States
Family Winemakers of California
Insights Association
Napa Valley Vintners

OPPOSITION:

Alcohol Justice

ARGUMENTS IN SUPPORT: According to the Wine Institute, “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 Family Winemakers of California state, “our members represent small and growing wineries that rely on innovation, direct consumer engagement, and data-informed decision-making to remain competitive in an increasingly challenging marketplace. California’s wine industry continues to struggle amid dozens of local, global, and industry challenges threatening and causing the closure of family-owned wineries across the state. Expanding opportunities for winemakers to stay informed with consumers’ preferences is essential to support the industry amid this historic downturn. Sensory tasting to market research offers a responsible and controlled method for producers to evaluate product quality, refine offerings, and responds to evolving consumer tastes.”

ARGUMENTS IN OPPOSITION: According to Alcohol Justice, “we stress that there are no guidelines that would dissuade unethical practice. There is no statutory definition of ‘bona fide market research,’ including no restrictions on recruitment, no boundaries around remuneration, and no limits on the content and duration of the sessions. There is no opportunity for the Department of ABC to review research plans, and very limited ability for the department to exercise oversight absent sting operations. This lack of guardrails all but guarantee bad actors will use ‘market research’ as an opportunity to exert opportunity to exert heretofore proscribed influence over retailers, wholesalers, regulators, and legislators.”