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THIRD READING

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Bill No: AB 1991  
Author: Aguiar-Curry (D)  
Amended: 8/4/26 in Senate  
Vote: 21

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SENATE GOVERNMENTAL ORG. COMMITTEE: 13-0, 6/23/26

AYES: Rubio, Valladares, Archuleta, Ashby, Blakespear, Cervantes, Dahle,  
Hurtado, Ochoa Bogh, Padilla, Smallwood-Cuevas, Wahab, Weber Pierson

NO VOTE RECORDED: Alvarado-Gil, Richardson

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 73-0, 5/21/26 - See last page for vote

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

**SOURCE:** Wine Institute

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**DIGEST:** This bill authorizes, until January 1, 2032, 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.

*Senate Floor Amendments of 8/4/26 are technical and clarifying.*

**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) 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.
- 5) 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) Prohibits a taste testing participant from being provided more taste samples than is reasonably necessary to formulate an opinion relates to the sensory characteristics of an alcoholic beverage.
- 4) Prohibits a licensee from giving 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 a person who holds a wholesaler or retail license, is an employee or agent of a wholesaler or retailer, or has an ownership interest in a wholesaler or retail license from participating in a taste testing.
- 7) 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.
- 8) Requires the licensee to maintain records of all market research taste tests for a minimum of three years.
- 9) Includes a sunset date of January 1, 2032.

## **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 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.

### **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 Appropriations 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 on the Assembly Floor)

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:** (Verified 8/5/26)

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

**OPPOSITION:** (Verified 8/5/26)

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."

**ASSEMBLY FLOOR:** 73-0, 5/21/26

**AYES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas  
**NO VOTE RECORDED:** Arambula, Chen, Garcia, Hoover, Lackey, Ramos, Celeste Rodriguez

Prepared by: Felipe Lopez / G.O. / (916) 651-1530  
8/7/26 13:39:00

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