CONCURRENCE IN SENATE AMENDMENTS
AB 1991 (Aguiar-Curry)
As Amended August 4, 2026
Majority vote

SUMMARY

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 Amendments
1) Provide the monetary payment provided for any bona fide market research study shall not exceed $500 per participant, and all participants shall receive the same uniform payment. No person shall be permitted to participate in more than three taste tests conducted by the same licensee in any calendar year.

2) Prohibit a taste testing participant from being provided more taste samples than is reasonably necessary to formulate an opinion relating to the sensory characteristics of an alcoholic beverage.

3) Provide alcoholic beverages evaluated during a bona fide market research study pursuant to this measure shall not be sold on the same day as the bona fide market study to any participant in the bona fide market research study.

4) State the identity of the manufacturer and brands, including packaging, advertising, merchandising concepts, and logos, may be disclosed to participants as part of a bona fide market research study.

5) Require the licensee to maintain records of all market research taste tests for a minimum of three years.

6) Prohibit 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) Add a sunset date of January 1, 2032.

8) Make technical and clarifying changes.

COMMENTS

Background.

Prior to 2009, the Department of Alcoholic Beverage Control (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 However, this guidance was rescinded due to the lack of authority from the legislature.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.

Under this 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.

Additionally, several provisions in the bill are designed to ensure that qualifying studies constitute bona fide market research. Notably, the measure prohibits 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.

Among other changes, recent amendments established a $500 cap on monetary compensation that may be provided per participant, require licensees to maintain records of all market research taste tests for a minimum of three years, and added a January 1, 2032, sunset date.

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 one 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'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 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."

Arguments in Support
The Family Winemakers of California states, "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."

The Wine Institute notes, "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
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 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."

FISCAL COMMENTS

According to the Senate Committee on Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

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

ASSEMBLY FLOOR: 73-0-7
YES: 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
ABS, ABST OR NV: Arambula, Chen, Garcia, Hoover, Lackey, Ramos, Celeste Rodriguez

UPDATED

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