

Provided, however, that nothing in this section shall be construed to permit any person to violate any provision of the Alcoholic Beverage Control Act.

Added Stats 1955 ch 1801 § 3.

Editor's Notes—Stats 1955 ch 1801 § 4, which provided that §§ 23824 and 23399.1 and the amendment to § 23399 should remain in effect only to the ninety-first day after final adjournment of the 1957 Regular Session, was repealed by Stats 1957 ch 1149 § 1.

Cross References:

Alcoholic Beverage Control Act: B & P C §§ 23000 et seq.

Collateral References:

Cal. Legal Forms, (Matthew Bender) §§ 18.01[2], 18.200[1].

§ 23399.2. Authorization under special on-sale general license; Club permitted to operate premises under special license

Premises for which a special onsale general license is issued may be operated only as a club by an organization which meets all the requirements of Section 23037, or by an organization which meets all of such requirements except that it is operated for pecuniary gain, or its property is not owned by its members, or both.

Added Stats 1961 ch 1914 § 2.

Cross References:

Types of licenses and annual fees therefor: B & P C § 23320.
Transfer of special on-sale general license: B & P C § 24078.

Collateral References:

Cal. Legal Forms, (Matthew Bender) §§ 18.01[2], 18.21[1], 18.200[1].

§ 23399.3. On-sale special beer and wine license for hospitals, convalescent homes, and rest homes

(a) An on-sale special beer and wine license for hospitals, convalescent homes, and rest homes, authorizes the sale or service of beer and wine purchased from a licensed winegrower or beer and wine wholesaler only to patients or residents of the licensed hospital, convalescent home, or rest home. Such a license shall not be transferable from person to person and no off-sale privileges shall be exercised under such a license. Nothing in this section shall be construed to require a license for the service of beer and wine purchased at retail.

(b) As used in this section, “rest home” includes an apartment building, whether licensed or unlicensed, which rents exclusively to persons age 62 and older, and provides one to three meals daily for tenants.

Added Stats 1972 ch 1280 § 2. Amended Stats 1986 ch 701 § 1.

Amendments:

1986 Amendment: (1) Designated the former section to be subd (a); and (2) added subd (b).

Collateral References:

Cal. Legal Forms, (Matthew Bender) §§ 18.01[2], 18.200[1].

§ 23399.4. Certified farmers' market sales permit issued to licensed winegrower; Instructional tasting event

(a) A licensed winegrower may apply to the department for a certified farmers' market sales permit. A certified farmers' market sales permit shall authorize the licensee, a member of the licensee's family, or an employee of the licensee to sell wine at a certified farmers' market at any place in the state approved by the department. **The licensee may only sell wine that is produced entirely from grapes or other agricultural products grown by the winegrower and that is bottled by the winegrower.** In addition, the permit will allow an instructional tasting event by the licensee on the subject of wine at a certified farmers' market. **The permit may be issued for up to 12 months but shall not be valid for more than one day a week at any single specified certified farmers' market location.** A winegrower may hold more than one certified farmers' market sales permit. The department shall notify the city, county, or city and county and applicable law enforcement agency where the certified farmers' market is to be held of the issuance of the permit. A “certified farmers' market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code, and the regulations adopted pursuant thereto.

(b)(1) An instructional tasting event is subject to the authorization and managerial control of the operator of the certified farmers' market. The licensee, a member of the licensee's family, or an employee of the licensee may conduct an instructional tasting event for consumers on the subject of wine at a certified farmers' market.

(2)(A) At all times during an instructional tasting event, **the instructional tasting event area shall be separated from the remainder of the market by a wall, rope, cable, cord, chain, fence, or other permanent or temporary barrier.** Only one licensee may conduct an instructional tasting event during the operational hours of any one certified farmers' market.

(B) The licensee shall not permit any consumer to leave the instructional tasting area with an open container of wine.

(c) **The licensee shall not pour more than three ounces of wine per person per day.**

(d) The licensed winegrower eligible for the certified farmers' market sales permit shall not sell more than 5,000 gallons of wine annually pursuant to all certified farmers' market sales permits held by any single winegrower. The licensed winegrower shall report total certified farmers' market wine sales to the department on an annual basis. The report may be included within the annual report of production submitted to the department, or pursuant to any regulation as may be prescribed by the department.

(e) Except as otherwise provided in this division or by the rules of the department, no premium, gift, free goods, or other thing of value shall be given away by the licensee, a member of the licensee's family, or an employee of the licensee in connection with an instructional tasting event conducted pursuant to this section that includes tastings of wine.

(f) The fee for any permit issued pursuant to this section shall be fifty dollars (\$50), subject to adjustment pursuant to subdivisions (b) and (c) of Section 23320.

(g) All money collected as fees pursuant to this section shall be deposited in the Alcohol Beverage Control Fund as provided in Section 25761.

Added Stats 2000 ch 384 § 1 (AB 2520). Amended Stats 2001 ch 488 § 12 (AB 1298); Stats 2010 ch 296 § 5 (SB 1480), effective January 1, 2011; Stats 2014 ch 98 § 1 (AB 2488), effective July 8, 2014.

Amendments:

2001 Amendment: Substituted subd (c) for former subd (c) which read: "(c) The fee for any permit issued pursuant to this section shall be forty dollars (\$40)."

2010 Amendment: Substituted "subdivisions (c) and (d)" for "subdivisions (b) and (c)" in subd (c).

2014 Amendment: (1) Amended subd (a) by (a) substituting "licensed winegrower" for "licensee under a winegrower's license" in the first sentence; (b) deleting "produced and bottled by the winegrower entirely from grapes grown by the winegrower" after "to sell wine" in the second sentence; and (c) adding the third and fourth sentences; (2) added subds (b), (c), and (e); (3) redesignated former subds (b)–(d) to be subds (d), (f), and (g); and (4) substituted subd (f) for former subd (f) which read: "(f) The fee for any permit issued pursuant to this section shall be forty-four dollars (\$44) for permits issued during the 2002 calendar year, forty-seven dollars (\$47) for permits issued during the 2003 calendar year, fifty dollars (\$50) for permits issued during the 2004 calendar year, and for permits issued during the years thereafter, the annual fee shall be calculated pursuant to subdivisions (c) and (d) of Section 23320."

Collateral References:

Cal. Legal Forms, (Matthew Bender) §§ 18.01[2], 18.200[1].

§ 23399.45. Certified farmers' market beer sales permit; Requirements and restrictions

(a) For the purposes of this section:

(1) "Certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code.

(2) "Community event" means an event as defined by Section 113755 of the Health and Safety Code.

(b) A licensed beer manufacturer may apply to the department for a certified farmers' market beer sales permit. Subject to the requirements of Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code, and to the discretion and managerial control of a certified farmers' market or community event operator, respectively, a certified farmers' market beer sales permit shall authorize the licensee, a member of the licensee's family who is 21 years of age or older, or an employee of the licensee to sell packaged beer that has been manufactured by a beer manufacturer applying for the permit 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.

(c) Sales under the certified farmers' market beer sales permit shall only occur at a certified farmers' market or within a permitted community event area adjacent to, and operated in conjunction with, the certified farmers' market that is located within the same county or adjacent county of the location of the licensed beer manufacturer's manufacturing facility. The permit may be issued for up to 12 months but shall not be valid for more than one day a week at any single specified certified farmers' market or community event location. A beer manufacturer may hold more than one permit. The department shall notify the city, county, or city and county and the applicable law enforcement agency where the certified farmers' market or permitted community event is to be held of the issuance of the permit.

(d) The licensed beer manufacturer eligible for the certified farmers' market beer sales permit shall not sell more than 5,000 gallons of beer annually pursuant to all certified farmers' market beer sales permits held by any single beer manufacturer. The licensed beer manufacturer shall maintain records of annual beer sales made pursuant to all certified farmers' market beer sales permits issued.

(e) The fee for any permit issued pursuant to this section shall be fifty dollars (\$50), subject to adjustment pursuant to subdivisions (b) and (c) of Section 23320.