

Farmers Market Permit Information

Assembly Bill 2004 added Section 23399.45 to the Business and Professions Code, effective 01/01/15. This provision creates a new Certified Farmers' Market Beer Sales Permit, which has been designated as a Type 84.

The new permit will allow beer manufacturers (Types 01 and 23) to sell sealed containers of beer off-sale to consumers at certified farmers' markets. Each permit allows the permit-holder to exercise this privilege at a single certified farmers' market one day per week. However, a licensee may hold additional permits authorizing these activities at multiple certified farmers' markets. Permits may only be issued to licensees for certified farmers' markets held in the same county in which their manufacturing facility is located or the county adjacent to such location.

The privileges and restrictions of the Certified Farmers' Market Permit are as follows:

- Permit can only be issued at a specific address that is a certified farmers' market as defined by Chapter 10.5 of Division 17 of the Food and Agriculture Code.
- Permit can only be used one day per week at each certified farmers' market.
- Beer manufacturers can have more than one permit at different certified farmers' market locations.
- Permit may only be issued for a location within the same county of or adjacent county to the licensed beer manufacturing facility.
- Sales at certified farmers' market(s) are not to exceed 5,000 gallons of beer annually. Licensees shall maintain records of sales under this permit.
- No refilling of containers/growlers is permitted (pre-filled and sealed growlers may be sold).
- No tasting or samples of beer may be provided or sold by permit holders.
- Permits can only be issued to licensees who hold either a Type 01 or a Type 23.

Effective January 1, 2015, district offices should accept applications for the Certified Farmers' Market Beer Sales Permit in the same manner as other permits (e.g., caterers or duplicate permits). The only ABC form required for application is the [ABC-239](#).

Beer manufacturers will need to be approved by the farmers market to set up and attend. Issuance of the ABC permit does not in itself allow a beer manufacturer to attend a farmers market. Similar to getting placement at a licensed retailer, a brewery will need to seek approval by each individual farmers market to participate at that market. The CCBA recommends that you receive approval from the farmers market before applying for a permit.

This statute is different for beer manufacturers than it is for most wine makers. If all of the winemaker's ingredients are local, they are allowed to participate in the Certified Growers Market section of the

event. Because wine makers must be certified to show that they have used only locally grown ingredients they are required to obtain a Department of Agriculture Certified Producer Certificate. Beer manufacturers do not have all locally grown ingredients and therefore are not required to obtain this certificate. Because of this beer manufacturers are required to only sell beer in the community event area of the farmers' market (where prepared foods such as breads, cookies, jams, etc. are sold).

The only ABC form required for beer manufacturers is the [ABC-239](#).

Other local permits and requirements may also apply.

More information regarding AB 2004 can be found [here](#).

<http://www.cdfa.ca.gov/is/i & c/cfm.html>