

## Guidelines for Serving Beer/Wine at Private Events Held on the Brewery Premises

### Summary:

Section 23357 of the Business and Professions Code authorizes all licensed beer manufacturers to sell or serve all beer and wines, regardless of source, to guests during private events held on the licensed beer manufacturer's premises. This provision allows a type 23 or type 01 licensee to sell, or provide at no cost, beer or wine from other sources, as long as the beer or wine is purchased from a licensed wholesaler.

### Background

- This law went into effect January 1st, 2015 with the passage of AB 2004 (Chesbro). **AB 2004 was sponsored by the California Craft Brewers Association**
- Prior to the passage of AB 2004, a beer manufacturer without a bona fide eating establishment could only have beer on the licensed premise which was produced by or for the beer manufacturer. Other beer and wine was not allowed for any reason
- Beer manufacturers with an operating bona fide eating establishment may sell for on-site consumption beer and wine, regardless of source, at all times to the general public, within the eating establishment on the licensed premise

### Details:

- The alcoholic beverages sold or served at the premises that are not produced and bottled by the beer manufacturer **must be purchased from a licensed wholesaler (a type 17 licensee)**. Beer or wine cannot be purchased from a self-distributing brewery or winery.
- All alcoholic beverages sold or served must be produced by a licensee authorized to manufacture the product.
- A private party is an event which is not open to the public. The event cannot be advertised. Members of the public or customers at the brewery who are associated with or invited to the event may participate in the consumption of other beer or wine. It is recommended that the host or the brewery maintain a controlled access to the event to ensure that only guests of the private party are allowed to participate.
- You may conduct a private party on a portion of your licensed premise. You may conduct business that is open to the public concurrent to the private function. If that is the case, the private event should have clear differentiation and a controlled access point between any other area of the licensed premise which may be open to and available to the general public. This would include tours or visits open to the public or a

tasting room open to the public. There may not be any comingling between the private function and any area open to the public.

- You may charge a fee to host the private event
- Beer manufacturers with an operating bona fide eating establishment may sell for on-site consumption beer and wine, regardless of source, at all times to the general public, within the eating establishment on the licensed premise
- This law went into effect January 1<sup>st</sup>, 2015 with the passage of AB 2004 (Chesbro) and was sponsored by the CCBA

## **Code Section**

SECTION 1. Section 23357 of the Business and Professions Code is amended to read:

23357. (a) A licensed beer manufacturer may, at the licensed premises of production, sell to consumers for consumption off the premises beer that is produced and bottled by, or produced and packaged for, that manufacturer. Licensed beer manufacturers may also exercise any of the following privileges:

(d) A beer manufacturer may also have upon the licensed premises, or on premises owned by the manufacturer that are contiguous to the licensed premises and are operated by and for the manufacturer all beers and wines, regardless of source, for sale or service only to guests during private events or private functions not open to the general public. Alcoholic beverage products sold at the premises that are not produced and bottled by, or produced and packaged for, the beer manufacturer shall be purchased by the beer manufacturer only from a licensed wholesaler. All alcoholic beverages sold or served shall be produced by a licensee authorized to manufacture the product.