

### Overview:

In general, an Alcoholic Beverage License is needed in California when alcohol is sold (even indirectly) or alcohol is served where a member of the public can attend. This can include private events, even when alcohol is being given without charge to guests.

### FAQs:

#### 1. Does a private party require an ABC license?

It depends. In most circumstances, a private party will require an event license or require use of a caterer with its own ABC license to serve alcohol.

#### 2. When does a private party not require a license?

California Business & Professions Code Section 23399.1 explains when an alcoholic beverage license is not required. To be exempt, ALL of the following must be true:

- (1) There is no public admission once alcohol is served, consumed, or otherwise disposed of. In other words, this must be a private event or an event where entry is limited once the event begins. If anyone can come in off the street at any time and attend the event, it is not a private event that is exempt from license requirements.
- (2) There is no ticket or paid admission, or any sale of alcohol. At no point in time can money change hands to attend the event or to purchase alcohol, through any means. This includes tickets, wristbands, etc.
- (3) The event cannot be located at a site that is normally maintained for the purpose of keeping, serving, consuming, or otherwise disposing of alcoholic beverages. This includes bars, restaurants, etc.

#### 3. Is the location of the party important?

It could be. ABC is particularly sensitive to events close to schools and churches (see California Business & Professions code Section 25608, and the exceptions).

#### 4. Can a licensee serve alcohol at a private party?

Yes, but you would be liable to any penalties that would arise if the private party did not properly follow the rules about licensing or other ABC violations occur. The burden is **on you** to ensure that the private party does not permit public admission, has not collected funds for alcohol, and has organized at a site that does not normally require an ABC license. You should proceed with caution. You would also be required to ensure there is no alcohol service to individuals under 21 years of age and guests are not overserved.

#### 5. What else can a licensee provide to a private event besides beer?

You may provide tapping equipment (jockey box, etc.), business cards, flyers, and canopies. You may also provide merchandise, so long as you comply with consumer advertising specialty laws.

### Governing Law

In California, alcohol manufacturers are governed by the Alcoholic Beverage Control Act, also known as the ABC Act. This is a *permissive document*. That means that unless the laws specifically and explicitly allow for a particular action, it is illegal. In the same vein, anything that is simply not mentioned at all is also illegal.

### Questions?

If you have further questions or concerns regarding craft breweries or the ABC Act, feel free to contact us at:  
The Craft Beer Attorney, APC  
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