



INDUSTRY ADVISORY

Wine Sales Event Permit (Type 81)

Effective January 1, 2004, Section 23399.6 will be added to the Business and Professions Code and allow winegrowers to sell a prescribed amount of their bottled wine at specified events for consumption off the event premises.

The application procedure for licensed winegrowers (Type 02) to obtain this new permit consists of completing ABC Form 239 and submitting the annual payment of \$50.00. This permit will be issued on a fiscal year basis and must be renewed annually with the master winegrower's license.

To use the privileges of the wine sales event permit, approval from the ABC is required for each event. This approval is obtained through the submission of ABC Form 222, Wine Sales Event Authorization, to a local ABC office. There is no fee required for each event authorization; however the city and county where the event is being held must be notified.

Winegrowers are reminded that Section 23399.6 contains a number of requirements or limitations as summarized below:

- Applicant must hold an active winegrower's license.
- The permit authorizes the sale of bottled wine at festivals, state, county, district or citrus fruit fairs, and at civic or cultural celebrations and the event shall be sponsored by an organization that is exempt from taxation under Section 23701(a) of the Revenue and Taxation Code, including state designated fairs as specified in Section 19418 of the Revenue and Taxation Code, or exempt from taxation under Section 23701(b), 23701(d), 23701(e), 23701(k), 23701(l), 23701(r) or 23701(w) of the Revenue and Taxation Code.
- The sale of the wine shall not be the primary purpose of the event, and the sale shall be for consumption off the premises where sold. No winetasting is allowed under this permit.

- The permit shall be valid for a maximum of five consecutive days during the event period.
- A wine sales event permit may not be used more than two times a month at a particular location.
- At all events, a copy of the wine sales permit shall be maintained.
- A licensee holding a wine sales event permit may not sell more than 1,250 gallons of wine per event
- A licensee may not sell more than 5,000 gallons of wine annually pursuant to this permit.
- A licensee that is eligible to receive a certified farmers' market sales permit under Section 23399.4 and a wine sales event permit may not, under both permits collectively, sell more than a total of 5,000 gallons of wine annually.
- The licensee shall annually report to the department the total gallons of wine sold by that licensee under this permit.

Any questions concerning this advisory should be directed to the District Offices of the ABC. A listing of these offices can be obtained at the Department's web site: www.abc.ca.gov