



INDUSTRY ADVISORY (UPDATE)

Expanded Privileges for Winegrower Licensees

Note: This update amends the advisory posted in 2008 to reflect an amendment to Business and Professions Code Sections 23390 and 23396.5.

Recently enacted legislation (Assembly Bill 2004, Statutes 2008, effective January 1, 2009) amends several existing statutes related to the privileges of a winegrower's license.

The amended Business and Professions Code section 23358 expands a winegrower's (Type 02) license privileges by allowing the sale of wine to the general public for consumption on the master (or production) premises. A winegrower will be allowed to sell wine to patrons by-the-bottle or by-the-glass for consumption in approved, licensed areas.

Statute, regulation and policy related to off-sale privileges, wine tasting, private events and restaurant operations have not been materially affected by the legislative change. The right of the Department or a local governmental agency to restrict or limit privileges of certain licensees, in order to maintain compliance with the ABC Act or local ordinance, has not been diminished.

A winegrower who wishes to expand the boundaries of his or her master premises to exercise license privileges in a currently unlicensed area adjacent to the premises, such as a picnic area, garden or patio, must submit a request to the local ABC District Office for approval of such expansion.

Additionally, Assembly Bill 1470 (Statutes 2009, effective January 1, 2010) amended Section 23396.5 to allow a consumer to remove a partially consumed bottle of wine from the winegrower's premises.

Specific information related to Assembly Bill 2004 is available on the State Legislature's public website at www.leginfo.ca.gov.

If you have any questions regarding this advisory, please contact the Department's Trade Enforcement Unit at (916) 419-2500.