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AB-1308 Students in hotel management or culinary arts programs: tastings. (2019-2020)

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Assembly Bill No. 1308

CHAPTER 457

An act to amend Section 25668 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1308, Cunningham. Students in hotel management or culinary arts programs: tastings.

The Alcoholic Beverage Control Act provides that any person under 21 years of age who purchases any alcoholic beverage, who consumes any alcoholic beverage in any on-sale premises, or who possesses any alcoholic beverage on any street or highway or in any public place or any place open to the public is guilty of a misdemeanor. The Alcoholic Beverage Control Act provides that every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor.

Existing law allows a qualified student to taste an alcoholic beverage and exempts the student and the qualified academic institution in which the student is enrolled from criminal prosecution under the above-described provisions if, among other requirements, the qualified academic institution has established an associate's degree or bachelor's degree program in enology or brewing that is designed to train industry professionals in the production of wine or beer and the qualified student tastes the alcoholic beverage for educational purposes in a course required by the degree program.

This bill would additionally allow a qualified student to taste an alcoholic beverage and exempts the student and the qualified academic institution in which the student is enrolled from criminal prosecution if the qualified academic institution has established an associate's degree or bachelor's degree program in hotel management or culinary arts, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25668 of the Business and Professions Code is amended to read:

25668. (a) A qualified student may taste an alcoholic beverage, and both the student and the qualified academic institution in which the student is enrolled shall not be subject to criminal prosecution under subdivision (a) of Section 25658 and subdivision (a) of Section 25662, if all of the following criteria are met:

- (1) The qualified student tastes the alcoholic beverage while enrolled in a qualified academic institution.
- (2) The qualified academic institution has established an Associate's degree or Bachelor's degree program in any of the following:

(A) Hotel management.

(B) Culinary arts.

(C) Enology or brewing that is designed to train industry professionals in the production of wine or beer.

(3) The qualified student tastes the alcoholic beverage for educational purposes as part of the instruction in a course required for an Associate's degree or Bachelor's degree.

(4) The alcoholic beverage remains in the control of an authorized instructor of the qualified academic institution who is at least 21 years of age.

(b) Nothing in this section shall be construed to allow a student under 21 years of age to receive an alcoholic beverage unless it is delivered as part of the student's curriculum requirements.

(c) A license or permit is not required to be held by a qualified academic institution engaging in the activities authorized by this section, provided an extra fee or charge is not imposed for the alcoholic beverages tasted.

(d) For the purposes of this section, the following terms have the following meanings:

(1) "Qualified academic institution" means a public college or university accredited by a commission recognized by the United States Department of Education.

(2) "Qualified student" means a student enrolled in a qualified academic institution who is at least 18 years of age.

(3) "Taste" means to draw an alcoholic beverage into the mouth, but does not include swallowing or otherwise consuming the alcoholic beverage.