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**AB-2921 Alcoholic beverages.** (2021-2022)

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**Assembly Bill No. 2921**

**CHAPTER 294**

An act to amend Sections 23086 and 25503.24 of the Business and Professions Code, relating to alcoholic beverages.

[ Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2921, Santiago. Alcoholic beverages.

Existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses. Existing law prescribes a process pursuant to which an alcoholic beverage licensee may appeal a final determination of the department imposing a penalty assessment or affecting a license to the Alcoholic Beverage Control Appeals Board. In this regard, the board is required to enter its order within 60 days after the filing of an appeal.

This bill would instead require the Alcoholic Beverage Control Appeals Board to enter its order within 60 days after an appeal is submitted for decision.

Existing law permits a manufacturer, winegrower, rectifier, distiller, distilled spirits wholesaler, or any agent of those licensees to conduct market research. In this regard, existing law prohibits a retail premises from participating in more than one research project, as specified, during a calendar year and authorizes a research project to involve multiple onsite surveys.

This bill would make clarifying changes to these provisions, including specifying that surveys, as described above, are to gather feedback.

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

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

**SECTION 1.** Section 23086 of the Business and Professions Code is amended to read:

**23086.** In all cases, the board shall enter its order within 60 days after the appeal is submitted for decision.

**SEC. 2.** Section 25503.24 of the Business and Professions Code is amended to read:

**25503.24.** (a) Notwithstanding any other provision of this chapter, any manufacturer, winegrower, rectifier, distiller, distilled spirits wholesaler, or any officer, director, agent, or representative of any of those entities, may conduct market research and, in connection with that research, the entity conducting the market research may purchase from licensed off-sale retailers data

regarding purchases and sales of alcoholic beverage products at the market rates that those retailers sell similar data for nonalcoholic beverage products subject to the following limitations:

(1) A licensed retailer shall not be obligated to purchase or sell the alcoholic beverage products of that manufacturer, winegrower, rectifier, distiller, or distilled spirits wholesaler.

(2) A retail premises shall not participate in more than one research project conducted by any single manufacturer, winegrower, rectifier, distiller, or distilled spirits wholesaler during a calendar year. A research project may involve multiple onsite surveys to gather feedback.

(3) Nothing in this section shall allow a licensed retailer to require a manufacturer, winegrower, rectifier, distiller, or distilled spirits wholesaler to conduct any market research as a condition for selling alcoholic beverage products to that licensed retailer.

(b) Any holder of a beer manufacturer's license or winegrower's license who, through coercion or other illegal means, induces, directly or indirectly, a holder of a beer or wine wholesaler's license to fulfill obligations entered into pursuant to subdivision (a) shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding six months, or by a fine in an amount equal to the entire value of the market research or time involved in the project, whichever is greater, plus ten thousand dollars (\$10,000), or by both imprisonment and fine. The person shall also be subject to license revocation pursuant to Section 24200.

(c) Any retail licensee who, directly or indirectly, solicits or coerces a holder of a beer or wine wholesaler's license to solicit a beer manufacturer, or holder of a winegrower's license to fulfill obligations entered into pursuant to subdivision (a) shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding six months, or by a fine in an amount equal to the entire value of the market research or time involved in the project, whichever is greater, plus ten thousand dollars (\$10,000), or by both imprisonment and fine. The person shall also be subject to license revocation pursuant to Section 24200.

(d) For the purposes of this section, "beer manufacturer" includes any holder of a beer manufacturer's license, any holder of an out-of-state beer manufacturer's certificate, or any holder of a beer and wine importer's general license.