

## Type 86 Instructional Tasting License

Pursuant to Business and Professions Code section 23396.6, the California Department of Alcoholic Beverage Control ("ABC") "may issue to the holder of an off-sale retail license an instructional tasting license at the premises of the off-sale retail license."

A Type 86 Instructional Tasting License allows an off-sale license holder, such as the intended grocery use with the off-site sale of a full line of alcoholic beverages at this location, to permit a representative from an alcoholic beverage manufacturer to conduct tastings on the license holder's premises. However, the tastings are subject to restrictions pursuant to Business and Professions Code section 23396.6, which, of course, apply in this instance. The area in which the instructional tasting event is held "must be separated from the remainder of the off-sale licensed premises by a wall, rope, cable, cord, chain, fence, or other permanent or temporary barrier" and there must be prominent signage displayed prohibiting persons under 21 years of age from entering the instructional tasting event area. (Business and Professions Code section 23396.6(c)(1)(A)). No one under the age of 21 is permitted in the instructional tasting area and no one is allowed to leave the instructional tasting area with an open container of alcohol. (Business and Professions Code section 23396.6(c)(1)(B) and (c)(1)(C)). Additionally, no sale of alcoholic beverages for on-site consumption is permitted as part of these instructional tasting events and, unless otherwise restricted, "an instructional tasting event may take place between the hours of 10 a.m. and 9 p.m." (Business and Professions Code section 23396.6(c)(2) and (c)(3)).

Tasting events will not be held by the Type 21 ABC Licensee of this location, but instead, will be held by California-licensed alcohol manufacturers (such as winegrowers, beer brewers, or spirits distillers), importers or wholesalers. These events will include instruction on the history, nature, values, and/or characteristics of the alcoholic beverage(s) providing for instructional tasting. Samples will be limited to one (1) fluid ounce of beer or wine or 1/4 of one fluid ounce of distilled spirits per customer. Individual customers will be limited to a maximum of three (3) samples per event.

Again, a Type 86 Instructional Tasting License is not a license for on-site consumption. On the contrary, as noted above, the ABC Act specifically prohibits any sale of alcoholic beverages for those establishments who hold a general off-sale license as well as a Type 86 license. The Type 86 Instructional Tasting License is merely an accessory license that can only be obtained by applicants that hold an off-sale license.

Further details of the proposed tasting area, such as its proposed location within the store, are depicted in the floor plan.