

## Information for Non-Profits Requesting Wine and Beer For Events

Following information, provided by the Family Winemakers of California, is of interest to any recognized non-profit who want alcohol at their event, but should not be considered as legal advice.

### The Basic Rules

- Donations and sales of alcoholic beverages (i.e., wine) is governed by the ABC Act (Title 9 of the Business and Professions Code).
- A license issued by the ABC is required to sell alcohol.
- Non-profit organizations can accept donations of wine; but NOT ALL licensees are allowed to donate wine.
- Only winegrowers (Type 02 licensees) are authorized to assist the non-profit organization in conducting a wine tasting.
- Only winegrowers (Type 02 licensees) are permitted to take orders for later fulfillment at non-profit events, even at special “on- or off-sale wine license” events where Type 17 and 20 licensees (beer and wine wholesalers, and off-sale beer and wine retailers) can donate. (See Section 23356.1).

### License Types and Privileges

- Wineries (Type 02), importers (Type 09 and 10) MAY donate wine to non-profit groups.
- Beer and wine wholesalers (Type 17) and beer and wine wholesalers/off-sale beer and wine retailers (Type 17 and Type 20 combined) MAY NOT donate wine to non-profits unless the non-profit holds a license authorizing “a” or “any” licensee to donate to it (such as the special daily on- or off-sale wine license – the \$100 license – discussed below).
- Again, only Type 02 (wineries) may assist non-profit groups in conducting wine tastings.

### Permit Types Required of Non-Profits

Special Permits:	Fee	B&P Code	Valid for:
Non-profit TV (beer & wine)	\$100	24045.2	30 days; 1X per year
Women’s educ. & charitable	\$100	24045.3	1 day; 1X per year
Off-sale general; auction (Any NP)	\$100	24045.4	30 days, 1X per year
On- or off-sale wine (Any NP)	\$100	24045.6	2 days; 1X per year
Off-sale wine (estate)	\$100	24045.8	Dept. discretion
On-sale beer & wine (TV)	\$100	24045.9	30 days; 1X per year
On-sale wine (vicultural; 501c5)	\$100	24045.15	60 days; 1X per year
Daily Permits :	Fee	B&P Code	Valid for:
Beer	\$25	24045	Dept. discretion
Wine	\$25	24045	Dept. discretion
Beer & Wine	\$50	24045	Dept. Discretion
On-sale general	\$100	24045.1	12X per year

## **Accepting Donations**

- The only special permit (or one-day license) issued to non-profit organizations generally that permit ANY (includes Type 17/20) licensee to donate wine to the non-profit for on-sale purposes is the “on- or off-sale wine (NP)” costing \$100 and authorized by B&P Code §24045.6.
- For all other special permits and daily permits the Type 17/20 licensee must sell the wine (there is no regulation of retail price by the ABC) to the non-profit group.
- Again, only Type 02 (wineries) may assist non-profit groups in conducting wine tastings.
- ASSIST is defined and interpreted by the ABC as standing by a station where a producer’s wine is being poured and talking about the wine.
- A Type 17/20 may sell wine and attend the non-profit event, as a member of the general public, but MAY NOT assist in the conducting of the tasting.

## **Who owns the wine?**

- A non-profit group selling the wine MUST HAVE a special or daily permit.
- The non-profit group may accept donations or must purchase the wine.
- Title to the wine must transfer to the non-profit prior to the event and should be accompanied by a document specifying the transfer between parties.
- The ABC does not object to return of unused wine by the non-profit group to the donating or selling producer.

## **Other Tips**

- A copy of the ABC special permit or daily permit must be provided to the winegrower prior to the event.
- Please note that permits are often issued by the ABC close to the date of the event.
- Non-profit groups can download the ABC-221 Daily License Application form at the ABC web site ([www.abc.ca.gov](http://www.abc.ca.gov)).
- Key information to look for on Form ABC-221 is contained in the “Fee” box at the top right and question 2(b) or 2(c). If you see a \$100 fee amount that signifies that a special temporary license has been issued. Type 17/20 licensees can DONATE wine if the “Nonprofit Corporation per Section 24045.4 and 24045.6 B&P” box is checked in 2(c) and the non-profit can verify that the wine donated will be for sale and NOT AUCTION.
- Determine what your license privileges allow in terms of participating (i.e., can you donate or must you sell wine; can you assist in conducting the tasting or not?).
- Type 02 (winegrowers) can take orders at non-profit events. Under no circumstances are Type 17 and 20 license holders allowed to take orders at the special on- or off-sale special wine license events where they may donate wine (but, again, not pour).

For more information, contact our local ABC office:

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